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[Response to ULURP # \(insert ULURP # here\)](#)

[May 14, 2019](#)

[Queens Community Board 9 Resolution](#) [In Opposition to Borough Based Jails](#)

Queens Community Board 9 (CB9) strongly opposes the City's plan to build a vertical mega jail complex in the residential community of Kew Gardens, Queens and states its concern about a flawed ULURP process which undermines the very legitimacy of this Charter mandated procedure. We oppose for the many reasons cited below.

1. This Uniform Land Use Procedure (ULURP) – is a travesty

Why a travesty? From the beginning, this administration has been a steamroller; the so-called neighborhood advisory meetings have been a farce. Most of those invited to the meetings did not even live in the neighborhood. And half of those non local people didn't even show up. The Kew Gardens community is presented with a *fait accompli* and is consulted basically about which color we would like the drapes.

While we have only just begun ULURP, the City's Department of Design and Construction (DDC) announced on April 22 a **\$107.4 million contract** with AECOM-Hill to create four separate Design – Build management teams, one for each of the new borough-based jails. **Yet, so far not one “of the voting groups,” let alone the most decisive voting entity, the City Council, has yet to vote, let alone hold a hearing.**

Other boroughs have expressed similar objections; the need for community involvement has been consistently ignored by the City. In January, 2019, Queens Borough President Melinda Katz wrote a letter to Mayor de Blasio, stating that “...*there is still opportunity to restart borough-based jail planning – this time in collaboration with communities...*”

2. Four ULURPs treated as a single ULURP

On March 25, 2019, the City Planning Commission (CPC) certified as complete, the application of the New York City Department of Correction and the Mayor's Office of Criminal Justice to build four jails, one each in the Bronx, Brooklyn, Manhattan and Queens. All four jails were certified as a single ULURP, an action we believe is unique in the history of ULURP.

3. Certification of a Concept

Moreover, this CPC application was certified as a "concept." We question how you certify a concept, an action which is a dramatic departure from the land-use process.

4. Criminal Justice Reform, Bail Reform and its Impact on the Borough-based Jails and ULURP

Referring in a New York Times article to recently passed NY State legislation on bail reform, the Governor stated that he expects that 90% of individuals arrested will be released, not jailed, thus, free to await their court date at liberty. In this case:

- a) **Why are we building four enormous jails?**
- b) **If this leaves the 10% who cannot be released or bailed because of public safety concerns, it means that the most violent felons will be housed in local residential communities.**

This is *not* a recipe for safety.

5. Fiscal Irresponsibility

The Lippman Commission estimated that building the four jails would cost \$10.6 billion. The Mayor has only allocated \$8.6 billion in his budget for closing Rikers. We estimate that if financed over a 10 year period, the cost of these jails could grow to \$30 billion or more. New York City currently has approximately \$77.8 billion in tax backed debt outstanding. This debt is secured mostly by property, income and sales taxes and the amount represents only the principal portion. All this while NYCHA Public housing needs some \$30 billion in repairs; there are over 63,000 homeless people in the City, many of them children¹ and the Mayor's answer is to build 90 homeless shelters. And what would \$30 billion invested in education, housing, communities, etc. do to prevent people becoming involved in criminal activity in the first place.

Where is the money for this? This is especially critical because the City budget currently faces shortfalls. Mayor DeBlasio has ordered City agencies to cut their budgets and to make these cuts re-occurring.

6. Rikers Island Moved into Local Communities

We heard long and loudly at the Board's public hearing that the culture of Rikers Island is one of violence. It is the culture of violence which really needs to be changed. Yet what we see is that the Mayor shows little concern about the consequences of moving that violent culture into four local neighborhoods. Despite the City's PowerPoint presentation showing sketches of happy faces in the hotel-like entrance lobby to the jail, WE are concerned.

7. Massive Jails

The Mayor's Deputy Director for Criminal Justice showed photos of modern jails to the City Planning Commission on September 24, 2018 - photo of a two story modern building in Las Colinas, San Diego appearing in a desert-like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories. Why show these to CPC when what you are proposing are mega vertical jails.

8. A Jail in Kew Gardens Makes No Sense

According to the Lippman Commission Report, the jails were to be placed in communities where they would be an asset with services such as a community center, counseling, tutoring, etc., that not only inmates but ²local communities needed, wanted and had asked for, so inmates released back into their communities, as well as local residents, could go on being helped by the jail based facilities. Because, wrote the Commission, such jails could *“positively change the culture and context of the neighborhood”* leading fewer people into the prison systems, thereby helping break the cycle of incarceration.

In August, 2018 the three ZIP Codes surrounding Kew Gardens had 25 individuals in detention. Therefore, Kew Gardens is not that community.

9. Borough-Based Jails

The revived idea for borough-based jails (which existed in the City in the 1950s) stems from the 2017 Lippman Commission report calling for closing Rikers and building jails in four boroughs - the Bronx, Brooklyn, Manhattan and Queens (Staten Island is apparently exempt). But the Lippman Commission report **also stated**:

1. There should be an early search for potential jail sites and discussions with those living in those areas.
2. Jails should not be built in residential communities.
3. Jails should be small and proportional in size to the population of the borough's incarcerated numbers
4. Jails shall be an asset to the community and integrated into the community.
5. Jails should contain programs and services not just for the inmates but for the local community in order to *“positively change the culture and context of the neighborhood”* leading fewer people into the prison system, thereby helping break the cycle of incarceration.

None of these recommendations was followed.

10. An Early Search for Potential Jail Sites and Discussions with Residents in Potential Areas.

This never happened for Queens. The \$7.6 million City contract given to Perkins Eastman in January 2018, produced (1) sketches of community-friendly jails looking as if they were lining Madison Avenue and (2) print materials describing these jails as “assets,” and as “campuses.” But as part of its \$7.6 million contract, Perkins was supposed to seek out potential sites and speak with people living there. No search for sites ever took place, and no effort was ever made to look for or speak with community people at even the chosen site. We learned from the Deputy Director of the Mayor's Office of Criminal Justice in a November meeting with Perkins Eastman and Mayoral staff, that choosing Kew Gardens was a “policy decision of the Mayor's.”

Whatever the City and Perkins Eastman were doing for 6 ½ months, only the August 15 press release informed Kew Gardens. (This in the last two weeks leading up to Labor Day). On September 20, 2018, our

Councilwoman held a small meeting in her office at which junior Perkins Eastman staff showed a Power Point presentation but could answer few questions. Yet two days later, on September 24, the Mayor's Deputy Director of Criminal Justice stated to the New York City Planning Commission (CPC): **"we have been engaged in a significant amount of community and neighborhood engagements. . . We have been engaged in both open and closed community meetings."**!! This was certainly not true for Queens.

11. Jails Should Not Be in Residential Communities

Kew Gardens is a residential community, the subject of the 1999 book - *Kew Gardens: Urban Village in the Big City. An Architectural History of Kew Gardens.* Also, immediately adjacent to the proposed jail complex is the residential community of Briarwood. The DEIS (Draft Environmental Impact Statement) ignores these facts and denies any adverse effect on community, stating that Queens Boulevard is a buffer to the Kew Gardens community. However, (a) thousands of people live in apartment buildings immediately across the street and adjacent to the proposed complex, (b) within two blocks of this proposed jail complex begin blocks and blocks of one and two-family homes, plus two elementary schools and a preschool. Yet the DEIS (Draft Environmental Impact Statement) makes the startling assertion that there is no adverse impact on the neighborhood character, acknowledging only that "to the southwest and the east, the study area contains the residential neighborhood of Kew Gardens and Briarwood."

The DEIS and the Mayor's literature refer to Kew Gardens as the Queens Civic Center because it has a courthouse, Queens Borough Hall and a small (in comparison) detention center closed since 2002. Yet, there are two other detention centers and 4 other courts in Queens.

12. Jails Should Be Small and Proportional in Size to the Borough's Incarcerated Population

The proposed jail is neither small nor proportional. Certified as over 1.2 million square ft. and reaching 270 feet high, the certified application also states that "however to provide flexibility in final design," the height could reach 332.92 feet³ And given the language in that section, it could be even higher, and thus even denser with detainees, staff, cars, delivery trucks, etc. As for being proportional, in August 2018, Queens had 987 people in jails. The Queens jail is proposed for 1437.

13. Jails Will Be an Asset to and Integrated into the Community.

We had been continuously told, orally and in writing that these jails would be community "assets," because, as noted, they would provide important services to those jailed, as well as help change for the positive the culture and context of the neighborhood. **Then came our March 27, 2019 meeting in Kew Gardens with the Mayor. Accused of not following any of the Lippman Commission recommendations, the Mayor responded by saying the Lippman Report was not his "Bible." The Mayor then dropped all pretense that the Queens jail would be an asset when he asked us straight out — what did we want in exchange for shouldering this "burden" for the City.**

14. Adverse Impact on the Community

The City proposes to build a massive jail complex in a residential community and yet the DEIS finds no adverse effects! It states that the defining features of the study area's neighborhood character would not be adversely affected! It defies logic for the City Planning Commission and the City Council to agree that a project imposed on a small residential community, a project massive in size, scope and complex goals, rising perhaps 333 feet and housing 1437 people, which given the new bail reform policies, would likely house the most violent felons – would not result in adverse effects!

15. Urban design

The application asserts that “The proposed detention facility will contribute to the variety of buildings that compose the urban design character of the study area.”⁴ This is an extraordinary statement. We note that no jail was incorporated into the major build at Hudson Yards, even though the City contributed some \$6 billion to this area for the rich and superrich.

16. Congestion

The DEIS chose to assess the jail's impact on congestion at hours that are **not** of highest congestion. During the early evening of CB 9's public hearing on April 24 at Queens Borough Hall, (the location of the proposed jail complex), two fire engines were caught in heavy traffic and delayed. The DEIS tells us that since the area is already congested, aside from changing the timing of lights and improving signage at four intersections, there's nothing to be done about this congestion; it is not mitigatable. Yet this, section by borough Hall, etc. will have to absorb the traffic from over 1200 parked vehicles moving in and out of the complex, as well as trucks making deliveries into the two delivery bays - no matter where the sally ports are located. So if fire engines and other safety vehicles are delayed even longer in the increased congestion caused by this mega jail, it would seem that the City's answer is - so be it.

17. Jails, Courts and Borough of Residence

Two factors are emphasized in the application: 1) jails must be adjacent to court houses to avoid transportation delays and 2) **Individuals will be their borough of residency**⁴ to be near family and friends. This may happen sometimes, but not as a matter of course. It is where the individual is arraigned which determines the court he/she will be tried. The individual may live in Queens, but if arrested and arraigned in Manhattan, that person must be transported from Queens to Manhattan. So the only difference is that the Department of Corrections' Van will drive in a different direction. In addition, Queens does not have enough detainees to fill the proposed jail, and if all women are to be in one facility, it won't matter where they reside.

18. Rehabilitating Rikers

We are told that Rikers' buildings are in terrible physical shape and its culture is one of violence. We are told that even if brand-new buildings are built, that Rikers is isolated and difficult to reach. Yet that is the simplest problem to solve -- add a stop on the ferry which already passes Rikers; even weekly taxi vouchers for friends, family and loved ones would cost less than building four mega jails. It is the culture of violence which really needs to be changed. The City's numbers show us that 42% of the jail population has serious mental health problems. Why are they in jail? and if they weren't in the jails, in addition to a falling jailed population, then massive jails are not needed.

Why let people suffer on Rikers Island when the City could make an immediate difference, not several years into the future. Don't renovate, build anew. Where are any outdoor recreation areas in any of these four proposed jails? Build modern, low-rise facilities such as those the Mayor's Deputy Director for Criminal Justice showed photos of to the City Planning Commission on September 24, 2018 - a photo of a two story modern building in Las Colinas, San Diego appearing in a desert like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories.

Why show these to CPC when mega vertical jails are being proposed?

The City has apparently made no effort to consider the option of rehabilitating the existing Riker's Island jail system. This is the first thing the City should have done and should still do. Or perhaps the interest in Rikers as part of a major real estate deal is a possible deterrent. The April 5th Regional Planning Association's panel discussion about Rikers labeled "The Inner Harbor" have set sights in another direction. And we cannot help remarking on the fact that though the Lippman Commission had no local community residents, it did have three representatives of the major developer, Forest City Ratner, including its CEO.

Perhaps we should listen to the words of the Deputy Director of the Mayor's Office of Criminal Justice which she wrote in a 2007 paper for the Center for Constitutional Rights.

Impacts of Jail Expansion in New York State: A Hidden Burden

By Dana Kaplan

May 2007

CENTER FOR CONSTITUTIONAL RIGHTS

*"The public must be more actively informed and engaged in the process of determining jail policy. State elected officials and county legislators must also re-evaluate their spending priorities to determine whether massive investment in detention is the most effective use of taxpayer money, instead of investing in, for example, education or health initiatives. Lessons learned from recent expansion projects, possible alternatives to jail construction, and the impacts of these respective policy decisions on the people of New York State must all be taken into greater consideration when making these critical planning decisions. **As the state of New York undergoes an evaluation of many of its current criminal justice practices, there is also an opportunity to re-examine its detention policies. Failure to do so may leave us in a position much like our prison incarceration policies, where we are now bearing the social and fiscal costs of public policy that was informed by politics instead of rational assessment, and whose consequences are far harder to undo than was its implementation.**" (The bold is ours)*

For all the reasons cited, CB9 stands firmly and adamantly opposed to the City's plans to replace Riker's Island jails with borough-based jails. While CB9 recognizes the need for prison reform, we believe the City's borough-based jail plans are inexplicably rushed and ill-considered. A fiscally responsible plan should be created that reflects an honest, complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and that the plan does not destroy existing communities. The plan proposed does none of that.

As recommended by Borough President Katz, the City must start over and ensure community involvement from the outset. A fiscally responsible plan should be created that reflects an honest and complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and the plan **cannot** destroy existing communities.

Endnotes

¹ In fiscal year 2018, 45,657 children spent at least one night in a New York City shelter – a figure that continues to hover near record levels. More than two-thirds of those children, or 67.6 percent, were school-age, the second-highest percentage since the City began publicly reporting that measure in 2002. **Coalition for the Homeless: State of the Homeless 2019**

² 11415, 1418, 11424

³ certified application, page 25. **However, to provide flexibility in final design, this application is seeking a proposed maximum permitted building envelope that will extend vertically above the average curb level of each street frontage of the proposed development site ranging from heights of 262.95 feet to 292.92 feet for the roof of habitable space and from 302.95 feet to 332.92 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space.**

⁴ Certification document, Fair Share Analysis, page one