

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: NEW YORK CITY BOROUGH-BASED JAIL SYSTEM – 190116 MMK, 190333 PSY, 190334 ZRY, 190339 ZSK

In the matter of applications submitted by the New York City Department of Corrections (DOC), the Mayor's Office of Criminal Justice (MOCJ), and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the following land use actions:

- (1) Site selection of the following properties: 745 East 141st Street in Bronx Community District 1 (Bronx CD 1), 275 Atlantic Avenue in Brooklyn Community District 2 (Brooklyn CD 2), 124 and 125 White Street in Manhattan Community District 1 (Manhattan CD 1), as well as 126-02 82nd Avenue, 80-25 126th Street, and the street bed of 82nd Avenue between 126th & 132nd streets in Queens Community District 9 (Queens CD 9) for borough-based jail facilities.
- (2) An amendment to the City Map, pursuant to Sections 197-c and 199 of the New York City Charter, eliminating, discontinuing, and closing State Street between Boerum Place and Smith Street above a lower limiting plane and below a lower limiting plane, as well as adjusting grades and block dimensions thereby necessitated. Such actions would include authorization for any related acquisition or disposition of real property in Brooklyn CD 2 in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Brooklyn borough president.
- (3) An amendment of the New York City Zoning Resolution (ZR), pursuant to Section 201 of the New York City Charter, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system.
- (4) A special permit pursuant to ZR Section 74-832, to facilitate the construction of a borough-based jail facility containing approximately 1,400,000 gross square feet (gsf) of floor area, including 1,000,000 gsf of housing space (approximately 1,437 beds); 370,000 gsf of building function and support space, and 30,000 gsf of retail and/or community facility space, with 292 accessory parking spaces, at 275 Atlantic Avenue (including the demapped portions of State Street between Boerum Place and Smith Street) within the Special Downtown Brooklyn District (SDBD) in CD 2, to modify floor area ratio (FAR) requirements (ZR Sections 101-20 and 33-10), height and setback requirements (ZR Sections 33-40 and 101-20), permitted requirements for accessory group parking facilities (ZR Section 36-12), loading berth requirements (ZR Section 36-60), and special ground-floor use requirements (ZR Section 101-12).

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

190116 MMK, 190333 PSY, 190334 ZRY

☐ APPROVE
☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
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MODIFICATIONS/CONDITIONS

190339 ZSK

☐ APPROVE
☐ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☒ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED



BROOKLYN BOROUGH PRESIDENT

July 5, 2019

DATE

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On June 6, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on the requested zoning map and text amendments. There were 54 speakers on the item, with 24 in opposition, 28 in support, and two not indicating a position. Organizations represented by these speakers include the Alliance of Families for Justice, the Cobble Hill Association, Fair Jails Brooklyn, the Fort Greene Association, the Jails Action Coalition, JustLeadershipUSA, the Fortune Society, No New Jails NYC, Recovery House of Worship, and others.

Borough President also heard testimony from representatives of Brooklyn Community Board 2 (CB 2), DOC, the Lippman Commission, MOCJ, and the Office of State Senator Velmanette Montgomery.

Speakers in opposition to the application voiced numerous concerns regarding:

- Inadequate, conflicting, and changing information about the cost, design, and space requirements of the plan
- The fact that the ULURP application has not been adjusted to reflect lower population projections

- The fact that the City does not have a plan to remove mental health detainees from the system
- The lack of community participation, and the City's apparent rush to start the ULURP process
- The rationale for providing parking, given the site's proximity to transit
- The fact that the borough-based jails plan does not include an adult education program though there is a need to bolster basic literacy skills
- The opportunity for the City to be a leader in decarceration by closing down jails and not building new ones
- The fact that the current mayor will not be in office when construction starts
- The need to train correctional staff to better manage jail facilities
- The fact that recent reforms in Albany addressing cash bail, discovery, and pre-trial detention are expected to reduce the incarcerated population and that borough-based jails should reflect this result
- The rationale for greenlighting construction of borough-based jails before the impact of new reforms was not satisfactory
- The idea that the City should fix the problems at Rikers, rather than transfer them to the boroughs
- The idea that no effort can produce humane jails
- The fact that existing jails outside of Rikers are rife with inhumane conditions that have gone unaddressed
- The fact that there is no legally binding document to close Rikers, even after new jails are built
- The need to end broken windows policing
- The possibility of increased surveillance in neighborhoods near new jails

Speakers in support of the application voiced numerous comments regarding:

- The rationale for combining all the programmatic needs of the City's jail system in one facility
- The idea of building a facility on Staten Island
- Building jails that are centrally located, close to families and services, with improved conditions for detainees
- The City's intent to revise its ULURP application, which will occur in due time, as the process has been long in coming
- The inconvenience of the Rikers Island bus, which impacts the ability of children to see their incarcerated parents
- That a borough-based jail system would enable proximity to courts, ensuring that cases are not delayed when DOC fails to transport detainees from Rikers to courts in a timely manner
- The welfare of people who will still be left on Rikers after state legislation reforming cash bail, discovery, and pre-trial detention practices
- What will happen to Rikers inmates between the closure of the facility and the completion of the borough-based jails
- That local jails have no impact on crime or property values in their neighborhoods
- The need to reduce the City's ability to incarcerate people by reducing the overall prison population
- A flexible design that would enable conversion of jail capacity to mental health space in the future

However, those in support and those in opposition concurred on the following points:

- The trauma experienced by RICE detainees and those formerly incarcerated there, and the need to avoid delays in its the closure and demolition
- The extreme scale and height of four proposed jails and the need to reduce the BDC's bulk and density to 10 FAR, 10 floors, and a capacity of 800 beds
- The need to remove DOC from the administration of jail facilities, while pivoting toward a case management model

- The rationale for excluding detainees with mental health issues from the City's plan, and providing separate facilities for women, with trauma services
- The need for investment in communities and restorative justice, including housing, job training, medical facilities, and credible messengers
- The need for increased investment in incarceration alternatives, including treatment and the elimination of sentences one year or shorter
- The need for a restorative and rehabilitative approach to incarceration

In written testimony provided to Borough President Adams during the hearing, Senator Montgomery urged the closure of the Rikers Island Correctional Facility (RICF), while asserting that a 1,440-bed Brooklyn facility contradicts the City's stated goal of smaller, safer, and fairer jails. The senator noted recent State-level criminal-justice reforms, and sought a commitment from the City for an alternative, borough-based proposal with a capacity of approximately 3,500. Senator Montgomery called on the City to issue a revised plan that reflects both community input and the needs of impacted populations, while achieving true criminal justice reform. Finally, the senator advocated for the inclusion of drug treatment, education, employment, mental health, and other services, while expanding community courts and implementing neighborhood policing in to create alternatives to incarceration.

Prior to the hearing, Borough President Adams received written comments from 19 local residents, expressing the following positions:

- That concentrating the incarcerated population of Brooklyn and Staten Island in one high rise in downtown Brooklyn appears contradictory to the goal of closing Rikers seems to fly in the face of all of the goals of closing Rikers
- That the plan's population projections should be adjusted to reflect the administration's intent to develop special facilities for inmates with mental health issues, drug problems and medical needs
- That an FAR of 10 should be the maximum allowed on the site
- That the City should conduct a fair share analysis based on the fact that Brooklyn houses the majority of jail beds within the five boroughs
- That the City must curb pervasive placard abuse and NYPD illegal parking on State and Smith Streets used to facilitate detainee transfers to Criminal Court
- That in order to make communities safer, it is necessary to invest in education, affordable housing, mental health and related services
- That the borough-based jail would import the problematic culture of the DOC into the community
- That the planned community and commercial space should not be a mall and should not compete with existing neighborhood retail
- That the cost to build the new facility is extraordinarily large
- That the planned layout of the new facility, having three pods of 32 people on each floor would significantly reduce the height and mass of the building

Prior to the hearing, Borough President Adams received testimony in support from the Boerum Hill Association (BHA), Columbia University Justice Lab (CUJL), Downtown Brooklyn Partnership (DBP), and Sanctuary for Families.

The BHA limited its support to an 800-bed facility, with additional facilities throughout Brooklyn to house detainees with addiction and mental health issues in therapeutic facilities that would better serve this population. The organization recommends implementing bail reform and full discovery across all boroughs, and replicating the Red Hook Justice Center (RHJC) model across Brooklyn.

CUJL seeks to reduce the number of individuals awaiting trial due to technical, non-criminal parole violations. The organization believes that borough-based facilities would help reduce the culture of violence in the City's jails, while providing greater support for incarcerated individuals, including reducing effects of isolation, as well as relieving stressors for incarcerated individuals, their families, and staff, in a more efficient model that saves money and staff resources.

DBP believes that a facility of the proposed density and height would best accommodate education, quality health, and therapeutic programming in a safe and humane manner. The organization supports the incorporation of active ground floor uses to complement the mixed-use character of Downtown Brooklyn, while improving the pedestrian experience along Atlantic Avenue. DBP urged that parking accommodations for staff and visitors be coupled with measures to enforce illegal parking. The organization also called for the creation of new transit infrastructure and the promotion of alternative transportation to the site.

Sanctuary for Families advocated reform of the City's criminal justice system to reduce the incarcerated population while achieving greater accountability and connections for detained people with their lawyers, services, and visitors. The organization also emphasized successful outcomes for detainees after release into the community, and the need to ensure that people who remain in the system are treated safely and prepared for re-entry.

Subsequent to the hearing, Borough President Adams received written testimony from Assembly Member Jo Anne Simon, who expressed support for the closure of RICF and the reconstruction of the Brooklyn Detention Center (BDC) consistent with the Lippman Commission's recommendations. Assembly Member Simon, who emphasized the need to reduce the City's jail capacity to 3,500, urged the completion and publication of a feasibility study to determine the effects of moving detainees with mental and physical health concerns to alternative facilities, and noted that the facility should eschew retail uses in favor of cultural and educational resources that better serve the neighborhood. She also requested a revised ULURP application that reflects community concerns and provides a legitimate analysis of the project's effects on the study area.

Subsequent to the hearing, Borough President Adams received testimony in opposition from the Atlantic Avenue Local Development Corporation (AALDC). The organization recommends that the facility should reflect three principles: the anticipated reduction in the City's jail population; a sense of safety, hope, and care for detainees and their families, and a design that is well-integrated into the community.

Subsequent to the hearing, Borough President Adams received written testimony in support from Exodus Transitional Community (ETC), which recommends that people with misdemeanors and non-violent felonies be automatically be placed in alternative programming with education as the top priority, and that those with more serious charges receive specialized care inside a service-enriched facility. The organization believes that replacing the DOC staffing structure with employment trainers and teachers would allow people to receive proper support and treatment. ETC further recommends investing money saved from closing Rikers in our education system to ensure that people with dyslexia receive specialized classrooms and teachers, as a deterrent to incarceration.

Subsequent to the hearing, Borough President Adams received written testimony in support from three faith-based organizations: Trinity Church Wall Street (TCWS), the First Presbyterian Church of Brooklyn, and Congregation Beth Elohim (CBE).

TCWS expressed that modern, borough-based jails support successful rehabilitation and health outcomes by providing detainees with connections to their families, social services, and educational programming. TCWS recommends investing in communities to create alternatives to incarceration, and decarcerating persons with mental health and substance abuses.

The First Presbyterian Church of Brooklyn recommends that in order to reduce the size and height of each facility, the City cap the total capacity of borough-based jails at 3,000; begin demolishing the Rikers Island buildings incorporate them into the present ULURP application; assemble a social services-oriented staff to manage and staff the new facilities (rather than DOC); provide alternatives to jail for people with addiction and mental illnesses; design new facilities for future conversion from jails to treatment facilities, and involve local communities in the process.

The Dismantling Racism Team at CBE believes that the borough-based jail system is the only realistic route to the closure of Rikers at this time. CBE expressed willingness to support the proposal if the City makes the following commitments: new and major economic, educational, health, and residential investments in, and driven by, the communities most impacted by the criminal justice system; the immediate destruction of inoperative jails on Rikers Island and other jails as the number of incarcerated people falls; replacement of Rikers with facilities that will focus on treatment, re-entry and rehabilitation, as well as immediate concrete steps to combat violence, degradation, and rising use of force in jails, including profound reform of DOC culture and operations. Regarding the proposed BDC facility, CBE believes the City must agree to provide treatment for people with serious mental illness and substance addiction, expand and fully fund diversion programs and alternatives to incarceration, reduce the density and size of the proposed jails, and commit to housing incarcerated women in a stand-alone facility with trauma-informed services.

Subsequent to the hearing, Borough President Adams received testimony from the Lower East Side Power Partnership (LES Power Partnership), with general comments on the borough-based jail system proposal. The LES Power Partnership recommended that the height of each facility be reduced by 40 percent, to reflect the effect of criminal justice reform on the Rikers population.

Also, subsequent to the hearing, Borough President Adams received written testimony in opposition from two individuals reiterating much of what was previously expressed. However, additional perspectives included the premise that there would be no correlation between the jail's location and ease of transporting the individuals housed there. The rationale is that only misdemeanor cases are regularly handled in criminal court and following both elective and statutory bail reform (based on the stated policy of Kings County District attorney Eric Gonzalez of presumptive release for misdemeanors, the majority of cases where bail would be set where individuals would then be housed in the Brooklyn Borough Based Jail would be felonies), the vast majority of cases in which bail is set would be felony matters, which are heard in Brooklyn Supreme Court at 320 Jay Street, after only one appearance in criminal court for arraignment and after a grand jury votes an indictment, if at all. Therefore the proximity to criminal court should have no material bearing on the location of a new Brooklyn Jail because most of those cases would be heard in 320 Jay Street following arraignment and those individuals would have to be bused to 320 Jay Street every day their cases are to be heard. In addition, there would be those being the individuals who have to be bused to Staten Island every day their cases are heard, because their cases are in Staten Island.

Consideration

Brooklyn Community Board 2 (CB 2) voted to disapprove this application on June 12, 2019. The board expressed support for a borough-based house of detention at 275 Atlantic Avenue but not the City's current proposal. The board noted that it would support a revised ULURP application under the following conditions:

- That the Brooklyn facility not exceed 10 FAR and 875 beds; that the City's plan account for reduction of need based on recently passed bail reform, decarceration efforts consistent the Lippman Commission's report, and a separate therapeutic facility for individuals with mental illness and substance abuse conditions

- That the City support the establishment of community courts such as the Red Hook Community Justice Center, and expand programs that benefit youth in impacted communities, with an emphasis on literacy and vocational programs, consistent with Strategy 15a in "Smaller, Safer, Fairer; a Roadmap to Closing Rikers Island"
- That the City create a training program for correction officers to improve their interactions with detainees, and facilitate coordination between correction officers and social workers, case managers, mental health workers, and other supportive staff
- That the City concurrently develop and implement a plan to improve conditions for detainees at Rikers and the borough-based facilities, with rehabilitation, treatment, and preparation for re-entry
- That the City develop a plan to reduce violence and sexual assault in City facilities, provide Correctional Health Services with support to facilitate therapeutic environments, provide services for survivors of violence and sexual assault, create dignified entry and visiting spaces, and reduce the physical and psychological isolation of Rikers Island by repurposing the George Motchan Detention Center for public use
- That the City create a plan to provide care, services, and support to incarcerated individuals during construction on the Brooklyn Detention Complex (BDC) and a similar plan for individuals to be detained at 275 Atlantic Avenue post-construction, with opportunities for public input on both plans

CB 2 also expressed the position that funds saved by reducing the size of the new facility could better serve the community if reinvested in affordable housing, education, and public health programs.

The Borough-Based Jail System initiative and resulting ULURP applications emerged from a 2017 report by the MOCJ, "Smaller, Safer, Fairer: A Roadmap to Closing Rikers," which seeks to reduce the number of people incarcerated in New York City jails. Earlier that year, the de Blasio administration announced its intent to close the RICE by 2027. The following year, the City proposed to create modern, borough-based jail facilities that would rehouse the population removed from Rikers, while reducing the number of beds and detainees. Since 2017, New York City's average daily jail population has dropped from 9,400 to 8,000 people.

In addition to the City's study, the process has been influenced by the "A More Just New York City" report, produced concurrently by the Lippman Commission, which was appointed in 2016 by the City Council to study the criminal justice system and propose solutions to reduce the population of Rikers Island. In addition to numerous criminal justice reforms, the commission recommended closing Rikers Island and establishing "jail facilities in all five boroughs located closer to where New Yorkers live and work."

Under the proposed borough-based jail system, the RICE, consisting of 11 buildings, would be closed and demolished. Four new buildings would be constructed at the following sites: 275 Atlantic Avenue in Brooklyn (the site currently occupied by the BDC), 320 Concord Avenue in the Bronx, 80 Centre Street in Manhattan, and 126-02 82nd Avenue in Queens. No facility is proposed for Staten Island.

The ULURP application documents indicate that the combined four-borough system was seeking approval to house approximately 5,748 beds, with a total average daily population of approximately 80 to 85 percent of such capacity. During the ULURP process, the City expressed intent to create capacity for a reduced number of detainees: approximately 4,600 system-wide, with a total average daily population of 4,000. However, application documents have not been updated to formally reflect such intent.

The preliminary design for each borough facility includes ample support space for educational programming, publicly accessible community space, recreation, therapeutic services, and staff parking.

Support space would incorporate administrative areas, health/mental health care services, infirmary and therapeutic units, medical and behavior health exams, a public-service oriented lobby, space for robust medical screening for new admissions, and a visitation area. The community space is intended to provide useful amenities, such as access to facility programming and supportive services or street-level retail space.

Borough President Adams is restricting the extent of his consideration of the requested Site Selection application (190333 PSY) for 275 Atlantic Avenue. The site is occupied by the existing BDC and is located within a C6-2A commercial zone in the Special Downtown Brooklyn District (SDBD), as designated in 2001. A C6-2A zoning permits a maximum building height of 120 feet. The existing building, known as the BDC, was constructed in 1956. It contains approximately 225,000 sq. ft. in 11 stories, and rises to a height of 170 feet. The BDC serves courts in Brooklyn and Staten Island, with 815 beds housing people undergoing intake or awaiting trial. While the use occupies the entire 59,000 sq. ft. block, its tower is deeply set back from the street line, with a resulting (FAR) of 2.7. The building's one-story base covers much of the site and includes subsurface spaces that connect to the Brooklyn Central Courts Building through a tunnel that runs under State Street. The site includes a sally port but does not provide parking.

The surrounding area consists of the medium-density residential neighborhoods of Boerum Hill, Brooklyn Heights, and Cobble Hill, as well as the high-density mixed commercial and residential neighborhood of Downtown Brooklyn. There is a strong civic presence in the area, with multiple courthouses, including the Brooklyn Criminal Court at 120 Schermerhorn Street, located directly across State Street and extended north of the site to nearly Tillary Street. Directly across from the site are the 12-story 53 Boerum Place residential development, the 13-story 75 Smith Street mixed hotel and residential building, the 20-story Boerum Condominium at 265 State Street, the 20-story Hilton Brooklyn New York at 140 Schermerhorn Street, the 20-story Brooklyn Law School Dormitory at 205 State Street, the six-story Heart Share St. Vincent's Services facility, and three-story destination retail, as well as low-rise buildings fronting the south side of Atlantic Avenue. To the north are several high-rise buildings, including the MTA office building at 170 feet, 96 Schermerhorn Street at 200 feet, 110 Livingston Street at 231 feet, the Lane at Boerum Place at 415 Red Hook Lane at 210 feet, and the Be@Schermerhorn Street condominium located at 189 Schermerhorn Street at 273 feet.

The site is located in close proximity to several subway lines, including the Seventh Avenue Express 2 and 3 trains, the Lexington Avenue Express 4 and 5 trains, and the Queens Boulevard/Broadway/Fourth Avenue Local R trains at Borough Hall, the 2/3 trains at Hoyt Street, the Eighth Avenue Express A train, the Eighth Avenue Local C train, and the Brooklyn-Queens Crosstown Local G train at Hoyt-Schermerhorn Street, the A/C and Sixth Avenue Local F trains at Jay Street, and the F/G trains at Bergen Street. The site is also served by the Long Island Rail Road (LIRR) at Atlantic Terminal, approximately one mile from the site.

The application indicates that the facility would house 1,437 beds, contained within a structure with approximately 1,075,000 sq. ft. of above-grade zoning floor area. Such space would be dedicated to housing and support services, but for approximately 30,000 sq. ft. reserved for community facility and/or retail space. Staff access would be provided via State Street and visitors would be accommodated on Boerum Place. The envisioned commercial and/or community space would have entrances on Atlantic Avenue. Support services would include a loading area and sally port with curb cuts located at Smith and State streets. Below-grade, the facility would have three levels, occupied by an accessory parking and auxiliary functions, including a secure, 292-car garage with an entrance and exit on Smith Street, and a secure tunnel connection to the Brooklyn Central Courts Building.

The initial application documents indicated the maximum zoning height for 275 Atlantic Avenue is 430 feet. Following community engagement and the stated capacity reduction to 1,437 beds, this

DOC/MOCJ application estimate has been revised to 395 feet. As a significant component of the facility's projected height is predicated on the number of beds it is expected to accommodate, DOC/MOJC would be expected to indicate a height that would be associated with a 4,600-bed borough-wide jail system, which might contain a proportionate number of beds for its Brooklyn facility, based on recent New York State reforms that are expected to reduce incarceration rates.

One of the goals of the borough-based jail system is neighborhood integration. The stated intent is that new facilities would be designed to minimize adverse effects on neighborhood context, while achieving efficient floor plans to accommodate programmatic requirements. The preliminary design for the Brooklyn facility provides for a base along Atlantic Avenue, between Boerum Place, and Smith Street that would vary in height at either 80-foot or 225 feet. The application is seeking a maximum building envelope that would extend to a height of 437 feet based on the special permit application document drawing Z-060, with an additional 40 feet for rooftop mechanical and accessory space. However, the special permit application description notes the intended height as 399.45 feet.

State Street would be demapped between Boerum Place and Smith Street above a height of 40 feet above the roadbed and 16 feet below a limiting plane underneath the road bed. The demapping of State Street would facilitate the tunnel though application documents do not provide further clarity to what extent the subsurface would be excavated below the higher limiting plane underneath the utilities.

Subsequent to the hearing, the Lippman Commission provided Borough President Adams with the latest data regarding the composition of the RICF population. In June 2019, there were 7,438 detainees, with 3,135 held on violent felony charges; 1,740 held on non-violent felony charges; 851 held on City sentences; 660 held on misdemeanor and violation charges; 601 held on parole technical violations, and 451 awaiting transfer, warrants, and other actions. In 2018, detainees were 53 percent Black, 33 percent Latino, eight percent white, with the remaining six percent listed as 'other'.

Borough President Adams supports the ideals of criminal justice reform. He strongly believes that those in DOC facilities should have easy access to their attorneys and service providers. Still more important is detainees' connection to their families. Borough President Adams believes that arduous journeys to RICF pose a tremendous burden to families, which results in reduced frequency of visits and difficulty maintaining personal connections. He believes that DOC facilities should meet state-of-the art spatial standards and include a wide range of support facilities that are currently lacking. Borough President Adams generally supports the recommendations of the Lippman Commission, as well as the views of many who have participated in his public hearing process.

In reviewing such complex land use actions, Borough President Adams looks at each application individually and assesses how each action contributes to a proper outcome. He supports the retention of the site as a borough-based DOC facility and is encouraged by the incorporation of subsurface as some above-the-roadbed sections of State Street into the site. He believes that special permits are an appropriate means to ensure, to some extent, what would be constructed in terms of bulk and use. However, the intended development would transform this entire city block in a manner that is significantly out of context.

Borough President Adams believes that the selected site is only part of the equation. He has concerns regarding the level of dialogue, which needs to be enhanced and ongoing. Furthermore, he believes that State Street should not be demapped adjacent to a residential building, and that the title of the requested special permit is inconsistent with the vision of reform. Finally, the requested bulk and logistics fall short of being responsive to the site's surroundings.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment

opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs), is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Selection of a Brooklyn Facility Site

The ULURP application for site section 190333 PSY is for properties located at 275 Atlantic Avenue in Brooklyn, 320 Concord Avenue in the Bronx, 80 Centre Street in Manhattan, and 126-02 82nd Avenue in Queens. Borough President Adams' comments are limited to 275 Atlantic Avenue. He defers to the borough presidents of the other boroughs to provide comments at this time to the City Planning Commission (CPC) and City Council.

The proposed Brooklyn site is already under the jurisdiction of the DOC. The site has convenient proximity to the two court facilities that serve its detainees. The Brooklyn Central Courts Building is connected to this site by a secure tunnel that runs under State Street. While testimony received by Borough President Adams suggests that the relationship between the proposed DOC facility and the Brooklyn Central Courts Building would be reduced based on the composition and needs of the facility's anticipated population, it is important to note that the Brooklyn Supreme Court is located six blocks away at 320 Jay Street.

The existing BDC site is in proximity to the vast majority of subway routes and is a short walk to more than one dozen bus routes. Such transit access supplemented by the various parking facilities in the vicinity of the site would facilitate greater access for legal representatives, service providers, and visitors as compared to RICF. According to the Lippman Commission, "[B]orough-based facilities would enable these providers to increase programming opportunities, facilitating successful reentry for those leaving detention and returning to community life." The site's location in a transit zone would also incentive staff to commute via public transportation, rather than driving.

Borough President Adams seeks to bring the planned number of inmates in line with recent New York State reforms as well as strategies urged by prison reform advocates. The City must aggressively consider sound policies that would need to be enacted by the State as part of ongoing efforts to reduce the number of beds in the proposed facility's design. Just Leadership USA advocates a projected daily population of approximately 3,000, based on a capacity of 3,500 beds. CB 2 has called for no more than 875 beds at BDC. Borough President Adams believes, that as a demonstration of good faith, the Brooklyn site should be designed for a maximum capacity of 900 beds.

Subsequent to the hearing, representatives of the Lippman Commission provided Borough President Adams projected figures for a future jail population of approximately 4,000. The estimated composition, taking into account recently enacted criminal justice legislation, would be as follows: 600 detainees on misdemeanor and nonviolent felony charges (with reductions driven by bail reform); 2,500 detainees on violent felony charges (with reductions driven by faster case processing times and enhance release practices); 300 detainees on technical parole violations, 400 detainees on City sentences under one year (with reductions driven by bail and discovery reform, as well as investment in community alternatives, and 200 detainees held on other charges (with reductions driven by an overall decrease in the jail population and increased efficiency).

Borough President Adams concurs with the Lippman Commission's recommendations regarding community consultation in the borough-based jails planning process. The report notes that "conversations with local communities concerning potential locations for the jails must begin early and the City must ensure that the process is as fair, transparent, and responsive to community concerns as possible." To that end, the commission recommended that the City "create platforms for local residents and organizations to voice their concerns and feedback" in which it would "have regular and reliable contact with residents, and maintain a visible presence."

The Administration has, to a degree, demonstrated such engagement by establishing four neighborhood advisory councils to solicit community input on the borough-based jails system. The Brooklyn Neighborhood Advisory Committee (BNAC), convened by the Office of the Mayor and the Office of Council Member Stephen Levin, issued a series of recommendations in early May 2019. Among other stated positions, it indicated that there is support amongst BNAC members that the proposed jail should incorporate architectural design elements that reduce noise and visual impacts, create a more sustainable building, and increase the building's cohesiveness within the immediate surrounding (500' foot) context.

In order to further community engagement, Borough President Adams believes that there is a need to build on these efforts, and expand the scope of such input. He believes that a community advisory group involving local elected officials, CB 2, as well as neighborhood and business organizations should be established now, to meet regularly with the responsible City agencies. This group would provide ongoing feedback throughout the design, construction, and operations stages, on matters such as building volume, exterior materials, use of the Atlantic Avenue community space, use of the State Street streetbed, vehicular access, and ongoing operational logistics that might have quality-of-life impacts in the community.

Therefore, with regard to 275 Atlantic Avenue, the requested Site Selection application (190333 PSY) should be conditioned on a maximum of 900 beds and on the establishment of a community advisory committee, with representation from local elected officials, CB 2, Atlantic Avenue Betterment Association, AALDC, BHA, Brooklyn Heights Association, Cobble Hill Association, DBP, and other groups as designated by local elected officials, to meet regularly with the responsible City agencies to provide input on design, construction, and operations, including such matters as building volume, exterior materials, use of Atlantic Avenue community space, use of State Street streetbed, vehicular access, and other relevant concerns.

The City Council should obtain a written report from DOC and MOCJ on the status of their community engagement efforts.

Demapping of State Street

DOC and MOCJ propose to demap sections of State Street between Boerum Place and Smith Street above a lower boundary limit of 40 feet above the streetbed to accommodate a wide range of emergency and service vehicles. The agencies also propose to demap below an upper boundary limit of 16 feet below the street to accommodate public utilities that run along State Street.

Such above-street air space is not proposed to be utilized at this time. However, a portion of the underlying utility space is envisioned for the replacement of an existing tunnel between the current BDC and the Brooklyn Central Courts Building. There has been no official representation as to what extent such space might also facilitate support functions for the new BDC, such as loading berth, parking garage, and/or sally port operations.

The space below the utilities provides an opportunity to significantly expand the width of levels B1, B2, and B3 as shown in special permit application drawing Sections Z-060 by generally 60 feet (the State

Street right-of-way is slightly irregular), which would increase these subsurface levels by approximately 33 percent. The space above 40 feet provides opportunities outside the scope of the proposed ULURP to cantilever floors and even facilitate a bridge between the proposed facility and the Brooklyn Central Courts Building. Such action would require authorization from the New York City Landmarks Preservation Commission (LPC) and the New York City Public Design Commission (PDC). A proposal to fill in above Smith Street up to the wall of the 53 Boerum Place residential building could be permitted subject to a subsequent ULURP application to modify the requested special permit according to ZR Section 74-832.

Borough President Adams does not believe that it would ever be appropriate to allow for an encroachment of any distance between the current DOC site and the building at 53 Boerum Place.

Therefore, in order to remove this possibility from subsequent consideration, the CPC and/or the City Council should amend the Site Selection application (190333 PSY) and the amendment to the City Map application (190116 MMK) that includes the section of State Street between Boerum Place and Smith Street. It should be amended to limit such above ground section (lower limit beginning 40 feet above the street bed) of State Street to between a point 135 feet east of Boerum Place and Smith Street.

Establishing a New Zoning Resolution Special Permit

DOC and MOCJ have proposed a zoning text amendment to establish a new special permit that would allow the borough-based jail system facilities to exceed or not be encumbered by various ZR sections as long as CPC finds that such modifications should be adopted.

As described in the Lippman Commission's report, and confirmed by speakers at Borough President Adams' public hearing, New York City's jails have been characterized by a culture of punishment with outdated practices that do not support rehabilitation and re-entry. A system of more humane facilities would focus on reducing recidivism by providing access to basic education, employable job skills, and mental health services. As expressed during Borough President Adam's hearing, such modern facilities need not be associated or equated with the jails they are intended to replace. Moreover, multiple organizations have advocated flexible design to allow the possibility of converting borough-based jails to rehabilitation facilities in the future. Borough President Adams believes that true reform includes reframing the language around such facilities. The first place to start is within the ZR section 74-832 where such facilities should be properly named to signal a change in culture and messaging.

Therefore, in order to properly label these facilities, the CPC and/or the City Council should amend the amendment to the Zoning Text application (190334 ZRY) that would establish ZR Section 74-832 a Borough-Based Jail System (190334 ZRY) special permit to be adopted as establishing a Borough-Based Rehabilitation System special permit.

Appropriate Bulk and Height

The application before Borough President Adams is for a 1,437-bed Brooklyn facility, though special permit application document Section Z-060 denotes a height of 437 feet plus a bulkhead allowance of an additional 40 feet. This number is associated with the original bed count of 1,510, while ULURP application 190339 ZSK indicates an intended height of 399.45 feet.

Subsequent to Borough President Adam's hearing, DOC and MOCJ representatives expressed that the recently enacted New York State reform measures would potentially reduce the necessary capacity to 4,600 system-wide. Based on equal occupancy within each facility, the anticipated BDC capacity would be approximately 1,150 beds. Even with this assumption, without the assistance of the New York City Department of Design and Construction (DDC) and/or input from architectural and/or engineering consultants assisting DOC and MOCJ, any estimate of the facility's height would be purely speculative. Though some reduction in floor area might be expected, the building's service-oriented base

(approximately 80 feet) would not be proportionally scaled based on the need to accommodate fewer individuals. The reduced number of beds would require approximately 75 percent of the floor area that would be provided for such purposes. As depicted on application document Zoning Site Plan Z-030, floors above 262 feet would be required to be set back from Atlantic Avenue, which means that upper floors would be reduced at a faster percentage than lower floors. Without technical support from DOC, MOJC, or City consultants, it might reasonably be assumed that such a 1,150-bed facility would require a height of approximately 300 to 320 feet.

The requested special permit conditions indicated in ULURP application 190339 ZSK seeking relief from various sections of the ZR would require CPC to make various findings, including finding (e) that such bulk modifications, including any increase in permitted FAR, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area. In seeking to meet those findings, the application notes various building heights of neighboring buildings such as the 11-story 53 Boerum Place residential development, built to 97 feet; the 20-story Hilton Hotel/residential development, built to 210 feet and the light and air preserved via street widths of 100 feet for Atlantic Avenue; 130 feet for Boerum Place; 60 feet for Smith Street, and 80 feet for State Street. It was also noted that the Atlantic Avenue and Boerum Place street widths were appropriate for larger, taller buildings and that the proposed height would be generally comparable with the densely built character of Downtown Brooklyn. The application referenced nearby developments such as the approximately 240-foot Brooklyn Law School dormitory and deemed Atlantic Avenue the natural boundary for such lower-rise, finely grained buildings.

The Lippman Commission post-hearing submission projected a 4,000-person future jail population. Bail reform legislation assumptions for misdemeanor and nonviolent felony charges was forecasted as 600 persons. The number of people on violent felony charges was assumed to be 2,500, based on multiple factors. These include faster case processing times due to discovery reform and improved court, New York City county district attorneys and defender policies, as well as enhanced release practices due to bail reform legislation, expanded charitable bail funds, and other City-led reforms. With state legislation or executive action, technical parole violations were forecasted to be 300 persons. Increased investment in community alternatives and the bail and discovery reform legislation for City sentences (under one year) was assumed to be 400 people. Finally, another 200 persons were not specifically classified, though assumed as part of a reduced count based on the overall decrease in jail population.

Assembly Member Simon expressed support for a reconstructed facility consistent with the Lippman Commission's recommendations. She emphasized the need to reduce the City's jail capacity to 3,500, which would be accomplished through a revised application that reflects community concerns.

According to BNAC Principle #2, any jail at the existing Atlantic Avenue site must fit in with the character and history of the immediate neighborhood. While the proposed BDC needs to be of sufficient size to accommodate the required program in a humane manner, the proposal must be revised to reflect a lower density and height. Specifically, the building's bulk and height should be reduced so that it is comparable with the immediate surrounding (500' foot) neighborhood's density and scale. In addition to those building heights indicated in the ULURP 190339 ZSK CPC findings, area residents have cited other buildings within 500 feet, including the Brooklyn Central Criminal Court at likely 150 feet, the Nu-Hotel 75 Smith Street residences at likely 148 feet, the Be@Schermerhorn Street residences at 273 feet, the MTA offices at 170 feet, 110 Livingston Street at 231 feet, and 96 Schermerhorn Street at approximately 200 feet.

To the north are several high-rise buildings, including the MTA office building at 170 feet, 96 Schermerhorn Street at 200 feet, 110 Livingston Street at 231 feet, the Lane at 415 Red Hook Lane at Boerum Place at 210 feet, and the Be@Schermerhorn Street condominium at 189 Schermerhorn Street at 273 feet.

Borough President Adams believes that the number of persons housed in such facility should reflect the guidance of reform advocates and the Lipman Commission. There might be additional opportunities to shrink the bed count, for example, by transferring individuals with significant mental health issues to specialized facilities located in direct proximity to a hospital with a psychiatric support unit. Such facilities would be anticipated to function as crisis respite centers, providing a therapeutic setting for both short- and long-term residential treatment. Borough President Adams concurs that persons with significant mental health and substance abuse issues are best served by qualified mental health professionals and that moving such individuals to therapeutic settings is an important alternative to incarceration. He understands that the City is investigating such possibilities with the New York City Health+Hospitals Corporation (HHC) as one means to achieve this outcome.

Whether or not reforms and decarceration efforts prove successful in reducing New York City's detainee population by 2026 (the anticipated closure of RICE), Borough President Adams generally supports the position of CB 2, BNAC, and other entities that the facility can humanely house the number of desired beds, while achieving a reduction in height. Borough President Adams believes that the SDBD contextual zoning regulations for R10 equivalent zoning districts such as the C5-2A mapped along sections of Montague Street provides a sufficient standard for transitioning to height-limited areas such as the row houses along State Street, zoned R6B (four to five stories), and the contextually-zoned south side of Atlantic Avenue, zoned R6A (six to seven stories). Such C5-2A districts limit height to 235 feet for developments inclusive of affordable housing.

Borough President Adams believes that if additional space is required to reasonably house individuals based on humane design standards and programmatic needs, there are special alternatives that can satisfy these goals with less reliance on height. One means to increasing floor area would be to take advantage of the floor area envelope proposed to be established through the demapping of State Street above a limiting plane of 40 feet above the street grade. However, Borough President Adams does not believe that such building envelope should extend along 53 Boerum Place, but rather be restricted to opposite the Brooklyn Central Court Building. This development envelope would allow floors to cantilever over State Street, which is not consistent with certain special permit application documents, including Ground Floor Plan Z-040 and Sections Z-060. As such, permitting cantilevered floors would likely require a subsequent special permit application. A second means might include cantilevering of floors and would feature a full bridging of State Street extending over the Brooklyn Central Criminal Court Building. Such rooftop addition to Brooklyn Central Criminal Court would require additional consideration by the New York City Landmarks Preservation Commission (LPC) and the PDC. It would also require the replacement of the Brooklyn Central Criminal Court's rooftop mechanical equipment and investigation of structural enhancements to allow for additional floors. It should be noted that such measures are not a means to achieve even 1,150 beds. At most, these strategies would enable DOC to accommodate approximately 900 beds within the BDC.

Borough President Adams believes that the second option described above should only be advanced if the community favors a solution based on bridging State Street, as an additional means to lower height to the recommended 235 feet (with or without the cantilevering of floors). In such instance, he believes that the C5-2A height of 215 feet permitted without affordable housing should be the maximum height allowed.

Therefore, in order to achieve appropriate facility height, the CPC and/or the City Council should amend the special permit application pursuant to ZR Section 74-832, to facilitate the construction of a borough-based jail facility (190339 ZSK) with modifications to application documents Zoning Site Plan Z-030, Waiver Plan – Roof Plan Z-050, and Sections Z-060, which would reduce the overall height (excluding bulkheads) to 235 feet and the lower base height along Atlantic Avenue to 120 feet.

Furthermore, DOC and MOCJ should give consideration to filing a subsequent special permit request pursuant to ZR 74-832 as a follow-up corrective action (FUCA) based initially on engaging in consultation with a community advisory committee of local elected officials, CB 2, and community representatives to modify height based on the following: allowing cantilevering of upper floors opposite the Brooklyn Central Criminal Court, or a subsequent reduction of height approved by the City Council for the current application based on restricting overall height (excluding bulkheads) to 215 feet in conjunction with bridging over State Street, as part of a constructed rooftop addition on the Brooklyn Central Courts Building, subject to approval of the LPC and PDC.

Advancing Community and Cultural Uses at Below-Market Rents

BNAC members support utilizing the community space within the proposed jail for civic, cultural, or business incubator purposes that would complement existing uses in the area, rather than compete with local retailers on Atlantic Avenue.

Assembly Member Simon also favors the inclusion of cultural and educational resources that better serve the neighborhood.

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their operations. Many cultural organizations have contacted Borough President Adams seeking assistance in securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural activities.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color, based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — as of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Many cultural and dance organizations have contacted Borough President Adams seeking assistance with securing space to grow and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities. Borough President Adams believes that the location of the proposed development is well-suited for inclusion of cultural activities and other community uses given the site's accessibility.

As proposed, the BDC facility would contain approximately 30,000 sq. ft. of commercial and/or community use floor area. Borough President Adams concurs with those who have expressed concern about bringing more retail space to Atlantic Avenue. He believes that there is no need for uses within the jail facility to compete with existing retailers along this section of Atlantic Avenue. Moreover, if such space were marketed to local arts or cultural groups, and/or locally-based community organizations, such activity might bring additional purchasing power to the existing merchants along Atlantic Avenue as well as Smith Street and nearby Court Street.

Brooklyn has many fine community and cultural entities that are in need of affordable space and there are those that are seeking to grow and expand their services. However, such organizations cannot afford to compete with the rent that commercial uses are able to pay to lease in the vicinity of this site. This site is in proximity to such cultural and dance entities as the Brooklyn Ballet, Issue Room Project, comprise the western extension of the Brooklyn Cultural District.

Borough President Adams believes that consideration for community and cultural organizations should include outreach by DOC and MOCJ with the above-referenced community advisory committee. In addition, such tenants should be granted substantially below-market rents at BDC. As this site is City-owned, providing low-cost space for such purposes should be deemed a public benefit, and therefore, an appropriate utilization of a City resource.

Therefore, in order to further advance the accommodation of cultural and other community facility uses in the Special Downtown Brooklyn District (SDBD), that CPC and/or the City Council should specify that the application document Ground Floor Plan Z-040 be amended to eliminate the option of permitting retail occupancy for the non-jail use street level spaces fronting Atlantic Avenue and to include notation that limits occupancy based on substantially below-market rents to community cultural uses recruited in consultation with the community advisory committee.

Vehicular Management and Below-Grade Placement of Support Services

On October 29, 2018, Borough President Adams submitted comments on the proposed scope of work for the Draft Environmental Impact Statement (DEIS) for this project. In his comments, Borough President Adams emphasized neighborhood integration as a guiding urban design principle for borough-based jail facilities. This includes providing added value and benefits to the surrounding neighborhoods. As represented by DOC and MOCJ, the new BDC design will take into account the needs of the adjacent communities, work to integrate the facility into its context, and provide a benefit to local businesses and residents.

Borough President Adams also noted that in order to optimize such efforts, the City's proposed actions should include excavating below the State Street right-of-way between Boerum Place and Smith Street with below-street construction to optimize placement of the accessory parking garage.

Borough President Adams recognizes that the BNAC does not condone the use of personal vehicles for commuting to this transit-rich site. The BNAC has urged the City to support climate change initiatives and Vision Zero, by discouraging the use of single occupancy vehicles. This includes providing incentives for DOC staff to use alternative modes of transportation. In addition, the BNAC strongly supports immediate and permanent enforcement of placard abuse by DOC staff, police vehicles, and others who utilize on-street parking. The BNAC has called on the City to design the new building to accommodate an underground pedestrian connector to the Brooklyn courts, to facilitate a secure off-street pre-arraignment detainee transfer path for the NYPD.

Borough President Adams has received testimony that seeks to integrate the sally port operation with the garage to minimize curb cuts and points of traffic egress and ingress. According to special permit application document Ground Floor Plan Z-040, the sally port would have curb cuts on both Smith and

State streets. Having separate egress and ingress points for this function increases the potential for pedestrian/vehicular conflict, which is inconsistent with the Mayor's Vision Zero initiative. An effective solution is to rout vehicles destined for the sally port via the garage with all other vehicles but for loading and unloading functions. The sally port could then be entered from within the garage and possibly even located on the same level as the upgraded tunnel to the Brooklyn Central Courts Building.

Borough President Adams concurs with the BNAC and others who have provided testimony to that effect that it is important to encourage the use of other modes of transportation. However, he believes that the accessory garage could deter DOC personnel from competing with local residents for neighborhood curbside parking. Moreover, the garage should be used to accommodate the New York City Police Department (NYPD) and other government vehicles that currently park on State Street.

Borough President Adams is aware that when various NYPD precincts need to transfer arrested persons to the Brooklyn Central Courts Building, and that these transfers happen curbside along State Street in proximity to a driveway ramp that formerly served as a sally port but was not sized to accommodate vans. This drop-off point is immediately adjacent to the 53 Boerum Place development and is fully visible to nearby State Street residents east of Smith Street. Borough President Adams believes that such activity should be incorporated into the garage with its own secure tunnel to the Brooklyn Central Courts Building running under State Street.

Borough President Adams is aware that the curbside parking along State Street between Boerum Place and Smith Street is regulated by New York City Department of Transportation (DOT) signage. Such DOT signage restricts parking to vehicles associated with the NYPD, including signage for the NYPD Court Section and New York State Judicial (NYSJ) parking permits. Borough President Adams believes that the intended BDC garage provides an opportunity to remove government vehicle parking from State Street.

Borough President Adams believes that the demapping of State Street from Boerum Place to Smith Street below a highest plane of 16 feet below the street bed provides an opportunity to construct a parking garage of adequate size while reducing support space bulk from what would otherwise need to be enclosed above street level. This more extensive excavation would help reduce the facility's above-ground height to what is absolutely necessary at and above street level.

According to the BNAC, the current proposal must be revised to account for traffic and parking concerns. As indicated in special permit application document Ground Floor Plan Z-040, in addition to the loading berth and sallyport, all vehicles entering and existing the garage (but for drivers heading east from Boerum Place along State Street towards Smith Street) would be oriented to Smith Street and directed northbound.

Borough President Adams has received testimony suggesting that traffic to the facility should be more evenly dispersed, with some vehicles routed to Boerum Place where they would also be directed northbound.

Borough President Adams believes that dispersing vehicle traffic generated by the facility would be beneficial in minimizing its impacts on the neighborhood. He believes that this can be resolved as an architectural design solution that essentially creates a one-way flow through the site combining the use of the ground floor and upper cellar levels.

Therefore, in considering the application for the special permit pursuant to ZR 74-832, the CPC and/or the City Council, should specify that application document Ground Floor Plan Z-040 be amended to (1) relocate the sally port access/egress to be combined with the initial parking garage circulation then further separated within building, (2) incorporate adjacent to the sally port a dedicated section for

NYPD precinct transfers/drop-offs pertaining to arraignment, and (3) relocate the egress or ingress of the parking garage from Smith Street to Boerum Place.

In addition, CPC and/or the City Council should specify the inclusion of notation indicating full excavation on application document Sections Z-060, of levels B1, B2 and B3, at a point not less than 16 feet below the street bed of State Street between Boerum Place and Smith Street, as part of below grade excavation.

Furthermore, as a means to eliminate parking along State Street between Boerum Place and Smith Street, the documents should include notation indicating parking privileges for Brooklyn Central Courts Building staff and assigned NYPD personnel. Finally, prior to considering the application, the City Council should obtain commitments, in writing, from DOC and MOCJ clarifying how these agencies would memorialize coordination efforts with NYPD and NYSJ to facilitate the relocation of government vehicle parking to the intended garage.

Promote Public Integration of the Facility through Establishment of a Pedestrian Plaza

As noted with regard to advancing community and cultural uses, the requested special permit ZR 74-832 CPC finding (b), ground floor uses should be located in a manner that is inviting to the public and integrates the facility within the surrounding community. Borough President Adams believes that this would be reasonably accomplished along the Atlantic Avenue frontage based on incorporation of his recommendations. However, he believes that this would not be the case for the proposed facility's State Street frontage.

Borough President Adams believes that the design of the proposed facility should be responsive to neighborhood context and community needs. In his scoping comments, he recommended establishing a pedestrian plaza in the Smith Street right of way (with limited vehicular use) as one type of community benefit. Borough President Adams believes that the State Street right-of-way could be transformed into an inviting ground level space that would create a sense of space and help integrate the facility into neighborhood. The BNAC has also noted support for improved pedestrian and bicycle improvements on Atlantic Avenue and State Street. Such enhancements are worthy of consideration in DOC and MOCJ's design and plan for the facility.

This section of State Street provides access to the parking garage for 53 Boerum Place, which includes an Enterprise/National car rental facility. State Street provides an additional local east bound route toward Flatbush Avenue for vehicular traffic. As noted above, it also provides curbside parking restricted to vehicles associated with the NYPD, based on DOT signage for NYPD vehicles, as well as Court Section and NYSJ parking permits.

Should the special permit according to ZR 74-832 incorporate Borough President Adams' recommendation regarding NYPD parking, including Court Section permit vehicles, as well as NYSJ permit vehicles, there would be no need to accommodate accessory street parking. Furthermore, if NYPD arraignment dropoffs could be moved entirely into the dedicated space within the proposed garage, the precincts would no longer require the use of State Street.

Those who would still need to drive through State Street and access the parking garage in the 53 Boerum Place development, as well as the vehicles that would need to load or unload deliveries for the intended DOC facility, Borough President Adams believes that these activities can be safely achieved in a redesigned right-of-way that favors pedestrians.

There are plenty of examples of piazzas in Europe where automobiles were subsequently introduced into streets of medieval origins. In the United States, one example is the section of Pine Street in Seattle's downtown, which separates, yet connects, Seattle's Westlake Park from Westlake Center. In

keeping more with traditional paving augmented by color, another example is the City of Los Angeles' People Street program as already implemented at Sunset Triangle Plaza. These are strategies that balance and combine the needs of a street and a park, which would be the ideal solution for State Street. Borough President Adams believes that DOC and MOCJ should consult with the New York City Department of City Planning (DCP) and DOT as well as the New York City Fire Department (FDNY) to develop such a state-of-the-art design solution.

Therefore, in considering the application for the special permit pursuant to ZR 74-832 CPC finding (b) regarding the location of ground floor uses in a manner that is inviting to the public and integrates the facility within the surrounding community, CPC should require the creation of a pedestrian plaza within the State Street right-of-way between Boerum Place and Smith Street with restrictions on vehicular operations according to a design developed in consultation with DCP, DOT, and FDNY.

The City Council should obtain commitments in writing from DOC and MOCJ clarifying how these agencies would memorialize integrating such modified use of State Street.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance the DEP green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes it is appropriate for the applicant to engage government agencies, such as the Mayor's Office of Sustainability, NYPA, and/or NYSERDA to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square-foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

The proposed development offers opportunities to explore resiliency and sustainability measures in the development such as incorporating blue/green/white roof finishes, micro-wind turbines, passive house construction principles, and solar panels. The required Builders Pavement Plan provides an opportunity to incorporate a DEP rain garden along the development's Atlantic Avenue, Boerum Place, Smith Street, and State Street frontages. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the Red Hook Water Pollution Control Plant (WPCP) during wet weather. In addition, the installation of a rain garden would provide a significant streetscape improvement on these streets.

Borough President Adams believes that DOC and MOCJ should coordinate with DDC to incorporate passive house design principles along one or more elements that further advance resiliency and

sustainability energy and/or rain water absorption features as a model of such green development through incorporation of blue and/or green roof features, micro-wind turbines, and/or solar collectors.

Borough President Adams believes that DOC and MOCJ should consult with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the inclusion of a rain garden with integration of street trees and enhanced tree pits as part of a Builders Pavement Plan. To the extent that the agencies concur to support implementing an enhancement, consultation should be initiated with CB 2 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the applicants, DOC, and MOCJ, that clarify how the agencies would memorialize integrating resiliency and sustainability features into the facility's design. The City Council should further seek demonstration of the agencies' commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens and/or enhanced tree pits as part of a Builders Pavement Plan in consultation with CB 2 and local elected officials.

Borough President Adams believes that such commitment should be memorialized through the approved special permit application documents. Specifically, drawing Waiver Plan – Roof Plan Z-050 should be amended to include notation indicating construction according to passive house design principles as well as inclusion of one or more resilient and sustainable energy and/or rain water absorption features, including blue and/or green roof features, micro-wind turbines, and/or solar collectors. In addition, application document Ground Floor Plan Z-040 should be amended to incorporate DEP rain gardens and expanded tree pits.

Ensure Demolition of Corresponding Capacity at the Rikers Island Correctional Facility

The City has represented that its intent in proposing a borough-based jail system proposal is to close the RICF. However, beyond the stated target year, there has been no official commitment to achieve such closure. Borough President Adams believes that an incremental expansion of citywide bed capacity should be sequenced with an equal reduction of such bed capacity via the immediate demolition of one or more buildings designed for replacement.

As noted in Borough President Adams' comments on the proposed scope of work for the DEIS, DOC must take steps toward incarceration reform prior to bringing land use actions before the City Council. Borough President Adams believes that such demonstration should include funding allocations and, ultimately, approval of contracts to demolish excess capacity within a specific timeframe. His letter further stated that DOC must clarify that new capacity would be conditioned on the elimination of existing capacity at Rikers Island, via legal mandate.

There are various steps that can be taken to ensure demolition of the RICF prior to BDC occupancy including the provision of adequate funding in the City's Capital Plan, preparation of bid solicitation, selection of contractor(s), contractor approval, and permit issuance by the New York City Department of Buildings (DOB). Other specific approvals and considerations may be necessary, based on specific buildings and/or site locations, as well as additional environmental findings.

Borough President Adams continues to believe that there should be a legally binding means to ensure demolition of the RICF bed capacity in tandem with new capacity intended for the BDC.

Therefore, in order to ensure the immediate demolition of comparable capacity at Rikers Island, the CPC and/or the City Council should call for application documents Zoning Site Plan Z-030, Ground Floor Plan Z-040, Waiver Plan - Roof Plan Z-050, and Sections Z-060 to be amended and include notation to require that the Certification of Occupancy (C of O) mandate official demonstration from DOC of allocation of City capital funding, with approval of a demolition contract, and secured DOB demolition

permits. Furthermore, it should be clearly stated that the selected contractor is legally bound to demolish such excess capacity by a specific date and that the final C of O will not be granted until demonstration of completed demolition.

Planning for Intended Capacity, Operations, Programming, and Staffing

In light of ongoing reform and stated positions of various elected officials, advocates, and other stakeholders, there is much information that needs to be reconciled between the latest consideration put forth by DOC and MOCJ. A major issue is the optimal capacity for borough-based jails, and how to determine the appropriate floor area for such facilities, to meet the goal of providing humane conditions and support space. There are additional philosophical considerations regarding the operation, programming, and staffing of such facilities.

The allowable density and height would depend on the discretion of the City Council. However, there would be additional time during the design phase to consider concepts and schematics. Programming and staffing logistics could reasonably extend through the construction phase as certain spaces would be open to modification while personnel needs could be discussed for several years. However, a well-conceived arrangement would have to be in place no later than the anticipated opening date of the facility.

Borough President Adams believes it is essential that the City engage groups representing detainees and their families, as well as the assigned City staffers and service providers in direct and immediate dialogue about the development of these facilities.

The following groups should be considered for inclusion in the process: Alliance of Families for Justice, Columbia University Justice Lab (CUJL), Correction Officers Benevolent Association (COBA), DOC Wardens, Exodus Transitional Community (ETC), the Fortune Society, JustLeadership USA, New York City Jails Action Coalition, No New Jails NYC, and Sanctuary for Families.

Engaging these stakeholders in regular and respectful dialogue ensures that DOC and MOCJ would move forward in a manner that promotes justice and rehabilitation. Borough President Adams concurs with CB 2's position that the new BDC should be a place where detainees are treated with dignity and respect, and provided services emphasizing healing, treatment, and reentry. He also concurs with Trinity Wall Street's position that the City must invest in alternatives to incarceration so that detention becomes a tactic of last resort.

Therefore, to ensure that borough-based jail facilities achieve the objective of reserving incarceration solely for those who pose a danger, he believes that DOC and MOCJ should engage in serious dialogue about incarceration reform. Such discussion would consider jail design (including visitation space), support services (including education, health, and nutrition), mental health and substance abuse programming, vocational training, and other issues of concern to stakeholders advocating change in the criminal justice system.

Advance Means to Reduce Population Brought Before the Criminal Justice System Facilities

Borough President Adams is aware that, as part of its vision for a borough-based jail system, the Administration has made significant strides to drive down the population of Rikers Island. Earlier in 2018, the City announced that it would end cash bail for non-felony cases, a significant victory for criminal justice reform that will likely save millions of dollars and hundreds of thousands of days in jail time. Another policy change that will help reduce the jail population is NYPD's strategy, moving forward, to address minor marijuana offenses through summonses instead of arrests.

While these are important steps, Borough President Adams believes that we must take additional measures to reduce the number of people detained at RICF. To begin, more must be done to advance

pre-trial diversion programs that truly mitigate unnecessary incarceration. Strong consideration must be given to expanding the non-violent offenders supervised release program to a wider array of non-violent crimes. This would allow arrested and charged persons to await trial at home (rather than in jail) where they would be assigned a social worker who checks in intermittently before trial. In order to do so, it would be necessary to significantly increase funding for social workers who supervise the defendants. On the whole, there is a pressing need to better connect individuals and families to support services such as mental health and substance abuse programming, to ensure that incarceration is reserved only for those who pose a danger to society.

Therefore, as a means to reduce the current prison population, Borough President Adams believes that DOC and MOCJ should strongly consider expanding the supervised release program for non-violent offenders to a broader range of nonviolent crimes, which would allow defendants to await trial at home, with supervision from an assigned social worker, rather than in detention.

In order to expand the supervised release program, Borough President Adams believes that DOC and MOCJ should allocate the appropriate level of funding necessary to hire and train more social workers who would be responsible for supervising defendants.

Furthermore, Borough President Adams believes that additional steps should be taken to advance successful pre-trial diversion programs that mitigate unnecessary incarceration. Likewise, NYPD's policy reforms in addressing minor marijuana offenses with summonses instead of arrests should be widely implemented as a means to reduce the number of people in the City's jails.

Advance Means to Provide Rehabilitation Services for Special Populations

Subsequent to the hearing, Borough President Adams received additional data from the Lippman Commission that, as of June 2019, 46 percent of the Rikers Island population has mental health diagnoses (71 percent among women; 44 percent among men), with serious mental illness observed in 14 percent of the jail population.

Many stakeholders have advocated decarcerating detainees with mental health and substance abuse afflictions, and transferring such individuals to therapeutic settings where they can receive specialized services and treatment. This view is shared by Assembly Member Jo Anne Simon, State Senator Velmanette Montgomery, and CB 2. The BNAC found "strong support for an overarching policy that houses all therapeutic units off-site in an environment that better serves the medical, mental, and health needs of this sub-population within the City's criminal justice system." BNAC also recommends that "wherever possible, people with medical, mental, and health needs should be diverted from city custody altogether."

In response to comments provided by Borough President Adams on the proposed scope of work for the borough-based jail system DEIS, as well as others such as more recently by BNAC, the City disclosed that it may house people with severe mental illness in secure New York City Health+Hospitals Corporation (HHC) facilities.

Many testified that that height of the intended Brooklyn facility could be reduced if the facility did not accommodate persons with significant mental health deficiencies, who would be best supported by a facility in direct proximity to a hospital with a psychiatric support facility. Such facilities would function as alternatives to traditional incarceration, with short- and long-term in-patient treatment. The rationale is that management by mental health professionals, rather than corrections staff, would ensure that those with mental health issues are treated in a therapeutic residential setting. This approach has also been recommended for detainees suffering from substance addiction.

Borough President Adams believes that the City should begin reassigning those with mental health and substance abuse issues as soon as such facilities can be coordinated. This policy, which is supported by a number of reform advocates, might also reduce the construction scope of the intended facilities in the future.

Therefore, as a means to provide appropriate rehabilitation services for Brooklyn-based detainees, Borough President Adams believes that DOC and MOCJ should work to establish one or more specialized Brooklyn facilities in direct proximity to a hospital with a psychiatric support facility. In order to implement this policy, DOC and MOCJ should continue dialogue with HHC to explore the possibility of establishing secure, specialized areas for individuals with mental health and substance abuse issues. In addition, DOC and MOCJ should initiate dialogue with New York State officials to determine the feasibility of integrating facilities on State property associated with the Vital Brooklyn initiative.

Enhance and Strengthen Existing Services that Might Reduce Recidivism Rates

In order to evolve into a rehabilitation-focused agency, DOC must address current deficiencies in City jails through state-of-the-art practices to reduce recidivism. One area that requires attention and change is learning disabilities and literacy issues among detainees. In 2016, New York City Department of Education (DOE) representatives testified before the City Council that 53 percent of students in the City's jails, and 64 percent of children in the City's juvenile facilities, have a learning disability, while nearly one third of 18 to 21 year-olds at Rikers read below a fifth-grade level. According to data provided by the Lippman Commission, up to 80 percent of persons entering Rikers have neither a high school diploma nor a GED. Learning disabilities and literacy issues that might be diagnosed among school-aged people entering the system are more than likely characteristic of a sizeable number of post-school age detainees. A 2004 study produced in Texas concluded that 42 percent to 48 percent of prisoners had dyslexia. If the City were to conduct an evaluation of academic abilities at all DOC facilities, Borough President Adams believes that the findings would be comparable to the Texas study. It is also reasonable to believe that a large proportion of repeat offenders might have learning disabilities.

In addition to learning disabilities, there may also be individuals affected by nutritional deficiencies. Epidemiological science has long documented behavioral problems and chronic disease stemming from improper nutrition. For example, when individuals consume excess sugar, this leads to hyperactivity, mood swings, and weight gain; when individuals frequently consume meat, this increases their risk factors for heart disease, Type 2 diabetes, and some cancers. If certain individuals in DOC facilities are not properly assessed and provided nutritional foods, they might be more likely to exhibit problematic behavior. Plant-based diets have been shown to improve well-being and prevent and reverse myriad chronic diseases, especially those designed to address saturated fat and excessive sugar intake through whole rather than processed foods. As noted during the public hearing, personal experience noted the lack of freshness of certain meals. Fresher, healthier, and safer food should be the norm. Borough President Adams believes that dietary and culinary education would help incarcerated individuals attain overall wellness, which concerns not only nutrition, but also mental and spiritual health. Exposure to physical activity designed to achieve mindfulness, such as yoga, can help address behavioral issues in a holistic manner.

As noted in her testimony, State Senator Montgomery supports access to improved education for detainees. CB 2 also emphasized the need for such services in its position on the application. Borough President Adams concurs that education and literacy are vital support services in detention and seeks to institute such programs as a means reduce recidivism.

Borough President Adams believes that, as part of its standard operating procedure, DOC should screen all individuals in its care, and not only those aged 18 to 21, for learning disabilities such as dyslexia. The agency should introduce disability-based education for all individuals irrespective of age, based on

specialized instruction by accredited teaching professionals. The Mary McDowell Friends School in Brooklyn is a premier facility that specializes in such teaching methodology for students in grade school through high school. Such educational entities could be retained to help develop appropriate teaching pedagogy.

In addition, Borough President Adams believes that DOC should advance the integration of general wellness initiatives for post-release success such as nutrition education, plant-based diets, and yoga.

Advance Strategies to Curtail the Cycle of Violence that too Often Plagues Our Communities

There is concern that, without proper intervention, some of today's young people could become entangled in the criminal justice system. If the City's real goal is to reduce the number of individuals detailed at DOC facilities, then it is necessary to support youth in neighborhoods where people have disproportionate levels of interaction with the corrections system.

Borough President Adams believes communities with the greatest at-risk populations need dedicated resources to help deter illegal behaviors. While violence interruption programs are important, they should be offered in conjunction with after-school programs, summer youth employment, and cultural activities for the young, to divert juveniles from a cycle of crime that too often leads to a life of incarceration.

Borough President Adams strongly believes that, to be effective, support services must be readily available at the earliest possible time. He advocates expanding early childhood interventions for at-risk communities as well as universal home-visitation programs such as provided by the Nurse Family Partnership, Inc. and other service providers as well as through additional staffing resources for ACS. Such entities and organizations support families with the crucial task of teaching children how to navigate life in society.

Borough President Adams concurs with CB 2 and those who advocate expanding and sustaining programs geared toward youth in impacted communities. Programs emphasizing literacy (math fundamentals, reading and writing) as well as vocational training help bolster educational attainment and economic opportunities, reducing the likelihood of incarceration.

To address learning disabilities for those under DOC supervision, public schools at all grades must provide sufficient support to students with dyslexia and other conditions. DOE should invest in hiring professionals with appropriate credentials and pedagogical experience to ensure successful outcomes. DOE should allocate resources to implement the recently introduced Bronx Initiative in select Brooklyn schools including PS 150 Christopher; PS 165 Ida Posner; The Gregory Jocko Jackson School of Sports, Art, and Technology; PS 327 Dr. Rose B. English; Brownsville Bronx Planorative Middle School, and Mott Hall Bridges Academy, as well as high schools including the High School for Civil Rights, World Academy for Total Community Health High School; The School for Classics: An Academy of Thinkers; Frederick Douglass Academy VII High School, and Teachers Preparatory High School.

After hours, schools must remain open to offer extracurricular programs so that young people in impacted areas have more opportunities for positive support. Studies show that such programming, when consistently funded to ensure availability, provides valuable experiences for participants. Effective afterschool programs bring a wide range of benefits to youth, families and communities. According to entities such as the Afternoon Alliance, there are many documented societal benefits linked to participation with after school programming. Afterschool programs can boost academic performance, reduce risky behaviors, promote physical health, and provide a safe, structured environment for the children of working parents. According to reports published between 2005 and 2010, attending

afterschool programs can improve students' academic performance. A national evaluation found that over 40 percent of students attending 21st Century Community Learning Center programs improved their reading and math grades, and that those who attended more regularly were more likely to make gains. Effective afterschool programs were concluded to be capable of improving classroom behavior, school attendance, academic aspirations, and appear to reduce the likelihood that a student will drop out. Another study noted that participation in afterschool programs has been associated with reduced drug use and criminal behavior. Afterschool programs had been demonstrated to play an important role in encouraging physical activity and good dietary habits. Participation in afterschool programs had been associated with positive health outcomes, including reduced obesity. In addition, working families and businesses also appear to derive benefits from afterschool programs that ensure that youth have a safe place to go while parents are at work. A study concluded that parents concerned about their children's afterschool care miss an average of eight days of work per year, and this decreased worker productivity costs businesses up to \$300 billion annually.

In addition to afterschool activities in DOE venues, there are several cultural providers with established track records of quality programming in impacted communities. The City should allocate resources to sustain these organizations and help grow their capacity and services.

The Mayor's Office to Prevent Gun Violence, housed within MOCJ, has played a direct role by mentoring at-risk youth through initiatives that connect youth in Administration for Children's Services (ACS) Close to Home and Secured Detention sites with credible messengers who provide mentorship and support. Close to Home allows young people who require temporary out-of-home placement by Family Court to be placed in residential programs closer to their families and communities. These young people receive therapeutic services at small group homes in or near the five boroughs near resources that can support treatment and transition back into their communities.

Since 2017, the Mayor's Office to Prevent Gun Violence has also offered a Safe in the City Grant since 2017 that invites applications from New Yorkers for small grants (ranging from \$500 to \$1,000) for resident leaders and organizations who work to promote peace in communities across the city. Proposals are geared toward violence reduction as well as promotion of positive lifestyle choices, and encourage community cohesion and empowerment.

Another issue of concern is foster care. A 2015 report found that only 58 percent of foster youths graduate high school by age 19, versus 87 percent of all 19 year-olds. Less than two percent of those who were in foster care graduate from college by age 25 versus 28 percent of all 25 year-olds.

A 2015 New York City study of local youth discharged from foster care between the ages of 13 to 18 found that 14.7 percent were incarcerated within six years. For youth who were in jail or juvenile detention at least once while they were still in foster care, 57 percent were jailed within six years after discharge from foster care. The primary charges for both categories were sale of a controlled substance, robbery 1 and 2 and assault 3. Finally, only 15.7 percent of the study sample aged out of foster care; most were reunited with their families.

A 2011 study tracking 600 youths aging out of foster care in Illinois, Iowa, and Wisconsin found that 64 percent of young men who aged out of foster care were incarcerated by age 26 versus 8.5 percent in the general population. Statistics for young women showed that 32.5 percent who aged out of foster care were incarcerated by age 26 versus three percent in the general population.

Borough President Adams views such results as a clear indication that foster youth lack adequate supports in the current system. Fair Futures — a coalition of child welfare agencies, non-profits, foundations, and advocates — is working to equip foster youth with the supports they need to be successful adults. Fair Futures is calling on the City and State to make an annual investment beginning

in the Fiscal Year 2021 (FY21) budget to provide full-time life coaches and tutors for current and former foster youth from middle school through age 26, a model that non-profit foster care agencies say has shown promise for youth in their care. The hope is to expand the program citywide to reach a particular at-risk group within this population: youth in their late teens and early twenties who will age out or have aged out of the system without having found a permanent home. Borough President Adams believes in funding this initiative to break the cycle of foster children's ending up in the corrections system.

Therefore, as a means of curtailing the cycle of violence that too often plagues impacted communities and reducing high rates of youth incarceration, it is important to provide early intervention programs that deter criminal behavior by providing access to economic and educational opportunities. Borough President Adams believes that multi-agency initiatives to support such programs should be aggressively implemented where they can make a difference.

Borough President Adams believes that ACS should identify at-risk families to support them in the task of preparing children to navigate today's society. To do so, ACS should expand access and utilization of early childhood development interventions, including universal home-visitation programs.

Borough President Adams believes that the City should target outreach and resources to communities that would benefit from significant investments in programs for youth. He believes that DOE should implement successful pedagogy with accredited teaching specialists for special needs populations in public schools, including students with learning disabilities such as dyslexia. Furthermore, DOE, together with the New York City Department of Youth and Community Development (DCYD), should expand the number of afterschool programs to all area schools by allocating additional funding for such initiatives. On the whole, DYCD should engage a significantly higher number of area youths in its summer employment initiatives. DCLA and DYCD should work with established cultural organizations that target youth in impacted communities to expand their capacity to serve this population. The Mayor's Office to Prevent Gun Violence should expand its violence interruption programs to reach more youth. Finally, the City should provide full funding for the Fair Futures Foster Care initiative in its FY20 budget.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c, 199 and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. With regard to 275 Atlantic Avenue, Brooklyn, the requested Site Selection application (190333 PSY) should be conditioned on a maximum of 900 beds and on the establishment of a community advisory committee, with representation from local elected officials, Brooklyn Community Board 2 (CB 2), Atlantic Avenue Betterment Association, Atlantic Avenue Local Development Corporation, Boerum Hill Association, Brooklyn Heights Association, Cobble Hill Association, Downtown Brooklyn Partnership, and other groups as designated by local elected officials, to meet regularly with the responsible City agencies to provide input in design, construction, and operations, including such matters as building volume, exterior materials, use of Atlantic Avenue community space, use of State Street streetbed, vehicular access, and other relevant concerns.
2. That the requested Site Selection application (190333 PSY) and the amendment to the City Map application (190116 MMK) that includes the section of State Street between Boerum Place and Smith Street be amended to limit such above ground section (lower limit beginning 40 feet above the streetbed) of State Street to between a point 135 feet east of Boerum Place and Smith Street to street.

3. That the proposed amendment to the Zoning Text application (190334 ZRY) that would establish New York City Zoning Resolution (ZR) Section 74-832 a Borough-Based Jail System (190334 ZRY) special permit be adopted as establishing a Borough-Based Rehabilitation System special permit.

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council disapprove this application with the following conditions:

1. That the special permit application pursuant to ZR Section 74-832, to facilitate the construction of a borough-based jail facility (190339 ZSK) be modified to be pursuant to the following, by amending the application documents, to a height limit of 235 feet and the lower base height along Atlantic Avenue to 120 feet.
2. That additional consideration be provided with the below restrictions and/or through a follow-up corrective action (FUCA):
 - a. In consultation with a community advisory committee, composed of local elected officials, Brooklyn Community Board 2 (CB 2), and community representation, modify height on application documents Zoning Site Plan Z-030, Waiver Plan – Roof Plan Z-050, and Sections Z-060, according to the following:
 - i. Reduce overall height exclusive of bulkheads to 235 feet with the allowance of cantilevering upper floors opposite the Brooklyn Central Courts Building, or
 - ii. As an additional means to reduce height, restrict overall height exclusive of bulkheads to 215 feet in conjunction with bridging over State Street as part of a constructed rooftop addition on the Brooklyn Central Courts Building subject to approval of the New York City Landmarks Preservation Commission (LPC) and New York City Design Review Commission
 - b. That, in order to further advance the accommodation of cultural and other community facility uses in the Special Downtown Brooklyn District (SDBD), the application document Ground Floor Plan Z-040 be amended as follows:
 - i. Eliminate indication of the option of permitting retail occupancy for the non-jail use fronting Atlantic Avenue street level spaces
 - ii. Include a notation that limits occupancy based on substantially below-market rents to community cultural uses arrived in consultation with the CAC
 - c. That application document Ground Floor Plan Z-040 be amended as follows:
 - i. Relocate the sally port access/egress to have it combined with the initial parking garage circulation, then further separated within building
 - ii. Incorporate, adjacent to the sally port, a dedicated section for New York City Police Department (NYPD) precinct transfers/drop-offs pertaining to arraignment
 - iii. Relocate the egress or ingress of the parking garage from Smith Street to Boerum Place
 - iv. Include notation and indicate full excavation on application document Sections Z-060 of levels B1, B2, and B3, at a point no less than 16 feet below the streetbed of State Street between Boerum Place and Smith Street as part of below-grade excavation as a means to optimize placement of the intended accessory parking

- garage, NYPD precinct transfers/drop-offs, sally port operations, and to optimize below-grade placement of support spaces
- v. As a means to eliminate parking along State Street between Boerum Place and Smith Street, include a notation that indicates the incorporation of parking privileges to Brooklyn Central Courts Building staff and assigned NYPD staff
- d. That 74-832 CPC finding (b) regarding ground floor uses being located in a manner that is inviting to the public and would integrate the facility within the surrounding community be modified to also require the establishment of a pedestrian plaza within the State Street right-of-way between Boerum Place and Smith Street with design restrictions that limit vehicular operations
 - e. That application document Waiver Plan Roof Plan Z-050 be amended to include a notation that indicates the following:
 - i. Construction according to passive house design principles
 - ii. There would be inclusion of one or more of the following resilient and sustainable energy and/or rain water absorption features, including blue and/or green roof features, micro-wind turbines, and/or solar collectors
 - f. That application document Ground Floor Plan Z-040 be amended to incorporate New York City Department of Environmental Protection (DEP) rain gardens and expanded tree pits
 - g. That in order to ensure the immediate demolition of comparable capacity at Rikers Island, the application documents Zoning Site Plan Z-030, Ground Floor Plan Z-040, Waiver Plan - Roof Plan Z-050, and Sections Z-060 be amended to include a notation that indicates the requirement that the Certification of Occupancy (C of O) state that such occupancy mandates official demonstration from the New York City Department of Corrections (DOC) that City Capital funding is in place, with demolition contract approved; that New York City Department of Buildings (DOB) building demolition permits are in place; that such contractor is contractually-bound to demolish such excess capacity by a specific date, and that final C of O not be granted until such demonstration of completed demolition

Be it further resolved:

1. That to ensure borough-based jail facilities achieve the objective of reserving incarceration solely for those who pose a danger, Borough President Adams believes that DOC and MOCJ should engage in serious dialogue about incarceration reform. Such discussion would consider jail design (including visitation space), mental health and substance abuse programming, support services (including education, health, and nutrition), vocational training, and other issues of concern to stakeholders advocating for change in the criminal justice system
2. That as a means to reduce the current prison population:
 - a. DOC and MOCJ strongly consider expanding the supervised release program for non-violent offenders to a broader range of nonviolent crimes, which would allow defendants to await trial at home, with supervision from an assigned social worker rather than in detention
 - b. In order to expand the supervised release program, DOC and MOCJ allocate the appropriate level of funding necessary to hire and train more social workers who would be responsible for supervising defendants

- c. The City should take additional steps to advance successful pre-trial diversion programs that mitigate unnecessary incarceration
 - d. NYPD's policy reforms in addressing minor marijuana offenses with summonses instead of arrests should be widely implemented as a means to reduce the number of people in the City's jails
- 3. That as a means to provide appropriate rehabilitation services for Brooklyn-based detainees, DOC and MOCJ should work to establish one or more specialized Brooklyn facilities in direct proximity to a hospital with a psychiatric support facility, as follows:
 - a. Further dialogue with HHC to explore the possibility of establishing secure, specialized areas for individuals with mental health and substance abuse issues
 - b. Should initiate dialogue with New York State officials to determine the feasibility of integrating facilities on State property associated with the Vital Brooklyn initiative
- 4. That as a means to achieve a reduction in recidivism rates, provide an enhancement of existing services that might advance the reduction of recidivism, DOC should:
 - a. Screen all individuals in its care for learning disabilities such as dyslexia as a standard operating procedure
 - b. Introduce learning disability-based education for all individuals irrespective of age based on specialized instruction by accredited teaching professionals
 - c. Advance the integration of general wellness initiatives for post-release success such as nutrition education, plant-based diets, and yoga
- 5. As a means to curtail the cycle of violence that too often plagues impacted communities and reduce high rates of youth incarceration, it is important to provide early intervention programs that deter criminal behavior by providing access to economic and educational opportunities. Borough President Adams believes that multi-agency initiatives to support such programs should be aggressively implemented where they can make a difference
 - a. That ACS identify at-risk families to support them in the task of preparing children to navigate today's society. To do so, ACS should expand access and utilization of early childhood development interventions, including universal home-visitation programs
 - b. That the City target outreach and resources to communities that would benefit from significant investments in programs for youth:
 - i. That the New York City Department of Education (DOE) implement successful pedagogy with accredited teaching specialists for special needs populations in public schools, including students with learning disabilities such as dyslexia
 - ii. That DOE, together with the New York City Department of Youth and Community Development (DCYD), expand the number of afterschool programs to all area schools by allocating additional funding for such initiatives
 - iii. That New York City Department of Cultural Affairs (DCLA) and DYCD work with established cultural organizations that target youth in impacted communities to expand their capacity to serve this population
 - iv. That the Mayor's Office to Prevent Gun Violence expand its violence interruption programs to reach more youth
 - v. That DYCD engage a significantly higher number of area youths in its summer youth employment initiatives

- vi. That the City provide full funding for the Fair Futures Foster care initiative in its FY 2020 budget