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November 4, 2020 / Calendar No. 11

C 200033 ZMQ

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**IN THE MATTER OF** an application submitted by FWRA LLC pursuant to Sections 197-c and 201 of the New York City Charter for an 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 feet 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 36th 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 (FW) bounded by the westerly prolongation of the northerly street line of 36th Avenue, College Point Boulevard, 39th Avenue, Janet Place, Roosevelt Avenue, College Point Boulevard, the northerly street line of 40th Road and its northeasterly and south westerly prolongations, a line passing through a point distant 891.29 feet southwesterly 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;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2019.

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This application for a zoning map amendment (C 200033 ZMQ) was filed by FWRA LLC on December 12, 2019, in conjunction with an application for a zoning text amendment (N 200034 ZRQ). The proposed actions would implement a comprehensive plan to redevelop approximately 29 acres of waterfront area in the Downtown Flushing neighborhood of Queens, Community District 7.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 200033 ZMQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 200034 ZRQ            Zoning text amendment to establish the Special Flushing Waterfront District (SFWD); to update the Waterfront Access Plan Q-2 and; to designate a Mandatory Inclusionary Housing (MIH) area

## **BACKGROUND**

The applicant, FWRA LLC, seeks zoning map and zoning text amendments in order to implement a comprehensive plan to redevelop approximately 29 acres of underutilized and environmentally-sensitive waterfront area in Downtown Flushing. The proposed actions are the culmination of over two decades of planning efforts in Downtown Flushing, involving collaborations between public and private stakeholders. The proposed actions seek to provide connections between the vibrant downtown and the Flushing Creek waterfront, to expand public access to and along the east side of the creek and to establish a comprehensive internal circulation network within the SFWD.

### Area History

During the 18th and 19th centuries, Flushing was a rural farming settlement known for its tree and plant nurseries. The town grew in the mid-19<sup>th</sup> century following a railroad connection to Hunter's Point. Development further accelerated in the early 20th century after the completion of the Queensboro Bridge and the introduction of rail service to Manhattan, including the Long Island Rail Road (LIRR) in 1910 and the NYC Interborough Rapid Transit Company subway in 1928. Flushing grew into a suburban town during the first half of the 20<sup>th</sup> century, with its

commercial core concentrated on Main Street. As commercial activity increased in Flushing, warehouses and industrial uses developed on the waterfront along the Flushing Creek.

By the 1960s, Flushing was one of the largest commercial districts in Queens. Today, it continues to be a hub of commercial activity, though industrial activity has decreased. City-sponsored actions, including the 1998 Downtown Flushing rezoning and Waterfront Access Plan (C 960566 ZMQ and Waterfront Access Plan Q-2/ N 980526 ZRQ), transformed the area into a business and transportation hub, significantly increasing private development.

### Previous Initiatives

In 1993, the Downtown Flushing Plan was established with the goal of creating a comprehensive plan that would support Downtown Flushing's growth, improve the transportation network, expand the range of community facilities, provide waterfront public access and expand commercial, retail and residential uses. The 1993 Downtown Flushing Plan was implemented in 1998 through both the rezoning of Downtown Flushing (C 960566 ZMQ) and the creation of the Downtown Flushing Waterfront Access Plan (WAP)(Q-2/ N 980526 ZRQ).

The 1998 rezoning replaced M1-1 and M3-1 manufacturing zoning districts with a medium density C4-2 zoning district on 107 acres of land from west of Prince Street to the Flushing Creek. This rezoning aimed to strengthen the existing business community by allowing commercial uses and encouraging the expansion of the retail area, as well as allowing new residential growth in order to better reflect existing land uses. The Downtown Flushing WAP sought to establish access to the Flushing Creek in order to activate the waterfront. The Downtown Flushing WAP focused on properties adjacent to and east of the Flushing Creek. The 1998 land use actions resulted in spurring development westward from Main Street, but this market momentum largely stopped at College Point Boulevard. Additional planning efforts were then pursued to support the transformation of sites along the Flushing Creek Waterfront.

In 2004, the Downtown Flushing Development Framework was released. The framework, a joint effort by the NYC Economic Development Corporation (EDC) and the Department of City Planning (DCP), was part of a community-guided initiative to formulate a land use planning strategy for the future growth and sustainability of Downtown Flushing, the Flushing Creek waterfront, and the Willets Point peninsula. While the 1998 rezoning and Downtown Flushing WAP rezoned areas from west of Prince Street to the Flushing Creek, the 2004 Framework identified additional areas of growth that the 1998 rezoning and WAP had not addressed. The Framework considered opportunities for high-quality mixed-use development, improved connections with adjacent regional destinations, enhancements to public open spaces and streetscapes, and transportation and parking strategies. The three key goals of the Framework were to renew the Downtown Flushing core, revitalize the Flushing Creek waterfront and redevelop Willets Point. The Framework identified the waterfront as a prime area for Downtown Flushing's physical expansion and growth as a regional hub.

In 2010, the not-for-profit, Flushing Willets Point Corona Local Development Corporation (FWCLDC) received a \$1.5 million grant under the NYS Brownfield Opportunity Areas (BOA) Program to produce the Flushing Waterfront BOA Nomination Planning Study. In 2014, FWCLDC partnered with DCP to codify feedback received throughout the BOA study and to create a master plan known as the Flushing Waterfront Revitalization Plan. The plan aimed to create opportunities for the revitalization, rehabilitation and community-oriented redevelopment of underutilized, vacant, and environmentally-challenged areas near the Flushing Creek waterfront. Recommendations of the plan included facilitating the coordinated development of several large waterfront sites with new mixed-use buildings, creating new public walkways and open space along the waterfront, and extending pedestrian and vehicular circulation systems from the commercial core to the waterfront to support a more economically- diverse and vibrant Downtown Flushing.

To achieve the vision, several land use recommendations were outlined in the Flushing Waterfront Revitalization Plan, guided by an extensive public engagement process with the

community and local stakeholders. The objectives for the land use recommendations included encouraging walkability by extending pedestrian and vehicular circulation connections from the vibrant downtown area to the waterfront, creating opportunities for a new waterfront walkway and open space; identifying strategies to improve environmental conditions to support current and future quality of life needs; and fostering the area's thriving business culture by expanding the downtown core to large waterfront sites capable of supporting a range of new businesses. To accomplish these goals, the Waterfront Revitalization Plan recommended zoning map and text amendments, including the creation of a special district.

### Current Initiatives

During the BOA study, DCP received a \$950,000 grant from the NYS Local Waterfront Revitalization Program's Environmental Protection Fund to conduct a study of the Flushing Creek that would outline actions needed to improve the ecological health of the creek and explore where funds for future ecological restoration projects should be allocated. Public outreach efforts for development of the Flushing Creek Plan began in April 2019 and is expected to be completed in 2021. The plan seeks to identify additional ways to improve water quality in the Flushing Creek to complement existing efforts and reflect ongoing changes in land use of the nearby brownfield sites, including those within the project area. One potential strategy being considered by the Flushing Creek Plan is to de-designate a federal navigation channel located in the Flushing Creek that is no longer used for commercial maritime activity.

### Description of the Surrounding Area

The project area comprises 29 acres generally bounded by 40<sup>th</sup> Road to the south, College Point Boulevard to the east, the extension of 36th Avenue westward towards the Flushing Creek on the north and the Flushing Creek to the west. The surrounding area is characterized by a diverse mix of land uses and building typologies. Industrial uses, including concrete and asphalt plants are located to the north and west of the project area, and commercial, residential, and mixed-use areas are located to the south and east, including the downtown core.

The Downtown Flushing neighborhood is bounded by 35th Avenue to the north, Union Street to the east, Sanford Avenue to the south, and the Flushing Creek and the Van Wyck Expressway to the west. Downtown Flushing is characterized by a mix of land uses. Historically, Main Street between Northern Boulevard and Roosevelt Avenue has been the central commercial corridor. This area of Main Street is pedestrian oriented with ground-floor retail use and contains a mix of multi-story retail buildings with medium and large floor plates split among multiple retail tenants, as well as office building and institutional uses, including the landmarked St. George's Episcopal Church. Roosevelt Avenue is a main east-west corridor that contains retail uses with large floorplate mall-style buildings, particularly between Main Street and Union Street, including the New World Mall and a Macy's department store.

The area east of Main Street consists of an established commercial character with multiple office buildings and retail establishments, including Flushing Commons, a joint application by EDC and Flushing Commons LLC (C 100208 ZSQ) that proposed an approximately-1.16 million-square-foot mixed-use development with 1.5 acres of publicly-accessible open space to be built on the City-owned, Municipal Lot #1. The project is being built in phases, and a 17-story condominium building, a 12-story office building and interim open space have been completed as part of Phase I. Phase 2 will include approximately 165,000 square-feet of office and retail space, 510 market rate residential units, 618 parking spaces, a recreational community facility space, and the completed 1.5-acre public plaza space. Phase 2 groundbreaking is expected to start in 2022. West of Main Street towards Prince Street is a heavily-trafficked secondary corridor, containing commercial and retail storefronts as well as mixed-use buildings with hotel use.

The area between College Point Boulevard and Prince Street contains a mix of uses, including commercial and industrial low-rise buildings. Mixed-use commercial and residential buildings include the Tangram development, (Block 4972, Lots 65, 66, and 67). Tangram is currently completing construction and will feature a four-building, 1.2-million-square-foot mixed-use

development, expected to be completed in late 2020. New mid-rise, mixed-use development is common for the area west of Main Street due to proximity to LaGuardia Airport, ease of access to public transportation, and a strong residential market for condominiums.

North of Tangram and 37<sup>th</sup> Avenue are manufacturing and light industrial uses such as auto businesses and hardware and glass manufacturers. Northern Boulevard is a very wide, heavily-trafficked roadway that acts as a barrier between neighborhoods, as it lacks good pedestrian and vehicular connections. The roadway is generally bordered by light industrial and commercial uses on the north and south.

The New York City Housing Authority (NYCHA) owns and operates the Bland Houses, a five-building, six-story, multiple-family development with 400 residential units located on a superblock at the southeast corner of College Point Boulevard and Roosevelt Avenue, across from the project area. The LIRR runs directly south of the Bland Houses, with a stop at Main Street for the Port Washington branch. This railroad line marks a transition in the Flushing neighborhood from the heavily-commercialized area north of 41st Avenue to a more mixed-use residential community to the south.

Further west of the project area across the Flushing Creek is the industrial neighborhood of Willets Point, which consists primarily of low-scale auto-related uses and vacant land. Other uses in this area include the NYC Department of Transportation's Harper Street Asphalt Plant, located at the northernmost point of Willets Point, west of the Whitestone Expressway along Marina Road. Willets Point has been a subject of City redevelopment efforts for over 15 years, including the approval of the Special Willets Point District (N 080382 ZRQ) in 2008. The most recent plan to begin the redevelopment of Willets Point is a proposal for a 700-seat elementary school and 1,100 units of affordable housing on six acres, half of which were anticipated to be completed by the project analysis year of 2025.

Portions of the areas surrounding the project area are located within a Transit Zone, a Business Improvement District (BID) (the Downtown Flushing Transit Hub BID), a Coastal Zone, and a Food Retail Expansion to Support Health (FRESH) Zone.

The project area is well served by mass transit, including by New York City Transit Authority and Nassau Inter-County Express bus services with nearby bus routes that connect to the intermodal hub at the Main Street terminal station, which provides service to the 7 subway line, and the LIRR station in Downtown Flushing. The project area is also proximate to several arterial roads. The northern boundary of the project area is one block south of Northern Boulevard, a major east–west thoroughfare connecting Queens to Nassau County. Northern Boulevard intersects with the Van Wyck Expressway, providing access to the Whitestone Bridge and John F. Kennedy Airport. The project area is located approximately two miles east of LaGuardia Airport.

#### Description of the Project Area

The project area totals approximately 1.5- million square feet. The project area consists of two waterfront blocks, Block 4963 (Lots 1, 7, 8, 9, 65, 75, 85, 200, 210, 212 and 249) and Block 5066 (Lots 7503 and 7507). Developments would be concentrated on four sites situated on Block 4963.

Development Site 1, comprised of Lots 7, 8, and 9, contains approximately 165,000 square feet of lot area. It is currently vacant and used for construction staging activities. This site previously contained a single-story warehouse building. Development Site 2, comprised of Lot 65, contains approximately 138,000 square feet of lot area and is also vacant. Development Site 2 previously contained a single-story Asian wholesale supermarket facility. This site has recently obtained permits to start remediation work, as the site has E-designations, and the remediation is being overseen by the New York State Department of Environmental Conservation under the New York Brownfield Cleanup Program.



Development Site 3, comprised of Lot 85, contains approximately 175,000 square feet of lot area, a portion of which is improved for use as a parking lot and a temporary construction staging area. Development Site 3, previously contained a wood working facility and, later, a petroleum facility.

Development Site 4, comprised of Lots 212 and 249, contains approximately 47,000 square feet of lot area on vacant land. The most recent uses of the site included a scrap yard and a concrete plant.

Block 4963 Lots 1,75, 200 and 210, as well as Block 5066 Lots 7503 and 7507, are within the project area but are not under the ownership of the applicant and have no proposed development associated with this application. Block 4963, Lot 1 contains approximately 1,200 square feet of lot area of below-grade Con-Ed infrastructure. Lot 75 contains approximately 30,000 square feet of lot area, and is improved with a one-story home construction material storage building that previously functioned as an auto-sale business. Lot 200 has approximately 120,000 square feet of lot area and contains U-Haul's four-story T-shaped shipping and storage facility. Prior to it becoming a regional U-Haul facility, this structure housed furniture and zipper manufacturing companies. The U-Haul storage building is topped by a clock-tower cupola that is visible along the waterfront. Lot 210 has approximately 6,900 square feet of lot area and currently contains a vacant one-story auto-repair shop.

Block 5066, Lots 7503 and 7507 have approximately 80,000 square feet of lot area and are improved with Skyview Parc, a mixed-use development with more than one million square feet of floor area comprised of residential and commercial uses. The development has five 17-story residential towers atop a base comprised of commercial shopping uses. A shoreline public walkway was developed along Skyview Parc's Flushing Creek frontage using existing Downtown Flushing WAP regulations.

### Existing Zoning

The project area is located predominately within a C4-2 zoning district with a small M3-1 zoning district in its northern portion above 36th Road.

#### *C4-2 Zoning District*

The C4-2 district is generally bounded by 36<sup>th</sup> Road, College Point Boulevard, 40<sup>th</sup> Road and Flushing Creek. The existing C4-2 zoning district within the project area is comprised of commercial and residential uses, as well as vacant land. C4 districts are commercial zoning districts that serve a larger region and typically generate more traffic than a neighborhood shopping area. Development in C4-2 zoning districts are subject to height factor provisions that permit residential uses to a maximum floor area ratio (FAR) of 2.43, commercial uses with a maximum FAR of 3.4, and community facility uses with a maximum FAR of 4.8. Buildings in C4-2 districts developed under these regulations have no fixed height limits, and building envelopes are regulated by a sky exposure plane. Residential developments using the Quality Housing Program have a maximum FAR of 2.2 on narrow streets with a 45-foot maximum base height and, after setback, a height limit of 55 feet. For developments along wide streets, the maximum FAR is 3.0, the maximum base height is 65 feet and, after setback, the building height limit is 75 feet for buildings with qualifying ground floors. For residential use, off-street parking is required for 70 percent of the dwelling units, or 50 percent of the units if the lot area is less than 10,000 square feet or if Quality Housing provisions are used. One parking space is required for every 300 square feet of general retail or office use.

#### *M3-1 Zoning District*

The existing M3-1 zoning district is located in the northern portion of the project area. M3-1 districts are heavy manufacturing zoning districts that permit manufacturing and commercial uses with a maximum FAR of 2.0. Residential and community facilities are not permitted. Maximum building height is determined by a sky exposure plane beginning at a height of 30

feet, or two stories, above the street line. Off-street parking requirements vary by use but generally require one parking space for every three employees or every 1,000 square feet of floor area. Warehouses and other storage establishments require one space for every three employees or every 2,000 square feet of floor area.

### *Waterfront Zoning Regulations*

In addition to the underlining zoning, the project area is subject to waterfront zoning regulations. Waterfront zoning regulations apply to properties within waterfront blocks, or blocks adjacent to or intersected by the shoreline. All residential and commercial developments are required to provide a waterfront yard along the entire shoreline of the zoning lot. Waterfront zoning also requires visual corridors, or open areas that provide unobstructed views from upland streets through a waterfront lot to the shoreline. In most zoning districts that allow residential, commercial and community facility uses, developments on waterfront zoning lots are required to provide and maintain publicly-accessible open space at the water's edge with pedestrian links to upland communities. A minimum of 20 percent of the lot area is required to be publicly-accessible open space in zoning districts permitting a FAR greater than 4.0. Waterfront public access includes shore public walkways, upland connections, and supplemental public access areas, as needed to fulfill the minimum square footage requirements for public access. The waterfront zoning regulations stipulate certain design requirements related to seating, planting, signage and other elements.

### *Special Regulations Applying Around Major Airports*

The project area is also subject to special regulations applicable in areas surrounding major airports in order to prevent the obstruction of air traffic. The existing airport regulations generally require that new buildings within the project area not exceed an average of 150 feet in height, above mean sea level (AMSL), including mechanical bulkheads. The NYC Board of Standards and Appeals (BSA) may grant a special permit to exceed these height limits. Development may penetrate the height limits if verification from the U.S. Federal Aviation

Administration (FAA) is provided to the BSA ensuring that the proposed structure would not obstruct air traffic circulation.

*New York State Department of Environmental Conservation (NYS DEC) Jurisdiction*

In addition to City zoning regulations, the project area is subject to DEC jurisdictional boundaries and wetland areas. Properties would not be able to develop on identified wetlands and all buildings must be designed for resiliency. All proposed development sites have portions of their parcels within the DEC jurisdictional area. DEC permits are required before any construction can begin.

**Zoning Map Amendment**

The proposed Special Flushing Waterfront District (SFWD) would include three subdistricts: Subdistrict A, B and C.

Subdistrict A would be subject to a zoning map change from C4-2 and M3-1 zoning districts to a M1-2/ R7-1 zoning district, generally located north of 37th Avenue.

Subdistrict B would retain existing C4-2 zoning and establish a publicly-accessible private internal street network, generally between 37th and Roosevelt avenues.

Subdistrict C encompasses the area south of Roosevelt Avenue and north of 40<sup>th</sup> Avenue, including Skyview Parc. Skyview Parc is included in the SFWD and the WAP to ensure connectivity between the waterfront public access areas to the north and south of Roosevelt Avenue.

The proposed zoning map amendment would change existing C4-2 and M3-1 zoning districts to an M1-2/R7-1 mixed-use district in Subdistrict A of the SFWD. The proposed mixed-use district would allow existing light industrial uses to remain and expand, while encouraging the redevelopment of vacant and underutilized land with residential and commercial uses.

Within the M1-2/R7-1 district, manufacturing uses would have a maximum FAR of 3.0, commercial uses would have a maximum FAR of 3.0, community facility uses would have a maximum FAR of 4.8 and residential uses would have a maximum FAR of 4.6. The rezoning would follow the bulk and WAP provisions of the SFWD. In addition, the rezoning would bring the U-Haul storage facility into conformance.

## **Zoning Text Amendments**

### Special Flushing Waterfront District (SFWD) (ZR 127-00)

The proposed zoning text amendment would establish the SFWD, which follows recommendations outlined in the 2017 Flushing Waterfront Revitalization Plan and is intended to facilitate the revitalization and coordinated redevelopment of former Brownfield and vacant sites by encouraging new mixed-use development. The transformation of these sites would include creating new public walkways and open space along the Flushing waterfront, establishing physical and visual public access connections to and along the Flushing Creek and creating an internal circulation network to improve the future functionality of the SFWD.

The SFWD would follow the boundary of the project area, and modify underlying use, bulk, parking and streetscape regulations in order to allow for greater flexibility for future developments. Additionally, the SFWD would provide a framework for laying out publicly-accessible private streets and publicly-accessible areas, and replace the Downtown Flushing

WAP with a new Flushing WAP to establish an updated network of visual corridors and waterfront public access areas.

### *Use Regulations*

The SFWD would generally follow the use regulations of the underlying districts, Article IX, Chapter 2 (Special Regulations Applying in the Waterfront Area), and Article XII, Chapter 3 (Special Mixed-Use District), with limited modifications. The SFWD would modify the underlying use location restriction provisions to permit dwelling units on the same story as non-residential uses, provided that no access exists between such uses at any level containing dwelling units. The SFWD would create a City Planning Commission (CPC) authorization that would allow such non-residential uses to be located over dwelling units.

Additionally, physical culture or health establishments would be permitted as-of-right in the SFWD. The SFWD would also modify the underlying sign regulations of M1 districts paired with a residence district, to apply the provisions regulating signage in C4 districts.

### *Floor Area Regulations*

The SFWD would generally follow the regulations of the underlying districts, including waterfront area districts and the mixed-use districts, with limited modifications. Within Subdistricts A and B, floor space used for accessory off-street parking spaces provided up to a height of 33 feet from the base plane would not be counted as floor area to facilitate coastal flood risk mitigations.

In addition, for M1-2 districts paired with an R7-1 district located inside a Mandatory Inclusionary Housing (MIH) area, the SFWD would establish a maximum FAR of 3.0 for commercial and manufacturing uses. Community facility and residential uses would follow the

underlying floor area provisions of R7-1 districts: 4.8 for community facility uses and 4.6 for residential uses with MIH provisions.

### *Yard Regulations*

The SFWD would generally follow the special yard regulations for waterfront areas, with limited modifications. Within Subdistrict A, waterfront zoning lots developed with any use, including heavy commercial and industrial uses in Use Groups 16, 17 and 18, would be subject to waterfront yard regulations to ensure contiguous waterfront public access throughout the SFWD. In both Subdistrict A and Subdistrict B, grading requirements for waterfront yards may also be modified pursuant to a certification by the Chairperson of the CPC to facilitate coordinated development of waterfront public access among several properties within the SFWD. On zoning lots that are not waterfront zoning lots and consist of a full block, no yard regulations would apply. Such zoning lots would continue to be subject to the underlying lot coverage, court yard and distance between buildings on the same zoning lot regulations to ensure appropriate light and air within the development.

### *Height and Setback Regulations*

Special height and setback regulations would apply to Subdistricts A and B, while Subdistrict C would follow the underlying height and setback regulations. The special regulations for Subdistricts A and B, which are described below, are intended to allow each site to achieve additional flexibility while fostering an active public realm with an expanded waterfront public access area and a publicly-accessible private street network.

Along designated primary street frontages, at least 60 percent of the aggregate width of street walls would need to be located within eight feet of the street line and rise to a minimum base height. The minimum and maximum base heights along primary streets would be 25 feet and 75 feet, respectively, except that the maximum base height would be 105 feet along College Point Boulevard.

There would be no street wall location requirements along designated secondary street frontages. Along certain secondary street frontages and the shore public walkways, the maximum base height would be 75 feet, with no minimum base height. Along other secondary street frontages, the minimum and maximum base heights would be 25 feet and 75 feet, respectively, except that the minimum base height would be 15 feet for buildings located along an upland connection. Along all street frontages, a setback of 10 feet would be required above the maximum base height on both wide and narrow streets, except that a building could rise without any setback above the maximum base height along certain designated primary street frontages.

In addition to the basic height and setback modifications described above, the special bulk regulations for Subdistricts A and B would include specific building design provisions to ensure an active and enjoyable public realm by encouraging or requiring greater building design quality. Such design provisions include special dormers and façade projection provisions, additional height allowances along certain publicly accessible open areas, maximum tower length restrictions, and tower top and façade articulation requirements.

The SFWD would be subject to the existing maximum height restrictions of Article IX, Chapter 1 (Special Regulations Applying Around Major Airports), except that the existing building height modification special permit by the BSA pursuant to Section 73-66 (Height Regulations Around Airports) would not apply. In lieu of such special permit, the maximum height of a building may rise up to a height of 200 feet AMSL in Subdistrict A and 245 feet AMSL upon a CPC Chairperson certification that would be created as part of the SFWD.

#### *Parking and Loading Requirements*

In Subdistrict A, the parking requirements in M1 districts paired with a residence district would be modified to require one parking space for every 1,000 square feet of commercial and manufacturing floor area, or parking spaces at the rate required for a M1-2 district, whichever



requires less. Accessory off-street parking would be waived for such uses if the total number of spaces is at or below 40 spaces. For residential and community facility uses, the parking requirements of an R7-1 district would apply.

In Subdistricts B and C, the parking and loading requirements of a C4-4 district would apply to a C4-2 district.

In addition, within the SFWD, the underlying loading requirements for zoning lots with uses subject to different loading requirements would not apply, and the minimum length requirements for loading berths accessory to commercial or manufacturing uses would be 37 feet.

#### *Special Streetscape Provisions*

In Subdistrict A and Subdistrict B, special ground floor rules for frontages along streets and the shoreline would apply. At the intersection of primary street frontages designated in the SFWD, special use and glazing requirements would apply. At such intersection, and along other street frontages, parking wrap and screening requirements would apply. In addition, the SFWD would include special visual mitigation rules for blank walls along all frontages to provide a lively pedestrian experience in the public realm. Blank walls are defined as portions of the ground floor frontage where no transparent materials, building entrances or exits are provided within the first four feet of height above the adjoining sidewalk. Under these regulations, a blank wall with a minimum length of 25 feet shall provide one mitigation element for at least 75 percent of the blank condition, although more can be provided. Blank wall mitigation elements include planting, bike racks, benches, tables and chairs and art pieces. Should a blank wall exceed 50 feet, at least 25 percent of the blank condition must contain planting and the remaining 50 percent can be either additional planting or a combination of mitigation elements, such as bike racks, benches, tables and chairs or art pieces.

### *Publicly-Accessible Private Streets*

The SFWD provisions would provide a framework for a publicly-accessible private street network within Subdistrict B to alleviate the need for new developments to locate vehicular ingress and egress directly onto surrounding streets. The private street network would provide enhanced circulation and would consist of new streets and sidewalks generally aligned with existing mapped streets. All private streets would have a total width of 60 feet, and would be accessible to the general public at all times. The SFWD would allow for the coordinated phasing of the private street network, allowing for the sites to be constructed independently.

The private street network would be jointly operated, maintained, and repaired by the owners of the sites in Subdistrict B through a property owners' association (POA). The design requirements for each street segment would be reviewed through a CPC Chairperson certification, and the responsibilities of the site owners as well as the POA would be set forth in a restrictive declaration. To ensure proper operation of the private streets, they would be monitored by a private company multiple times a day, and the POA would be required to have a standing contract for towing services. To further ensure that the POA has the financial capacity to properly maintain and monitor the private streets, the property owners would be required to fund cash reserves for the POA to address unanticipated expenses. Besides funding cash reserves, the property owners would also have to provide the New York City Department of Transportation (DOT) with a security bond to reimburse DOT for any expenses in the event that the POA does not meet its obligations. As a result, both operational and financial safeguards would be implemented to ensure the proper use and maintenance of the private streets.

### *Publicly-Accessible Areas*

A tower rising sheer without a setback along a publicly-accessible private streets would only be allowed if the Chairperson of the CPC has certified that a site plan demonstrating that a publicly-accessible area has been provided in compliance with the SFWD regulations. Additionally, specific design requirements would be established in the SFWD. Such publicly accessible areas would be accessible to the public between the hours of 6:00 a.m. and 10:00 p.m. seven days of

the week. Any modification or series of modifications to a publicly-accessible area certified pursuant to these provisions that, in the aggregate, resulted in design changes impacting more than 20 percent of the area of such publicly accessible area shall require a new certification.

### *Replacement of the Flushing Waterfront Access Plan*

The existing Downtown Flushing WAP (Q-2) would be replaced by improved provisions to increase the amounts of publicly accessible open space provided by new waterfront developments. The requirements would increase the minimum width of the shore public walkway area from 20 feet to the current city-wide standard of 40 feet, as well as establish updated requirements for four upland connections and three visual corridor locations.

The upland connections would be located at the 39th Avenue extension, 38th Avenue extension, and the 37th Avenue extension. Additionally, a flexible zone would be established from the 36th Road extension to the 36th Avenue extension, allowing the required upland connection to be located within this zone.

Unlike the existing Downtown Flushing WAP, the location of the upland connections in the proposed WAP would be along zoning lot property lines and split equally among the bounding parcels rather than bisecting zoning lots. The SFWD would allow for the phasing of the shore public walkway and shared upland connections, which would facilitate the independent construction of the development sites. Visual corridors would be required on the southern boundary of Lots 7 and 8, at the 39th Avenue extension, and midway through Lot 200, as a continuation of 36th Road.

These improved waterfront access requirements would facilitate better site planning and public access to the waterfront, as well as enhance the waterfront experience for pedestrians.

## ZR Appendix F: Mandatory Inclusionary Housing Area

The proposed actions would establish a MIH area coterminous with Subdistrict A.

The MIH Program consists of two main options: Option 1 and Option 2. MIH Option 1 requires 25 percent of residential floor area to be permanently affordable to households with income at a weighted average of 60 percent of area median income (AMI). MIH Option 2 requires 30 percent of residential floor area to be affordable to households with income at a weighted average of 80 percent of AMI.

### *Proposed Developments*

Approval of the proposed actions would facilitate redevelopment of Development Sites 1, 2, 3 and 4 in Subdistricts A and B. The modifications to the underlying bulk requirements regulated by the SFWD and the proposed private street network would allow the development sites in Subdistrict B to be split into multiple development building segments above a combined cellar level. The private street network would allow for circulation between and through developments and provide space for active ground floor frontages. The alignment of the private street network and installation of traffic control devices would ensure the private street network's integration into the existing street network. The project would also incorporate sewer infrastructure and stormwater management systems to support the future remediation of the Flushing Creek, and construction activity across the development sites would be coordinated through a joint monitoring program.

### *Development Site 1*

Development Site 1 is proposed to be developed with four residential buildings on top of three commercially-programmed podiums. The commercial podiums would align with the lot line boundaries of Lots 7, 8, and 9. Two residential towers would be located on the podium on Lot 7, west of Transverse Road, while Lots 8 and 9 would each contain one podium and one tower, east

of Transverse Road. The heights of the buildings would vary but would not exceed 209 feet, including bulkheads. Combined, Development Site 1 would contain approximately one million square feet of floor area, including 458,600 square feet of residential use with up to 546 market rate units, approximately 500,000 square feet of commercial uses that could provide up to approximately 350 hotel rooms, 169,000 square feet of retail use, and 181,000 square feet of office use. The proposal also includes approximately 4,300 square feet of community facility use. The anticipated developments would have 510 parking spaces in the commercial podiums. Within Site 1, approximately 43,000 square feet of lot area would be dedicated to the publicly-accessible waterfront area, including a shore public walkway, new trees, sidewalks, benches and a 1,300 square-foot playground.

Site 1 would contain corner retail frontage at the northwest corner of the building on Lot 7 to activate the street level of the western terminus of 39th Avenue. The west façade of this building would open onto the shore public walkway. The site plan for Site 1 would include a supplemental waterfront public access area (WPAA) section that would provide tiered seating for views across the Flushing Creek, as well as a children's playground. Seating nodes with benches, tables and chairs along the shore public walkway circulation path would provide views of the remnants of supporting piles from an abandoned and decaying pier that would be removed as part of the bulkhead and shoreline stabilization planned for this portion of the Flushing Creek.

### *Development Site 2*

Development Site 2 is proposed to be developed with an 18- story hotel located east of Transverse Road and two residential buildings located west of Transverse Road. These residential buildings would have a maximum height of 243 feet, including bulkheads. In all, this development would contain approximately 809,000 square feet of floor area, including 400,000 square feet of residential use with approximately 368 market rate units, 400,000 square feet of commercial use, including approximately 300 hotel rooms, and 54,000 square feet of retail use. The proposal also includes approximately 13,500 square feet of community facility use and 300 below-grade parking spaces.

A publicly-accessible open area would be located at the eastern intersection of 39th Avenue and Transverse Road. This 2,000-square-foot plaza would include design elements to distinguish the area as a public gathering spot, including seating and planting. The plaza would adjoin a shared publicly-accessible private street segment along Transverse Road where no curbs would differentiate between the roadbed, the plaza and pedestrian circulation areas in front of both the east and west buildings. In addition, Site 2 would provide 34,800 square feet of publicly-accessible open space within the shore public walkway and upland connection.

Transparency design elements would be located along the lower level containing local retail uses for direct visual and physical accessibility to users of the shore public walkway. In addition to the combined retail entrance courtyard and shore public walkway circulation area, the proposed design of the waterfront public access area would provide a cantilevered observation platform extending over the restored shoreline slope to create an open waterfront plaza with seating, tables and chairs, shaded areas and landscaping.

### *Development Site 3*

Development Site 3 slopes downward from College Point Boulevard to Flushing Creek. The site is proposed to be developed with three buildings above a shared cellar level. A curved residential building would be located at the waterfront west of the proposed northward extension of Janet Place, and additional residential and commercial office buildings would be located east of the extension of Janet Place. The buildings would have a maximum height of 239 feet, including bulkheads. This development would contain approximately 840,000 square feet of floor area, comprised of 420,000 square feet of residential use with approximately 507 market rate dwelling units; 415,000 square feet of commercial use, including approximately 225 hotel rooms; 26,000 square feet of retail use; and 188,000 square feet of office use. The proposal also includes approximately 1,600 square feet of community facility use and 550 below-grade parking spaces. Development Site 3 would provide approximately 83,000 square feet of open space within the shore public walkway and upland connection. In addition to stairs and ramps

designed to respond to the site's sloped grade, an elevator would provide a connection from the extension of 37<sup>th</sup> Avenue to the shore public walkway.

The upland connection at 38<sup>th</sup> Avenue would consist of a landscaped public sidewalk with a slope not exceeding five percent. At 37<sup>th</sup> Avenue, the walkway would be developed as a 28-foot-wide pedestrian access upland connection with 16 to 26 feet wide walkways along the shore public walkway terminating in an elevated overlook of the Flushing Creek and Flushing Bay. Step flights measuring 10 to 14 feet in width would lead down to the shore public walkway and a public elevator would provide alternate access. Retail uses would face the shore public walkway to allow for direct public access from the interior of the building to the exterior. At the water's edge, a renovated bulkhead would provide an overlook with public seating and shade areas.

#### *Development Site 4*

Development Site 4 is proposed to be developed with two buildings on a single podium with a maximum height of 200 feet, including bulkheads. Combined, it would contain approximately 226,000 square feet, comprised of 207,000 square feet of residential use and 17,000 square feet of retail use. Since Site 4 would be located within the proposed MIH area, the residential use would consist of approximately 304 dwelling units and a range of 75 to 90 affordable dwelling units based on the MIH option selected. Options 1 and 2 are proposed. The proposal also includes approximately 2,300 square feet of community facility use and 150 below-grade parking spaces. 20,000 square feet of publicly-accessible open space within the shore public walkway would be provided along the waterfront.

Site 4 would provide a low platform along the water's edge to extend the shore public walkway an additional 400 feet to its northern terminus. The site plan would create a promenade-like circulation path with direct access to retail uses from the building, and would have seating nodes, tables and chairs, and an observation deck and seating platform. The secondary upland connection, located at the northern end of the site connecting College Point Boulevard to the

waterfront, in combination with landscape areas, would create an accessible landscaped waterfront open space designed with riprap waterfront public access area treatment to preserve the designated wetlands jurisdiction area.

## **ENVIRONMENTAL REVIEW**

This application (C 200033 ZMQ), in conjunction with the related application for a zoning text amendment (N 200034 ZRQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 20DCP083Q.

The application as analyzed in the Environmental Assessment Statement contained Project Components Related to the Environment (PCREs) relating to construction practices, planned water and sewer treatment, and the proposed design of the private street network. To ensure the implementation of the PCREs, the owners of the development sites have entered into restrictive declarations, which will be recorded against each site.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 16, 2019. The Negative Declaration includes an (E) designation (E-557) related to air quality, noise and hazardous materials to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the ULURP and other



land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time requirements suspended by Emergency Executive Order No. 100 resumed on September 14, 2020.

This application (C 200033 ZMQ) was certified as complete by the Department of City Planning on December 16, 2019, and duly referred to Queens Community Board 7 and the Queens Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 200034 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Queens Community Board 7 held a public hearing on this application (C 200033 ZMQ) and the related application for a zoning text amendment (N 200034 ZRQ) on February 10, 2020, and on that date, by a vote of 30 in favor, eight opposed, and one abstaining, voted to recommend approval of the application, with the following conditions:

- “ 1. Provide 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 ie: street lights, walkways, and promenades.

6. Ensure that Community Board 7 residents are allotted 50% of the affordable housing units.
7. Provide access from Roosevelt Avenue (EAST/BOUND) into Transverse Road.
8. Assign NYPD agents by Roosevelt Avenue and College Point Boulevard permanently.
9. Expand the intersection at the east bound lane and Roosevelt Avenue/College Point Boulevard in order to facilitate right turns into College Point Boulevard south bound.
10. Updates are to be provided to Community Board 7 as requested and in a timely fashion on preconstruction/construction and upon the 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 (Pre-K school).
13. Install public restrooms along the 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 any guest staying at the hotels located on the site.”

### **Borough President Recommendation**

The Queens Borough President held a public hearing on this application (C 200033 ZMQ) and the related action for a zoning text amendment (N 200034 ZRQ) on February 20, 2020 and on March 12, 2020, issued a recommendation to disapprove the application with the following conditions:

- “- There is 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 significant portion of the 3,056 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.”

### **City Planning Commission Public Hearing**

On September 2, 2020 (Calendar No. 1), the CPC scheduled September 16, 2020 for a public hearing on this application (C 200033 ZMQ) and the related application for a zoning text amendment (N 200034 ZRQ). The hearing was duly held on September 16, 2020 (Calendar No. 18). There were 52 speakers in favor and 36 in opposition.

An applicant team consisting of five speakers testified in support of the application. The applicant’s land use attorney gave a history of previous planning efforts in Downtown Flushing, outlined the collaborative efforts between public and private entities, and described the goals of the Flushing Waterfront BOA’s Master Plan, including the creation of a special district. He described some of the proposed changes, including the addition of a private road network, enhancements to the waterfront and development of affordable housing. He also noted the location of the proposed affordable housing, and provided an overview of the proposed zoning.

The landscape architect discussed the new design framework for both the expanded publicly-accessible waterfront area and the publicly accessible private streets. He noted that the SFWD would have specific guidelines that would connect the downtown core to the waterfront, emphasizing the pedestrian experience and circulation. He spoke of challenges on the development sites including the lack of access to the waterfront from surrounding neighborhoods, topographic changes from College Point, and the difficulty of establishing visual corridors and upland connections on large and irregular parcels. He further noted that the proposed waterfront design would incorporate flood resiliency measures such as elevation changes and varied shoreline protection strategies, including vegetated edges and riprap with coordinated wayfinding and signage for educational opportunities. He noted that the proposed SFWD's update to the Downtown Flushing WAP would allow for a coordinated waterfront design while allowing flexibility for each site to provide individualized design elements specific to the site, while providing the public with opportunities for access to the waterfront.

The applicant team's lead architect spoke to the physical characteristics of the SFWD. He explained that the creation of the publicly-accessible private street network would break up otherwise long continuous blocks into pedestrian-scale blocks with active frontages. He explained that the new street network would be an extension of the existing public street network which would provide both visual and physical connectivity from the downtown core. He further explained that the programming of each development site would contain midrise buildings atop commercial podiums and that the building forms would be regulated by minimum base height, setback and street wall requirements, with further articulation and tower top articulation requirements that would ensure variety in the buildings form.

Another representative of the applicant team spoke about environmental clean-up, and stormwater and sanitary infrastructure planning. He explained the history of industrial uses on the project area and how remediation would be required under the oversight of New York City's Office of Environmental Remediation (OER). He stated that by creating the SFWD, OER and sister City agencies would have a comprehensive clean-up strategy across all four sites. He

described the stormwater management plan and noted that the proposed management methods would not contribute to the existing combined sewer outflow and would add sanitary sewer infrastructure.

In addition to the application team, 47 people spoke in favor of the application.

Local developers and business owners expressed support for the number of jobs that the proposal would bring to the neighborhood. They noted that the project would generate economic activity for the area during and after construction, with hotel, professional office and retail programming that would create permanent local jobs. The local business owners spoke of their relationship with most of the project developers and noted that these developers are from the local community and have previously produced successful projects in Downtown Flushing. They stated that the proposal would bring unprecedented clean-up efforts to the waterfront and provide the opportunity to access it. Lastly, they noted the proposal would garner much-needed tax revenues, in addition to providing affordable housing along the waterfront.

A representative of the Queens Chamber of Commerce spoke in favor of the proposal noting that the project would strengthen the local economy and businesses by providing 3,000 jobs to local Flushing and Queens residents. He expressed gratitude to members of the community who had shared visions of development and economic growth since the Downtown Flushing Framework was released in 2004. He noted that the privately-funded projects could be driver of economic success for a city enduring economic hardship.

Local residents expressed support for the proposed open space. They noted that the existing and growing residential community in Downtown Flushing would benefit from improved access to the waterfront. They described Flushing's transformation into a regional and culturally-vibrant destination over the last 30 years. One local resident noted that the small interim courtyard space

at Flushing Commons is heavily used throughout the day with different community programs because the area lacks sufficient public spaces for gathering.

The Chair of the Community Board, the Acting Chair of the Land Use Committee and several members of the Community Board expressed support of the project. They stated that the proposal was reviewed by the Land Use Committee in multiple public meetings over the course of several years. The Acting Chair of the Land Use Committee noted that the Committee meetings were open to the public with the intent of gathering feedback on this proposal, and a wide range of issues was raised by participants as the development team engaged with the Community Board. They noted that the street network, environmental remediation, upgrades to the sewer and drainage system, public access to the waterfront, open space and affordable housing are community priorities that the City has been unable to provide but that the development team proposed to be included as part of the proposed development. The Community Board members that spoke in favor of the application stated that most of the sites could be built up using existing zoning without community input, which would be a loss to the community.

Developers for each of the development sites spoke to their commitment to the community and dedication to the master planning process in creating a coordinated plan to redevelop their parcels with DCP and its sister agencies. The local developers spoke to their joint interest in planning a special district for the future of Flushing rather than several as-of-right developments. They explained that all the properties on the waterfront are privately-owned and that the expanded publicly-accessible open space would be provided within these privately-owned parcels. Two developers noted that they had as-of-right development drawings ready to build but were inspired by DCP's vision for the waterfront to work jointly and to create a comprehensive approach for a greater outcome for the project area and the community.

Architects for each of the development sites spoke to the individual proposals and summarized details of each project. The architects noted that the road network and upland connections

provide important access to Downtown Flushing. They noted that, as opposed to private driveways leading into the interior of building lots, the extension and creation of new streets would allow visible and physical access to the waterfront with streets lined with retail frontages. They explained that the special district text provisions provides for setbacks, sidewalk widening, and street walls articulations to help improve the pedestrian experience by opening the street to views of the sky and water. They further explained the special district would allow for coordination with adjacent property owners for a comprehensive plan otherwise not permitted under the as-of-right development scenarios.

A representative of the Waterfront Alliance noted that the proposal has the potential to revitalize the waterfront for community access by adding new waterfront open space areas, upland connections and shoreline stabilization. She explained that the development team's plans for stormwater infrastructure to address future impacts of climate change are positive efforts, but noted that the project should follow the group's Waterfront Edge Design Guidelines to provide higher standards for ecology, habitat restoration, direct access to the water, and recreation and educational programing.

Those who spoke in opposition included members and affiliates of the MinKwon Center, a community-based organization that assists low-income Korean and Asian-American community members with housing and landlord-tenant issues, as well as an academic, local residents and students, representatives from several community-based organizations, representatives of the Greater Flushing Chamber of Commerce and Municipal Art Society, and representatives of the Hotel Trades Council and SEIU 32BJ.

The lead housing organizer at MinKwon Center spoke in opposition to the proposal stating that the rezoning would accelerate the process of gentrification, displacement, and homelessness in Flushing. She stated that landlords have fraudulently charged rent-stabilized tenants, specifically Limited English Proficiency (LEP) Korean immigrants, market rate prices. She stated that because of the language barrier, low-income, LEP immigrants in Flushing have been at greater

risk for falling victim to predatory landlords. She also alleged that after the Mayor announced the neighborhood study of Flushing West in 2015, predatory landlords have bought many rent-stabilized units in Flushing in order to convert them to market-rate condo units. Other members and affiliates of the MinKwon Center, including a professor at Queens College, expressed similar concerns that increased speculation in the real estate market has made the neighborhood unaffordable for many longtime residents.

A number of speakers, including representatives from grass roots and neighborhood advocacy organizations, alleged that the environmental review conducted for the proposal was deficient. Specifically, they claimed that the project's environmental assessment statement (EAS) improperly determined the increment or amount of changes between the as-of-right development and the project's proposal. They noted that a lawsuit had been filed contending that the guidelines of the CEQR Technical manual were not followed when the EAS was prepared and reviewed. A representative from Chhaya CDC further expressed concern that the environmental analysis of the U-Haul site was incorrect. The representative stated that additional residents generated by the proposal would also increase the overcrowding of schools in the Flushing area.

Representatives of Guardians of Flushing Bay spoke in opposition about the poor state of the ecology of Flushing Creek and the potential adverse effects of stormwater runoff from the project area on the existing combined sewer overflow network. They also spoke of the need for direct accessibility to the water in the WPAA design, and noted the need for water-based education spaces for community members with lower incomes.

The executive director of the Greater Flushing Chamber of Commerce spoke in opposition to the proposed project, stating that the project would increase traffic congestion, escalate rent prices and add to the overcrowding of schools. He expressed concern regarding the relationship between the displacement of residents and businesses and its effects on the mental health of students in the local community. A representative from the Municipal Arts Society expressed



concerns about the accessibility to the proposed open space and its connection to the downtown core, and echoed previously-stated concerns regarding the EAS.

Representatives of the Hotel Trades Council and SEIU 32BJ stated they could not support the project, as the developers were not committing to hiring unionized labor and had not made a commitment to pay prevailing wages for building service workers.

Several others who spoke in opposition noted they were neutral about the proposal because they were in favor of the proposed improvements to the waterfront and open space but had concerns regarding displacement of longtime residents and businesses in the existing Flushing community. Several speakers noted the broad need for affordable housing aligned with its low- to median-income residents, as well as more senior and youth services.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The CPC believes that this application for a zoning map amendment, in conjunction with the application for the related zoning text amendment (N 200034 ZRQ), is appropriate.

Together, these actions will implement a comprehensive plan to redevelop and remediate approximately 29 -acres of underutilized and environmentally-sensitive waterfront property in Downtown Flushing. The proposed actions are the culmination of more than two decades of planning efforts in Downtown Flushing stemming from a community-guided planning effort to create a vision and redevelopment strategy for land that originally contained industrial uses. The proposed actions will allow for well-coordinated redevelopment of an area with site conditions distinct from the rest of Downtown Flushing. Among these unique aspects are its location along

the Flushing Creek, unique topography, prior industrial uses and close proximity to LaGuardia Airport.

The proposed actions present an opportunity to expand Flushing's thriving downtown area further westward to the waterfront along the Flushing Creek, and ensure that future development will provide new public amenities and open space in a growing neighborhood. The SFWD text amendment and map amendment will guide the development of a new section of the Downtown Flushing neighborhood in a more coordinated manner that will lead to a better designed public realm than development under existing zoning regulations. The SFWD will ensure the creation of a network of walkable blocks and increase the number of upland connections and visual corridors to the waterfront, minimizing the potential for uninviting streetscapes and lengthy blank street walls. The publicly-accessible private street network will be framed by pedestrian-oriented developments that include transparent glazing and other urban design features that activate the street, fostering an appealing public realm connecting the downtown core to the waterfront. The CPC notes that vehicular circulation on this internal street network will alleviate the potential for traffic congestion along College Point Boulevard and Roosevelt Avenue.

Flushing is distinguished by its unique and diverse range of developments that contain active retail and commercial space in areas above and below the ground floor level. During the 2008 recession, while the city's job growth halted, Flushing was identified as one of the neighborhoods that continued to grow in sectors that included hospitality accommodation, food service and construction. The CPC acknowledges the current economic climate and broad business hardship resulting from the COVID-19 pandemic, and it notes that economic development and job growth are critical to the city's continued viability. As such, the CPC notes that the implementation of the SFWD will foster economic activity in the area of the proposed development sites, both during and after construction.

The city's COVID-19 experience has also highlighted the urgency for additional public open space. The CPC notes that the SFWD will facilitate an expanded and more accessible waterfront

than the current Downtown Flushing WAP. These revised regulations will result in a 40-foot-wide, approximately 1,770-foot-long continuous shore public walkway that will create meaningful open space and directly engage the public with additional opportunities for access to the waterfront. These updated provisions will allow a coordinated landscape waterfront design, while providing flexibility for each site to respond to specific site conditions. Additional visual corridors and upland connections will support the new circulation throughout the waterfront area.

The proposal also highlights the need for additional ecological restoration efforts at the Flushing Creek. The CPC acknowledges that there are several jurisdictional entities that oversee developments along the water's edge to ensure that such developments appropriately consider and enhance the Creek, and it notes that educational programming is an important aspect to understanding this unique location on the city's extensive waterfront. The CPC also notes that the applicant team will provide a new sanitary sewer line directly connected to the existing public sanitary sewer network for the Tallman Island wastewater treatment plant, which will prevent project-generated sewage from exacerbating sewer overflow discharge into Flushing Creek.

### **Zoning Map Amendment**

The proposed zoning map amendment will change existing C4-2 and M3-1 zoning districts in the upper portion of the project area to an M1-2/R7-1 mixed-use district. The proposed mixed-use district will allow existing uses to remain and expand while encouraging the redevelopment of vacant and underutilized land with residential and commercial uses. The rezoning will bring into conformance the U-Haul self-storage facility located at 36-30 College Point Boulevard, and the vacant 47,000 -square-foot parcel to the north of this parcel will be redeveloped with approximately 304 dwelling units, including 75-90 affordable units.

The CPC notes that C4-2 zoning will remain unchanged for the greater part of the project area and that the amount of development expected in most of the project area will not increase with

these actions in comparison to the current zoning. The CPC acknowledges that recent developments in Flushing typically use the maximum allowable FAR of 4.8 to create mixed-use buildings containing retail spaces, hotel rooms, professional offices and community facilities on the lower floors, with residential units above. The CPC further acknowledges that local trends for such robust mixed-use developments have been advancing westward from the downtown core toward the waterfront over the past decade. Given the existing local trends, the zoning map amendment will not introduce a new development trend and will, instead, ensure better coordinated development in the project area.

### **Zoning Text Amendments**

#### Special Flushing Waterfront District (ZR 127-00)

The CPC believes that the establishment of the SFWD is appropriate. In conjunction with the proposed zoning map amendment, this zoning text change will establish suitable bulk and urban design controls, an enhanced waterfront, a publicly-accessible private street network and upland connections. The zoning text amendment will facilitate the development of appropriately-configured and scaled buildings within the special district.

#### *Modifications to Height and Setback*

The proposed text will provide greater design flexibility given the height constraints posed by the project area's location within the LaGuardia Airport flight path as well as its waterfront setting.

The CPC acknowledges the challenges of the existing site conditions and notes that the existing airport regulations limit buildings within the project area to an average height of 150 feet AMSL. The project area also has varying topography, including steep grade changes from College Point Boulevard to the water. Taking into account the area's varied topography, buildings will be limited generally to 13 stories. In addition to these height and topography constraints, the NYS

DEC jurisdictional boundaries and wetland areas within the project area limit the amount of impervious areas, constraining the full use of the site's developable area. The designated wetland areas also affect the public waterfront walkway design, pushing pedestrian paths and other waterfront design elements further inland.

The CPC further acknowledges that new developments surrounding the project area are receiving height waivers from the BSA that allow developments to build higher than the existing zoning height limitations. By transferring the purview from the BSA to the CPC, the SFWD will streamline the review process and make it more effective by combining the waterfront certification and related site planning.

The CPC believes that the Chairperson certification for additional height is appropriate. The certification will permit buildings in Subdistrict A to reach a maximum height of 200 feet AMSL and 245 feet AMSL in Subdistrict B, upon FAA and Port Authority of New York and New Jersey confirming the initial assessment that such proposed development would not pose a hazard to air navigation.

Primary and secondary street frontages will be designated to ensure that all new development adequately fosters and contributes to activate the streetscape. Both primary and secondary streets require non-residential ground floor uses with transparency and requirements to mitigate blank walls, and the CPC is pleased that the SFWD provides mitigation strategies to prevent excessive blank walls. In addition, the CPC notes that the SFWD text provides specific articulation urban design controls of either recesses or projections along the street walls, as well as tower top rules, to improve building façade design and their maximum height variation. As such, the CPC believes that these modifications to existing regulations will help foster a welcoming and walkable pedestrian environment.

### *Publicly-Accessible Private Streets*

The CPC notes that within Subdistrict B, the SFWD provides a framework for a publicly-accessible private street network to provide greater circulation among Development Sites 1, 2, and 3. This network, which will be accessible to the public, will consist of new streets and sidewalks generally aligned with existing mapped streets. The CPC notes that the private streets will meet the City standard dimensions of 34 feet wide with 13-foot sidewalks on each side for a total of 60 feet of publicly-accessible space. The CPC acknowledges that the SFWD will allow interim street designs to facilitate the coordinated phasing of the private street network, allowing for Development Sites 1,2, and 3 to be constructed independently. The CPC believes that the new publicly-accessible private street network is appropriate in providing a more pedestrian-oriented development and connecting the downtown core to the waterfront. The SFWD requires a restrictive declaration to ensure maintenance and repair of the streets by the property owners and require the streets to otherwise be operated as public streets. Further safeguards contained in the restrictive declaration will include joint oversight, reserve requirements, maintenance bonds and a monitoring and towing contract to ensure both the proper functioning of the street network and that the street network does not fall into disrepair or become inaccessible to the community.

### *Replacement of the Downtown Flushing Waterfront Access Plan*

The CPC notes that the SFWD will replace the existing Downtown Flushing WAP (Q-2) with provisions to increase the amounts of publicly-accessible open space provided by new waterfront developments. The recommended requirements would increase the minimum width of the shore public walkway from 20 feet to the current citywide standard of 40 feet, as well as establish updated requirements for four upland connections and three visual corridor locations.

The CPC further notes that, unlike the existing Downtown Flushing WAP, the location of the upland connections in the SFWD will be along the zoning lot property lines and split equally on each side of the adjacent parcels, rather than bisecting zoning lots resulting in uncoordinated and misaligned upland connections. The SFWD will also allow for the phasing of the shore public

walkway and shared upland connections to facilitate the independent construction of the development sites while maintaining a coordinated overall site plan.

The CPC is pleased with the proposed WPAA design and intention to include a children's playground, naturalized cove shoreline at the end of the 39th Avenue visual corridor and an overlook deck for views across the Flushing Creek. The CPC believes that these revised waterfront provisions are appropriate and will facilitate better site planning and public access to the waterfront, as well as enhance the waterfront experience for pedestrians.

#### ZR Appendix F: Mandatory Inclusionary Housing Area

The CPC believes that the proposed zoning text amendment to designate the Subdistrict A portion of the SFWD as an MIH area, is appropriate.

The action will designate a new MIH area coterminous with the mixed-use rezoning area in Subdistrict A. The CPC notes that the SFWD will create 75-90 permanently-affordable units on the northern-most site, Development Site 4. The MIH area will be mapped with Options 1 and 2. Option 1 requires that at least 25 percent of residential floor area be allocated for residents with incomes averaging 60 percent of the AMI, including a 10 percent band at 40 percent of AMI. Option 2 requires that 30 percent of residential floor area be permanently allocated for residents with incomes averaging 80 percent of the AMI. The text amendment is consistent with City policy to map an MIH area where there is a significant increase in allowable residential floor area and the City's goal of creating additional affordable housing outlined in *Housing New York*.

The Community Board and Borough President issued recommendations on siting a new school in the Downtown Flushing area. The CPC encourages the School Construction Authority to continue to analyze and identify potential sites to meet the needs for school seats in this growing neighborhood.

Regarding the concern expressed during the CPC public hearing that the proposed development would result in changes to the neighborhood character of Downtown Flushing due to the potential displacement of local residents and businesses as a result of gentrification, the CPC recognizes how citywide and local trends have affected neighborhoods. In particular, it recognizes that the affordable housing crisis is one of the most critical issues affecting many neighborhoods across the city. The CPC notes that the Flushing neighborhood is experiencing a significant amount of market-rate housing production and notes that this zoning proposal will not introduce a new development trend into the neighborhood. The proposal will create a modest increase in density at the northern portion of the project area that will require the inclusion of affordable housing if a residential development is pursued. The CPC believes that, while no single development can solve the many needs of the city, the SFWD contributes to the achievement of the broad vision by addressing some of the challenges on the waterfront by following the recommendations of the BOA study's master plan. The CPC believes that the proposed development addresses key issues, including open space, affordable housing and infrastructure, expressed during the community engagement and outreach conducted for the BOA study.

The CPC further notes that the SFWD builds upon decades of past planning efforts in order to revitalize the underutilized waterfront sites and facilitate the development of a mixed-use neighborhood that would serve as an extension of Downtown Flushing. The CPC believes the SFWD will create a comprehensive special district that will add new public walkways and open space along Flushing's waterfront, establish physical and visual public access connections to and along the Flushing Creek, and create an internal circulation network that will bring much-needed pedestrian and vehicular flow improvements and public access to an underutilized area of Flushing and produce active and lively streetscapes consistent with the area's vibrant character.

## **RESOLUTION**



**RESOLVED**, that having considered the EAS, which was issued on December 16, 2019, with respect to this application (CEQR No. 20DCP083Q), the City Planning Commission finds that the action described herein, subject to the conditions in the restrictive declaration, will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing 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 feet 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 36th 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 (FW) bounded by the westerly prolongation of the northerly street line of 36th Avenue, College Point Boulevard, 39th Avenue, Janet Place, Roosevelt Avenue, College Point Boulevard, the northerly street line of 40th Road and its northeasterly and south westerly prolongations, a line passing through a point distant 891.29 feet southwestly 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;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-557.

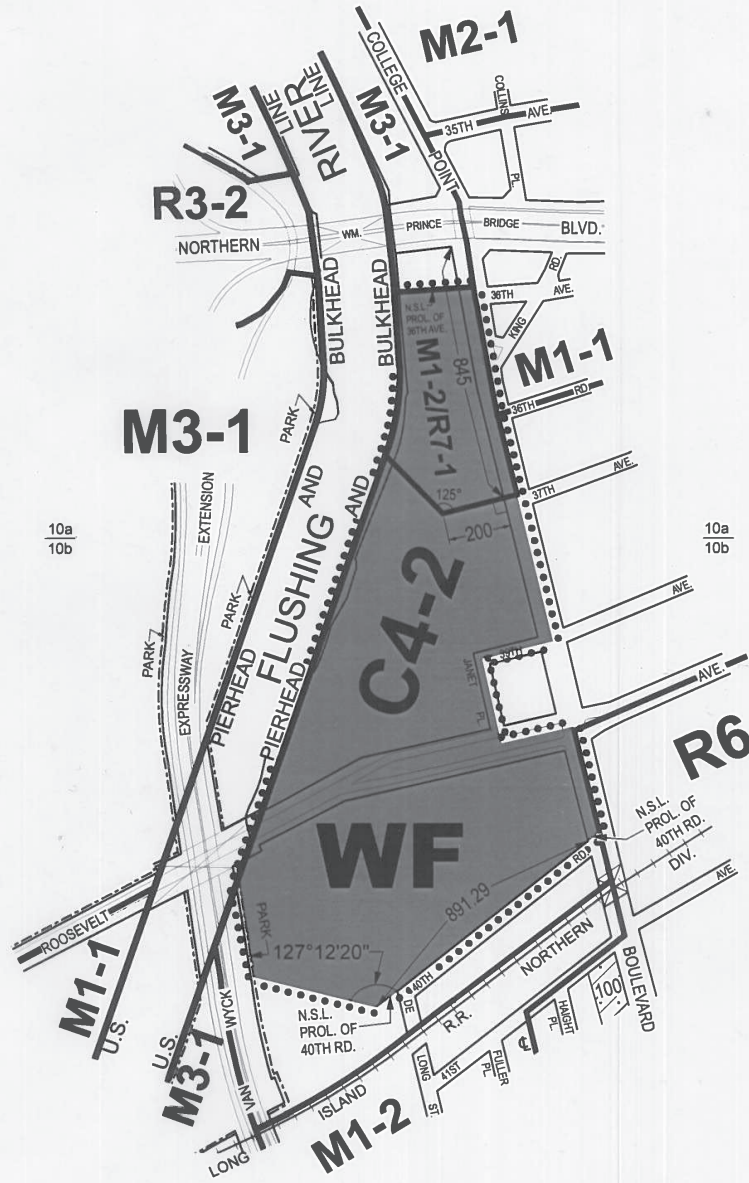
The above resolution (C 200033 ZMQ), duly adopted by the City Planning Commission on November 4, 2020 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKES, ESQ.**, *Vice Chairman*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,  
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

**MICHELLE R. DE LA UZ, ORLANDO MARIN**, *Commissioners, VOTING NO*



10a  
10b

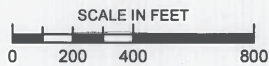
10a  
10b

CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**10a & 10b**  
 BOROUGH OF  
**QUEENS**



New York, Certification Date:  
 December 16, 2019

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing existing C4-2 and M3-1 Districts to an M1-2/R7-1 District and by establishing a Special Flushing Waterfront District (WF).
- Indicates a C2-3 District
- Indicates a Special Flushing Waterfront District (WF).

Application #: **C 200033 ZMQ**

Project Name: **Special Flushing Waterfront District**

CEQR Number: 20DCP083Q

Borough(s): Queens

Community District Number(s): 07

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

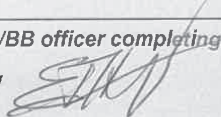
- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*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 for the amendment of the Zoning Map, Section Nos. 10a and 10b:

- 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 feet 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;
- 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
- establishing a Special Flushing Waterfront District (FW) 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 southwesterly of College Point Boulevard on the last named course and proceeding northwesterly at an angle of 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;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-557.

<b>Applicant(s):</b> FWRA LLC 136-20 38th Avenue, 12th Floor New York, NY 11354		<b>Applicant's Representative:</b> Ross F. Moskowitz Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038	
<b>Recommendation submitted by:</b> Queens                      Community Board 7			
Date of public hearing: February 10, 2020		Location: Union Plaza Care Center 33-23 Union Street, Flushing, N.Y.	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: February 10, 2020		Location: Union Plaza Care Center 33-23 Union Street, Flushing.	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor: 30		# Against: 8	
# Abstaining: 1		Total members appointed to the board: <b>41</b>	
Name of CB/BB officer completing this form Eugene Kelty 		Title Chairman	Date 2/11/2020



## Community Board 7

Borough of Queens  
Bay Terrace, College Point, Beechhurst, Flushing  
Malba, Queensborough Hill, Whitestone and Willets Point

133-32 41st ROAD · 3rd FLOOR · FLUSHING, NY 11355  
(718) 359-2800

Fax: (718) 463-3891  
email: [qn07@cb.nyc.gov](mailto:qn07@cb.nyc.gov)

Sharon Lee  
Acting Queens Borough President

Eugene T. Kelty Jr.  
Chairperson

Marilyn McAndrews  
District Manager

February 11, 2020

Marisa Lago, Chairperson  
NYC Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

RE: Special Flushing Waterfront District  
Bounded by 40<sup>th</sup> Road, College Point/ Westward  
extension of 36 Avenue, and Flushing Creek  
C200033 ZMQ & N200034ZRQ  
Queens, Community Board #7

Dear Madam Chair,

At the February 10, 2020 Public Hearing and Regular Meeting of Community Board 7 the full board of a total 41 members voted, (30 in favor of the recommendation, 8 not in favor, 2 left room, and 1 abstained with conflict) to approve the Special Flushing Waterfront District with a zoning text amendment and zoning map amendment with recommendations:

1. Provide 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 ie: street lights, walkways, and promenades.

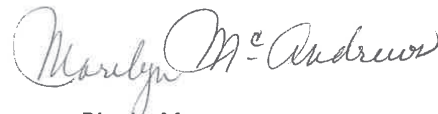
6. Insure that Community Board 7 residents are allotted 50% of the affordable housing units.
7. Provide access from Roosevelt Avenue (EAST/BOUND) into Transverse Road.
8. Assign NYPD agents by Roosevelt Avenue and College Point Boulevard permanently.
9. Expand the intersection at the east bound lane and Roosevelt Avenue/College Point Boulevard in order to facilitate right turns into College Point Boulevard south bound.
10. Updates are to be provided to Community Board 7 as requested and in a timely fashion on preconstruction/construction and upon the 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 (Pre-K school).
13. Install public restrooms along the 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 any guest staying at the hotels located on the site.

Community Board 7 continues to support projects that will improve the quality of life for its residents and community. Should you have any questions, please do not hesitate to contact me in the office at 718-718-359-2800.

Sincerely,



Eugene T. Kelly  
Chairman



District Manager,  
Marilyn McAndrews

# 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;

- o 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;
- o 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;
- o 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;
- o 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;
- o 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;
- o 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.
- o 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;

- o 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";
- o 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;
- o 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.

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #200033 ZMQ**

**Page 5**

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



DATE

# Queens Borough President Recommendation

APPLICATION: ULURP #200034 ZRQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by FWRA LLC pursuant to Sections 200 and 201 of the New York City Charter, to amend the New York City Zoning Resolution by:

1. Establishing the Special Flushing Waterfront District (SFWD) text (proposed ZR Section 127-00);
2. Modifying Appendix B Index of Special Districts to include the proposed SFWD;
3. Modifying Appendix F of the New York City Zoning Resolution to establish and map the area to be rezoned as a Mandatory Inclusionary Housing Area in Flushing, Community District 7, Borough of Queens;
4. Modifying ZR Section 62-952 Waterfront Access Plan Q-2;
5. Modifying ZR Section 11-122 Districts Established;
6. Modifying ZR Section 12-10 Definitions;
7. Modifying ZR Section 14-44 Special District where Certain Sidewalk Cafes are Permitted;
8. Modifying ZR Section 23-011 Quality Housing Program;

(RELATED ULURP# 200033 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 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 ULURP #200033 ZMQ has been filed with this application that proposes 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 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;
- o 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 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.

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**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURP #200034 ZRQ**

**Page 5**

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