

# Queens Borough President Recommendation

APPLICATION: ULURP #200033 ZMQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by FWRA LLC pursuant to Sections 197-c and 201 of the New York City Charter amendment of the Zoning Map, Section Nos. 10a and 10b:

1. changing from a C4-2 District to an M1-2/R7-1 District property bounded by a line 425 feet southerly of Northern Boulevard, College Point Boulevard, a line perpendicular to the westerly street line of College Point Boulevard distant 845 southerly (as measured along the street line) from the point of intersection of the westerly street line of College Point Boulevard and the southerly street line of Northern Boulevard, a line passing through a point distant 200 feet westerly of College Point Boulevard on the last named course and proceeding northwesterly at an angle of 125 degrees to said named course, and the U.S. Pierhead and Bulkhead line;
2. changing from an M3-1 District to an M1-2/R7-1 District property bounded by the westerly prolongation of the northerly street line of 36<sup>th</sup> Avenue, College Point Boulevard, a line 425 feet southerly of Northern Boulevard, and the U.S. Pierhead and Bulkhead line; and
3. establishing a Special Flushing Waterfront District (SFWD) bounded by the westerly prolongation of the northerly street line of 36<sup>th</sup> Avenue, College Point Boulevard, 39<sup>th</sup> Avenue, Janet Place, Roosevelt Avenue, College Point Boulevard, the northerly street line of 40<sup>th</sup> Road and its northeasterly and south westerly prolongations, a line passing through a point distant 891.29 feet southwest of College Point Boulevard on the last named course and proceeding northwesterly at an angle 127 degrees 12 minutes and 20 seconds to said named course, the easterly boundary line of a park, and the U.S. Pierhead and Bulkhead line; (Related ULURP# 200034 ZRQ)

## PUBLIC HEARING

A Public Hearing was held at Queens Borough Hall in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, February 20, 2020 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were nine (9) speakers in favor with nineteen (19) speakers against. The hearing was closed.

## CONSIDERATION

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

- o This application is proposing a Zoning Map change to map and establish the Special Flushing Waterfront District (SFWD) and rezone a portion of the property from C4-2 and M3-1 to M1-2/R7-1. The SFWD would cover approximately 29 acres of land along the waterfront and facilitate redevelopment of approximately 20 acres of underutilized and environmentally-challenged waterfront in the Downtown Flushing neighborhood. The new SFWD would allow design flexibility for the layout of an internal publicly accessible private road network, an enhanced Waterfront Access Plan, provision of a wider waterfront promenade (40 feet in some sections) than would be required as-of-right (20 feet), and an overall coordinated design among three separate property owners;
- o ULURP #200034 ZRQ has been filed with this application that proposes a number of zoning text amendments that establishes the Special Flushing Waterfront District and its inclusion in the index of Special Districts, Appendix F to establish and map a new Mandatory Inclusionary Housing Area for the area to be rezoned, modification of Waterfront Access Plan Q-2 and other sections to reflect the new SFWD in the Zoning Resolution;
- o The proposed SFWD would be comprised of Block 4963, Lots 1, 7, 8, 9, 65, 75, 85, 200, 210, 212, and 249 located north of Roosevelt Avenue, and Block 5066, Lots 7503 and 7507 located south of Roosevelt Avenue. Skyview Parc and Shopping Center (Block 5066, Lots 7503 and 7507), which is already developed and located south of Roosevelt Avenue between College Point Boulevard and the Van Wyck Expressway south to 40<sup>th</sup> Road, is included within the boundaries of the proposed SFWD. The Skyview parcels make up nearly half (~13 acres) of the SFWD (29 acres) and is included in the existing Waterfront Access Plan and would not be subject to any new development as a result of this action. Overall, the SFWD is generally bounded by 40<sup>th</sup> Road to the south, College Point Boulevard to the east, Lot 212 at 36<sup>th</sup> Avenue to the north, and Flushing Creek to the west. The SFWD is divided into three (3) subdistricts: Subdistrict A to the north, Subdistrict B north of Roosevelt Avenue to approximately 37<sup>th</sup> Avenue, and Subdistrict C which includes the Skyview parcels;

- SFWD Subdistricts A and B, located north of Roosevelt Avenue, are the new development sites. Subdistrict B is divided into three separate sites by ownership. Site 1 (United) 162,595 SF consists of Block 4963, Lots 7, 8, 9, Site 2 (YNG) 138,309 SF consists of Block 4963, Lot 75, and Site 3 (F&T) 174,500 SF consists of Block 4963, Lot 85. Subdistrict A includes Site 4 (F&T) 47,031 SF consists of Block 4963, Lot 212 and 249. The internal private road network would only bisect Sites 1, 2, and 3. The combined lot area proposed for redevelopment is 522,435 SF;
- Currently, the northernmost portion of the existing site is zoned as M3-1, extending roughly 425 feet south from 36<sup>th</sup> Avenue. The existing zoning for the rest of the site is C4-2 which allows mixed commercial, residential and community facility development. The proposed rezoning area includes a portion of the existing M3-1 District and the northernmost portion of existing C4-2 district approximately between 36<sup>th</sup> Road and 37<sup>th</sup> Avenue. Approximately more than two-thirds of the proposed development site will remain in a C4-2 District as currently zoned and is not proposed for any change. Subdistrict A is the only SFWD area to be rezoned and therefore subject to the Mandatory Inclusionary Housing (MIH) requirements. Subdistrict B would not be rezoned and would be developed pursuant to the existing C4-2 District and not subject to the MIH requirements;
- The development plan includes new housing, commercial, public open space and new access to the waterfront as outlined above. Most of the new housing proposed in this project is located in Subdistrict B and would be built as-of-right in accordance with the portion of the C4-2 District that will not be rezoned. The 61-90 units of affordable housing will be generated in accordance with the Mandatory Inclusionary Housing requirement for northern parcel in Subdistrict A that is being rezoned from C4-2 and M3-1 to M1-2/R7-1. The variable number of affordable units depends on the MIH option selected that would produce either 25% of units @ an average 60% AMI (Option 1) or 30% of units @ an 80% AMI (Option 2). Option 1 or Option 2 would include a lower range of AMI levels to get to the target AMI average;
- The application site is located west of Downtown Flushing, which is developed with office, retail, residential, and institutional uses and serves as a transit hub for the surrounding community. The Main Street station is the terminus for the No. 7 subway line, there is a Main Street station for the Port Washington Branch of the Long Island Railroad, and numerous MTA bus lines providing local and regional bus service within the Queens and the other boroughs and Nassau County. The commercial core is centered on Main Street and Roosevelt Avenue that is developed with low to medium rise commercial and residential buildings in the surrounding area. Farther from the commercial core, the neighborhood layout becomes more residential with taller apartment buildings ranging from six- to fifteen-stories. On the western side of Flushing Creek is CitiField Stadium, along with a 61-acre portion of the Willets Point Peninsula that was subject to a comprehensive planning and redevelopment plan adopted in 2008. Flushing Meadows-Corona Park is located to the south of the site;
- The proposed development would result in a total of 1725 units of housing including 61 affordable units, 298,811 GSF of retail, 383,641 GSF of office space, 879 hotel rooms, 21,913 GSF of community facilities, 1533 parking spaces, 134,919 SF of waterfront access. The total area of the development site is 3,511,563 GSF. The breakdown across the four sites is: Site 1 - 546 units, 495,924 GSF of commercial space (353 hotel rooms, 168,989 GSF of retail, 180,835 GSF of office); 4,300 GSF of community facilities; 510 parking spaces; 42,869 SF of open space; Site 2 - 368 units; 405,177 GSF of commercial space (54,304 GSF of retail, 301 hotel rooms); 13,505 GSF of community facilities; 318 parking spaces; 34,810 SF of open space; Site 3 - 507 units; 478,804 GSF of commercial space (225 hotel rooms, 58,383 GSF of retail, 202,806 GSF of office space; 1,674 GSF of community facilities; 539 parking spaces; 41,800 SF of open space; Site 4 (only site being rezoned) - 304 units (including 61 affordable); 17,135 GSF of commercial space (all retail); 2,434 GSF of community facilities; 166 parking spaces; 15,440 SF of open space;
- Over the past two decades different studies and actions were completed to facilitate development in Downtown Flushing. Elements of the 1993 Downtown Flushing Plan were implemented through the 1998 rezoning of Downtown Flushing and the Downtown Flushing Waterfront Access Plan (WAP). The rezoning replaced manufacturing zoning with a C4-2 district on 107 acres of land west of Prince Street to Flushing Creek in order to reinforce the existing business community, encourage retail expansion, and allow for new residential growth. The WAP sought to establish visual and physical access to Flushing Creek for the public. Later in 2004, EDC and DCP established the Downtown Flushing Development Framework, a land use planning strategy whose vision consisted of three major goals: 1) Reconnect and Renew Downtown, 2) Revitalize the Waterfront, and 3) Redevelop Willets Point;
- In 2010, the Flushing Willets Point Corona Local Development Corporation (FWCLDC) received a grant for the Flushing Waterfront Brownfield Opportunity Area Nomination Planning Study, which was completed in 2017 and received official BOA designation in 2018. In 2016, FWCLDC partnered with DCP to complete the Flushing Waterfront Revitalization Plan, which seeks to facilitate development of a mixed-use neighborhood to serve as an extension of Downtown Flushing and provide a distinct waterfront destination. Its land use objectives were to encourage walkability by extending the downtown area to the waterfront and create new open space, support current quality of life needs and future growth by improving environmental conditions, and support the thriving business culture by expanding the downtown core to waterfront sites. DCP had also launched the 2015 Flushing West Neighborhood Planning Study as part of the Housing New York Plan. It would've focused on the entire neighborhood but was halted in mid-2016 due to concerns regarding preliminary strategies for accommodating additional density throughout the broader study area;
- On January 1, 2020, the MTA approved an amendment to the 2014-2019 Capital Program for a \$300 million initiative for New York City-sponsored ADA and circulation enhancements. Among these enhancements, the MTA allocated \$70 million for improvements at the Flushing-Main Street station on the

7 line, including a new western entrance to the station as well as widening existing stairs and reconfiguration of entrances at the Main Street intersection;

- The School Construction Authority/Department of Education Amended Five Year Capital Plan for FY 2020-2024 adopted in February 2020 has funding in place for 3056 seats for Flushing/Murray Hill/Willets Point in District 25. No sites have been identified or selected for construction of these funded school seats;
- Most recently, there have been reports, projects and ongoing studies more specifically focused on pollution and quality of the water in the area of the proposed Special Flushing Waterfront District (SFWD). There was a NYS Brownfield Opportunity Area (BOA) Program Nomination Study sponsored by the Flushing Willets Point Local Development Corporation that resulted in BOA designation in 2018. There is an U.S. Army Corps Engineers (USACE) Hudson River Estuary Ecosystem Restoration Program, USACE Dredging for Navigation since 2015, a NYC Department of Environmental Protection (DEP) Environmental Dredging & Restoration project (2018), Con Edison Environmental Remediation (2018). With the support of the local representative, there is also an ongoing effort to get U.S. Congressional passage of legislation that would authorize a portion of Flushing Creek south of Northern Boulevard as a Federal Navigation Channel. The existing designation as a Federal Navigation Channel is an impediment to implementation of federal, state and city ecological restoration projects;
- All ULURP applications prior to certification for public review must be accompanied by a filed Environmental Assessment Statement (EAS). The EAS is prepared as outlined in the City Environmental Quality Review (CEQR) Technical Manual which covers twenty categories of environmental review (ranging from air quality to water and sewer infrastructure) that may be impacted by the proposed development. The filed EAS is reviewed by the responsible city agencies to assure that the applicant's assessment of the project's probable impacts are accurate as compared to thresholds and technical standards outlined in the CEQR Technical Manual. Prior to certification there must be a determination as to whether or not an environmental impact statement must be prepared. A Negative Declaration with an E designation was issued for the 722 page EAS (20DCP083Q) submitted for this project. The Negative Declaration does not require preparation of a full environmental impact statement. Based on the information provided in the EAS an E-designation (E-557) was identified in the Negative Declaration. The E-designation requires further site specific actions prior to construction in coordination with the responsible agencies for soil sampling protocols, use and location of specific HVAC systems, sound attenuation standards to address potential soil contamination, air quality, and noise concerns;
- The Community Board 7 (CB7) Land Use Committee held three meetings open to the public regarding the application, convening for a total of nine hours, with each meeting lasting approximately three hours. The CB7 Land Use Committee approved the application by a vote of fifteen (15) in favor with one (1) against at a meeting held on January 29, 2020;
- Local community groups organized demonstrations at all three of CB7's Land Use Committee public meetings in opposition to the development. They expressed concern and anxiety about the impact of the proposed development, gentrification and displacement in Downtown Flushing. They expressed particular concern that only 61 of the 1725 housing units will be affordable housing. The applicant had presented that only one (Site 4) of the four development sites within the SFWD proposal is undergoing rezoning and is the only site that is subject to the Mandatory Inclusionary Housing (MIH) requirements;
- On February 10, 2020 at CB7's Public Hearing and Regular Monthly Meeting, CB7 approved this application by a vote of thirty (30) in favor with eight (8) against and one (1) abstention with the following 15 conditions:
  1. Community space preferences for senior citizens and youth groups;
  2. Explore educational opportunities for the Flushing Creek and local schools;
  3. Utilize prudent shoreline restoration techniques by implementing oyster beds, seagrass, and overall soft shoreline edges;
  4. Provide onsite retention before discharge into Flushing Creek in order to assist in erosion control;
  5. Utilize solar energy for all outdoor infrastructure i.e. street lights, walkways, and promenades;
  6. Insure that CB 7 residents are allotted 50% of the affordable housing units;
  7. Provide access from Roosevelt Avenue eastbound into Transverse Road;
  8. Assign NYPD agents by Roosevelt Avenue and College Point Boulevard permanently;
  9. Expand the intersection the east bound lane and Roosevelt Avenue/College Point Boulevard in order to facilitate right turns into College Point Boulevard southbound;
  10. Updates to Community Board 7 as requested and in a timely fashion on preconstruction/ construction, and upon completion of the project;
  11. Rehabilitate and expand the Main Street train station to Prince Street;
  12. Investigate, research, and design a new school in District 25 in order to accommodate children in Downtown Flushing children (Pre-K school);
  13. Install public restrooms along the waterfront promenade of the development;
  14. Provide ample community FREE space for community organizations and residents so they may take a more active role within their community perhaps organizing a Downtown Flushing Civic Association;
  15. Provide FREE transportation to and from LaGuardia Airport to and from guest staying at the hotels located on the site.
- At the CB7 public hearing on February 10, 2020, community members in attendance testified for and against the project. Among those speaking in opposition were members of Flushing for Equitable Development and Urban Planning Coalition (FED UP Coalition) which includes Guardians of Flushing Bay,

MinKwon Center, and other advocates. The New York Hotel & Motel Trades Council and SEIU Local 32BJ also testified in opposition to the project because of the lack of guarantee there will be fair wage and union jobs;

- A copy of a letter dated February 14, 2020 from New York State Senator John Liu to the development team was received. The senator expressed support for new development and affordable housing within his district, but expressed concern about the lack of commitment from the developers "to provide good jobs for the building service workers who will staff these projects once they are complete";
- When the application was heard at the February 20, 2020 Borough President's Land Use Public Hearing at Queens Borough Hall, there were nine (9) speakers in favor of the application and nineteen (19) speakers against. Concerns raised by community members against the project included a lack of on-water access to Flushing Creek, privatization of the waterfront, size and density of the proposed mixed-use buildings, displacement of local residents, the need for more senior housing, not enough affordable housing units, and a mismatch between the affordability of the inclusionary housing on site compared to the local income level. They also stated the environmental review was inadequate, taking issue with the negative declaration, issued by the Department of City Planning in the project's Environmental Assessment Statement (EAS), which does not require the applicant to prepare an Environmental Impact Statement (EIS). Additionally, opponents argued that the proposed development would further exacerbate traffic congestion, sewer infrastructure, and flooding;
- Also at the February 20, 2020 public hearing the applicant's representative Ross Moskowitz stated that the developers had agreed on implementing CB7's recommendations #2, 3, 4, 6, 10 and are still considering #1, 5, 13, 14, 15. For recommendations #7, 8, 9, 11, 12, the city is the entity responsible for considering their feasibility.

## RECOMMENDATION

Revitalization and provision of public access to the formerly industrial Flushing Creek waterfront areas, under consideration in these applications, has long been a goal and the subject of a succession of planning documents for decades. These include the 1993 Flushing Framework Study; the 1998 Downtown Flushing Rezoning, which included the mapping of the current waterfront C4-2 District and created a Waterfront Access Plan; the 2004 Downtown Flushing Development Framework; the 2011 revised NYC Comprehensive Waterfront Plan which includes the Flushing Creek area; and the 2012 Downtown Flushing Mobility and Safety Improvement Plan. There have also been citywide initiatives: Housing New York (2014) and OneNYC (2015) that respectively addressed affordable housing and resiliency issues affecting the Downtown Flushing waterfront.

Today, under the current C4-2 zoning of the proposed Subdistrict B, development could go forward on a mixed residential-commercial development as-of-right. The as-of-right development would occur on very long blockfronts ranging between 400 feet to 750 feet to the waterfront. The existing Waterfront Access Plan would require a minimum of 20 feet waterfront walkways, new access to the water along the extension of the existing street network and approximately 39,600 SF of open space.

The applicant is proposing mixed-use development within the proposed SFWD that would include a more pedestrian-friendly publicly accessible roadway that would break up the superblocks allowed in the as-of-right design and allow better internal north-south circulation within the site that would channel traffic away from College Point Boulevard and Roosevelt Avenue. The plan also includes new traffic control signals and signage that would regulate vehicular traffic. The proposed roadway network and traffic controls were designed in consultation with the Department of Transportation in accordance with city street standards.

The proposal also offers a wider, extended waterfront open space of 160,000 SF with a 40 feet wide shore walkway along Flushing Creek, all publicly accessible but privately funded, and with shoreline stabilization and resiliency measures. It comes with a long-awaited environmental clean-up under the oversight of city and state agencies, across all four vacant and underutilized sites, of known contamination from past industrial uses. Once complete, the development is projected to create 3,000 new permanent jobs.

Many issues that have been raised in the public review process touch upon larger concerns that are facing Flushing, Queens and New York City in general. Other issues have been raised that are more local to the immediate area. CB7 identified fifteen conditions of approval. The developer for this application does not have capacity to address some of greater concerns expressed which would be more appropriately addressed by governmental agencies. For instance the Metropolitan Transportation Authority (MTA) has allocated \$70 million dollars in the capital plan recently approved by their board for the expansion of the Main Street subway station westward to Prince Street.

However, there are local issues that the developer has the capacity to address and has already agreed to: exploration of ways to provide waterfront educational opportunities for local schools; ecologically based shoreline design and restoration; onsite retention of storm water; half of the 61 permanent affordable housing units will be available to CB7 residents; and to provide construction updates to CB7.

The scale and scope of the plan will significantly change the landscape of Downtown Flushing with long lasting impacts on the area within and surrounding the SFWD. Downtown Flushing, however, is not immune to the consequences of transformative large-scale new development that inadvertently leaves many behind, such as displacement of long-time residents and families – oftentimes the elderly and others on fixed-incomes – narrowing their options for decent housing and leaving them with hard economic and life choices. The people living closest to the SFWD will bear the brunt of the noise, dust, traffic and other construction-related inconveniences as the proposed project is built, with little chance to afford or secure some of the new housing that would be built in the new modern waterfront development.

Based upon the above consideration, I hereby recommend disapproval of this application with the following conditions:

- There is a commitment to paying the prevailing rate of wages and supplements to workers hired to develop throughout the SFWD, including but not limited to Site 4;
- There is a good faith effort to employ union labor for construction of the site, as well as the thousands of permanent jobs servicing the completed residential buildings, hotels and retail;
- There is a commitment to additional units of affordable housing – including for seniors - to meet the deep and growing need of the local residents in the immediate vicinity of the SFWD;
- The School Construction Authority locates a site in Downtown Flushing to build a significant portion of the 3056 new school seats already fully-funded in the NYC Department of Education’s FY 2020-2024 Five-Year Capital Plan released in February 2020, to meet the deep and growing need for school seats in District 25.



PRESIDENT, BOROUGH OF QUEENS



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