CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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OCTOBER 16, 2019 Start: 12:32 P.M. Recess: 1:01 P.M.

HELD AT: Committee Room - City Hall

B E F O R E: RAFAEL SALAMANCA, JR.

Chairperson

COUNCIL MEMBERS: Adrienne E. Adams

Inez D. Barron
Chaim M. Deutsch
Ruben Diaz, Sr.
Vanessa L. Gibson
Barry S. Grodenchik

Andy L. King
Peter A. Koo
Rory I. Lancman
Stephen T. Levin
I. Daneek Miller
Francisco P. Moya
Antonio Reynoso
Donovan J. Richards

Carlina Rivera Mark Treyger A P P E A R A N C E S (CONTINUED)

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2 [sound check] [pause] [gavel]

CHAIRPERSON SALAMANCA: Alright. Good afternoon everyone. [background conversation] Good afternoon everyone. [pause] Thank you. afternoon everyone, and welcome to the Committee on Land Use. I am Council Member Rafael Salamanca, the Chair of this committee. I would-I would like to welcome my esteemed colleagues who are members of the committee and are present today. We have Council Members Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Chair Adams, Chair Moya and we also have been joined by Council Member Koslowitiz. I'm sorry and we also, we also Grodenchik. Today from our Land Use Subcommittees we will vote on three projects. We will vote approve LUs 545 an application submitted by HPD for an amendment to the Blake Hendrix affordable homeownership, NI-NIHOP Urban Development Action Area Project previously approved by Council Resolution 1263 of 2017. The amendment would allow HPD to forgive all or a portion of the land debt to reduce the taxable consideration of the homes. application relates to a cluster of properties in Council Member Barron's district in Brooklyn.

jail facility, and three action related to the

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2 provision of affordable housing near the Bronx Borough-base jail facility, a zoning text amending, a 3 4 zoning map change and a UDAAP area and project 5 designation and disposition. In addition to modify before special permits, we will also be modifying 6 7 Preconsidered LU 515 to strike MIH Option 2 and will add the deep affordability option to MIH Option 1. 8 We heard the demands from reform-from criminal 9 justice advocates as well as concerns from local 10 communities about the scale and location of the 11 12 proposed borough-based jail facilities. In addition to the resources being allocated to prevent 13 14 incarceration and programming, to assist those who 15 are incarcerated, which was discussed at our Landmark 16 Subcommittee by Chair Adams. As a result, the 17 Councils modifications, the height and density of the 18 four buildings are being reduced significantly. So, these new buildings would better intragate into their 19 20 communities. I know there have been disagreements on this plan, that its opponents and supporters have 21 2.2 been very emotional in their advocacy, but I believe 23 it is important for us to disagree respectfully and 24 move forward today to tackle new and different 25 challenges together tomorrow. Are there any

1	COMMITTEE ON LAND USE 6			
2	questions or remarks from members of the committee?			
3	Alright, seeing none, I will call for a vote to-I			
4	call for a vote to approve LU Nos. 545-547, the			
5	Preconsidered LUs 20205116 HAM and to approve with			
6	modifications I have describe Preconsidered 513			
7	through 516 and LUs 518 through 526. Will the clerk			
8	please call the roll.			
9	CLERK: William Martin, Committee Clerk,			
10	roll call vote Committee on Land Use. All items are			
11	coupled. Chair Salamanca.			
12	CHAIRPERSON SALAMANCA: I will be voting			
13	no on 518 and 519, and yes on the rest.			
14	CLERK: Lancman.			
15	COUNCIL MEMBER LANCMAN: Aye.			
16	CLERK: Richards.			
17	COUNCIL MEMBER RICHARDS: Aye.			
18	CLERK: Gibson.			
19	COUNCIL MEMBER GIBSON: Aye.			
20	CLERK: Barron.			
21	COUNCIL MEMBER BARRON: Permission to			
22	explain my vote.			
23	CHAIRPERSON SALAMANCA: Council Member			
24	Barron to explain her vote.			

2 COUNCIL MEMBER BARRON: Thank you, Mr. Chair. On LU 545, it's a project in my district, and 3 4 I do want to say that I support the project, and I'm 5 pleased to know that -- to share with you that this is an infill homeownership project, and 545 provides for 6 7 nine two-family houses and for four three-family houses, and that the income requirements for those 8 who want to apply for these hommes is from 80 to 100% 9 10 of the AMI. So, I want us to know that we can provide affordable housing and homes to people in our 11 12 community. As regards the bill for the borough-base jails, I wanted to be clear that I supported closing 13 14 Rikers. I don't want to get it confused. I support 15 closing Rikers, and my vote in that regard reflected 16 that, but as concerns the borough-based jails, I'm not supporting that. I think that it does not 17 address the issue, which is that this justice system 18 as it's called continues to have black and brown 19 20 persons detained at rates that do not reflect what it is in our communities and the totality of our 21 2.2 society, and that judges continue to have judicial 23 discretion to be able to decide who they will, in fact, detain and who will-they will, in fact, let go 24 and most often black and brown people are the ones 25

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that are detained and those who are more affluent and those who are white, in fact, are not detained. think that just to move quickly, I think we've got to challenge and change the racial discrimination basis for our Criminal Justice System, and we need to make sure that prior to persons getting involved in the Criminal Justice System that we do all that we can economically to have job creation, not just job training. After you've been trained you've got to be able to apply those skills to get jobs, and to be able to have economic development, and to be able to make sure that our communities have the opportunity to also for entrepreneurial programs. intervention and the mentoring and the Restorative Justice programs that are so important have got to be implemented prior to us building new jails. We've got to change the culture that already exists, we've got to make sure that the programs that are in place address that. So, I'm voting age on all with the exception of 513 through 516 and 518 through 526. Thank you.

CHAIRPERSON SALAMANCA: I also want to recognize that we've been joined by Council Member Diaz and Council Member Deutsch.

20 CLERK: Reynoso.

COUNCIL MEMBER REYNOSO: Permission to explain my vote.

CHAIRPERSON SALAMANCA: Council Member Reynoso to explain his vote.

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2 COUNCIL MEMBER REYNOSO: Thank you, Chair. Rikers Island is a glaring monument to mass 3 4 incarceration, a physical manifestation of a system 5 based on racism, oppression and violence. Speaking 6 around the edges of such a system is insufficient. 7 The system must be torn down completely. incredibly proud to be taking a first step in this 8 process today, and to have been a part of the 9 Council's efforts to close Rikers since Speaker 10 Melissa Mark Viverito proposed it in 2016. We have 11 12 to seize this moment to push the conversation much further than it has gone to date. This is about 13 14 people's lives not buildings. Our goal should be to 15 get the jail population as low as possible while 16 pushing the Administration to meet that objective. It is our responsibility to work tirelessly to ensure 17 18 that by the time the shovels go into the ground that we don't need to be build as many beds as originally 19 approved. Ultimately, it is my hope that we reach a 20 day when no one needs to be put in jail. 21 2.2 end, the Administration must go further than it has 23 to day to invest in the communities most impacted by the effects of over-policing and mass incarceration. 24 25 As Co-Chair of the Brooklyn Delegation, I will be

fighting for significant funding increases in places
like East Flatbush, Brownsville and East New York for
programs related to job training, reentry, and
violence prevention. We cannot invest billions in
new jail facilities without investing in the things
we know our communities need in order for residents
to thrive. The City Council has a solemn obligation
to hold this plan accountable. The history of
criminal justice reform is littered with broken
promises. We cannot ask people to trust us. We must
actually deliver on everything that is being
discussed here today. I want to thank the advocates
who have put in an incredible amount of work into
ensuring the dream of closing Rikers becomes a
reality. There is much more work left to do or to be
done, and I hope we can continue collaborating to
realize a more just and equitable society for the
next generation. So, thank you for allowing me to
make that statement, and I vote aye on all.
[applause]

22 CLERK: Treyger.

COUNCIL MEMBER TREYGER: Aye.

CLERK: Grodenchik.

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2 COUNCIL MEMBER GRODENCHIK: Mr. Chairman,
3 permission to explain my vote.

CLERK: Council Member Grodenchik to explain his vote.

COUNCIL MEMBER GRODENCHIK: I'll take my glasses off. This is important. The issue before us today is one of immense importance to our great city. Over the past quarter century, we have seen historic reductions in crime in New York City and a corresponding reduction in the number of people detained by the city. It is also obvious based on numerous reports that the current New York City prison facilities are, to be charitable, outdated and dangerous. The newest facility having been constructed on Rikers Island 30 years ago, which in terms of modern penology is eons ago. The road that has led us here today has been quite challenging. Information has been hard to come by from the Administration, and as recently as hearings on the Preliminary Budget several months ago, we basically had no information, no cost estimates, no hard numbers of people expected to be tained-detained, nothing. We were essentially left to guess. Today, the guessing has been replaced by a better, but

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albeit not perfect information. I am also greatly troubled by the enormous amounts of money that are to be expended on the proposed new jails, money that some rightfully argue would be better invested in our communities. However, to me it is not an either/or. This great city can and will do both things. I have been for closing Rikers Island and replacing with borough-based jails for some time. I have been undecided on this particular plan until yesterday when I received news that allowed me to vote in good conscience for this plan. Anyone who has read the reports an seen the news regarding Rikers Island knows and should understand the moral crisis our city is facing. Today we are going to take important steps to begin to remedy that crisis. In my home borough of Queens, the site selected is literally attached to the Criminal Court Building. Prisoners will be brought to and from the courthouse to an underground passage connecting the two buildings. For decades prisoners were trekked through the communities of Queens and other boroughs to be taken to court. This will all end making for a safer, less costly, more environmentally friendly and more-most importantly, a more humane means of transporting

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2 prisoners. I am voting in favor of this plan, but I 3 am still greatly concerned about holding the cost to construct these new facilities in check. We must 4 also ensure that the impact that they have on the Kew Gardens and Briarwood communities in Queens and the 6 7 other neighborhoods they are situated in around the city is kept to an absolute minimum. We owe it to 8 the people of the city to do that as they are 9 fitting-footing the entire bill for these new jails. 10 I thank you for indulging me, Mr. Chairman and with 11 12 that I vote aye on all.

CLERK: Adams.

COUNCIL MEMBER ADAMS: Aye.

CLERK: Diaz.

COUNCIL MEMBER DIAZ: Permission to explain my vote, Mr. Chairman.

CLERK: Council Member Diaz to explain his vote.

COUNCIL MEMBER DIAZ: Thank you, Mr.

Chairman. I have a problem, the ULURP situation and the way in which this committee that is supposed to be a progressive has allowed this proceeding to go.

You're putting four ULURPs in one. Each county is supposed to have their own ULURPs. Now you just put

2 four ULURPs in one, and then you're building, you know, in Bronx, Queens, Manhattan, Brooklyn, but you 3 4 are not building any one on Staten Island. That City Council members on Staten Island will vote on that 5 ULURP in my district in my community because you, 6 7 Chairman, and a member of this committee has allowed four ULURPs. One, that is ridiculous. That has 8 never been done. That is selling out the community. 9 So, public housing, public schooling in our community 10 in our neighborhood they are pits. Public schooling 11 12 in our neighborhoods they need money. They do, but 13 there's no money. There is no money to educate our 14 children. There is no money to fix our schools. 15 There is no money to get air conditioning, and nice 16 equipment to our children, but there's money \$11 billion to building five-four new-new house-new-new-17 18 new buildings. NYCHA, oh progressive. You go around killing NYCHA because all the things that we're 19 20 doing, they are doing to our community based on boilers. They go into winter with no boiler. There's 21 2.2 no, no way to solve that problem and our members that 23 are residents in NYCHA they have to suffer every 24 single week becaue there's no money, but you are 25 progressing. You go, no, we got to have this, but

there is no money for that, but they are \$11 billion
to build four new buildings. Staten Island, as I
said, has been exempted. Why? Why is Staten Island
has been exempted and we are voting oh, yeah,
yeah? Why? What is going to happen when we close
Rikers Island? What's going to happen with that
land? What is the purpose? Who is going to get the
control of that land? What's-what's happening?
What-how come nobody knows what's going to happen
there? Why housing inmates in a high-rise building
will make it better for the earth. Rikers Island is
build a whole park for outdoor. They could do-they
could do have the best parks in Rikers Island. There
would be outdoor activities, and they could play ball
and build a-build a field, a tracking field. They
would have the right if that's the-if-if-if you build
it it's a hotel what better to build it there, to
protect, to protect their neighbors. You know, they
say no, no. No, no, less-lest housing in a high-rise
building that they couldn't even move. So, I hope we
will fix it, make it a beautiful hotel. [man yelling]
SERGEANT-AT-ARMS: Keep it down, please.

Chairman and ladies and gentlemen, in the Bronx the

COUNCIL MEMBER DIAZ: In the Bronx, Mr.

Community Planning Board all the area unanimously,
united and was voted against the, in the Bronx, the
Community Planning Board. The Bronx Borough
President. Is against this. The community in the
area is against this, but I see members even from the
delegates from the Bronx being undecided. What is
that being undecided? Why you voting yes for this?
You're not helping the inmates. You are going against
your community, and I have a concern about the—I just
happen to be a conservative, but you members you are
progressive. Sure now, if you are progressive
protect your community, protect the senior citizens.
Like the senior citizens in-in Castle Hill in Castle
Hill project, the seniors there go ask them how come
every year they go with no heat, with no, with no
heat and no air—and no air conditioning in the
building the whole year. Why? There's no money to
protect the senior citizens. There's no money to
build a center, but there is \$11 billion to build
four new homes. Mr. Chairman, my vote is no, no, no
on everything. Thank you very much.

COUNCIL MEMBER MOYA: Aye. [siren]

CLERK: Gibson.

CLERK: Moya.

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2 COUNCIL MEMBER GIBSON. Permission to 3 explain my vote.

CHAIRPERSON SALAMANCA: Council Member Gibson to explain her vote.

COUNCIL MEMBER GIBSON: Thank you, Mr. Chair and good afternoon to all of my colleagues. am thankful that we're here. This afternoon the City Council will take an incredible bold and courageous step to finally close an institution that has been a systemic environment of abuse, of mistreatment and violence all around. For far too long Rikers Island has been a sad culture of violence for detainees, for the uniformed staff and everyone who works there on the island every single day. After months of strong advocacy by those most affected, by the advocacy groups, community-based organizations, legal service providers and so many other, we are presented with this unique opportunity to do something different, to finally address criminal justice reform, and change the culture and atmosphere by which we reform, we rehabilitate, and we reshape the lives of those accused of crimes in our city. Today, we act on an issue that has plagued far too many communities of color, and young men and women of color, many of my

2 own constituents in the Bronx. Understand my colleagues, exactly how we came to this point today. 3 4 Twenty years ago, the incarceration rate at Rikers 5 was 20,000 detainees. Today, we're at 7,000. Crime 6 rates spiked in the 1980s and the 1990s, as we were 7 hit with the crack and the drug epidemic and now today the lowest numbers of crime around our city 8 every year. This body, this City Council has 9 historically invested for 20 years in our ATI and ATD 10 and Reentry Initiative, which has proven works 11 12 providing alternatives for young men and women that 13 are involved in the Criminal Justice System, and we have saved lives through this ATI Initiative. 14 15 New York City Crisis Management System, which we 16 started, this Council in 2011, five neighborhoods to 17 focus on a holistic approach to addressing gun 18 violence with wrap-around services for clients to succeed not be statistics, but succeed, and now 19 20 today, \$30 million invested in 22 catchment areas across all five boroughs. Couple that with 21 2.2 supervised release programs, more reentry services, 23 Restorative Justice work, plus the new state policies that will take effect soon such as bail reform, 24 25 speedy trial and open discovery. Colleagues, we are

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on our way to further reducing our jail population and giving our constituents a more humane and safer environment that is closer to home. Nothing that we do is ever a perfect plan. It's filled with flaws, criticisms and certainly many of us including myself have been frustrated along the way during this process. If we do nothing, we allow this abusive incarceration system to remain in place for the next decade or two or three. Who has the kind of time to waste when lives are at stake, and we have an opportunity today to change the dynamics of our Criminal Justice System. I choose to be on the right side of history for my constituents who live the everyday reality of today's Rikers Island. I choose to improve the conditions by which those who are detained and also all the staff who work there in the jails every day. They all deserve better, and it is our responsibility to do right by them. That's what we were elected to do. This proposal before us is beyond our egos. It's beyond our personal views, and simply put, it's transformational. This proposal is much bigger than the construction of four buildings, my colleagues, but rather it is firm commitment that we are bold enough, courageous enough, deliberate

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enough, and strong enough to make decisions that will
have a profound impact on our communities in our city
for generations to come. So, don't get anything

twisted about what we are doing here today.

6 MALE SPEAKER: Right.

COUNCIL MEMBER GIBSON: So, I want to thank and acknowledge all of the advocates. Many have already been called, but certainly our former Council Speaker Melissa Mark Viverito, our Chief Justice Jonathan Lippman and the Lippman Commission just leadership, the Close Rikers Campaign, Beyond Rosie's, the Cattal (sp?) Center, all of our ATI and ATB providers, Bronx Connect and so many others, the City Council, our Speaker, my courageous colleagues Steve Levin, Diana Ayala, Margaret Chin, and Karen Koslowitz, I thank you for being committed and dedicated to what we are doing here today, and so it is my firm belief that this is the right thing to do at the right time, and I am going to stand with my people and my constituents and my families, and I'm voting yes on today's proposal and everything on today's agenda. Thank you, Mr. Chair. [applause

CLERK: Council Member King.

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2 COUNCIL MEMBER KING: Permission to 3 explain my vote?

CHAIRPERSON SALAMANCA: Council Member King to explain his vote

COUNCIL MEMBER KING: I'll be brief, but I will say I'm not in favor of today's plan. I've asked the question over a number of years how does closing Rikers correct all the issues that we have in the Criminal Justice System to over-policing to not having enough DAs, 18-B attorneys. Excuse me or judges or spaces that are in the court system. We-we refer to how Kalief Browder, the system failed him, but Rikers Island wasn't a problem for Kalief Browder. It was the judicial system that—that—that hurt him. He should have never stayed in Rikers Island for three years period, and that's a flaw in the judicial system, not in the correctional system. So, while we're trying to figure out what does incarceration look like for the city of New York, I just ask my colleagues to really dig-dig down and deep because when I saw a plan that showed a new-a new form of incarceration with Wifi, you're able to order your food and get TVs and decorated cells, I'm saying this is desensitizing going to jail, and jail

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shouldn't be a place that we're in jail. Jail should be a holding place until you are found guilty of a crime, not treated as a prisoner that someone should be there for even three years. Something-something is flawed with that system, and if you're telling me that by 2026 in about 10 years all of this would come to fruition, then who are you actually building these buildings, these jails for? It's not for the person that's in-in lockup right now. I see it as for the 9-year-old who's walking down the street. By the time they get 17 we're looking at locking them up. So, I have a real problem with how this whole conversation has been played out and rolled out, and if you really want Rikers Island because you want to change it up, I think it's a property grab, and if you wanted them to be honest in that conversation, well, but don't fault the men and women in this jail system because correction officers want safe jails, too, and if you want to rehabilitate somebody, then you know, how about helping before they get in lock-How about them spending the money to improve our jails and take care of our 9-year-olds and our kindergarteners, and our high school kids so they'll never see the inside of a jail. If you want to-if you

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want to educate a person, you don't have to send them to jail. If you want to save somebody's life, you don't have to send them to jail. I just think this whole conversation has been misdirected, and I think it's been flawed, and I think it hasn't been-it has been disingenuous from the beginning and I-and I-and I'm-and I pray for everyone that's in here because we-we should be great enough as elected leaders that we shouldn't have to negotiate for a community center or more housing in our districts to take a jail. our communities are saying we don't want it, then we have responsibility to those who elected us and put us in-and put us in here to negotiate, and not be building in to say you got to take a jail in order to get a community center or get more housing. Something is just wrong of how this whole has been rolled out, and I end with this: I'm a little disheartened because last week we were forced into saying there will never be any more incarceration jails, even build Rikers Island after 2026, and we got that information the day of. I'm not faulting the Land Use Committee, but whoever's plan it was, it just wasn't right. Again, if it's a property grab, then call it for what it is, but not manipulate the

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conversation to getting us voting on the things that
doesn't suit the neighborhoods that these jails are
being placed in. With that all being said, I'm
voting no today, and I urge everyone else moving

6 forward to do so. Thank you. [pause]

CLERK: Today's Land Use Agenda, Land Use items 513, 514, 515, 516, 520, 521, 522, 523, 524, 525 and 526 have been adopted by the Committee 12 in the affirmative, 4 in the negative and no abstentions, and Land Use Items 518 and 519 are adopted by the Committee 11 in the affirmative, 5 in the negative and no abstentions. Lastly, Land Use Items 545, 546, 547 and Preconsidered Land Use application 20205116 HAM are adopted by a vote of 14 in the affirmative, 2 in the negative and zero abstentions.

CHAIRPERSON SALAMANCA: Alright, I would like to thank members of the public, my colleagues, Council and Land Use staff for attending today's hearing, this meeting is hereby adjourned. [gavel]

## ${\tt C} \ {\tt E} \ {\tt R} \ {\tt T} \ {\tt I} \ {\tt F} \ {\tt I} \ {\tt C} \ {\tt A} \ {\tt T} \ {\tt E}$

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 19, 2019