



RON KIM  
Member of Assembly  
District 40, Queens

CHAIR  
Majority House Operations

## THE NEW YORK STATE ASSEMBLY

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Task Force

November 6<sup>th</sup>, 2020

Dear New York City Council Members,

I write to you concerning the Special Flushing Waterfront District (SFWD) ULURP, which will be before the City Council this fall.

As the Assembly Member serving District 40 in Queens, I am intimately aware of the weight the COVID-19 pandemic has placed on our beloved neighbors and communities. Queens has been at the center of New York City's COVID crisis and working class communities of color, like Flushing, need an economically inclusive recovery that supports residents struggling to get back on their feet.<sup>1</sup> In light of this, I urge you to oppose and vote No on the Special Flushing Waterfront District (SFWD) ULURP. This rezoning, which will facilitate a vast majority market-rate housing development and several new hotels, was ill suited to the needs of the Flushing community before the pandemic. Now, as local families face illness, housing instability, and the loss of good, stable jobs, it is downright irresponsible.

The SFWD application is tone deaf to the real and urgent needs of the Flushing community. Flushing was victim to racism and xenophobia at the beginning of the pandemic, which led to major economic losses. Now, after months of COVID-related economic pain, the neighborhood needs investments that puts existing residents first, rather than leaving them behind. This means, real and accessible affordable housing, good jobs that provide livable wages and access to decent healthcare benefits, investments in public transportation that help relieve congestion, and projects that clearly take into consideration the environmental and economic impact on the local community. In its current form, the SFWD ULURP application does none of this.

As proposed, the SFWD application would generate more than 1,700 luxury condos and as few as 61 affordable residential units. The median household income in Flushing is \$34,428, with the largest share of households earning between \$15,000-\$25,000.<sup>2</sup> Allowing the development of almost 2000 luxury units that current residents clearly cannot afford, is unconscionable, especially as our communities feel the impacts of unemployment rates in excess of 20% and face the specter of a long-term recession.<sup>3</sup> Typically, a development of this size, which also includes three hotels, would generate good jobs that give entry to the middle class. However, the development team for this project, has refused to commit to creating the types of jobs we need to help bolster our economy and give working families opportunity.

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<sup>1</sup> <https://www.statista.com/statistics/1109360/coronavirus-covid19-cases-number-new-york-by-county/>

<sup>2</sup> See previously legalized letter

<sup>3</sup> See excel sheet "Monthly Borough Labor Force Data" pulled from <https://www.labor.ny.gov/stats/nyc/index.shtm>

I am further concerned that if this rezoning is approved, the developers for this project stand to receive lucrative tax credits and incentives, which would lower their cost burden for the potential clean-up required to develop. As lawmakers, we must ensure that private entities do not utilize the land use process as a mechanism to obtain public subsidies or credits without making meaningful and credible commitments to community benefits, such as significant affordable housing and family-sustaining jobs. Throughout the ULURP process, the applicant team for this project has presented the proposed rezoning as choice between their plans or an as of right development. I urge the Council to reject this framing. The sites included in this rezoning have been vacant for many years, and the developers involved stand to benefit immensely from the proposed project. Now is not the time and Flushing is not the place for elected officials to embrace a harmful discretionary plan because of vague threats about an as of right alternative.

Out of the tragedy of the COVID crisis, we have an opportunity to reclaim New York City for everyday working class New Yorkers, the backbone and lifeblood of this great City. It is time we listen to their demands for a more accessible and equitable New York. In service of this goal, I respectfully urge you to vote no on this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Kim", written in a cursive style.

Ron Kim  
Member of Assembly



**ASSEMBLYMEMBER RON KIM'S TESTIMONY  
SUBCOMMITTEE ON ZONING AND FRANCHISES  
NOVEMBER 9, 2020**

I am here to speak in opposition to the Special Flushing Waterfront District rezoning.

Every public policy decision we make should be able to answer: are we managing our city's rising wealth inequality or are we ending inequality? On the surface, this project has the appearance of closing the wealth inequality gap by promising new jobs, income tax revenues, and property taxes. But if we examine the transnational and foreign investments, as well as the financialization of such mega-projects, we will see how the ultra-wealthy dodge taxes under all sorts of LLCs while creating artificial value to our neighborhoods.

We often read about it as gentrification and displacement, but it is much deeper than that. A project like this is the reason why the State of New York has the highest GDP in the country and in the world; yet during this pandemic, we have thousands of people every day waiting in food pantry lines and seeking mutual aid to survive. The developers will tell you, council members, it's your fault, the council and the mayor and the incompetent and oversized governments that can't deliver results to our people. "We pay you millions in taxes and you guys squander it away". But let's be clear and honest. They do not pay enough taxes and they do not create quality jobs for our communities. But they do extract as much value and profit out of our communities.

Even if we do not share the same ideology, at minimum, we can agree that there could be a balanced approach here. Perhaps there is a reasonable number of affordable housing and an agreement to hire locally and union-backed workers – all safeguards to tame the rising wealth inequality.

But the developers are arguing that this is their right to build and they don't need to compromise. They are justifying this rezoning by arguing they are adding community value by turning unused land into usable public space. There was once a time in this city when our state sovereignty weighed more than private property rights. In other words, private property owners don't tell the city that they are better at building public facilities. That in itself should be enough to reject this proposal. It's insulting as it sets a backwards precedence of commercializing public sovereignty.

Yet, private developers take these extreme privileges for granted because the public sector has not asserted itself, and have punted everything to private developers and investors, and have given away as many tax breaks and credits to build and rezone whatever they wanted. Real estate development would not have been able to proliferate without New York's advanced property rights, favorable contract laws, and enforcement agencies. So I don't blame the project developers in thinking this is the norm.

But times are changing.

Although they are not taking over public space, their proposal is to create a public environment that benefits the overall ambiance of the luxury buildings and hotels. By integrating a public-friendly component, they are monetizing public sovereignty for private gains.

Simply put, they are branding it as a public giveaway, but in truth, they're profiting from public value.

In conclusion, I want to add that this opposition hasn't been easy for me. At a personal level, my family has been threatened, bullied, and called hypocrites because we own and live in a luxury condo of our own in Flushing. My property would be worth more after a development like this expands the market and attracts more buyers. But I entered public service to help the neediest and most vulnerable members of our community. It's about time the city and the public sector regains leverage to prioritize the needs of our people. Let us reject this rezoning application and start the process of regaining public sovereignty for the City of New York.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Kim". The signature is stylized and cursive.

Ron Kim  
Member of Assembly

**From:** [Blyss Buitrago](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Opposition to Flushing Special Waterfront Rezoning  
**Date:** Wednesday, November 11, 2020 3:58:23 PM

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To the City Council:

It's honestly an injustice we should even have to fight to not be displaced from our communities, but of course the greed of money influences political and economic decisions.

I have numerous complaints on rezoning that would allow luxury waterfront development to thrive at the demise of the southeast asian, black and Latinx communities that have built this community.

You need tk ensure that the clean up of the Creek does not come at the cost of the residents who have had to endure its pollution for decades. As generations of Flushing residents have withstood the Creek's sewage soaked waters and asphalt dust looming in the air, it is those same Flushing residents who would benefit most from its clean up. Our ask regarding the Creek is simple—do not tailor the cleanup of Flushing Creek for luxury developers, do it for the community who has suffered most from its degradation.

Listen to the community. We are struggling enough with the pandemic, job loss, passing of loved ones on top of managing our own mental health and stress during this time of uncertainty. We need you to stand with us now not tear us from our homes.

Sincerely,  
Blyss Buitrago

Lifelong Queens Resident  
Guardians of Flushing Bay, Board Member

My name is Bryan Monge and I'm a lifelong Flushing resident. I'll be direct: this project is putting a price on the welfare of my community. "The challenge here is not getting the market to invest, but to make sure the investments meet the needs of the community," There is something wrong here as these are Koo's words in 2015 yet here is his community rejecting the proposal. We can see what the community wants in a recent *Queens College* study, over 20% said they want affordable housing and over 30% see that Flushing is overtaken by Luxury Buildings, Apt. are no longer affordable, and everyday goods are more expensive. Looking at the MIH capping it at 60% or 80% AMI is well above the median income in Flushing which is \$54k. Tell me what I should tell my neighbors in Spanish, Chinese, and English to choose as their rents increase but wages don't, food or a home.

The facts are,

**"MIH is required by zoning, but...that does not preclude developers from taking city subsidy ... What [developers] can do with that subsidy is...double dip...**

**Another flaw in MIH is that ... its income levels are mismatched to the needs of city residents...**

**And so the displacement effects are likely to outweigh any of the benefits of any affordable housing that MIH brings, especially for long-term residents."**<sup>1</sup>

**All of this according to Chris Walters, the Rezoning Technical Assistance Coordinator for the Association for Neighborhood & Housing Development (ANHD)**

So I dare these developers to say they bring jobs as they reap rewards from our city's money. There are no legal measures to make sure that developers follow up on ALL their promises. There also has been no environmental impact study. Luxury apartments won't solve my community's problems and stop the mass displacement over my lifetime in Flushing and reminds me of the 'sellout' of the South Bronx through my work with the Bronx Documentary Center.

I'll end this on Assemblyman Ron Kim's words who urged representatives to stop the 'sellout.'

"At a time when our subways are crumbling and our schools and libraries are overcrowded, we must do everything we can to create intrinsic value in our communities," Kim said. "Adding thousands of luxury condos is simply about extracting as much value and profits as possible out of our communities [SIC]."

I challenge the council to go against tradition and vote to help my community just as Council member Menchaca says he will. Simply because Koo thinks it's right and there is tradition does not mean that you can't set a new model that favors your constituents over profit.

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<sup>1</sup> (*Report Sees de Blasio's 'Mandatory Inclusionary Housing' Falling Short, 2020*)

Once again, have representatives sold us out? It's on public record that Koo received money from F&T Group so he is compromised.

I want to add that the Community Board repressed our voices and physically harassed tesifyers, namely Eugene Kelty. Chuck Apelian is a paid consultant for the project yet he attended all meetings, spoke, and encouraged a “yay” vote.

### **If I may.....**

Most attendees opposed Community Board 7's decision. The lack of an Environmental Impact Statement has also disenfranchised the community from giving input.

Artists and Hispanics like me at places like Municipal Art Society of New York (MASNYC), the Bronx Documentary Center (BDC), and ASPIRA strongly urge you to vote no.

My fellow spanish speakers might not be here because they are trying to survive but that doesn't mean that they do not get to have a voice.

Thank you for your time.

From,  
Bryan Steven Monge Serrano; 929-264-2885; [bryanwsmb@gmail.com](mailto:bryanwsmb@gmail.com)  
(Special Flushing Waterfront District; 11/9/2020)

**32BJ SEIU Testimony—Cassie Carrillo**

**Special Flushing Waterfront District**

**New York City Council**

Good morning Chair Moya and members of the subcommittee. My name is Cassie Carrillo and I am a representative of 32BJ and a resident of Queens.

32BJ believes that the developers for this project have not put forth a rezoning plan that aligns with the needs and priorities of the Flushing community, including our roughly 1000 members that live and work in the area. Working people in Flushing need good jobs and affordable housing where they can raise their families. Instead, these developers intend to build roughly 1,700 luxury condos, over a million square feet of commercial space, and as many as 2,000 hotel rooms in the project area. As few as 75 of the residential units will be affordable units (around 4%) and there is no commitment to pay the prevailing wage for building service workers. Amid the COVID pandemic, the last thing that Queens needs are frontline jobs without standards and mega-projects that fail to deliver measurable benefits for low-income and working people. Queens' residents and working families need and deserve a better recovery. For these reasons, 32BJ opposes this application.

While the Developers state that the project will create 3,000 new jobs in the area, they have not made a credible commitment that these will be good jobs that pay family sustaining wages and benefits. The median household income in the area is \$34,428, much lower than the county and city median income. The largest share of households in Flushing (19.2%) are within the \$15,000-\$25,000 household income range. It is clear that this community needs jobs that pay family sustaining wages that give people access to upward mobility and security.

In Flushing, 76 percent of residential units are renter-occupied and approximately 63 percent of Flushing renters are "rent burdened." In 2017, DCP in its analysis of the area stated, "there is a need for affordable housing in this area." The Developers' plan clearly does not address these needs and could exacerbate them.

Since the beginning of this process, the developers have presented this rezoning as two options (1) accept a private road system, a privately managed waterfront park, and insignificant amount of affordable housing units or (2) accept an as-of-right development. But, since 2018, the Developers spent over \$1.7 million lobbying DCP and New York City elected officials in order to prepare for ULURP. We question why the developers would expend resources on this ULURP application if building an as-of-right project is feasible.

A primary reason that the Developers may be pursuing this rezoning is because they wish to qualify for lucrative tax credits and incentives, which would lower their cost burden for the potential clean-up required to develop the sites. The project area was designated as a Brownfield Opportunity Area (BOA) by the State after a community organization submitted a Brownfield Opportunity Area Nomination Plan (the Plan) in 2018. The Plan recommended that the project area be rezoned to create a Special Flushing Waterfront District. Developers within a BOA designation are then given tax credits and incentives to encourage them to follow the vision laid out in the Plan. It is within the Developers' interest to conform to the Plan if they wish to receive these lucrative tax credits and incentives. 32BJ opposes the use of the



discretionary land use process to facilitate public subsidies for developers who have not made meaningful commitments to community benefits.

We strongly encourage the City Council to vote NO on this application as currently constituted. The FWRA Developers should be advised to put forward a plan that provides meaningful benefits for working families in the Flushing community, and to disclose the connections between this rezoning and any public incentives they could subsequently stand to receive.

11/9/2020

My name is Will Spisak, Director at Chhaya CDC and a long-time Flushing resident. Chhaya CDC is a HUD-approved housing counseling agency and HPD Housing Ambassador serving thousands of Queens households each year. We unequivocally oppose this rezoning and requests the city council vote “no”. I would like to address some of the myths that the developers and their supporters have been promoting.

Professor Freeman and Mr. Wang said that building luxury housing will somehow ease the affordable housing crisis our communities face. However, this project will increase the displacement of working-class communities from Flushing. We know through recent research<sup>1</sup>, and I’m happy to share my citations, that an increase in housing supply does not lower rents or have filtering effects on existing units in amenities-rich urban neighborhoods. Over the last decade Flushing has added 3,000 new luxury condos. During that time, the price of condos has more doubled according to the Case Shiller Index and rents continue to rise unsustainably. This has resulted in one in five households living in severe overcrowding conditions as families need to double up or triple up in a single apartment just to make rent. Just on my own block, I can show you over a dozen apartments where I know there are 2 or more families living in a single unit. This is not because there is a lack of supply: the project's census tract has a rental vacancy rate of 21 percent! So, while families in our neighborhoods are doubling up and sleeping on living room floors, there are luxury apartments sitting empty. The solution is not more luxury housing, but affordable housing.<sup>2</sup>

If COVID has done anything, it has revealed that the city’s development priorities have left us extremely vulnerable when it matters most. The second thing I want to mention is that Flushing’s schools are all overcrowded, which has always been an issue, but now in the time of social distancing, has proven to be an insurmountable obstacle. All our schools in Flushing are

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<sup>1</sup> <https://www.federalreserve.gov/econres/feds/files/2018035pap.pdf>

<http://econ.geo.uu.nl/peeg/peeg1914.pdf>

[https://www.anderson.ucla.edu/documents/areas/ctr/forecast/reports/uclaforecast\\_June2018\\_Nickelsburg.pdf](https://www.anderson.ucla.edu/documents/areas/ctr/forecast/reports/uclaforecast_June2018_Nickelsburg.pdf)

<https://www.kpu.ca/sites/default/files/The%20Housing%20Supply%20Myth%20Report%20John%20Rose.pdf>

<sup>2</sup> Data pulled from Census Bureau, American Community Survey

operating at 150% capacity or more. Do we really believe adding over 4,000 new residents to downtown Flushing and not a single new classroom seat makes for good planning? Do you think that adding 4,000 new residents to the most overcrowded intersection of the city when we are still in the middle of a pandemic that required social distancing makes for good planning? Do we think that in light of the current pandemic, where our hospital system was on the brink of collapse, that what Flushing needs right now is 4,000 more residents and luxury condos instead of a public hospital to serve the working class community? I think not and I hope you come to the same conclusion.

The developers have presented a false narrative. They make the claim that their proposal is nearly the same as the as-of-right development they could pursue without a rezoning or special district, so we might as well give them what they want. However, the developers have used smoke and mirrors to hide the fact that there is significant difference between what they can build and what they will build. They inflate the as-of-right numbers and downplay how much they will build just to get the plan approved, and then they will proceed to build well above what current zoning could possibly allow. My favorite example of their smoke and mirrors has to do with the magical status of the U-Haul site. When developers present their renderings to the community board or other stakeholders, they show a beautiful, continuous waterfront walkway that stretches across the whole special district. Never mind that U-Haul is technically not part of the special district application nor have they indicated that they would allow precious parking spaces for their trucks to be taken away for a waterfront walkway. The primary 'community benefit' that they are selling to us is a continuous waterfront walkway, so they conveniently ignore that U-Haul is not part of the project. However, they certainly remember that U-Haul is not part of the proposal when calculating the added density that they propose to build. One has to ask if this was done intentionally, since including the U-Haul site would bring attention to the fact that the special district would allow them to build an additional 20-story tower on that site without seeking a rezoning approval. The idea that this project can move forward at all, let alone without an EIS, is absurd and an insult to the people of Flushing.

They want us to believe that we have no choice: give them what they want, otherwise they will build a similar version of this project as-of-right. We must reject this narrative and call their bluff. These properties have been the subject of massive speculation over the last several years. These developers are over-leveraged. To get a decent return on investment, they need to divide these deep plots of land with private streets, build ridiculously expensive housing out of reach of the common Flushing resident, and extract every dollar they can out of our community. They even admit in the environmental assessment that the plots are nearly impossible to develop. Make no mistake, they need this rezoning and special district designation. I implore you to call



**chhaya**

Community Development Corporation

this bluff and use your vote to send a message that Flushing is for the working class, immigrant folks who make this city run, not the global elite that seeks to displace us.

I implore you to use common sense. End this dangerous and misguided project from moving forward.

Thank you,  
William Spisak

**From:** [Cody Herrmann](#)  
**To:** [Land Use Testimony](#)  
**Subject:** SFWD  
**Date:** Thursday, November 12, 2020 8:55:09 AM  
**Attachments:** [Herrmann - SFWD.pdf](#)

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My name is Cody Herrmann. I am a lifelong resident of Flushing, a volunteer with the Citizens Water Quality Testing Program since 2015, and a member of Guardians of Flushing Bay since 2015-- because of all this I started kayaking and canoeing in Flushing Creek to better understand my neighborhood, and the local waterfront I never knew I had till I was 20 years old.

The SFWD plan benefits the developers, not the everyday people of NYC and Flushing! As members of the City Council, who do you serve? Large development corporations and Claire Shulman's ghost, or everyday New Yorkers? I strongly encourage you to vote NO on the Special Flushing Waterfront District.

I want to talk about access to the waterfront. The City Council hearing on Monday November 9, 2020, is the first time I have heard there is potential for kayak launches along the waterfront. I just wanna say I have seen no rendering, no diagrams or plans for boat storage and programming spaces. Really these are just words right now. Doesn't seem real. And this should not end at kayak lunches, people should be able to sit by the waterfront without having to hop over a guardrail or fence. These opportunities exist in places like Newtown Creek, but they are excluded from the SFWD design plan. This issue with a lack of water front touch points is without these opportunities built into the shoreline edge, promoting environmental stewardship and creating a healthy waterway becomes much less possible.

If Uhaul chooses not to develop their waterfront, they don't have to. Which means the affordable housing area gets cut off from the greater promenade. Similarly there's no plan for how the skyview Waterfront Access Plan will connect under Roosevelt Ave to create this continuous waterfront walkway throughout the District everyone keeps talking about.

Also I think something for you to follow up on in relation to access-- at a community board meeting earlier this year, reps for the project explained one of the waterfront buildings does not even plan to have a ramp down to the waterfront esplanade because the grade is too steep on the site. In that particular site, the developers only took the time to design stairs down to the waterfront path. People with mobility issues or people with strollers will have to take an elevator down to the promenade. Can we really trust these developers to design truly equitable streets and roadways if they cannot manage something like getting people down a hill to a supposedly publicly accessible space?

As a resident that grew up here, one of my first jobs out of college was at Leaf Bar and Lounge which is managed in partnership with F+T development. I worked here at the same time as I worked at New York Presbetyan / Queens in Flushing, in a similar service job position, but in a union environment. My experience at Leaf v NYPQ was exceptionally different. Leaf did not feel stable. Depending on tips does not make for consistent reliable income. I am concerned that this project includes many construction jobs and hotels but will not commit to providing union jobs.

I want to remind you all that many at the CPC passed this plan on to City Council with the 'hope' that the affordable housing component will be improved. Beyond the insulting number of units proposed at a price point that does not align with average median income in Flushing, there are already plans to build affordable housing in a floodplain in Willets Point, why can't we do better in Flushing? Why does the site of affordable housing need to be in the more vulnerable area.

I know not a lot of people get down to the Flushing Creek coast line, spoiler alert-- it's pretty gross. In mid-September 2020 while water quality testing on a Thursday morning, I witnessed a massive fish kill, hundreds of dead juvenile menhaden suffocated, something we commonly see around the end of summer because of low dissolved oxygen caused by combined sewage overflow.

Every week we have sampled in 2020, results from the Citizens Water Quality Testing program come back below NYC Department of Health enterococcus standards for swimmable water, which basically means people should not come in contact with the water. If you look at the renderings of this project, you see they colored in Flushing Creek, to create a bright blue and vibrant river. This is not the case in real life, and with the addition of 1000 plus sewage lines feeding into the combined sewage system dumping out into Flushing Creek and no additional plans for sewage mitigation on wet weather days, I know conditions will only get worse.

For the past five years I have leads tours of the Flushing waterways that highlight ecology, and encourage people to canoe and kayak on Flushing Creek whenever possible, but as more and more residential units are built around Flushing Creek, and climate change contributes increased rain and combined sewage overflow events, the surrounding coast may become too inundated with sewage pollutants for even me to want to hang around anymore. The developers are lying when they say the plan adds no combined sewage into the system. Developers' models are only measuring dry weather days. It should be insulting to you, the way they try to deceive you.

This project is fraught with collusion and corruption-- it's no secret these developers have been pumping money into City politics for years. On top of that as you probably know, the Flushing Willets Point Corona Local Development Corporation got Brownfield Opportunity Area money from the Department of State that they gave back to you guys at the Dept of City Planning to study the best ways to develop this land that is privately owned. So who does that benefit? It benefits the developers, not the everyday people of NYC and Flushing! As a member of the City Council, who do you serve? Everyday New Yorkers, or large development corporations?

Now is a time to break from tradition and vote against CM Koo's recommendation. It's his final term. He can't hurt you. I strongly encourage you to vote NO on the Special Flushing Waterfront District, and remind you that Claire is dead and won't ruin your political career if you vote no. Your legacy can be greater.

<https://vimeo.com/473281118>

Best,

Cody Herrmann

[codyanherrmann.com](http://codyanherrmann.com)

(718) 309 - 6710

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For the past five years I have leads tours of the Flushing waterways that highlight ecology, and encourage people to canoe and kayak on Flushing Creek whenever possible, but as more and more residential units are built around Flushing Creek, and climate change contributes increased rain and combined sewage overflow events, the surrounding coast may become too inundated with sewage pollutants for even me to want to hang around anymore. The developers are lying when they say the plan adds no combined sewage into the system. Developers' models are only measuring dry weather days. It should be insulting to you, the way they try to deceive you.

This project is fraught with collusion and corruption-- it's no secret these developers have been pumping money into City politics for years. On top of that as you probably know, the Flushing Willets Point Corona Local Development Corporation got Brownfield Opportunity Area money from the Department of State that they gave back to you guys at the Dept of City Planning to study the best ways to develop this land that is privately owned. So who does that benefit? It benefits the developers, not the everyday people of NYC and Flushing! As a member of the City Council, who do you serve? Everyday New Yorkers, or large development corporations?

Now is a time to break from tradition and vote against CM Koo's recommendation. It's his final term. He can't hurt you. I strongly encourage you to vote NO on the Special Flushing Waterfront District, and remind you that Claire is dead and won't ruin your political career if you vote no. Your legacy can be greater. <https://vimeo.com/473281118>

Best,  
Cody Herrmann  
codyanherrmann.com  
(718) 309 - 6710



# TAKEROOT JUSTICE

## Written Testimony before the Zoning and Franchises Subcommittee of the City Council on the Special Flushing Waterfront District Application

November 11, 2020

Chair Moya:

My name is Daniel Carpenter-Gold, and I am a Staff Attorney at TakeRoot Justice, which represents Flushing for Equitable Development & Urban Planning (FED UP), a coalition of community-based organizations and concerned community members opposed to the rezoning and megadevelopment that is the subject of this hearing. I write to supplement my oral testimony in opposition to the Uniform Land Use Review Procedure (“ULURP”) applications for the proposed land-use changes.

The people who live and work in Flushing have made clear the harm that applicants’ project will cause them and their families. The applicants, rather than listening to these concerns, have tried to undermine them by claiming that the impact of the project will be miniscule: around 130,000 zoning square feet (“zsf”), the equivalent of adding a single new building to the site, of about the size of the storage facility there now.

This is false. The development will, in fact, add nearly 3,000,000 zsf of new development, including 2,000 potential new apartments (virtually all market-rate). The application does not dispute this fact; instead, it attempts to use administrative sleight-of-hand—which is already the subject of a pending lawsuit<sup>1</sup>—to conceal nearly all of the impact of the project.

The core deception in the application is its “development increment”—the difference between the amount of development projected to occur with and without the proposed land-use changes. This increment can be manipulated by ignoring some of the development that the proposed action will enable, or by exaggerating the amount of development that would occur in the absence of the proposed action. In this case, the application does both.

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<sup>1</sup> *Chhaya CDC v. NYC Dept. of City Planning*, No. 706788/2020 (Sup. Ct. Queens Cty., filed June 5, 2020). TakeRoot is counsel to the petitioners in this lawsuit.

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Law, research, and  
policy for organizing

**TAKEROOTJUSTICE.ORG**



First, the applicants assume that the majority of the land subject to residential upzoning will not be redeveloped to match that upzoning. The parcel in question is now occupied by a single 5-story building used as a self-storage facility. The proposed land-use changes would redesignate the parcel as a residential district with enough density to build 500,000 zsf of new construction, including 850 new market-rate apartments. But the application assumes that the current building would remain as-is, and only a small amount of additional development would occur on the edges of the lot. In other words, the applicants are asserting that, even after the entire site is filled with luxury apartment towers and office buildings, the wide, low warehouse will remain. By doing so, the developers eliminate about half a million zsf from the development increment.

Second, the applicants claim that there will be an immense influx of new development on the site without a land-use change: about 2,600,000 zsf in the next 5 years. This assumption is absurd on its face, given that the property is vacant, other than the U-Haul building, and has been so for years. It is also directly contradicted by the Department of City Planning's ("DCP") 2015 assessment of how much new development would be possible on the site; that analysis found that only 1,600,000 zsf could reasonably be built under the current land-use regulations. The application's decision to rewrite the DCP's analysis therefore artificially reduces the development increment by about 1,000,000 zsf.

Correcting these two false claims alone show that at least 1,500,000 zsf of new development that would be enabled by approving this application—ten times the development increment used by applicants. This means a tenfold increase in the impact on displacement, on schools, on the transit system, and all the other ills of which the Flushing community has warned this Subcommittee. This application is far more harmful to the Flushing community than the claims of the applicants would have you believe.

I therefore urge you to vote against this application. For the City Council to approve it on the basis of the flawed environmental review would, of course, be unlawful.<sup>2</sup> It would also reward applicants' bad-faith manipulation of the environmental-review process. But most importantly, it would be a dereliction of the Councilmembers' duty to the residents of Flushing, and New York City as a whole, to ensure that a massive rezoning proposal such as this does not cause equally massive harm.

Sincerely,



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Daniel Carpenter-Gold  
Staff Attorney

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<sup>2</sup> For more on this, I direct the Subcommittee to the written and oral testimony of my colleague, Paula Segal.



Hello, my name is Emily Sharpe. I am a long-time resident of Sunnyside, Queens, founder of Stop Sunnyside Yards and a legal services attorney working with low-income clients.

I am opposed to the Special Flushing Waterfront District (SFWD) project because, like the Sunnyside Yards development proposal, I know that it will cause mass displacement and gentrification among long-time residents and small businesses. It does not matter if the towers are located on over or under-utilized space, the very fact that they will be *near* Flushing is enough to cause real estate prices and rents to skyrocket in Flushing and beyond. Speculative real estate purchasing and rent inflation in anticipation of gentrification and wealthier residents is real and destructive and it will displace people who live and work in Flushing.

In fact, rents in Flushing have already increased from other luxury developments being built there similar to how luxury developments on the LIC waterfront have caused rents and home prices miles away in Sunnyside to increase. The displacement of our most vulnerable as a result of this proposed project is inevitable and irrefutable. It is now up to the people in charge to decide which side of history they will fall on. The choice is simple and clear. Please fight for the people and say “NO!” to SFWD.

Thank you.

Emily Sharpe  
Sunnyside, New York 11104  
[Emilysharpe2020@outlook.com](mailto:Emilysharpe2020@outlook.com)  
November 12, 2020

**32BJ SEIU Testimony—Eudrey Gutierrez**

**Special Flushing Waterfront District**

**New York City Council**

My name is Eudrey Gutierrez, I am a 2-year 32BJ member, a 14-year resident of Flushing and I'm here today to ask you to Vote NO on the Special Flushing Waterfront District.

Having a job that pays the prevailing wage has changed my life. More working families in Flushing deserve to have a job that allows them to take care of their families with security. A prevailing wage job does that—and development in our communities must come with commitments to prevailing wage jobs.

The working families in Flushing also need affordable housing. Not more than 1,600 units of luxury condos. It is difficult for me to support a project that doesn't bring good jobs or meaningful affordable housing to Flushing. Please VOTE NO on this project.

Thank you.

**FCBA FLUSHING CHINESE BUSINESS ASSOCIATION**



**法拉盛華人(工商)促進會**

40-48 Main St., Suite 302, Flushing, NY 11354 Tel: (718) 353-2320 / 661-1082, Fax: (718) 353-1092

法拉盛華人(工商)促進會 FLUSHING CHINESE BUSINESS ASSOCIATION

November 2<sup>nd</sup>, 2020

Hon. Peter Koo  
Council Member, 20<sup>th</sup> District  
135-27 38 Avenue, Suite 388  
Flushing, NY 11354

**Subject: FCBA Supports the Special Flushing Waterfront District**

Dear Council Member Koo and Members of the Subcommittee on Zoning and Franchises:

Since its formation in 1982, the Flushing Chinese Business Association (FCBA) has actively and successfully carried out the purposes of fostering commercial and economic development in Flushing, and facilitating a profitable business environment in order to promote activities of culture, art, welfare of the Flushing community, education, and local business consultation.

At this challenging time, the proposed Special Flushing Waterfront District provides the long-awaited opportunity for the community's vision to come to fruition and to transform this 20-year underutilized land into a new destination. **Along with the 25 board directors and on behalf of over 1,000 members of the FCBA, all of whom have actively served the Flushing community for years, I strongly urge the City Council to approve this project.**

Like many other New York City neighborhoods, our small businesses in Flushing have been decimated by COVID-19 and the economic shutdown. But Flushing neighborhood was hit the earliest and the hardest starting this January. The unemployment rate has surged to 28% at 11354 zip code so far. Our neighbors are suffering; too many businesses have been forced to close, lay off employees, or cut workers' hours to survive. The ripple effect is evident throughout Flushing.

SFWD will bring good jobs to our community at a time when Flushing—and the City—desperately needs an economic lifeline. This project will put our neighbors back to work and support local small businesses and vendors. The project will directly generate 3,716 permanent jobs for Flushing and over 6,000 construction jobs. Moreover, it is estimated that over 5,600 additional jobs will be indirectly generated through the development of the SFWD. Through a

comprehensive workforce training and local hiring program, Flushing residents will directly benefit from the development of the waterfront.

Now, more than ever, the City Council should encourage investment in our communities to bolster small businesses, put Flushing people back to work, and realize the potential of our underutilized spaces. We should not wait another twenty years to bring life back to our waterfront. Now is the time to approve the Special Flushing Waterfront District and move Flushing forward.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Tu', written over a horizontal line.

Peter Tu

Cc:

Hon. Francisco Moya, Chair, Subcommittee on Zoning and Franchises  
Hon. Antonio Reynoso, Member, Subcommittee on Zoning and Franchises  
Hon. Barry Grodenchik, Member, Subcommittee on Zoning and Franchises  
Hon. Carlina Rivera, Member, Subcommittee on Zoning and Franchises  
Hon. Donovan Richards, Member, Subcommittee on Zoning and Franchises  
Hon. Rory Lancman, Member, Subcommittee on Zoning and Franchises  
Hon. Stephen Levin, Member, Subcommittee on Zoning and Franchises  
Hon. Rafael Salamanca, Chair, Committee on Land Use  
Hon. Corey Johnson, Speaker of the Council

# **Flushing For Equitable Development and Urban Planning Coalition FED UP**

NYC Council Member Peter Koo  
District 20, District Office  
135-27 38 Ave, Suite 388  
Flushing, NY 11354

November 11, 2020

## **Re: Opposition to the Special Flushing Waterfront District Proposal's ULURP Application**

Dear Council Member Peter Koo,

The Flushing for Equitable Development and Urban Planning (FED UP) coalition urges you to reject the Uniform Land Use Review Procedure (ULURP) application submitted by the FWRA LLC (FWRA) for the proposed Special Flushing Waterfront District (SFWD).

FED UP serves Flushing's most overlooked residents—low and moderate income, immigrant-based seniors, youth and small businesses. We are composed of affordable housing, small business, environmental justice organizers and local residents. Our coalition has expertise in affordable housing, urban planning, economic development, community engagement, senior care, youth empowerment & education, stormwater & wastewater management, climate-change planning, and waterfront access.

The coalition has serious concerns, described below, regarding the SFWD proposal and its process. We offer recommendations for ways in which we believe the area could be planned that would prioritize the communities we serve. We do not believe our recommendations—based in equitable, community-based planning practices—are possible in the context of the SFWD proposal and therefore urge you to vote against the application. Before or upon your formal rejection of FWRA's plan, we also urge you to articulate, publicly and in the strongest possible terms, the basis for your opposition; in your explanation, we hope that you will cite all or many of the concerns described below.

### **Project Concerns**

First and foremost, the project fails to address the socioeconomic impact on the Flushing community. Flushing has historically been home to a mix of low-, moderate-, and middle-income residents. Over the past 10 years, more than 3,000 luxury housing units and 25 hotels have been built, directly displacing many Flushing residents and indirectly displacing many more by driving up housing prices. For this reason alone, we urge you to reject this project that will contribute to further displacement of our community members and small businesses.

## **Flushing For Equitable Development and Urban Planning Coalition FED UP**

Second, the entire project—including streets and the “public” esplanade—will be privately owned. The developers maintain that the privately owned streets, esplanade and other “public” spaces will be as open as other public spaces, but the fact remains that they would not be public. As the project lead said in a CB7 land use committee presentation, the SFWD will be a ‘new neighborhood’. And like other private neighborhoods, such as Riverside South in Manhattan, the SFWD will not be integrated into the fabric of the existing neighborhood. If approved, the SFWD will be like a gated community for the rich within one of New York’s densely populated and socio-economically and ethnically diverse downtowns.

Third, the SWFD lacks a plan for the public institutions needed when 1,725 living units are added to a densely populated area, and the City has not yet planned for public schools, libraries, youth centers or senior centers. These concerns should come as no surprise since they were previously outlined by the Flushing Rezoning Community Alliance (FRCA) during consideration of the City’s previous Flushing West neighborhood rezoning proposal. FRCA’s recommendations can be found in a white paper, *Flushing West: Recommendations for a Just Rezoning*. FED UP uses FRCA’s previous recommendations as a foundation for our own objections to the proposal.

The proposal’s main public asset, a privately-owned “public” waterfront esplanade, which is required by the Waterfront Access Plan, lacks amenities that would make the public want to use it: connections to the Queens bike network, public bathrooms and direct access to the water. The esplanade may not even provide continuous waterfront access, since the owner of the UHaul site may not be required to include the esplanade. As designed, the touted public esplanade would be a walkway to nowhere that would only be useful to the residents in luxury developments.

The lack of deeply affordable housing in a housing-based project proposal is another glaring problem. Only 61 of the 1,725 housing units in the project will be “affordable.” These units will be priced at 80 percent of the Area Median Income (AMI), which is equal to \$85,360 for a family of four. The median household income in downtown Flushing is less than half of that: closer to \$41,000. This huge gap in affordability, combined with privately owned streets and public spaces and the lack of public institutions, tells low-income Flushing residents that this new development would not be for them.

As a general concern, the towers proposed in the application are taller than anything that currently exists in the site – or anything nearby, for that matter – and residents are concerned about the potential increases in danger due to the height of the towers. The specter of increased risks in flight-safety due to the proposed towers “puncturing” the existing FAA height limit for development – especially when combined with the significant noise-pollution that Flushing residents already experience due to the proximity flight paths of aircraft flying to and from LaGuardia Airport – would impose undue risk and an unfair burden on residents of Flushing.



## **Flushing For Equitable Development and Urban Planning Coalition FED UP**

Finally, the entire project is built within 100- and 500-year flood zones and adds over 1000 new sewer connections to a watershed that is already overburdened by raw sewage and polluted stormwater discharge. The EAS does not describe the potential impacts to the sewage system on wet weather days or mention additional sewage discharges in Flushing Creek. This kind of sewer increase needs a full and robust environmental impact statement.

As Park Commissioner and a voice for a clean and healthy Flushing Creek, we are calling on you, Council Member Koo, to ensure that the clean up of the Creek does not come at the cost of the residents who have had to endure its pollution for decades. As generations of Flushing residents have withstood the Creek's sewage soaked waters and asphalt dust looming in the air, it is those same Flushing residents who would benefit most from its clean up. Our ask regarding the Creek is simple—do not tailor the cleanup of Flushing Creek for luxury developers, do it for the community who has suffered most from its degradation.

### **Process Concerns**

First, throughout the pre-certification process, the SFWD-proposal process lacked both transparency and robust public engagement. The Department of City Planning issued a negative declaration on the Environmental Assessment Statement (EAS), eliminating two pre-ULURP opportunities for public review and comment on the socioeconomic, environmental and neighborhood impacts of this complicated and transformative proposed Special District and rezoning application. Flushing stakeholders were thus denied the opportunity to comment at a public scoping hearing on what topics the Environmental Impact Statement should address and an opportunity to review and comment on a comprehensive Draft Environmental Impact Statement.

None of the organizations or community members comprising FED UP were contacted either by FWRA prior to ULURP-certification or by Queens Community Board 7's (CB7) Land Use Review Subcommittee prior to the Subcommittee's vote on the proposed development. While this omission may appear to have been due to a simple series of communications errors, its consequences cannot be overstated, for a lack of substantial public oversight of a large-scale development can – and in this case will – have grave repercussions.

With these original issues in mind, the ULURP hearings now continue while the city is still recovering from the COVID-19 crisis and the subsequent economic fallout. While we were able to bring community voices to the Community Board and Queens Borough President hearings, the City Planning Commission hearing took place on a virtual platform that many of our community members were not able to access because they lack the technology, skill set, and/or

# **Flushing For Equitable Development and Urban Planning Coalition**

## **FED UP**

English language skills required to give oral or written testimony. We believe it is irresponsible, at best, to conduct the ULURP process under such circumstances.

### **Recommendations**

As the City Planning Commission reviews FWRA's ULURP application, FED UP asks you, Council Member Koo, to support stand up for low- and moderate- income residents and small businesses by doing the following:

#### ***1. Stop the current SFWD ULURP Process***

The Uniform Land Use Review Procedure for the SFWD has been negligent and callous, at best. As stated, low- and moderate-income community members and small businesses, and the organizations who advocate on their behalf, were left out of the process from the beginning. ULURP has restarted as the impacts of COVID-19 are reverberating in Flushing and many residents lack the access or skills necessary to participate in the new digital format. As the moratorium placed on evictions may soon be lifted, Flushing residents remain vulnerable to displacement and homelessness. This is not the time for the City to help developers push through a luxury development through tax incentives, planning expertise or political approval. This is a time to prioritize community members' health, economic stability and anti-displacement. We ask that you stop the ULURP process immediately.

#### ***2. Require an Environmental Impact Statement***

The current ULURP process is fundamentally flawed. It lacks transparency and a thorough review of all possible alternatives. It should be halted until a thorough EIS has been conducted.

#### ***3. Create a Holistic Plan that Prioritizes Flushing's Most Marginalized***

Now, more than ever, it is disrespectful to Flushing's moderate and low income residents to approve a proposal that adds a miniscule number of affordable housing units and glorifies high scale shopping. We recommend that this piecemeal version of the Flushing West proposal be scrapped and a more holistic plan for Downtown Flushing that prioritizes current Flushing residents, small businesses and workers, , immigrant-based, seniors and youth populations be put in its place.

As our coalition name suggests, Flushing is 'fed up' with developer-driven rezoning plans that dissociate our community from the transformations of our neighborhood and displace residents and small businesses. We ask you to instead support and enable a more holistic, community-generated plan. While this plan would require a robust engagement process before offering specific outcomes, as organizations and individuals representing diverse interests of the

# **Flushing For Equitable Development and Urban Planning Coalition**

## **FED UP**

Flushing community we predict that the plan would include methods to create permanent deeply affordable housing, pathways to community stewardship of land, senior and youth centers, quality jobs for local residents and an environmentally just clean up of Flushing Creek.

### **Conclusion**

In light of both the foregoing concerns and recommendations, the FED UP coalition strongly urges you to reject the application.

In closing, we think it important to highlight that the current mayoral administration has a track record of attempting to push through rezonings and other land use actions in a manner that is often inappropriate, irresponsible, and – as the recent court decisions on Two Bridges, Inwood and Flushing Meadows-Corona Park have shown – illegal. Under these circumstances, the City Planning Commission’s negative declaration on the SFWD EAS ought to be treated with a high degree of political caution and legal skepticism.

Thank you for your consideration of our concerns and recommendations. We look forward to hearing your current thoughts on the project and urge you to reject the application.

Sincerely,

FED UP Coalition

### **Coalition members (in formation):**

**MinKwon Center for Community Action**

**Chhaya Community Development Corporation**

**Greater Flushing Chamber of Commerce**

**Guardians of Flushing Bay**

**La Jornada**

**Flushing Workers Center**

**Bobby Nathan** [*For ID purpose only: Organizer, Flushing Tenants Alliance*]

**Miriam Bensman** [*For ID purpose only: Member, Queens DSA*]

**Tarry Hum** [*For ID purposes only: Chair of Urban Studies Department, Queens College*]

**Bright Limm** [*For ID purposes only: Member, Queens Community Board #8*]



November 11, 2020

NYC Council  
Zoning and Franchises Subcommittee  
250 Broadway  
New York, NY 10007

Re: Comments for the Special Flushing Waterfront District Unified Land Use Review Procedure

Dear NYC Council Zoning and Franchises Subcommittee:

Thank you for the opportunity to comment on the Special Flushing Waterfront District (SFWD) Uniform Land Use Review Procedure (ULURP) proposal. Guardians of Flushing Bay urges the NYC Council to reject the proposal and we demand that the project undergo an Environmental Impact Statement (EIS) and proper public comment. This statement amplifies our testimony to Community Board 7 on February 20, 2020, to the Queens Borough President on March 9, 2020 and to the NYC City Planning Commission on September 16, 2020.

Guardians of Flushing Bay (GoFB) is a coalition of residents, human-powered boaters and park users advocating for a healthy and equitably accessible Flushing Bay and Creek. Through waterfront programming, hands on stewardship, community visioning and bottom up advocacy GoFB strives to realize Flushing Waterways as a place where our most marginalized watershed residents can learn, work and thrive. We are a member of the Flushing for Equitable Development and Urban Planning (FED UP) coalition, a grassroots coalition of Flushing residents and organizations fighting to stop the SFWD proposal from moving forward.

### **Project Background**

Beginning in 2010, the Flushing Willets Point Corona Local Development Corporation (the LDC), spearheaded by the late Borough President Claire Shulman, secured a \$1.5 million New York State Brownfields Opportunity Areas (BOA) planning grant. Once the first stage of designs were complete, the Department of City Planning (DCP) was hired to finalize the zoning proposal. This plan, Flushing West, was for a 47 acre waterfront mixed use redevelopment of 11 blocks in downtown Flushing. Eventually rejected, the plan was later retooled by DCP and the LDC to become the 29-acre SFWD.

The SFWD ULURP process began in December 2019. The ULURP applicant is FRWA LLC (FRWA), a single entity composed of three developers—F&T Group, United Construction & Development Group, and Young Nian Group LLC. The project is bounded by 36th Avenue to the north, College Point Blvd to the east, 40th Rd to the south and Flushing Creek to the west.

This includes Sky View Parc, a one-million square-foot, 14-acre, mixed-use development with a Flushing Creek public esplanade. Sky View Parc would not be redeveloped as part of the plan<sup>1</sup>.

SFWD would include a 1,900 foot required public waterfront esplanade<sup>2</sup> and nine buildings with eleven total towers that range from 11 to 20 stories. It involves 1,725 units of market rate luxury housing and 61 acres of “affordable” housing at 80% of Area Median Income (AMI), equal to \$85,360 for a family of four. The median household income in downtown Flushing is roughly \$41,000<sup>3</sup>. The district is entirely privately owned—including the streets and esplanade. Besides the esplanade, the plan does not include any public amenities—such as bathrooms, community centers, schools or libraries.

### **Project Concerns and Recommendations**

First and foremost, GoFB believes that Flushing residents deserve a plan for the Flushing Creek waterfront that is community generated, climate resilient and environmentally just. We do not believe that the SFWD meets those criteria. In addition to comments submitted with the FED UP coalition, which include developing a holistic plan for the Flushing Waterfront, GoFB has several key concerns and recommendations for NYC Council in reviewing the proposed SFWD.

#### **Require an Environmental Impact Statement**

Our partners at FED UP have filed a lawsuit against the Department of City Planning and the City Planning Commission arguing that the SFWD must undergo an EIS.<sup>4</sup> In addition to the concerns outlined in the lawsuit, the project’s potential impact on Flushing Creek also warrants an EIS.

The SFWD proposal adds more than 1,000 new sewer connections to a sewershed that is already overburdened by over 1 billion gallons of combined sewage overflow (CSO) pollution. Normally, adding over 1,000 new sewer connections would require that the applicants prepare an EIS. The applicants have avoided preparing an EIS by stating that the incremental difference between the no-action scenario and the proposed action do not add over 1,000 sewer connections. However, there is no provision in CEQR that specifies whether the applicant can avoid an EIS because the incremental difference between the "no action" and "with action" conditions is fewer than 1,000 units. We believe that this unfounded reasoning is a flaw in the proposal’s negative declaration status.

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<sup>1</sup> “Much Ado about Flushing.” *The Municipal Art Society of New York*, 3 Sept. 2020, [www.mas.org/news/much-ado-about-flushing/](http://www.mas.org/news/much-ado-about-flushing/).

<sup>2</sup> A waterfront access esplanade is required through the 1998 Downtown Flushing Waterfront Access Plan (WAP). The SFWD modifies the WAP to increase the width of the esplanade from 20 feet to 40 feet, which aligns with citywide requirements. All NYC WAPs are available on this Open Data portal: <https://data.cityofnewyork.us/Environment/Waterfront-Access-Plans/d9z4-v86m>

<sup>3</sup> Hum, Tarry. “Special Flushing Waterfront District: A Massive Giveaway?” *Gotham Gazette*, 31 Jan. 2020, [www.gothamgazette.com/opinion/9087-special-flushing-waterfront-district-massive-giveaway](http://www.gothamgazette.com/opinion/9087-special-flushing-waterfront-district-massive-giveaway).

<sup>4</sup> Chung, Christine. “Locals’ Lawsuit Slams Flushing Waterfront Development Project.” *The City*, June 8 2020, <https://www.thecity.nyc/2020/6/8/21284151/flushing-west-waterfront-development-project-lawsuit>

FRWA's engineers have addressed the impact the project will have on the overburdened CSO system by sending all SFWD sanitary sewage to the main sewer interceptor and directly to Tallman Island Wastewater Treatment Plant (Tallman Island), which has 20 million gallons of capacity. There are two issues with this solution. First, Tallman Island has capacity on dry weather days. When it rains over one tenth of an inch of rain, the system overflows and raw sewage and contaminated stormwater flow into our waterways. Second, the claim that sewage will be directed to the 'main trunk line' and will not be part of the combined sewer system is neither explained nor examined in their environmental assessment statement (EAS). This is yet another reason why the SFWD would greatly benefit from the detail required in an EIS.

### **Respond to Open Space Needs**

Touted by the applicants as a generous plan for waterfront open space, the project proposal fails Downtown Flushing residents and at worst, deceives them. This is most notable with the inclusion of Sky View Parc and the consequent calculation of the project's Open Space Ratio.

As stated above, Sky View Parc (Sky View) is included in the SFWD EAS even though the development is not slated for redevelopment. The inclusion of Sky View skews the project's open space calculations. CEQR uses a half-mile radius around a site to calculate open space available per thousand residents (the Open Space Ratio). By including Sky View, the boundary extends into Flushing Meadows Corona Park (FMCP), which is incorporated into SFWD's open space ratio. Yet, even this calculation is flawed. The current boundary (with Sky View) does not lie within over 50 percent of FMCP's census tract and CEQR rules that only census tracts within over 50 percent of a project's boundary are factored into the Open Space ratio. The impact of this flaw is explained in the Municipal Art Society's report *Much Ado About Flushing*<sup>5</sup>,

This isn't a minor issue. The census tract in question represents 94 percent, or 45 of the total 48 acres, of open space in the study area. Without it, the SFWD's open space ratio would decrease by 87 percent, from 1.66 to a mere 0.21 (as shown in Figure 26). The proposal would leave Flushing with a substantially worse open space deficit than currently exists. For the SFWD to meet the city's median open space ratio of 1.5 acres, the development would need to include 7.2 total acres of new open space rather than the 3.14 it proposes. As such, the open space analysis is deeply flawed.

Now more than ever, in the era of Covid-19, Downtown Flushing residents are in desperate need of open space. With the busiest subway station (Flushing-Main Street) outside of Manhattan, the third busiest intersection (Main Street and Roosevelt Avenue) in NYC and one of the fastest-growing Chinatowns in the world<sup>6</sup>, residents are starved of adequate open, green space. Flushing Creek is one of the only natural resources available to local residents and open space that surrounds it should be maximized, not minimized. We ask that NYC Council reject this proposal that fails our local watershed communities.

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<sup>5</sup> "Much Ado about Flushing." *The Municipal Art Society of New York*, 3 Sept. 2020, [www.mas.org/news/much-ado-about-flushing/](http://www.mas.org/news/much-ado-about-flushing/).

<sup>6</sup> Rpa. "Flushing." *The Fourth Regional Plan*, 26 Oct. 2020, [fourthplan.org/places/new-york-city/flushing](http://fourthplan.org/places/new-york-city/flushing).

## **Plan for Resiliency and Environmental Justice**

Seventy five percent of the proposed SFWD is in a 100 year flood plain. In fact, the US Army Corps of Engineers, understanding that Flushing Creek was at risk of coastal flooding, recently proposed the idea of a Flushing Creek sea gate<sup>7</sup>, which would allegedly aid in the inevitable rise in sea level due to global warming. Instead of building massive developments in the floodplain, the 29-acre site on the Flushing Creek waterfront could be an opportunity for community-oriented coastal resiliency.

In alignment with FED UP, GoFB recommends that the proposed SFWD be rejected and a more holistic, climate resilient plan for the Flushing Creek waterfront be put in its place. Any new, more holistic plan must pave the way for environmental justice in Flushing by ensuring that those who have suffered the most from the Creek's degradation and neglect, benefit from its clean up. This means not only designing waterfront access for Flushing's low and moderate income residents, small business owners, youth and seniors, but also ensuring that Flushing residents can afford to live at the waterfront if they so choose, or access the waterfront as a public park. GoFB believes that by prioritizing those who are most marginalized, we will address the needs of the entire community.

## **Plan for Access**

GoFB was founded by human powered boaters and water stewards who were concerned about the health of the waterway, equitable pedestrian and bike access to the waterfront and recreational use of the water for the local community. These advocates would not have become advocates had they not had direct access to the water. As an organization committed to environmental, racial and economic justice, GoFB believes that direct water access should be designed for community members who have been historically denied access to the waterfront. By this we mean that the design should prioritize those with income barriers, which makes owning a waterfront luxury condo, car or boat difficult; those with ability barriers, which makes an esplanade without a ramp or elevator virtually inaccessible; or those with barriers to education, which makes the potential of water-based education spaces all the more important.

## **Process Concerns: COVID-19 Impacts**

An ramification of the COVID-19 crisis is the dependence on virtual engagement for public comments. By being entirely digital, Borough President, City Planning Commission and NYC Council ULURP hearings have excluded our community members with barriers to technology. We recognize that these are unprecedented times that require use of technology in order to properly social distance. We also recognize that the consequent exclusion of community members with barriers to technology is the result of pushing forward the ULURP process despite the challenges and limitations presented by the COVID-19 crisis.

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<sup>7</sup> Kensing, Nathan. "How Effective Will New York's Massive Storm Surge Barrier Be?" *Curbed NY*, Curbed NY, 13 June 2019, [ny.curbed.com/2019/6/13/18677063/new-york-usace-barrier-climate-change-photos](http://ny.curbed.com/2019/6/13/18677063/new-york-usace-barrier-climate-change-photos).

## **Conclusion**

Thank you for your consideration of Guardians of Flushing Bay's written comments and testimony. Your final vote on this proposed project will impact Flushing and Flushing Creek for decades to come and we urge you to vote in opposition to the SFWD ULURP proposal and instead require a robust environmental impact statement and process.

Sincerely,

Rebecca Pryor  
Program Coordinator  
Guardians of Flushing Bay

Contact:

Guardians of Flushing Bay, [guardiansofflushingbay@gmail.com](mailto:guardiansofflushingbay@gmail.com)



**From:** [Hannah Stewart](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Special Flushing Waterfront District  
**Date:** Monday, November 9, 2020 8:38:59 AM

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Good Morning,

In lieu of testifying via Zoom/phone call today, I would like to submit written testimony for the Subcommittee on Zoning and Franchises Meeting. My statement is below.

Thank you to the New York City Council and members of the Subcommittee on Zoning and Franchises for seeking input on the Special Flushing Waterfront District during today's meeting. I would also like to thank Flushing resident Bryan Monge Serrano, who first spoke to me about this issue and has advocated for community engagement in zoning.

In reading the developers' narrative on the Special Flushing Waterfront District, there is no sense of outreach or initiation from developers to Flushing residents to collaborate. FRWA, LLC implies that their development will improve the local economy, provide jobs, and be a positive contribution to Flushing, but I would rather hear these sentiments directly from Flushing residents.

When I turn away from the developers' narrative of the Special Flushing Waterfront District and look towards resident reaction, it is apparent that this proposal does not consider the needs and wants of the community. Consistent, valid requests for more affordable housing have not been answered. The number of affordable housing units in comparison to high rent units shows that profit is more important than community. The development as it stands today will contribute to the gentrification of Flushing.

It is deeply disturbing to me that valid criticism of the Special Flushing Waterfront District is labeled as a "small group of loud, misguided voices" by FRWA, LLC. Resident support should be a primary concern for developers, not a point of contention. This response indicates to me that FWRA LLC does not prioritize Flushing residents.

I would implore the Council to look to Flushing residents and listen to their concerns for the Special Flushing Waterfront District before making their vote. Development should be community driven, community minded, and community led. As it stands today, the Special Flushing Waterfront District does not represent the community.

Hannah Stewart

**From:** [Ivan Lin](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Fwd: Ivan Lin Testimony Against Rezoning  
**Date:** Wednesday, November 11, 2020 7:38:11 PM

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Hi, I am Ivan. I am a high school student, and I am testifying in opposition to the Flushing Rezoning plan. Even though I am from Brooklyn, I am here in Flushing to fight against the rezoning plan proposed by F and T. A few blocks from where I live is Sunset Park, a neighborhood that is also currently battling against gentrification and another group of rich developers, Industry City. Like Flushing, over 50% of the residents in Sunset Park are rent burdened. I know a few relatives from Sunset Park that are trying to move to Staten Island because the rent is becoming so expensive. We were able to stop Industry City from passing the rezoning because we had over seven years to develop alternatives to the plan, but with the Flushing Rezoning plan made public in 2019, community members barely had enough time to react. Flushing has become almost a second home to me, and it pains me to see both residents and small businesses struggle with the already high rent. The building of these luxury condos will only cause the rent to increase, which is something we do not need especially during the times of COVID. Out of 1725 housing units, 70-90 is definitely not enough. If you are listening to what Flushing residents need, what we need most are more affordable housing. We demand for more affordable housing units that correctly puts the median household income of downtown Flushing into consideration, which is \$25,000. I also want to mention how Flushing's very own community representatives have sold the residents out. It is on public record that Peter Koo received at least \$18,000 in donations from the f and t realty group. Council member Peter Koo, if you truly care about the community's well being and opinions, say NO to Flushing Rezoning.

**From:** [Jason Chen](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Special Flushing Waterfront District SFWD - Testifying in favor - Jason Chen  
**Date:** Monday, November 9, 2020 6:46:00 PM

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Dear Council Members,

My name is Jason Chen. I'm a flushing resident since 2000 and a queens college graduate. I'm testifying in support of the special flushing waterfront district. I don't remember the last time I went near the special flushing waterfront district because there was nothing there in a vacant swamp lane. I was excited when I saw the proposed plan of the special flushing waterfront district over the internet. The plan would connect downtown flushing to the waterfront with a waterfront park. This plan can only benefit the public by transforming the unusable land to provide store, condos, and most importantly a free access waterfront park. The plan would also provide thousands of permanent jobs that would help the locals, especially during this tough time. I hope the council members would vote to support this project.

Thank you,

Jason Chen

**From:** [Jasper Wu](#)  
**To:** [Land Use Testimony](#)  
**Subject:** In SUPPORT of the Flushing Waterfront District  
**Date:** Monday, November 9, 2020 9:13:40 PM

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Dear NYC Council,

I was unable to speak at today's hearing, but I am writing to express my full **SUPPORT** of the Flushing Waterfront District rezoning proposal. Flushing has been a key part of my life for 20+ years, and I could not be more excited to finally see the activation of the unique waterfront area. Since I was a child, this stretch of road on College Point Blvd has long been disregarded and overlooked, an industrial wasteland of the Flushing area, only known for its large U-haul sign. I am excited and thrilled to see this forlorn area lead Flushing into its next chapter of growth and success.

Recently, there has been a tremendous wave of anti-development in NYC, from the failed Industry City rezoning to Amazon pulling out of Long Island City. I am amazed and startled at how a supposedly first-world city is consistently saying No to new jobs, revenue, infrastructure, and growth. Particularly in a time like this, when NYC is desperately struggling and people are fleeing the city, we cannot afford another opportunity lost due to hesitation and political pressure. NYC cannot grow by standing still; simply hoping that people, jobs and revenue come back is not the answer. I am at a loss to understand how maintaining the area's status quo as a polluted waterfront dump could be considered a success by any means.

The easiest thing to do is say No, but where does that leave us? Back at the U-haul sign.

I urge the Council to boldly give Flushing the greenery, infrastructure, and jobs it needs and **APPROVE** the Waterfront Rezoning. The next generation deserves a better Flushing. Thank you.

Jasper Wu, CFA  
m: (516) 851-5502  
[jasper@zdjasper.com](mailto:jasper@zdjasper.com)  
<https://www.zdjasper.com>



November 9, 2020

Council Member Francisco Moya, Chair, Subcommittee on Zoning and Franchises  
Council Member Rafael Salamanca Jr., Chair, Land Use Committee  
New York City Council  
City Hall, NY NY

**Re: Testimony on Special Flushing Waterfront District**

Dear Chair Moya & Chair Salamanca Jr.:

I am testifying today as an active and long-standing resident of the Flushing community, an appointed member of Community Board 7, a board member of the Flushing Interfaith Council, and executive director of the Greater Flushing Chamber of Commerce.

The Chamber is a nonprofit membership association of small business owners, immigrant entrepreneurs, and civic leaders representing the most diverse and dynamic community in the United States. We join with other members of the Flushing for Equitable Development & Urban Planning (FEDUP) Coalition, to express our concerns about the Special Flushing Waterfront District (SFWD), which will add massive burdens to our neighborhood -- including traffic congestion, escalating rents, and crowded classrooms -- without adequately addressing the many needs of the surrounding residents and local businesses.

The proposal's failure to meaningfully address the lack of affordability is especially troubling. Council Member Peter Koo and I met with the principal of JHS 189, who sees a direct link to the continued displacement of residents and businesses with the emotional health of her students -- often left to fend for themselves when their parents are forced to find work or move their businesses elsewhere. She reported [60 cases of suicide ideation](#) within her population of 10-13 year old students last year. I recently witnessed a fellow New Yorker who had been forced to live on the streets pass away this past Friday on Prince Street and 40th Road in downtown Flushing. He died alone and his body was frozen in place inside the cardboard box in which he had been forced to sleep. The impact of displacement is real and we need to envision a plan that prioritizes people over profits.

The developers claim they are community-based "stewards" of the waterfront. Yet, they have consistently used their power to deny our community meaningful input into the planning of this site. Why would a "steward" with so much community support need to spend millions of dollars ([the most spent by any project in New York City](#)) to influence public officials, donate to political candidates, and pay off community board members to bypass the required Environmental Impact Statement (EIS) and railroad this project through ULURP? Would a true "steward" hide the fact that there won't be a continuous walkway because U-Haul refuses to participate? Would a true "steward" manipulate CEQR calculations to inflate open-space ratios as the [Municipal Art Society](#) has found? Would a true "steward" repeatedly threaten to

develop “as of right” even after [Professor Tarry Hum of Queens College](#) discovered that required permits on the site would only be given if a special district is approved?

The developers have amassed an army of high-priced lawyers and lobbyists to convince you to approve a project without the required Environmental Impact Statement. We urge you to listen to community members like myself: there are too many unanswered questions for this large-scale luxury development project to warrant immediate approval. Send this project back to the Department of City Planning and demand an EIS.

As Chief of Staff to then-Councilman John Liu, I was actively involved in the Flushing Commons and Willets Point development projects. It was a severe disappointment when the developers backed away from the community benefits they promised after the City Council approved these projects. When the Chamber requested use of the “public plaza” at Flushing Commons for a community festival last year, F&T, one of the developers of the Special Flushing Waterfront District, walked out of the meeting and refused to allow us to use the promised open space.

Chair Moya, Chair Salamanca, Council Members Rivera, Grodenchik, Richards, Levin, and Reynoso -- you are our community’s last line of defense. Having worked at the City Council, I know how important “member deference” is when reviewing land use issues. However, these are extraordinary times, and with term limits, you have the opportunity to do the right thing without allowing politics to overwhelm the questions and concerns raised by our community. The status quo is killing our community.

We urge you to put yourselves in the shoes of the students and families at JHS 189 who must deal with the emotional, social, and economic impact of rampant gentrification in our community. We urge you to put yourselves in the shoes of the local residents who are forced to live on our streets or the many business owners who face eviction. Call the developer’s bluff to build “as of right.” There’s too much at stake. Don’t bless a deeply flawed project and put the City’s stamp of approval on a planning process that doesn't respect or value our community. Send it back and demand an EIS -- give us a meaningful opportunity for community engagement and let us participate in shaping the future of our neighborhood. We’re FEDUP and ain’t going to take no more.

A handwritten signature in black ink, appearing to read 'John Choe', with a stylized, cursive script.

John Choe  
Executive Director  
Greater Flushing Chamber of Commerce

**32BJ SEIU Testimony—Jorge Ortiz**  
**Special Flushing Waterfront District**  
**New York City Council**

Good afternoon Chair Moya and members of the subcommittee. My name is Jorge Ortiz and I have been a 32BJ member since 1973 and have lived in Flushing for more than 20 years.

I've called in today to echo the voices of my fellow union members and community. Flushing is an amazing community. We are diverse, welcoming, and have some of the best food. Our community is strong because it has been built by people like me, immigrants who are not afraid of hard work or a challenge.

COVID hit Queens and Flushing hard. Many people are still unemployed or lack benefits like health care, in the middle of a pandemic. A rezoning like the Special Flushing Waterfront should be an opportunity to create good jobs that give local families access to upward mobility. However, that is not the case.

The developers haven't committed to good, prevailing wage jobs—the kinds of jobs that Flushing deserves, especially right now. New development must mean responsible development. I stand with my union and I stand with my community against this rezoning. Developers should not get wealthy on the backs of workers or working class communities.

I respectfully urge you to vote down this rezoning. Thank you.

**Statement of the Waterfront Alliance on the Special Flushing Waterfront District, Queens (C 200033 ZMQ and N 200034 ZRQ)  
City Council Hearing Subcommittee on Zoning and Franchises  
November 9, 2020  
Submitted by: Karen Imas, Vice President of Programs, Waterfront Alliance**



Waterfront Alliance is a non-profit civic organization and coalition of more than 1,100 alliance partners ranging from environmental advocates to educational institutions to businesses and corporations. Our mission is to inspire and enable resilient, revitalized and accessible coastlines for all communities.

This public testimony is specific to the waterfront, resilience and community public access aspects of this proposal. The Special Flushing Waterfront District proposal has unique and viable potential to revitalize the Flushing Creek waterfront and open a new chapter for community access, but it must be implemented in a way that would enhance, not burden, the waterway.

Waterfront Alliance is pleased to see these following aspects included in the revitalization plan:

- (1) New waterfront access points, upland connections, and shoreline stabilization.
- (2) Stormwater infrastructure like bioswales, tree pits, permeable paving, rain gardens.
- (3) A resilience strategy for the buildings themselves, which includes elevation and setback risk reduction strategy for the future impacts of climate change.

We believe there are several opportunities that the developers should further explore and prioritize in the plans. Through our Waterfront Edge Design Guidelines (WEDG), Waterfront Alliance has highlighted many of the priorities that would make the revitalization plan more resilient, ecological and reflective of the community's desires.

We encourage the City Council to hold this project accountable by adding conditions that would recommend this project go through a WEDG verification process. Thirty NYC community boards across all five boroughs have adopted resolutions encouraging WEDG standards for their ULURP applicants.

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The following are some factors that WEDG verification takes into account and would add to the strength of this application:

One, a higher standard for ecology – current in-water and upland habitat restoration efforts are limited. In particular, there are no existing efforts to restore in-water habitat (e.g. through wetland restoration and living shorelines).

Two, planning for the future when it comes to direct access to the water – opportunities to touch the water, via get-downs, beaches, kayak launches, floating docks, or other direct access points.

The decommissioning of the channel, along with various clean-up efforts, provide an opening for more in-water recreation and community education opportunities. Waterfront Alliance has shared a report on best practices and designs for kayak launches – ranging from natural shorelines to floating docks to kayak storage – with the development team. We look forward to continued discussion around these efforts and seeing some proposed sites for boating.

Our hope is opportunities for recreational and educational programming are prioritized for the community. This would include the provision of facilities such as bathrooms and community spaces. Youth in the community should have opportunities to explore the water's edge not only from an esplanade.

For more than five years, Waterfront Alliance has operated the Estuary Explorers waterfront field lab program with public middle schools across New York City. We also conduct Estuary Explorers community pop-ups at different waterfront sites across the five Boroughs. Some of our program locations include Fort Totten Park, Bayside Marina, Roberto Clemente State Park, 69<sup>th</sup> Street Pier in Bay Ridge and Brooklyn Bridge Beach in Lower Manhattan, among other locations. We would be eager to partner with the Council Member, the development team, local public schools in Flushing and the community to activate an Estuary Explorers program at the new Flushing waterfront.

Overall, with our recommended approaches to ecology, in-water access and community programming, we think the project has a great deal of potential to revitalize Flushing Creek and contribute to the broader community.

Thank you for your review and attention. If you have any questions about this letter, please feel free to contact me [kimas@waterfrontalliance.org](mailto:kimas@waterfrontalliance.org).

**From:** [Katelin Penner](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Flushing Rezoning comments  
**Date:** Thursday, November 12, 2020 1:10:25 AM

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The Special Flushing Waterfront Rezoning is just the latest example of private developers and city officials secretly pushing through land use plans that take advantage of working class communities. Like so many other communities across our bold, diverse, and dynamic city, Flushing has been deeply impacted by the COVID-19 pandemic. However, as a predominantly Asian community, Flushing has been particularly impacted by anti-Asian racism that has hurt local small businesses, putting community members out of work. In a neighborhood where the economic impacts of coronavirus have been felt the most directly, it is unconscionable to undertake a luxury development project that will lead to widespread speculation and subsequent gentrification. A development where only 3% of new units built will be affordable to people making 80 percent of area median income (\$85,360), which is actually 200% of Flushing's median income (\$41,000) is a joke of an offering. Additionally, the fact that this rezoning was pushed through the City Planning Commission the day after an incredibly contentious national election was almost certainly an intentional choice to limit involvement from the community. This rezoning is a massive failure and should not see the light of day.

Best,

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Katelin Penner  
(she/her/hers)  
Wesleyan University '22  
Comms Committee: Housing Justice for All



## Statement to the city council 11-09-2020

Good afternoon Chairman Moya

Thank you for the opportunity to speak to the council about the Waterfront district development.

La jornada is one of New York's largest hunger relief organizations serving over 10,000 families a week in Queens county, with a balanced diet of protein cereals and fruits and vegetables.

First of all a lot of people are questioning why will the director of La Jornada will be in favor of the development.

Because like our next president we have found out that this country is as divided as it can be, politically, economically, spiritually.

So to make things happen someone has to cross the aisle and say hi how can we work together to reach mutual goals.

La Jornada has always wanted to help the youth and the seniors in our community with more things than food.

Working with The Waterfront District we are developing a program of mentoring the children in our community.

The Waterfront district will provide the space, approximately 1000 square feet, La jornada will work with the volunteers to create a mentoring program that will help the children not only with their homework but they will have a positive image to lead them.

By making this a flex space we will be able to have senior center during the morning and a mentoring program in the afternoon.

Accomplishing two of the goals that we have been working for in a long time.

I believe that the future of our country will be served a lot better through cooperation and not through confrontation.

I want to thank the Waterfront development district with the opportunity to work together to serve the people of Flushing.

Thank you for the opportunity to work together to reach our common goals.

Pedro Rodriguez

La Jornada

Executive Director 917-880-5693

**From:** [Laura Shepard](#)  
**To:** [Land Use Testimony](#)  
**Subject:** NO on Flushing Rezoning  
**Date:** Thursday, November 12, 2020 9:59:42 AM

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Hi,

I'm writing to ask that you reject the Flushing Rezoning proposal. My concerns are as follows:

- The rezoning lacks sufficient affordable units, relative to the needs of the surrounding neighborhood.
- The project (both the rezoning and as-of-right) contains too many parking spaces. This site is ecologically sensitive land, along the waterfront. Excessive parking and driving produces runoff, which harms plant marine life and pollutes the water. It also occupies an excessive amount of space, which could be diverted for more optimal uses, like additional housing units or water-dependent public access and greenspace.
- The influx of new car owners against the waterfront will increase dangerous vehicle congestion, pollution, and carbon emissions.
- The site is located within walking distance of the 7 train, LIRR, and dozens of bus routes, which should exempt the site from parking minimums.
- The public access is insufficient and does not contain assurances that there will be bike access and that it will connect to future access points on adjacent properties.
- The private road network does not contain protected bike lanes or specify that speeds will be below 10mph. The city lacks plans for a protected bike lane on College Point Boulevard and there are no plans in the pipeline to improve the bike facilities on the Northern Boulevard or Roosevelt Avenue Bridges over Flushing creek. The recent upgrades to the Roosevelt Avenue Bridge are inadequate to meet the level of service required for bi-directional cyclist and pedestrian traffic.
- There is a high level of blatant corruption related to this project that requires investigation. Councilmember Peter Koo accepted significant sums of money from the developers. Members of the executive board of Community Board 7 received paid consulting jobs from the developers. This is not how we should determine what gets built in New York City. The interests of its people, environment, and impacts on future generations should be prioritized.
- This rezoning fails to get it right the first time. Its flaws and mistakes will produce negative consequences that will harm Queens residents for decades to come if it is constructed as is.

Sincerely,  
Laura Shepard  
41-42 50th Street  
4B  
Woodside, NY 11377  
(917) 882-2502

Hello my name is Liangshi Michael Mei. I am a senior real estate agent that has been working in the Flushing area for over 20 years. I am advocating for the SFWD project as I believe it will have a positive impact on our economy. SFWD plans to invest 2 billion dollars that could create jobs for thousands in construction and involve large amounts of businesses such as material providers and other related businesses.

While downtown Flushing has become one of the economic engines for NYC, Flushing needs more remarkable features to attract tourists. I think this project could become a star attraction that will draw people to this area.

Currently, public outdoor spaces in Flushing are lacking. SFWD will clean up the pollution from the waterfront and build a new promenade, providing outdoor space for the public. When people come to Flushing for shopping, among other things, the new waterfront promenade can provide a place for people to rest and relax. Meanwhile, having these new consumers in the area is also sure to boost existing local businesses.

I also believe SFWD could improve the current traffic situation by expanding publicly accessible roadwork. As it currently stands there is always a traffic jam at Roosevelt Ave and College Point Blvd.

Lastly in terms of housing, I feel recently that more and more people in this real estate market are gravitating towards condominiums. Condos in SFWD would be the preferred residence of buyers looking in this area. I think with more people living in the downtown areas, more business opportunities will be created, and that is what the small local businesses are looking for.

Thank you.



November 10, 2020

Statement of Linda Mazzola, Vice President, Unity Construction Services, Inc.

Good afternoon council and committee members. My name is Linda Mazzola and I am the Vice President of Unity Construction Services. I am speaking in support of this project and specifically in support of the Developer, F+T Group.

Unity Construction provides both General Contracting and Construction Management services to corporate clients, real estate developers, brokers, architects and building/property management firms. We are a long-standing member of Eastern Atlantic States Regional Council of Carpenters. By self-performing all the carpentry work on many of our projects with an in-house staff of over fifty carpenters, tapers and laborers.,

Unity became acquainted with F&T and its outstanding management and staff, while completing projects for Regal Cinemas in Lynbrook, NY and The Marketline at Essex Crossing. Since that time, Unity is working with them to complete Regal Tangram, including the buildout of a seven-screen state of the art movie theater in Flushing, NY. The project consists of a 38,000 square feet multiplex and is part of a new 1.2 million square foot, mixed use development. Regal will be the first theater to open in Downtown Flushing in thirty years. Since our arrival onsite, two years ago, we have worked alongside the fantastic group of professionals at F&T Group by providing tremendous due diligence for Tangram.

F&T has proven to be a true partner and supporter of the Flushing community by setting standards for the engagement of local and minority and women-owned businesses on each project they manage. By establishing these standards, they ensure diversity and opportunity for local companies and those in the broader Tri-State area. Job growth both during and after construction will greatly benefit the Flushing community. This is especially important considering the negative economic impact of COVID 19. F+T will both directly and indirectly create much needed jobs during this critical time.

F&T works diligently with Unity and its subcontractors, to keep all workers safe and healthy by coordinating all COVID-19 measures on a daily basis. Their commitment to all those working on this project is evident, even during this trying time, they continue to strive for project advancement, which provides good paying jobs to hundreds of people on this project. The same will hold true for this project.

Unity values its relationship with F&T and the professionalism they bring to each project they manage. We hope to continue our partnership for the betterment of the Flushing community.

I respectfully encourage you to support this project. Thank you.

[www.buildunity.com](http://www.buildunity.com)

2500 Main Street Extension, Unit 3, Sayreville, NJ 08872 (P) 732.967.9800 (F) 732.967.9810  
1001 Avenue of the Americas, 12<sup>th</sup> Floor, New York, NY 10018 (P) 212.719.7560

**From:** [Manuelsalazarnj](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Special Flushing Waterfront District Project  
**Date:** Monday, November 9, 2020 3:16:27 PM

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Dear Councilmembers:

My name is Manuel M. Salazar and I currently work in downtown Flushing. I have worked in the downtown Flushing area for over ten years. I write this email in support of the project submitted by F & T Group, Young Nian Group LLC and United Construction & Development Group. The following are my opinions based on what I have read on the subject and my opinions are my own.

The downtown waterfront has and continues to be a blight to the downtown Flushing area. It is an area that is unused and not maintained in any appreciable way. It is an area that with the proper type of project can be an area of great utility to Flushing. With each passing day, the site continues to be an environmental hazard to the entire, not just downtown, Flushing community. With the passing of the proposed Flushing Waterfront project, the waterfront area in question will finally be an area that provides tangible and intangible benefits to the community of downtown Flushing.

Numerous construction jobs will result from the construction phases of the project. During the construction phases, it is reasonable to presume that local businesses such as restaurants, retail shops, construction companies and construction company suppliers will positively benefit with increased business revenue directly related to the business generated from laborers and supervisors of the construction phases.

The proposed project will provide over 1,700 new homes, including affordable housing. The proposed project will also provide the public with access to an expanded waterfront and provide much needed alleviation of both vehicular and pedestrian traffic congestion in Downtown Flushing.

The proposed project will finally provide for the extensive environmental remediation that the area so desperately needs. In addition, there will be an upgraded sewer and drainage system for the area.

Last, but certainly not least, are the jobs that will be produced once construction of the proposed project is completed. About 3,000 retail, office and building maintenance jobs will result from the completion of the project. In addition, there should be an infusion of additional millions of dollars in tax revenue for the City of New York on a yearly basis if the project is approved.

To have this proposed project not be approved would be a terrible shame for the Flushing community as a whole, especially Downtown Flushing. It would be a shame because if the status quo were to be kept, the land will just sit there and reap no benefit to anyone and remain an environmental hazard and a displeasing eye sore.

For the reasons and opinions stated above, I respectfully request, Councilmembers of the Zoning Subcommittee of the New York City Council's Committee on Land Use, to approve the project application as submitted.

Thank you for your time and consideration and for allowing me to provide my testimony to you. Please have a pleasant day and evening.

Very truly yours,  
Manuel M. Salazar

**From:** [Maria Cheung](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Special Flushing Water District  
**Date:** Monday, November 9, 2020 10:18:48 AM

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Dear Sir/Madam,

I've been working in Flushing for 20 years, I drive everyday passing Van Wyck Expressway, seeing Flushing developed from a local quiet area to a well developed commercial and residential area.

I can see we have a lot of new developments in current years, new hotels, commercial buildings, residential condos, shopping malls, attracting a lot of businesses, visitors, restaurants, making a modern, pretty and attractive Flushing. I myself and my friends are so happy to see this change. Why we have to stop? Leaving an old and dirty area, facing the smelling Flushing Creek? I don't think that do any good to us, not only to Flushing, even for the economy in New York City.

New York City already suffered a lot , we have a lot of vacated stores, empty spaces, we need jobs opportunities, we need to raise the economy. We need a nice and clean environment. We need to move on. We need new developments.

Thank you.

Maria Cheung



**From:** [Michelle Lee](#)  
**To:** [Land Use Testimony](#); [Koo, Peter](#); [KimR@nyassembly.gov](#)  
**Subject:** [SUSPECTED SPAM] Comment against the Special Flushing Waterfront district  
**Date:** Wednesday, November 4, 2020 9:26:25 PM

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Dear New York City Council Subcommittee on Zoning and Franchises, Mr. Koo and Mr. Kim:

Greetings, I am a Queens resident who grew up in Flushing who would like to file a comment against the approval for the special Flushing waterfront district proposal via email since I cannot attend the Monday meeting due to work.

In my eyes, this project is a classic example of "penny wise, pound foolish" for Flushing and New York City as a whole. There are too many unanswered questions and potential problems with this proposal.

Downtown Flushing is already overcrowded and overdeveloped. Flushing Creek and Flushing Bay is notoriously polluted due to millions of gallons of storm water and sewage runoff, hence the constant smell - not to mention periodic flooding on College Point Blvd and various side streets after heavy rains and storms. ([www.nrdc.org/experts/larry-levine/nycs-new-plan-would-let-massive-sewage-overflows-continue](http://www.nrdc.org/experts/larry-levine/nycs-new-plan-would-let-massive-sewage-overflows-continue))

Why isn't this project being required to do an environmental impact study since it's so close to the waterfront, the highways and is in a low-lying flood plain/hurricane evacuation zone 1? What are their disaster evacuation plans? What do they plan to do to hurricane/weatherproof the site for the future should we get another massive storm or, heaven forbid, our next massive hurricane?

If this project proposes to create about 1,725 new apartments, and office complex and hotel, why isn't the developer being required to do a traffic impact study? For argument's sake, let's say people actually do want to move in, open businesses in the office space and actually stay in the hotel - which is hard to believe given the drop in travelers and spike in people moving away from NYC due to the COVID-19 pandemic. Where are all the cars for the workers and the residents going to park on site (and how much noise and air pollution will that bring)? How overcrowded will local trains and buses and roadways be? Pre-pandemic, transit overcrowding was already an issue in Flushing and remember, whatever happens at nearby [Willets Point](#) (part of your community Mr. Moya) just across the creek will also put more pressure on local streets, the highway and train traffic). How many school children will the apartment complex bring - and would we need to build another school to educate them? Say, for example, every apartment is full and only a third of the families who move in have one child - that's already 575 children right there - enough for at least one new school.

The developer said they plan to build new roads and remediate the brownfields that are currently on site and put up a park. What are their plans for mitigating all the wastewater and sewage the project could potentially develop? How are they going to maintain cleaning up the site and proposed park?

When it comes to affordable housing, why is the developer offering literally less than one-percent of the whole complex as affordable housing? There's such a huge demand for affordable housing in New York City and a proposed 90 affordable units for Flushing is an insult. Mayor de Blasio unveiled a plan last month for a new zoning requirement for SoHo to have 800 affordable units for 3,200 new homes. Under that rubric, this project should have at least 266 affordable units. Just four blocks over from the proposed site, Asian Americans for Equality opened a new affordable apartment building last year with 231 units - that project received 84,000 applications - so as you can see there's a huge need in the community. (<https://patch.com/new-york/flushing-murray-hill/new-affordable-housing-complex-opens-flushing>).

The jobs this project promises - why aren't there union jobs? What guarantee do we have that the project would actually create the number of jobs it proposes? There's no shortage of hotels in Flushing right now ([there's at least 10 other hotels within 8 blocks of the site](#) - including one across the street and large chains like the Sheraton, Hyatt, Ramada and Best Western) - and there's no demand for hotel stays lately, either. And with so many businesses having people work from home or moving away from New York City - who would actually rent out their office complex or buy the apartments?

On a related note, how much are we supposed to believe that this project would generate \$164.6 million in tax revenue? The developer is going to get a huge tax break from New York City for cleaning up the brownfields. What happens to the taxes from the project if few of the apartments and offices are actually sold? Or if the hotel never materializes, or if it does, it a ghost business where few people stay and work?

Building another massive, expensive apartment and office complex in Flushing does nothing for the neighborhood except drive up the rent for local working families - pushing people out through gentrification - and potentially create more pollution and overcrowding with no actual guarantees that the development would bring in new jobs, taxes or even do a proper environmental cleanup and site maintenance.

Flushing is a neighborhood being pushed to the limits in terms of income inequality. Apartments at the Skyview Parc, across the street from the waterfront site, are going for rent at over \$2,000 a month or for sale at over \$1.1 million (<https://streeteasy.com/complex/the-grand-at-sky-view-parc#rentals>). Meanwhile, at the NYCHA-owned James A. Bland public housing complex catty-corner across the street, more than 10,000 families line up each week to get food donations from the La Jornada food pantry (<https://gothamist.com/food/more-six-months-after-pandemic-hit-flushings-largest-food-pantry-still-overwhelmed-demand>).

Vote no on this project and make the developer go back to the drawing board and reevaluate it. The developer is like a bad boyfriend who wants a huge favor - they are over-promising on taxes generated and a jobs forecast without any guarantees and offering a pittance in terms of affordable housing in return. There are no environmental impact studies, traffic studies or even business studies to show how viable this proposal is and how much of a footprint it would have in an already overdeveloped and overcrowded community and business market. There's no plan to show what would happen should the waterfront site flood or our region gets hit by a massive storm or hurricane. There's no real benefit at all - and the developer needs to do better and work with the community.

Respectfully,

Michelle Lee

Thank you Chir and the members of the City Council,

I am the lead housing organizer at MinKwon Center, which has been serving Downtown Flushing for 36 years.

I want to walk through what happened in Flushing since Developers have been planning this mega luxury development

- In 2014, Mayor de Blasio's announcement of flushing rezoning,
  - Since then, predatory landlords have bought dozens of rent stabilized buildings, displacing our low income tenants by taking advantage of their limited English proficiency. They also don't fix repair issues for the long term tenants to kick them out to renovate the place then increase the rent
- Also, we have been fighting against
  - First, skyrocketing rent. Predatory landlords were displacing low income immigrants and POC. People were priced out.
  - 2nd Speculation of land: According to NYT: "Flushing quietly became one of the fastest-growing for-sale markets of the last decade..., second only to Williamsburg"
  - 3rd loss of local small businesses and supermarkets. People who worked at those small businesses obviously lost their jobs.
  - 4th When those businesses were gone, big franchise business came. This also means that people have to pay more money for the same services
  - Lately, When gentrification happens, "Cleaning the street" happens as part of their "broken window" theory: homeless people + Sex workers + street vendors + delivery workers were harassed and targeted more by the police
  -

Because of the language barrier, Low income, Limited English Proficiency (LEP) immigrants in Flushing have been at greater risk of gentrification, displacement, and homelessness.

Ross Moskowitz and others kept lying about community engagement. Community has been consistently fighting against the plan.

- Flushing community members and organizations created the **Flushing Community Rezoning Alliance**. They fought back and **to stop this rezoning plan in 2016**. But One year before Peter Koo's term as a

councilman would be over, the developers came back with the essentially same rezoning plan in December 2019.

**There has been a gross lack of transparency throughout the entire ULURP process, where community members have been deliberately kept in the dark. One of the primary initiatives of the ULURP process is to account for community input and opinion. It became evident that it was the developers' and CB7's intent to fasttrack the approval process without any input from the neighborhood's residents for fear of backlash. At least, two of the CB7 members are getting paid by the developers.**

Despite that low income downtown community members would bear the greatest environmental, economic, and social burden, we simply were not informed or consulted. The luxury developments that are being planned are not for local residents, and will have caused and increased displacement and homelessness in our community. Flushing tenants pay 60 % their income

We were already struggling before COVID because of gentrification, where our community members often voiced that they have been forced to make the difficult decision between paying rent and buying food.

Due to COVID 19, hundreds of people passed away. People are receiving fake eviction letters and getting harassed by their landlords during the eviction moratorium. 10,000 people line up at the food pantry. We witness an increasing number of homeless brothers and sisters on the street. Longtime local supermarkets being pushed out due to predatory real estate development has further disabled local residents. When COVID hit us, many of our community members who had cash jobs and who relied on tips were laid off and couldn't even afford basic amenities like toilet paper. All these struggles that our community has been enduring are long term consequences of real estate speculation and environmental racism.

This plan was funded by the Brownfield opportunity grants (BOA) which allocated 1.5 million tax dollars to the development. As such, the people of Flushing should be key stakeholders in this matter. This plan itself came out of public money, then we should be able to enjoy the clean waterfront without building the gated community.

Importantly, this plan will endanger the community. Proposed buildings height exceed the FAA height restrictions in the [primary approach path](#) to LaGuardia Airport. Site 4 is like 200 feet away from a concrete plant. Which will create health issues.

**There has been a gross lack of transparency throughout the entire ULURP process, where community members have been deliberately kept in the dark. One of the primary initiatives of the ULURP process is to account for community input and opinion. It became evident that it was the developers' and CB7's intent to fasttrack the approval process without any input from the neighborhood's residents for fear of backlash. At least, two of the CB7 members are getting paid by the developers.**

The organization that the ross moskowitz were saying that developers reached out to , they are friends of flushing creek, and developers are the board members

Furthermore, according to a report from the NYC Controller's office, 41% of Flushing residents do not have internet access, yet the City Planning Commission (CPC) plans to hold rezoning hearings over a virtual platform.

While residents continue to grieve and suffer through the pandemic, the city assumes that it is appropriate to shove this luxury development down our throats and resume the approval process, instead of focusing on providing relief to the community. Participating in a virtual call for this hearing during this crisis is simply out of reach for our low-income Limited English Proficiency senior residents, and only serves to further squelch the community's voices.

## **OPINION: Luxury rezoning would worsen food insecurity, inequities in Flushing**

May 26, 2020

A virus may not discriminate, but it is no surprise that poor, Black and Latino New Yorkers have experienced the most devastation from the COVID-19 crisis. This outbreak has laid bare the

underlying systems that leave the elderly, immigrants, and those living paycheck to paycheck most vulnerable in this crisis.

Despite these inequalities, our city and state continue to prioritize testing in the whitest and wealthiest neighborhoods, signaling who our leaders value and consider worth saving.

Queens, in particular, has been hit very hard by COVID-19. Our diverse immigrant communities are excluded from state aid even as many undocumented workers continue to be deemed “essential.”

Today, Downtown Flushing is a food desert. According to public data, Flushing has less than 10 retail food stores per 10,000 residents. Most supermarkets are closed, and long lines wrap around entire blocks at food pantries. But even before the COVID-19 pandemic, Flushing was losing supermarkets and bodegas to luxury development and gentrification. In 2015, for example, a Met Food supermarket was closed after nearly 30 years of operation in downtown Flushing to make way for developer Yin Chou Hu’s “Epic Tower,” a 14-story mixed-use development with 84 luxury units.

Flushing’s food inaccessibility is compounded by high rents — in 2017, the real median gross rent in Flushing was \$1510. High rents have been spurred by the rapid real estate development of downtown Flushing, which has seen the second highest number of luxury condominiums built in New York City since 2009 and was further accelerated when Mayor Bill de Blasio announced his plan for Flushing West Rezoning in 2014. With property values speculated to rise, predatory landlords bought up rent-stabilized units in Flushing. Countless Flushing residents were driven out of their homes because they could not afford their increased rents or were subject to tenant harassment. Others met the rising rents by working more hours or doubling up in crowded apartments to afford to stay.

Despite these conditions, New York City’s Department of City Planning continues to work closely with real estate developers like FWC LDC to transform working-class neighborhoods like Flushing into sandboxes for property speculation. Their most recent iteration, the “Special Flushing Waterfront Rezoning,” was approved by Community Board 7 before being rejected by the Interim Queens Borough President Sharon Lee.

This rejection came after intense pressure and protests from the community. But this conditional disapproval is not nearly enough to protect our community from displacement.

State Sen. Michael Giannaris’s rent suspension bill was proposed on March 23 and it has garnered 22 co-sponsors, but it is still to be seen whether our other elected officials will step up

and address the needs of our community. Despite pressures from advocates for a rent suspension for the duration of the crisis, neither de Blasio or Gov. Andrew Cuomo have indicated their support.

As the government bails out large corporations, small businesses are struggling to survive and families are deciding whether to feed their children or pay rent.

We know crises are often used to displace low-income people from their homes, and small businesses from the community. Indeed, even during a global pandemic, construction is continuing at luxury developments like Ismael Leviya's project on 144th Street and Northern Boulevard. Meanwhile, unemployed Flushing residents are harassed over rent that they cannot afford.

This crisis demands a commitment from our state and municipal officials to rebuild our public infrastructure. Stop giving away our hospitals, schools and affordable housing to luxury developers. COVID-19 should not be a gateway for luxury development.

Projects like the Special Flushing Waterfront District, which are designed to displace residents and small businesses, must be scrapped so we can focus on meeting the needs and demands of the Flushing community. We are ready to get back on our feet and rebuild the community we love.

## Opinion

# Special Flushing Waterfront District: A Massive Giveaway?

January 31, 2020 | by [Tarry Hum](#)

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Flushing Special Waterfront District protestors

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Most Flushing community stakeholders, including at least one Community Board 7 member, learned from a [December YIMBY](#) article that a massive waterfront rezoning and special district application had been certified by the City Planning Commission, initiating the seven-month [Uniform Land Use Review Procedure](#) that could make it a reality.

Eager to learn the details of the proposed rezoning and new development, the January 7 CB 7 land use committee meeting was attended by so many unfamiliar faces such that the committee chair asked everyone for a brief self-introduction.

While Flushing resident and activist Bobby Nathan was among a handful of attendees who expressed their opposition to the Special Flushing Waterfront District rezoning that



evening, many others in subsequent meetings joined him. Initially protestors were dismissed for being “[rude and inconsiderate](#),” then five NYPD officers were called to the January 21 meeting due to a group of protestors holding signs stating sentiments such as “We don’t want your 🗑️ -ty luxury condos.”

The Special Flushing Waterfront District proposal would add nine buildings for a total of 13 towers (four buildings provide a base for two towers each) in a 29-acre site bounded by 36th Avenue to the north, College Point Blvd to the east, 40th Road to the south, and the Flushing Creek to the west. All the proposed towers except for two will exceed the FAA height restrictions in the [primary approach path](#) to LaGuardia Airport, which is less than two miles away.

These towers would add 3 million square feet in luxury hotels, residential condos, retail, and office space. The addition of 1,725 luxury residential condos represents [more than half of the total volume](#) of luxury condos added to the Flushing market in the past decade. To facilitate pedestrian and vehicular circulation, a network of “publicly accessible” private streets and private extensions of existing mapped streets will connect the cluster of mixed-use towers.

The development team’s presentations emphasize the introduction of an urban scale and improvements in the public realm as primary community benefits. However, the architectural renderings underscore the utility of the open space, which largely serves to provide relief from the massive building bases lined with ground-level retail storefronts rather than accommodate passive or active recreational use.

The public realm includes a pedestrian path that will connect the new blocks along the Flushing Creek (which remains polluted by [combined sewage and stormwater overflows](#)). The other community benefit is a miniscule 61 units of affordable housing at 80% of Area Median Income (AMI) equal to \$85,360 for a family of four, while the median household income in downtown Flushing is closer to \$41,000.

Despite the massive scale, complicated and layered environmental matters including the remediation of brownfields and the Flushing Creek, construction in a [coastal flood hazard area](#) and [hurricane evacuation high-risk zone](#), and outstanding public safety concerns due to the proposed building heights that potentially obstruct airplane navigation, the Department of City Planning issued a negative declaration on the [Environmental Assessment Statement](#), meaning that the agency found “no significant effect on the quality of the environment.”

The negative declaration eliminates two pre-ULURP [opportunities for public review](#) and comment on the socioeconomic, environmental, and neighborhood impacts of this complicated and transformative special district and rezoning application. Because of the negative declaration, Flushing stakeholders were denied an opportunity for a [public scoping hearing](#) to comment on topics that should be part of an Environmental Impact Statement, and another opportunity to review and comment on a comprehensive [Draft Environmental Impact Statement](#).

The Department of City Planning explained the negative declaration is merited because the development area is a commercial (C4-2) zone and the proposed new density and uses are as-of-right. Only a small portion of the development site will be rezoned from a manufacturing (M3-1) zone to a mixed manufacturing-residential (M1-2/R7-1) zone.

Department of City Planning’s explanation, however, is deceptively simplistic. Since the development site is comprised of numerous lots, several that are large (in the range of 100,000 square feet) and deep (as they are bounded by College Point Blvd and the waterfront, reaching 582 feet in depth) and varied in topography and grade (downward slope to the Flushing Creek), the as-of-right zoning is “[fairly restrictive](#).” Moreover, the 1998 Waterfront Access Plan applies to the site and requires provision of “[a shared public walkway, upland connections to the public walkway, and visual corridors](#).” Given these significant site constraints, a special district designation is essential for the

developer-owners to maximize the commercial (C4-2) zoning bulk and density parameters.

To resolve these challenges, the three property owners formed FRWA LLC to work with the Department of City Planning and a small army of master planners, architects, engineers, and lawyers to divide the 29-acre area into buildable sites that facilitate visual corridors connected by privately owned and managed streets.

In order to maximize the commercial (C4-2) as-of-right buildable floor area, the special district requires a waiver to permit 11 towers to exceed the FAA's strict height restrictions. Moreover, the special district lowers the parking to a commercial (C4-4) zoning that requires one parking space per 1,000 sq. ft. rather than per 300 sq. ft. in a C4-2.

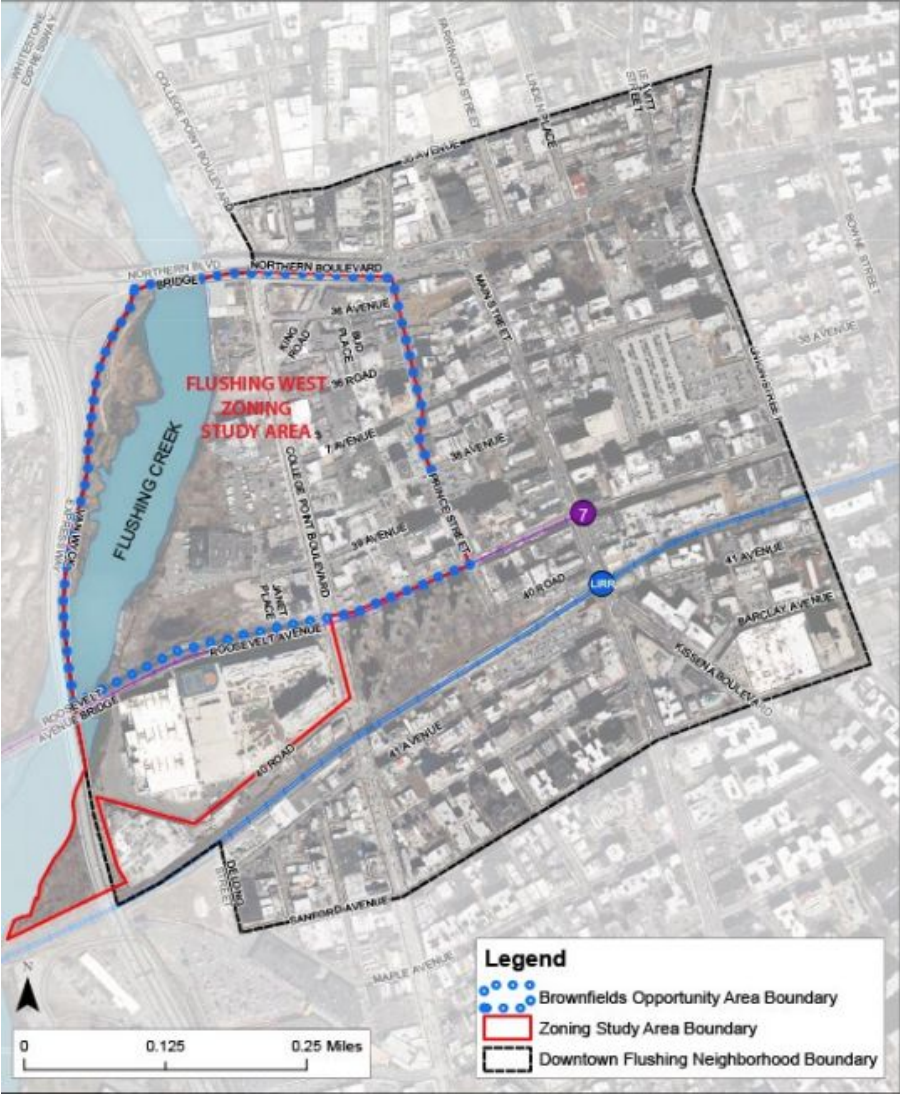
In contrast to City Planning's position that the proposed density is as-of-right, a Special Flushing Waterfront District to waive FAA restrictions, modify WAP zoning controls, and stipulate additional state and federal environmental approvals is necessary for FRWA LLC to maximize their C4-2 development rights. In other words, the proposed waterfront district is not truly as-of-right because the development scheme is dependent on numerous waivers and modifications of land use rules.

The planning for the Special Flushing Waterfront District dates back to 2010, when former Queens Borough President Claire Shulman's [Flushing Willets Point Corona Local Development Corporation](#) (FWC LDC) secured a \$1.5 million New York State Brownfields Opportunity Areas (BOA) planning grant.

FWC LDC hired ARKF to conduct baseline land use, zoning, and environmental studies of a larger 60-acre study area. In 2014, FWC LDC transferred the remaining \$800,000 of the BOA grant to the Department of City Planning to complete these studies and prepare a zoning proposal. During this stage of planning, City Planning dubbed an 11-block portion of the waterfront area (approximately 47 acres) [Flushing West](#), and expanded the scope of the zoning study to include new affordable housing production as part of Mayor de Blasio's

Housing New York plan. [Crain's New York Business](#) reported on this highly unusual arrangement:

“The role of the (FWC LDC) in the planning process and the money it will be paying the department raise questions about who is actually running the show in this part of Queens and how much real estate interests who support the initiative— including members of the development corporation's board—stand to gain.”



Described as “[under the radar](#),” Flushing West joined Brooklyn’s East New York and Jerome Avenue in the Bronx as the first neighborhood rezonings eyed for implementing the mayor’s mandatory inclusionary housing policy.

The Flushing Rezoning Community Alliance led by the [MinKwon Center for Community Action](#), [Faith in New York](#), and [St. George's Church](#) was formed in July 2015 to advocate for an inclusive planning process and deeper housing affordability. It prepared [a report](#) highlighting substandard neighborhood conditions and detailing recommendations for an equitable rezoning. Less than a year later on May 27, 2016, City Council Member Peter Koo wrote a letter to then City Planning Commission Chair Carl Weisbrod detailing outstanding infrastructure constraints and pressed the point that the Flushing West rezoning would be equivalent to "stuffing 10 pounds of potatoes into a five pound bag." The [city ceded to Koo’s request](#) and ended the [Flushing West Neighborhood Planning Study](#).

While Flushing West ceased to be a city-led rezoning, the Department of City Planning continued to work with FWC LDC on a smaller area comprised of the lots owned by the three major developers that formed FRWA LLC. They are [F and T Group](#), [United Construction & Development Group](#), and [Young Nian Group LLC](#), a Chinese transnational development group that purchased the former Korean supermarket Assi Plaza, after [several speculative flip sales](#), for \$115 million. In consultation with Community Board 7’s executive committee, this public-private collaboration completed the Flushing waterfront special district and rezoning application.

Department of City Planning served an integral role in preparing a Special Flushing Waterfront District plan that maximizes private development rights and profits. In response to the 2015 Crain’s article that questioned DCP’s consultant role to the FWC LDC, Queens Department of City Planning Director [John Young](#) wrote, “In short, the LDC has no veto power over our work. Rather, the public does - via the city’s transparent and multilayered public land-use review procedure.”

However, the Department of City Planning's negative declaration on the EAS has eliminated pre-ULURP opportunities for public review and comment on a complex special district and rezoning application. In response to my request for clarification on the EAS, the Queens City Planning office suggested I contact an associate at [Stroock](#), the law firm that represents FRWA LLC.

ULURP ends with the New York City Council, and Council Member Koo's vote will determine the fate of the Special Flushing Waterfront District. In addition to detailing the challenges due to overdevelopment and the outstanding need for affordable housing, Koo's May 2016 letter noted that developers informed him the Flushing West rezoning represented a downzoning and since "the numbers didn't add up," "it is actually more financially feasible for them to have an empty lot."

Apparently, City Planning, FWC LDC, and the FRWA LLC's army of experts figured out how to make the numbers work to move ahead with the waterfront district plan. The question now is, will Council Member Koo maintain a principled position and reject a rezoning that augments environmental risks and socioeconomic burdens, and supercharges the gentrification of Flushing?

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Tarry Hum is Professor and Chair of the Urban Studies Department, Queens College, City University of New York. On Twitter [@TarryHum](#).

**From:** [Neng Wang](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Testimony  
**Date:** Monday, November 9, 2020 10:07:01 AM  
**Attachments:** [image011.png](#)  
[image013.png](#)  
[Neng Wang 11.9.2020.pdf](#)

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Name: Neng Wang

Date of hearing: 11/09/2020

Address and phone number please see signature below.

**Nene Wang** | Candidate for NYC Council District 20

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**Friends of Neng Wang Campaign Committee**  
O: 718-550-5959    T: 347-868-1862  
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Good Moring Everyone:

My name is Neng Wang . I was the Director of the CPC Queens Nan Shan Senior Center for over 33 years, before I retired in January 2019. I am also the director of FCBA and the candidate for New York City Council District 20,2021.

Flushing neighborhood is all about hard-working immigrants who want to make a better life for their families and fulfill their American dreams.

Unfortunately, the COVID-19 has hurt our local businesses as well as many families' livelihoods in Flushing. Our community needs the involvement and support of local businesses. This private investment will create thousands of new and permanent jobs. In Flushing Area, there is 28% unemployment Rate. This is unacceptable to me.

I also care about the elderly population in Flushing. I spent most of my time to helping them. With COVID –19 the need for senior citizens especially people with disabilities to maintain a physically active lifestyle is very critical.

I want to see the waterfront areas transformed. This project will provide a wide and extended waterfront public walkway and high-quality open spaces for our seniors to walk around. Right now, it's just polluted and it's not safe to walk there. On behalf of our community, I support this project.

Thank you!

Neng Wang



**From:** [Jalisa Gilmore](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Subcommittee on Zoning and Franchises Special Flushing Waterfront District  
**Date:** Tuesday, November 10, 2020 11:40:49 AM  
**Attachments:** [NYC-EJA SFWD Rezoning Testimony 110920.pdf](#)

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Hello,

Attached please find the New York City Environmental Justice Alliance's full written testimony for the The Subcommittee on Zoning and Franchises' November 9, 2020 hearing on the Special Flushing Waterfront District.

Thank you,

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**Jalisa Gilmore, MPH**

Research Analyst | **NYC Environmental Justice Alliance (NYC-EJA)**  
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**New York City Environmental Justice Alliance testimony to NYC Council Subcommittee on Zoning and Franchises on the Proposed Special Flushing Waterfront District (SFWD) Uniform Land Use Review Procedure (ULURP) application**

I am Jalisa Gilmore and on behalf of the New York City Environmental Justice Alliance I stand in solidarity with our member organization, Chhaya CDC and members of the Flushing for Equitable Development and Urban Planning (FED-UP) coalition in opposing the Flushing Willets Point Corona Local Development Corporation's (the LDC) proposed Special Flushing Waterfront District (SFWD) Uniform Land Use Review Procedure (ULURP) application. NYC-EJA is a citywide network of grassroots organizations from low-income communities and communities of color in environmentally overburdened neighborhoods – including those serving industrial waterfront communities on the frontline of coastal environmental hazards and climate change.

In the age of the climate crisis, coastal planning must center the needs of frontline communities and support resilient, sustainable, and affordable neighborhoods with access to good, green jobs. Unfortunately, the rapidly rising flood of luxury waterfront development in increasingly risky areas of New York threatens this vision. The SFWD proposal is no different, proposing needless private development with little community input that threatens the existing diverse, working-class and immigrant community while doing very little to address coastal climate risks.

**No Attention to Environmental or Coastal Climate Risks**

We are particularly concerned about the plan moving forward without an Environmental Impact Statement, as well as the proposal's overall lack of attention to coastal climate and environmental health risks. Most of the proposed development is situated within the combined 100 and 500 year floodplain, including the meager supply of affordable housing. This is particularly distressing given the legacy toxic pollution of Flushing Creek, which regularly swells during heavy rain storms, flooding pathways in Flushing Meadows-Corona Park, the streets of Willets Point, and even portions of the Van Wyck Expressway. These storms also overburden our sewage system, which leads to a discharge of raw sewage from the 3 combined sewer outfalls located in the creek. It is unconscionable to relegate affordable housing to risky contaminated areas without any consideration for coastal protection, perpetuating historic environmental racism and inequality by exposing low-income people and people of color to toxic water. Climate resilience must be an essential component of any proposed rezoning along our coastline. Nature-based solutions such as living shorelines and green infrastructure must be prioritized to meet the pressing climate resilience challenges ahead.

### **Undervalues Manufacturing Land as Hub for Climate Jobs**

NYC-EJA endorses a balanced approach to waterfront policy that bolsters local communities by promoting economic growth and advancing equity, while protecting and improving our waterways. We envision innovative waterfront industrial zoning and programs that set the standard for environmentally-conscious development while enhancing community resiliency. The industrial sector has historically provided people of color and immigrants with family-sustaining jobs, and NYC-EJA believes that promoting and preserving industrial jobs and manufacturing zoning in New York City is a key component of creating a resilient and thriving economy.

Waterfront manufacturing zones should be seen as a critical asset to the Just Transition, and not an opportunity to build needless hotels and high-rises for the elite. The Climate Leadership and Community Protection Act (CLCPA), which legislated commitments to reduce greenhouse gas emissions by 85% in NYS by 2050 has the potential to create over 150,000 new green jobs. These new climate jobs, including solar and wind manufacturing, green infrastructure, and coastal resilience, require industrial infrastructure to ensure local benefits and sustainable economic development.

### **Lack of Meaningful Community Input**

We echo concerns by the FED UP coalition that the ULURP process has failed to incorporate meaningful community input. As a result, the proposal lacks a plan for any public institutions that are essential to service an already densely populated area; there is no stated intention to increase the number of public schools, libraries, youth centers or senior centers, which are also critical to facilitating the social cohesion that helps bolster community resiliency.

In addition to the aforementioned concerns, the ongoing COVID-19 pandemic calls for a pause in the current ULURP process. The virtual engagement that we rely on to keep us safe, is not appropriate for the level of community engagement needed for a proposal of this magnitude and ignores the technology barriers that arise for some community members. Lastly as NYC works to recover from COVID-19 and the subsequent economic crisis, the importance of prioritizing community's health and economic stability over luxury development that accelerates displacement is what Flushing needs.

We must completely reimagine our urban coastlines as a critical resource in the fight for climate resiliency; not as areas for potential luxury development, but as sites for ecologically-sound climate solutions that protect our society's most vulnerable. Environmental justice communities who are on the frontlines of the crisis must be at the forefront of the solutions. Given the abysmal attention to the existing community's needs, to the risks of toxic exposure, storm surge, and sea level rise, and undervaluing of manufacturing land as part of a Just Transition, NYC-EJA strongly opposes this application.

**32BJ SEIU Testimony—Patricia Florio**

**Special Flushing Waterfront District**

**New York City Council**

My name is Patricia Florio and I'm here today as a 20-year 32BJ member and a 40-year resident of Flushing to ask you to VOTE NO on this rezoning.

My family and I came to the United States from Ecuador for a better life—and that better life came into fruition because we found a good home in Flushing and I got a good paying job with a strong union contract.

My job allowed me to raise my son with dignity and security. Because it is a job that pays the prevailing wage, I have guaranteed paid days off, sick days, medical benefits, and a retirement plan. For 20 years, I never worried about having to choose between putting food on the table or paying rent. All working families deserve this too.

I love Flushing. We are a strong, dynamic community built by immigrants like myself, from all over the world. Although we are from different countries and have had different experience, we are all strong working people trying to raise our families. Our neighborhood deserves development that will give us meaningful affordable housing and prevailing wage jobs. This project will provide neither. For these reasons, I urge you to VOTE NO.

Thank you.

**From:** [Paula Segal](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Written testimony from today's Flushing hearing  
**Date:** Monday, November 9, 2020 3:16:17 PM  
**Attachments:** [TakeRoot testimony - Paula Segal.pdf](#)

---

Thank you!

Paula Z. Segal, Esq.  
Senior Staff Attorney  
**Equitable Neighborhoods Practice**

TakeRoot Justice  
123 William Street, 16th Floor  
New York NY 10038  
[psegal@takerootjustice.org](mailto:psegal@takerootjustice.org)  
[\(646\) 459-3067](tel:(646)459-3067)

Pronouns: she / her

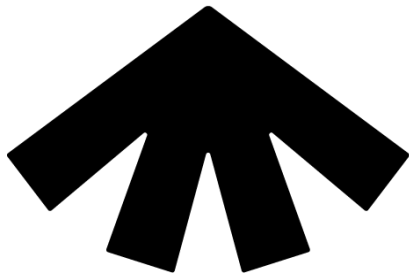
[takerootjustice.org](http://takerootjustice.org)  
[@TakeRootNYC](#)

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*Due to COVID-19, TakeRoot Justice's offices are closed. Staff are working remotely to bring justice to all. Current clients should contact their advocates directly; when possible mail should be sent electronically. Many of our clinics and workshops are being held remotely, and we are sharing resource guides on our website at [www.takerootjustice.org](http://www.takerootjustice.org). Our offices will remain closed until further notice.*

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# TAKEROOT JUSTICE

## **Comments to the Land Use Committee of the City Council on the Special Flushing Waterfront District application**

November 9, 2020

My name is Paula Segal, Senior Staff Attorney at TakeRoot Justice. TakeRoot is counsel to Flushing for Equitable Development & Urban Planning, a coalition of resident-led groups that work in Flushing, including Chhaya CDC, MinKwon Center for Community Action and the Greater Flushing Chamber of Commerce.

As the applicants revealed in their presentation at the hearing this morning, the negative declaration in the application package before you is based on an Environmental Assessment Statement specifically crafted to minimize the increment between the development permitted under current zoning rules and what would be permitted under the rules proposed by the private applicants.

The Council should treat this flaw as fatal and disapprove the application. Our clients have filed suit in June to bring this fatal flaw in the final environmental review determination to the attention of the State Courts. See Qns. Sup. Ct. Ind. Num: 706788/2020. A hearing on that Article 78 is pending. Should this Council approve the application before it today, that approval will become part of the pending litigation as well.

The primary instrument for eliminating the increment is leaving the Uhaul site (site B) out of the With Action analysis, even though it is included in the special district, the MIH mapping action and proposing to change its zoning district - an up zoning to residential. The proposed rezoning will allow nearly 600,000 square feet of residential construction that is not allowed as of right today. This is development capacity that the private applicants are asking the Council to add, without any analysis of its potential impacts. Applicants today confirmed that the site IS being rezoned, and this rezoning will be the permanent law for this property, no matter who owns it, including any owner who buys it from Uhaul. Nothing about the present circumstances will keep Uhaul from selling the newly valuable residentially zoned site.

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Law, research, and  
policy for organizing

**TAKEROOTJUSTICE.ORG**

Yet the EAS simply *ignores* it.

Two City Planning Commissioners voted NO after recognizing the potential insufficiency of the EIS analysis, that only "some" local stakeholders have been involved in the development of the project, and the very real displacement risks to the existing community that the proposal brings with it. Two others recognized that these were concerns that the City Council should not ignore when they allowed the proposal to advance to this summary

The EAS erroneously concludes that the development permitted by the proposed rezoning will not have any *potential* of significant impact on the environment, including the real estate market, existing retail businesses, the need for schools, libraries, fire, police and health care facilities.

SEQRA - the State Environmental Quality Review Act - requires an Environmental Impact Statement for "any action which *may* have a significant effect on the environment." Only if the lead agency concludes there is no such potential impact, no EIS is required and no public input on the method of studying potential impact need be sought.

Here, a mayoral agency concluded there are no potential impacts in error and avoided the entire EIS process. This violates both the spirit and the letter of SEQRA.

Approving the application with this flaw in the package before you and the process would likewise fly in the face of the explicit instructions in the CEQR technical manual to "consider the change in development potential for all sites" affected (2-9). Excluding the Uhaul site is a violation of the manual.

The Court of Appeals has likewise explained that an agency only fulfills its responsibility under SEQRA when it studies hypothetical *\*full-build\** uses for all sites to be rezoned. *Neville v. Koch*, 79 N.Y.2d 416, 427 (1992). That rule applies to the City Council here.

Thank you very much for your time today.



**From:** [Ramon de la Rosa](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Special Flushing Waterfront District  
**Date:** Monday, November 9, 2020 10:15:04 AM

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My name is Ramon de la Rosa and I'm writing to support the Flushing Waterfront District project. That areas of flushing can definitely improve with the type of architecture and city planning its proposing to implement. Not only will it bring locals, tourists to the area but the amount of employment this proposal will generate would have a positive impact in the local economy.

I hope this written testimony can help in order to achieve this great vision. Thank you.

**Ramon de la Rosa**  
**HiRise Construction LLC**  
**Arch2Studio LLC**  
**Cell [516.413.6532](tel:516.413.6532)**  
**[rdelarosa.hrc@gmail.com](mailto:rdelarosa.hrc@gmail.com)**  
**[www.hiriseconstructionllc.com](http://www.hiriseconstructionllc.com)**  
follow us on Instagram [@hiriseconstruction](#)



**From:** [LoScalzo](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Public Testimony -- Special Flushing Waterfront District -- Subcommittee on Zoning and Franchises  
**Date:** Thursday, November 12, 2020 2:01:52 PM  
**Attachments:** [201112\\_LoScalzo\\_Testimony\\_SpecialFlushingWaterfrontDistrict.pdf](#)

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Hello. Attached please find my written testimony (PDF) on the topic of Special Flushing Waterfront District, a ULURP which is being evaluated by the Subcommittee on Zoning and Franchises. If you need further information, please let me know.

Robert LoScalzo  
Email: [RLosca@aol.com](mailto:RLosca@aol.com)

169-06 22nd Avenue  
Whitestone, New York 11357

November 12, 2020

*Via email to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov)*

New York City Council  
Subcommittee on Zoning and Franchises  
City Hall  
New York, New York 10007

**Re: Comments on Active Land Use Applications**

Subject of Applications: Special Flushing Waterfront District

Date of Public Hearing: November 9, 2020

Borough: Queens

ULURP Nos.: C 200033 ZMQ and N 200034 ZRQ

CD No.: 7

Position: Opposed

Name of Commenter: Robert LoScalzo

Organization: None

Dear Council Members:

This writing and its attachments are to supplement my testimony given during the public hearing held remotely on November 9, 2020 concerning the above-referenced applications of FWRA LLC (“Applicant”) in connection with the proposed Special Flushing Waterfront District (“SFWD”).

**(1) SFWD threatens the usability of westbound Roosevelt Avenue as a thoroughfare linking Flushing and Corona.**

To best understand the following paragraphs, please see Attachment A, an aerial view of the project area derived from Google Maps, with colored overlays that I added showing proximity to Roosevelt Avenue, the number 7 subway line, and other projects/facilities that rely on Roosevelt Avenue. Traffic levels of service are noted beneath the aerial view.

Existing conditions, plus the impacts of the Willets Point redevelopment (previously approved by the City Council) and impacts of the planned LaGuardia AirTrain terminal with parking structure<sup>1</sup>, create traffic that is beyond the capacity of Roosevelt Avenue or intersecting streets. The proposed SFWD includes an interior private street network, which will only exist if the applications are approved, and which will create conditions that are “the straw that breaks the camel’s back,” as concerns Roosevelt Avenue.

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<sup>1</sup> The Federal Aviation Administration has published a Draft Environmental Impact Statement for the LaGuardia AirTrain and its parking structure; the public comment period closed on October 20, 2020.

Roosevelt Avenue is a key vehicular connection between Flushing and Corona. (See Attachment A.) Citi Field stadium, where the New York Mets play baseball games, is located along Roosevelt Avenue just 2,000 feet west of the proposed SFWD. Attendees of Mets games drive on Roosevelt Avenue to reach the stadium. The Willets Point redevelopment, a project of the New York City Economic Development Corporation whose approvals permit 5,500 residential housing units among other attractions, is also located along Roosevelt Avenue. At the same point along Roosevelt Avenue, roughly 1,000 feet from the proposed SFWD, the Port Authority of New York and New Jersey and the Federal Aviation Administration intend to construct a LaGuardia Airport AirTrain terminal with parking structure, deliberately attracting vehicular traffic to that spot on Roosevelt Avenue as part of a plan to provide time-certain access to LaGuardia Airport.

The location of the proposed SFWD is mid-way between the attractions discussed in the previous paragraph, and the intersection of Main Street and Roosevelt Avenue (where the number 7 subway line terminates), which is already “the third busiest intersection in the City, after Times Square and Herald Square”<sup>2</sup>. (See Attachment A.)

Applicants have prepared an Environmental Assessment Statement (“EAS”) for the proposed SFWD. The EAS describes the interior private street network that is included in the SFWD. However, careful reading of the EAS reveals severe unaddressed problems with traffic on Roosevelt Avenue and intersecting streets.

The SFWD interior private street network includes a new “Transverse Road” that will intersect with westbound Roosevelt Avenue (see Attachment A, red call-out C).

Although drivers traveling westbound on Roosevelt Avenue will expect to be able to turn right onto Transverse Road to enter the SFWD, that turn is problematic for at least two reasons.

*First*, the EAS states that during weekdays mid-day, 214 vehicles will make that right turn onto Transverse Road per hour (i.e., one vehicle per 16.8 seconds)<sup>3</sup>. Meanwhile, two blocks away at the intersection of Transverse Road and 38th Avenue (see Attachment A, red call-out D), during the same time period, the EAS reports that the traffic level of service on northbound Transverse Road will be “D,” with delay of 33 seconds<sup>4</sup>.

In other words, vehicles will be attempting to turn from Roosevelt Avenue onto Transverse Road at twice the frequency that Transverse Road can accommodate, further down Transverse Road. That means there will be a spill-back of traffic on Transverse Road that prevents or slows turning in from Roosevelt Avenue.

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<sup>2</sup> Regional Plan Association web page, <http://fourthplan.org/places/new-york-city/flushing>; last accessed October 1, 2020.

<sup>3</sup> EAS Figure K-18.

<sup>4</sup> EAS Table M-18.

*Second*, at the point where westbound Roosevelt Avenue will intersect with Transverse Road, the left lane of Roosevelt Avenue is a left-turn-only lane, dedicated to vehicles turning left into the Skyview Mall driveway (see Attachment B, photograph derived from Google Street View imagery dated November 2019, depicting westerly view on Roosevelt Avenue and proving that the left lane is left-turn-only).

Thus, if any traffic congestion on Transverse Road prevents right turns onto it from westbound Roosevelt Avenue, drivers intending to continue westbound will be unable to circumvent a traffic spill-back in the right lane of Roosevelt Avenue by using the left lane, because the left lane is dedicated to left turns into the Skyview Mall driveway.

As the SFWD is intended to be an attraction, and vehicles will attempt to turn from Roosevelt Avenue onto Transverse Road at twice the frequency that Transverse Road can accommodate further down Transverse Road, and drivers cannot circumvent a spill-back of traffic on westbound Roosevelt Avenue by using the left lane because it is a left-turn-only lane, the westbound flow of through-traffic on Roosevelt Avenue will be prevented.

The EAS offers no mitigation or solution for the above circumstance. And, the traffic issue described above is not the sole cause for concern.

As for the intersection of Janet Place with Roosevelt Avenue (see Attachment A, red call-out E), the EAS states that in the “Future With Action Condition,” a vehicle traveling southbound on Janet Place will take 2,689 seconds (more than 44 minutes) to turn right onto Roosevelt Avenue during the weekday AM period. The EAS provides no analyses for other times of day<sup>5</sup>. By comparison, the EAS states that under the present existing conditions, the same turn takes 16.5 seconds during the weekday AM period<sup>6</sup>.

Similar untenable traffic delays will occur along College Point Boulevard in the “Future With Action Condition”. For example, “[t]he eastbound approach of Site 4 Driveway at College Point Boulevard” (see Attachment A, red call-out F) would “operate at LOS F with an average delay of 3,655 seconds during the weekday midday peak hour, relative to no delay in the Future No-Action Condition.”<sup>7</sup> (EAS at p. 312.) 3,655 seconds equals a delay of more than one hour to turn onto College Point Boulevard.

When asked during a presentation to Queens Community Board 7 how drivers could reliably use the SFWD’s Site 4 Driveway at College Point Boulevard, considering the EAS’s acknowledgment that exiting the driveway will take 3,655 seconds (more than one hour), Applicant’s traffic consultant offered no substantive explanation; the delay cannot be mitigated.

Council members must consider whether Applicant’s proposed development – which includes an interior private street network that will only exist if the applications are

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<sup>5</sup> See EAS Appendix K, Table K-1.

<sup>6</sup> *Id.* at 292, Table M-13.

<sup>7</sup> EAS at 312.

approved, which in turn triggers the above-described impacts affecting travel to Corona – belongs at the proposed site.

**(2) The City Planning Commission’s SFWD reports omit any mention of public testimony at the CPC hearing regarding how the proposed internal street network will not alleviate traffic, but exacerbate it, especially on Roosevelt Avenue.**

At the SFWD public hearing held by the City Planning Commission (“CPC”) on September 16, 2020, I testified specifically about how the failure of the proposed new Transverse Road to accommodate the predicted rate of traffic will cause a spill-back of vehicles on west-bound Roosevelt Avenue, and that those vehicles will be unable to avoid a traffic back-up by using the left lane, because the left lane is a left-turn-only lane dedicated to turns into SkyView mall. Therefore, SFWD and its proposed internal street network will ruin the west-bound flow of traffic from Flushing to Citi Field stadium, to Willets Point, to the planned LaGuardia AirTrain parking garage, and to Corona generally.

Before the close of the CPC SFWD public comment period, I also submitted written comments to CPC, providing additional detail concerning the above-described traffic impacts. My oral and written comments to CPC were similar to my oral testimony to the City Council and the additional information in topic (1) of this letter, above.

Although the reports on SFWD published by CPC detail many other topics raised by public testifiers during the CPC public hearing, the CPC reports omit any mention by the public that SFWD and its proposed internal street network – including Transverse Road – will not alleviate traffic, but exacerbate it, especially on west-bound Roosevelt Avenue.

A reader of the CPC reports on SFWD would not be informed that the public has identified specific problems relating to Transverse Road that are likely to cause severe traffic impacts on west-bound Roosevelt Avenue.

Moreover, CPC did not publish its SFWD reports on the CPC web site, until after the City Council had held its SFWD hearing. Testifiers at the City Council hearing could not have mentioned the failure of CPC to disclose, in its reports, public concerns regarding the proposed Transverse Road and Roosevelt Avenue.

**(3) The turn from west-bound Roosevelt Avenue onto the proposed Transverse Road is a sharp 60-degree angle that is deemed unsafe by the Institute of Transportation Engineers and the Federal Highway Administration.**

The intersection of the proposed Transverse Road with the existing Roosevelt Avenue is not a right angle (90 degrees). Rather, the turn angle encountered by west-bound Roosevelt avenue drivers turning right onto Transverse Road is significantly sharper than 90 degrees, and appears to be just 60 degrees, measured with a protractor. (See Attachment A.) In other words, drivers will have to turn more sharply than 90

degrees, turning into Transverse Road in a direction heading somewhat behind them and to the right.

Such an acute turn from Roosevelt Avenue not only requires slowing down (contributing to the spill-back of traffic on west-bound Roosevelt Avenue prior to the Transverse Road intersection), but also leads to “operational or safety problems”, according to the Institute of Traffic Engineers (“ITE”) and the Federal Highway Administration (“FHWA”):

“There is broad agreement that right-angle intersections are the preferred design.”<sup>8</sup>

“Skewed intersections should be avoided, and in no case should the angle be less than 75 degrees.”<sup>9</sup>

“Crossing roadways should intersect at 90 degrees if possible, and not less than 75 degrees. ... Intersections with severe skew angles (e.g., 60 degrees or less) often experience operational or safety problems. Reconstruction of such locations or institution of more positive traffic control such as signalization is often necessary.”<sup>10</sup>

“Skewed intersections pose particular problems for older drivers. Many older drivers experience a decline in head and neck mobility, which accompanies advancing age and may contribute to the slowing of psychomotor responses. Joint flexibility, an essential component of driving skill, has been estimated to decline by approximately 25 percent in older adults due to arthritis, calcification of cartilage, and joint deterioration (Smith and Sethi, 1975). A restricted range of motion reduces an older driver's ability to effectively scan to the rear and sides of his or her vehicle to observe blind spots, and similarly may be expected to hinder the timely recognition of conflicts during turning and merging maneuvers at intersections (Ostrow, Shaffron, and McPherson, 1992). For older drivers, diminished physical capabilities may affect their performance at intersections designed with acute angles by requiring them to turn their heads further than would be required at a right-angle intersection. This obviously creates more of a problem in determining appropriate gaps. For

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<sup>8</sup> FHWA report; accessible online at: <https://www.fhwa.dot.gov/publications/research/safety/humanfac/01103/ch1.cfm#a>; last accessed November 12, 2020.

<sup>9</sup> ITE, 1984, as quoted in FHWA report (emphasis added); accessible online at: <https://www.fhwa.dot.gov/publications/research/safety/humanfac/01103/ch1.cfm#a>; last accessed November 12, 2020.

<sup>10</sup> ITE Traffic Engineering Handbook, 1999; as quoted in FHWA report; accessible online at: <https://www.fhwa.dot.gov/publications/research/safety/humanfac/01103/ch1.cfm#a>; last accessed November 12, 2020.

older pedestrians, the longer exposure time within the intersection becomes a major concern.”<sup>11</sup>

“These research findings reinforce the desirability of providing a 90-degree intersection geometry and endorse the ITE (1984) recommendation establishing a 75-degree minimum as a practice to accommodate age-related performance deficits.”<sup>12</sup>

Thus, the geometry of the proposed Transverse Road fails to comply with recommendations of the Institute of Transportation Engineers and the Federal Highway Administration.

**(4) No application should be approved, that relies on a Negative Declaration predicated on inaccurate analyses.**

The SFWD EAS concludes with a Negative Declaration endorsed by the Department of City Planning (“DCP”) – that no Environmental Impact Statement is necessary. That conclusion is based upon a finding that the increment between as-of-right development, and development attributable to the applications, will have no significant impact.

However, that conclusion is in error for at least two reasons.

*First*, the applications, if approved, would allow the owner of the U-Haul site – Block 4963, Lot 200; where the clocktower building is – to construct an additional twenty-story, 177,000 gross-square-foot building on that property<sup>13</sup>. But the EAS intentionally excludes the density impacts of that twenty-story building, merely because that property’s owner is not the Applicant<sup>14</sup>.

The fact that a parcel is not currently owned by the Applicant is an insufficient justification for excluding it from analysis. DCP was obligated to consider all of the environmental impacts that “may” result from the proposed action, including any “reasonably related” actions that are “likely to be undertaken as a result” of the proposed rezoning<sup>15</sup>. Whether development is likely to result from the proposed rezoning does not depend on the current owner of the parcel, but on whether the relaxation of zoning restrictions will encourage further construction on the lot. DCP did not undertake the analysis necessary to determine whether to include the likely development of Lot 200 in its calculations. Instead, DCP relied entirely on current ownership of the site, an unrelated characteristic that simply is not useful for assessing its likelihood of future development, because ownership of real estate is fluid.

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<sup>11</sup> FHWA report; accessible online at: <https://www.fhwa.dot.gov/publications/research/safety/humanfac/01103/ch1.cfm#a>; last accessed November 12, 2020.

<sup>12</sup> *Id.*

<sup>13</sup> EAS Attachment A at 28.

<sup>14</sup> *See id.* at 21.

<sup>15</sup> 6 NYCRR § 617.7(c)(1), (2)(ii)

If the applications are approved, Lot 200 would acquire development rights that it does not presently have. It would be rezoned in a way that would allow nearly 300,000 zoning square feet (“zsf”) of new residential development. Its total development potential would increase to more than 580,000 zsf, dwarfing the increment of 130,000 zsf actually used in the EAS.

If DCP properly included impacts of developing Lot 200 in the EAS, it would have radically increased the projected development increment, and therefore the environmental impact, of the applications.

*Second*, the EAS assumes a “No Action” baseline amount of as-of-right development that is significantly higher than DCP’s own assessment, just a few years ago, of as-of-right development for the same properties within the Flushing West Draft Scope of Work (“DSOW”).

The EAS predicts that, in the “No Action” scenario, the proposed rezoning area will see a sharp increase in as-of-right development by the year 2025. Specifically, the EAS expects that the area, which currently has two buildings totaling 133,140 zsf, will become home to approximately 2,600,000 zsf of development by 2025. This new development would include three new market-rate residential buildings, bringing about 1,500 new apartments. The rate of increase – about 300 apartments per year – would be roughly equal to the rate at which new housing is being constructed in the entire neighborhood combined. Moreover, the as-of-right commercial development that the EAS expects to appear by 2025 would be substantially larger than the total amount of commercial development expected within a quarter-mile of the project.

By contrast, DCP projected a far smaller amount of as-of-right baseline development in the 2015 Flushing West DSOW. That analysis was based in part on the finding that the zoning and economic development planning that was then, and still is, in effect “ha[s] not engendered a significant overall change in the area.”<sup>16</sup> For the same 2025 analysis year as is used for SFWD, and for the same area, the Flushing West DSOW predicted that only approximately 1,600,000 zsf of new development, including about 1,100 new apartments, would be built by 2025.

In other words, after five years in which no new construction was built in the proposed rezoning area, DCP has now revised its prediction for the amount of development that would occur there by 2025, from 1,600,000 zsf to 2,600,000 zsf – upwards by over 60 percent – to be built in half the time.

If DCP had factored realistic No-Action baseline development into the EAS, it would have radically increased the projected development increment, and therefore the environmental impact, of the applications.

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<sup>16</sup> Flushing West DSOW at 12.



For at least the two reasons discussed above, the EAS does not accurately assess the increment between the No-Action as-of-right development, and development attributable to the applications. Had the increment been properly assessed, DCP would have issued a Positive Declaration requiring an Environmental Impact Statement and accompanying public process.

As other commenters have said, the City Council should treat the EAS deficiencies as fatal flaws, and not approve the applications.

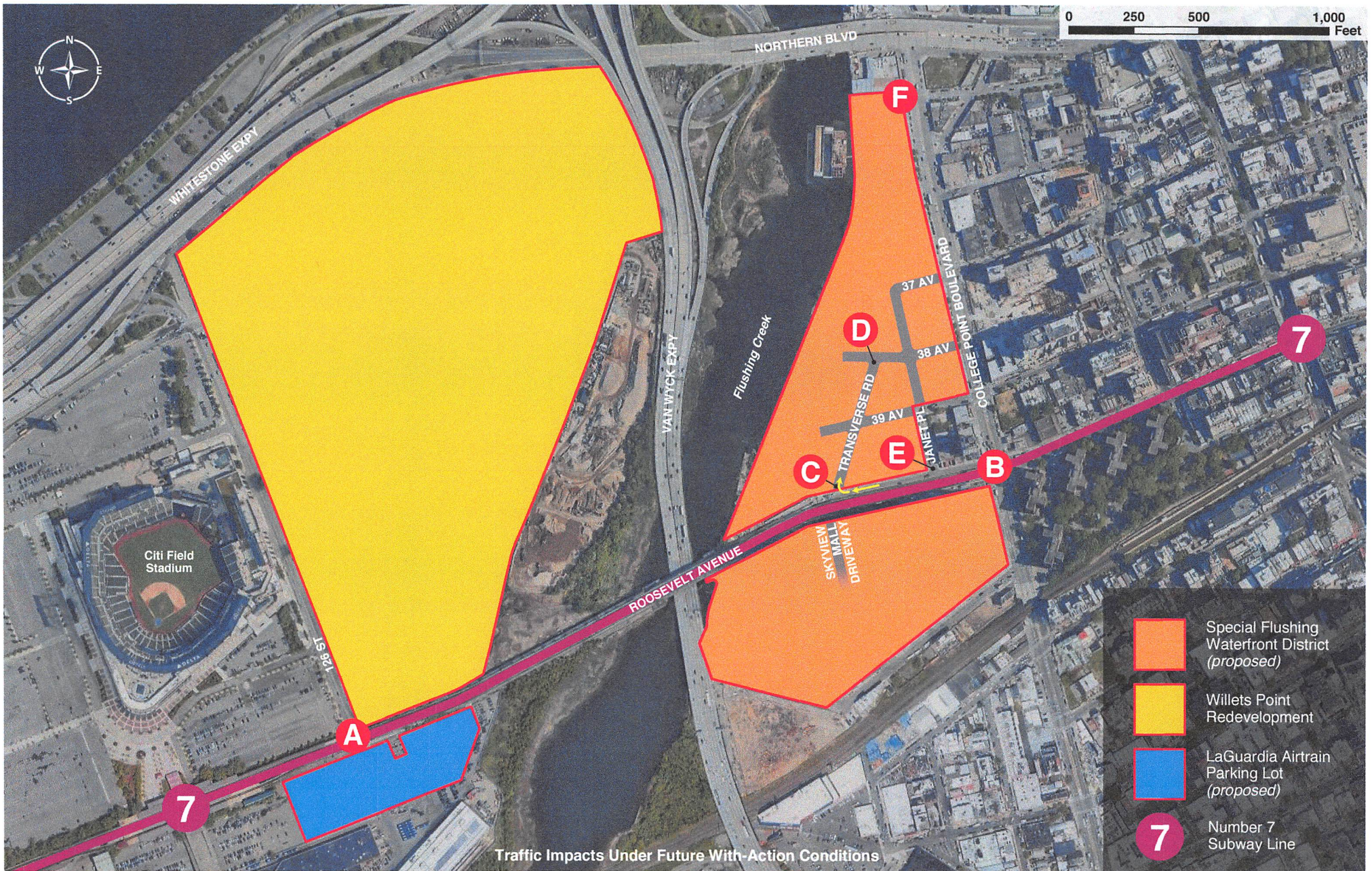
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert LoScalzo". The signature is written in a cursive, flowing style.

Robert LoScalzo

2 enclosures

Attachment A



- A** Traffic Level Of Service = **F** during weekdays AM, mid-day, PM and Saturday mid-day; 126th Street at Roosevelt Ave. *Source: Willets Point FGEIS, Tables 23-9, 23-10, 23-11 and 23-12.*
- B** Traffic Level Of Service = **F** during weekdays AM, mid-day, PM and Saturday mid-day; College Point Blvd at Roosevelt Ave. *Source: Willets Point FGEIS, Tables 23-9, 23-10, 23-11 and 23-12.*
- C** Traffic Level Of Service not reported; during weekdays mid-day, one vehicle will turn onto Transverse Road **every 16.8 seconds** (214 per hour); Transverse Road at Roosevelt Ave. *Source: Special Flushing Waterfront District EAS, Figure K-18.*

- D** Traffic Level Of Service = **D** during weekdays mid-day with a **delay of 33.3 seconds**; northbound Transverse Road at 38th Ave Extension. *Source: Special Flushing Waterfront District EAS, Table M-18.*
- E** Traffic Level Of Service = **F** during weekdays AM with a **delay of 2,689 seconds** (>44 minutes); also **F** during weekdays mid-day, PM and Saturday mid-day; southbound Janet Place at Roosevelt Ave. *Source: Special Flushing Waterfront District EAS, Appendix K, Table K-1.*
- F** Traffic Level Of Service = **F** during weekdays mid-day with a **delay of 3,655 seconds** (>one hour); eastbound approach of Site 4 Driveway onto College Point Blvd. *Source: Special Flushing Waterfront District EAS, p. 312.*

Attachment B



Google

**32BJ SEIU Testimony—Ruby Gutierrez**  
**Special Flushing Waterfront District**  
**New York City Council**

My name is Ruby Gutierrez and I'm here today as a 15-year 32BJ member and a 14-year resident of Flushing to urge you to VOTE NO on this rezoning.

I love my neighborhood; my favorite part of Flushing is the shopping. Our neighborhood is so diverse you can get whatever you need. Another part of Flushing that I love is the people. We are a diverse, immigrant community built by the working class.

Many people in my neighborhood would benefit from good, prevailing wage jobs like mine. Especially in an environment, where having access to affordable health care is more important than ever.

The working families in flushing need also need affordable housing that allows us to live with dignity. Why build so many luxury condos when working families in Flushing need more affordable housing.

This rezoning does not benefit the Flushing community. We need prevailing wage jobs and affordable housing. Do the right thing and VOTE NO on this application.

Thank you

**From:** [Russell Leung](#)  
**To:** [Land Use Testimony](#)  
**Cc:** [District2](#); [Ayala, Diana](#); [District16Bronx](#); [Salamanca](#); [Diaz, Ruben](#); [Moya, Francisco](#); [Grodenschik, Barry S.](#); [Lancman, Rory](#); [Adams](#); [Richards, Donovan](#); [Levin, Stephen](#); [Reynoso, Antonio](#); [Treyger, Mark](#); [Deutsch, Chaim](#)  
**Subject:** Say NO to Flushing Rezoning  
**Date:** Wednesday, November 11, 2020 11:12:30 PM

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Dear City Council,

My name is Russell and I live in Flushing. It is a vibrant, beautiful place full of culture and heart. However, there is a considerable wealth gap; the relatively new condos and luxurious residence buildings dotting the skyline fit poorly with the fact that most residents are not high-income.

I am asking you to say NO to Flushing's Rezoning plan because it is not what the neighborhood needs; worse, it is detrimental to its wellbeing.

Flushing is a low-income migrant community: the average income is under \$40,000, and many people are rent burdened. Adding over 1,700 luxury apartments (a staggering number considering how few of them will be purchased by current Flushing residents) will only increase the cost of living in Flushing. The already considerable wealth gap will go up as rent increases. People will be forced to move out, even if Flushing is all they know. Many people in Flushing are already homeless yet so many hotels and condos are empty. We should not be building more luxury buildings, and instead should focus on providing affordable housing. It's absolutely mind-boggling that the developers think 90 units of affordable housing is enough.

The developers claim that they will bring good-paying jobs and that they have talked to unions; this is patently false. Listen to what unions like 32BJ and NYHTC AFL-CIO are actually saying. These workers were not paid by the developers to testify, unlike other witnesses at the hearing. They are saying that these developers have made NO promise to actually pay workers well, and are asking you to vote no. These developers have spent \$1.7 million bribing people to approve their project, but won't even pay union workers properly. Take time to read this compelling op-ed by the 32BJ and NYHTC AFL-CIO presidents asking you to vote NO:

<https://www.gothamgazette.com/opinion/9886-queens-deserves-better-flushing-waterfront-development-benefits-too-few>.

The project is environmentally unsound. Shockingly, no adequate environmental assessment was conducted. 75% of the project is in a floodplain area, and the few affordable housing apartments available are next to cement and asphalt factories. This is no coincidence; this is deliberate environmental pollution towards low-income residents.

While renovating Flushing's waterfront can be beneficial, it should not come at the cost of displacing and poisoning the local community. The shameful lack of affordable housing, lack of good jobs, and lack of environmental review show how disastrous this project will be for the people. Please vote NO.

Thank you,  
Russell Leung

My name is Sarah Ahn. I am speaking today on behalf of the Flushing Workers Center and part of the Fed Up Coalition. We are wholeheartedly against the rezoning and urge the city council to vote against it.

Our members comprise of mostly low-wage, mostly immigrant workers. Many of them live and/or work in Flushing. For years, the lives of our members have been made harder by the rapidly rising rents in Flushing. For example, one pays \$1800 for a one bedroom apt, an impossible amount for a nail salon worker so one family is in the bedroom and another in the living room. Many seniors have come seeking assistance at our center- an increasing band of seniors searching for rooms that are under what they receive from Social Security, one step away from homelessness. These experiences are shared by many in Flushing.

There is no question in anyone's minds that this is connected to the influx of luxury development in Flushing. In the past decade, Flushing has seen the most luxury condos built, second to Williamsburg. We invite Councilmembers to come to Flushing and see the number of mega developments and condos that have been built in the last decade. Flushing has really become a tale of two cities. We also really want to see a better flushing and development that will benefit us but the SFWD is not it.

The Special Flushing Waterfront District Rezoning will bring nothing but more displacement to our community. Speculation on land values will increase already high real estate taxes to the surrounding area; a burden that landlords will simply pass on to their residential and commercial tenants. Developers like to tout jobs the development will bring but fail to mention the jobs on the site that will be lost and small businesses in the surrounding areas that will also be lost. Our small businesses provide jobs to many Flushing residents and immigrant workers around the city. By approving SFWD, you will be destroying these jobs and people's livelihoods.

F&T Group and the other developers and now Councilmember Koo since he just made his support apparent, are lying to the community and to the city about the benefits the development will bring to Flushing.

They say the land is empty. In fact, there are manufacturing businesses still on area that will be rezoned and those jobs will be lost. Not to mention that numerous other business were on the 29 acres of land, including Assi Plaza, a supermarket that was forced to close when the land was sold. We shouldn't allow developers to buy up land, force out the tenants then turn around and say, the land is empty and idle. This incentivizes landlords to push out our small businesses and it is indeed happening right now as small businesses face unprecedented hardship as a result of Covid-19.

They say it is as-of-right. Yes the land is private but if it truly were as-of-right, these developers wouldn't waste a second to build what they want. Yet here we are again, having to testify because the developers are seeking a rezoning and special permissions from the city by creating a special district. And let's be clear, that is on all sites of the 29-acres.



They say the project will bring a clean waterfront to Flushing. But the developers have not made any commitment nor are they obligated to clean up the water. They say the 1000 new sewer connections to our already overburdened sewer pipes will not add any more pollution but this is nothing more than empty words.

They say there is affordable housing but never the percentage. I imagine its because it amounts to 3% and 3% of units for households making \$85,000 is not a benefit to the community. These units will also sit in the northern tip that is next to a concrete factory and truck corridors with large trucks running through the area. The area is incredibly loud and polluted and another example of 'poor door' development.

They say it will not negatively impact traffic and congestion that is already unbearable in Flushing. However, according the developers' own EAS shows that it will increase traffic congestion.

The developers and the CPC say that this project is necessary for recovery from the pandemic. But we need real pandemic recovery- relief for working people and small businesses. Building 1,725 luxury condos and more hotels that will further raise our taxes and rents is not help. It is another stab in the heart of the Flushing community that is struggling to survive.

In addition to its contribution to further raising taxes and rents in Flushing, the SFWD rezoning will also endanger our community by raising the height limit pass what is set by the Federal Aviation Administration as we are in LaGuardia Airport's flight path. Numerous residents have already described how dangerously close planes fly by Sky View Parc. Pushing the height limit as far as possible is not for the benefit of the community.

Our community has been stripped of any say or representation in this process. We opposed the resuming of ULURP as virtual hearings are not possible for many in our community due to language barriers and limited access to technology. This is a violation of our community members' first amendment rights to free speech and assembly to voice our opposition to the project. In addition, Councilmember Peter Koo has refused to meet with those who have concerns or oppose the rezoning. Thus our community has never had the opportunity to discuss our concerns and what we want to see for our community instead of more condos and hotels.

Our community wants restrictions on height so no more tall luxury condominiums can be built. We want to bring down our rents and real estate taxes that is being caused by the speculation that comes with such developments. We want real engagement on the city's part in the need to build actually affordable housing and not only as a trade off for more luxury housing. We want concrete and enforceable protections for existing tenants, both residential and commercial. We want clean waterways and a waterfront that can be enjoyed by all in Flushing.

We urge the City Council to vote against this rezoning.

**32BJ SEIU Testimony—Saul Hernandez**

**Special Flushing Waterfront District**

**New York City Council**

Good afternoon Chair Moya and members of the subcommittee. My name is Saul Hernandez and I've been a 32BJ member for 12 years and have lived in Queens for 39 years.

I'm here to testify against the Flushing rezoning. I love Queens, it's such a diverse borough filled with warm and friendly people. Most of us are working people trying to get by and make ends meet.

The developers for the Special Flushing Rezoning have been asked to make a credible commitment to good jobs with prevailing wages for building service and hotel workers, yet they refuse. The community has asked for more affordable housing, yet they refuse. They need to be more able to work with the community, come to the table with a reasonable and responsible development. We are working people who deserve good jobs. We aren't asking for handouts, we want to work for ours—but we don't want to be shortchanged.

We need investment in our communities, especially after COVID. We want to rebuild but it needs to be responsible. A good job like mine is life changing. It's give me upward mobility and my children opportunity that I never had. Working families in Flushing deserve this kind of opportunity too.

For these reasons, I respectfully urge you to vote down this rezoning. Thank you.

**From:** [Sophie Friedman-Pappas](#)  
**To:** [Land Use Testimony](#)  
**Subject:** [SUSPECTED SPAM] Flushing Development  
**Date:** Wednesday, November 11, 2020 10:49:16 PM

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Hello,

I am writing to say that I STRONGLY OPPOSE luxury development in Flushing.

Thank you,  
Sophie

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S. F. P.

[sophiefriedmanpappas.com](http://sophiefriedmanpappas.com)

November 16, 2020

**The Municipal Art Society of New York Comments to New York City Council Subcommittee on Zoning and Franchises on the Special Flushing Waterfront District (C200033 ZMQ)**

The Municipal Art Society of New York (MAS) has long supported planning efforts that reflect a truly forward-thinking community vision. Flushing Creek’s barren and underutilized industrial waterfront presents an ideal opportunity to achieve this goal. Poked and prodded for over 20 years by dozens of aborted plans, the 29-acre site is now the subject of a proposal that may actually see the light of day. This is exactly what concerns us.

FRWA LLC, a consortium of three area developers, has proposed more than three million square feet of mixed-use development. While proponents of the project tout the promise of new jobs, tax revenue, and economic development, many in the Flushing community see it as a massive developer giveaway, offering the neighborhood little in terms of affordable housing, open space, waterfront access, and resources for small businesses. We agree.

**Project Background**

The project is presented as an improvement of the 2017 BOA Master Plan, which envisioned the waterfront area as an extension of Downtown Flushing, providing a destination for residents, workers, and visitors. The proposal includes many aspects of the BOA Master Plan, including a new private street network, market-rate and affordable housing, a variety of retail and commercial uses, and well-defined waterfront access.<sup>1</sup>

According to environmental review documents, the project would also achieve unmet goals of the 1998 Flushing Rezoning and Waterfront Access Plan (WAP), which did not take into consideration the size and depth of the waterfront sites. Proponents maintain that it also better adapts to the unique site topography and grades that were not fully recognized when the 1998 WAP was planned. The developers feel the project is needed because of the complexity of designing and developing the project area, and because the as-of-right zoning scenario would be “fairly restrictive.”<sup>2</sup>

**The Proposed Project**

FRWA LLC and the Department of City Planning (DCP) seek zoning text and map amendments to create the Special Flushing Waterfront District (SFWD). The SFWD would allow the rezoning of one of four waterfront development sites (Site 4) and facilitate the construction of a 3.4-million-square-foot, 9-building (13-tower), mixed-use development. The proposal also seeks to replace the 1998 WAP,

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<sup>1</sup> Special Flushing Waterfront District, Environmental Assessment Statement, Project Description, p. 8

<sup>2</sup> *Ibid*, p. 12

incorporate a publicly accessible private road network, and lift zoning height restrictions to raise the height of 11 of the towers.

The northernmost portion of the project area, Site 4, would be rezoned from manufacturing and commercial (M3-1 and C4-2) to a mixed manufacturing and residential district (M1-R7-1). Site 4 would also be mapped as a Mandatory Inclusionary Housing (MIH) Area. The central portion of the project area, Sites 1, 2 and 3, would remain in a C4-2 district, but underlying waterfront regulations related to bulk, setbacks, use, parking, and the public realm would be modified. A City Planning Commission (CPC) certification would be needed to raise heights on Sites 1, 2, and 3, and another would be required on Site 4 to lift Federal Aviation Administration (FAA) height restrictions for new buildings under a LaGuardia Airport flightpath.

The southernmost part of the project area includes the one-million-square-foot, 14-acre Sky View Parc mixed-use complex. Because Sky View Parc will not be redeveloped or be affected by the proposal, its inclusion raises many questions, which are discussed in our comments on the City Environmental Quality Review (CEQR).

### **Development Program**

The proposal calls for 1,725 residential units, of which only 61 would be affordable. It also proposes 1.4 million sf of commercial space, including 715,000 sf of hotel space (879 rooms), 384,000 sf of office space, and 300,000 sf of retail. There would also be 22,000 sf of community facility space and 1,500 parking spaces. There is also the potential for the redevelopment of two additional sites: Site A, where a one-story 13,440-square-foot vacant commercial building and parking lot could be redeveloped as a 107,000-square-foot office building, and Site B, currently a U-Haul self-storage facility and parking lot, which could be redeveloped with a 177,000-square-foot office building. On the projected development sites, buildings will range from 11 to 20 stories (130 to 239 feet). The project is expected to bring 4,811 new residents and 3,068 workers to the project area. Although it is subject to change due to the COVID-19 pandemic, construction was supposed to begin in 2020 and be completed by 2025.

### *The Environmental Review Process and ULURP*

As the CEQR lead agency, DCP determined that the incremental difference between the proposal and the as-of-right development would not be significant enough to result in any adverse impacts. After issuing a Negative Declaration in December 2019, DCP allowed the project to go forward without a comprehensive Environmental Impact Statement (EIS) or a public scoping process. As a result, the Flushing community did not have an opportunity to provide valuable input on the impact evaluations, alternatives, and mitigation measures. Instead, a less rigorous Environmental Assessment Statement (EAS) was issued, which also concluded that the project would not result in any significant adverse environmental impacts.

### *Community Opposition*

The project has faced considerable community opposition. FED UP, a community coalition consisting of several local civic groups, filed a lawsuit against the CPC and the DCP to stop the development.<sup>3</sup> The group alleges that the City permitted the developers to avoid community input by allowing the project to proceed without an EIS.<sup>4</sup> The lawsuit cites the failure of DCP to recognize the project's impact on a neighborhood burdened by a lack affordable housing, overcrowded households, overutilized schools, and overcapacity transit facilities. FED UP also believes the developers inflated the as-of-right development scenario to narrow the incremental impacts when compared with the proposal. This created a false baseline development condition for the environmental review process.

### **Comments on the Proposal**

#### *Magnitude of the Project*

The magnitude of the development cannot be overstated. The 1,725 condominium units would be equivalent to 56 percent of all condo units (3,079 total) built in Flushing between 2009 and 2019. The SFWD would introduce 1.5 million sf of residential floor area, which is equal to 77 percent of all residential floor area constructed in Flushing since 2010. The project would also increase the amount of commercial space in Flushing by 1.4 million sf, equivalent to 53 percent of total commercial growth over the same 10-year period.

#### *Affordability*

For a project that boasts of providing affordable housing, the proposal does not even meet minimal standards. The 61 affordable dwelling units, which are only three percent of the overall residential unit count, would be available to households earning 80 percent of Area Median Income (\$85,360 for a family of four).<sup>5</sup> The affordable units would be housed in a building separate from the market-rate units. By any measure, the lack of new affordable units for a development this large is alarming, but it is especially so when the median household income within a quarter-mile radius of the site is \$28,988, and 32 percent of these households are living at or below poverty level.<sup>6</sup> In addition, the 61 affordable units are only 20

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<sup>3</sup> FED-UP consists of Chhaya Community Development Corporation, MinKwon Center for Community Action, and the Greater Flushing Chamber of Commerce

<sup>4</sup> <https://patch.com/new-york/flushing-murray-hill/community-groups-challenge-luxury-flushing-development-court>,

<sup>5</sup> *Special Flushing Waterfront District, Environmental Assessment Statement*, Table C-4 2019 New York City Area Medium Income (AMI), p. 92

<sup>6</sup> *Ibid*, Table C-2 2019 Income in the Past 12 Months Below Poverty, p. 91

percent of the total dwelling units proposed for Site 4, which does not comply with the basic MIH requirement that 25 percent of residential floor area be dedicated to permanent affordability.

### *Lack of Open Space*

The proposal provides virtually no new open space. Other than the approximately three-acre shore public walkway, which is required by zoning, the project voluntarily offers a mere 2,000-square-foot plaza. With the increase in population and public health concerns due to the COVID-19 pandemic, we find this unacceptable. The proposal exacerbates the open space shortage in the neighborhood.

### *Resiliency*

Flushing is a coastal area with high to extreme risk of future inundation due to sea level rise.<sup>7</sup> Nearly 75 percent of the SFWD is within the 100-year floodplain. Thirty-seven percent of Flushing residents are economically and socially vulnerable to the next major flood.<sup>8</sup> These issues are compounded by poor water quality and ecological conditions in Flushing Creek, as well as upland contamination.

While the project meets the basic resiliency requirements for shoreline stabilization, building design, stormwater infrastructure, and environmental clean-up, it lacks an innovative vision. During the project planning process, the Waterfront Alliance led an effort to provide guidance on a resilience strategy for the SFWD that focused on higher standards for ecological improvements through wetland restoration and living shorelines, and increasing direct access with get-downs, beaches, kayak launches, floating docks, and other access points. They also recommended that the shoreline edge should be a more gradual slope rather than a steep drop-off to allow for direct access. Their strategy pointed to recent and ongoing initiatives for improving ecological conditions and creating opportunities for increased access to Flushing Creek (such as the decommissioning of the Federal navigational channel in Flushing Creek) as areas on which the proposal could capitalize on in-water recreation.

In fact, the Waterfront Alliance met with FWCLDC, DCP, and Community Board 7, and conducted a public workshop to encourage use of their Waterfront Edge Design Guidelines (WEDG) to frame project resiliency measures. In the end, none of these recommendations were adopted.

### **Comments on Environmental Review**

MAS finds key evaluations, assumptions, and conclusions in the EAS to be inadequate and flawed.

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<sup>7</sup> *Special Flushing Waterfront District, Environmental Assessment Statement*, Appendix G: Waterfront Revitalization Plan Consistency Assessment Form, p.3

<sup>8</sup> [waterfrontalliance.org/what-we-do/harbor-scorecard/#your-scorecard](https://waterfrontalliance.org/what-we-do/harbor-scorecard/#your-scorecard). Accessed September 3, 2020

## Project Description

### *As-of-Right Development and the Reasonable Worst Case Development Scenario*

The EAS analysis establishes baseline conditions, the as-of-right development compared with the proposed project to create the Reasonable Worst Case Development Scenario that frames the analysis. The FED-UP lawsuit asserts that the as-of-right development scenario presented by DCP and the developers was exaggerated to minimize the incremental difference with the proposal. They assert that the as-of-right scenario in the 2016 Flushing West Rezoning Proposal Draft Scope of Work should be used.<sup>9</sup>

We feel this is a valid point. In comparing the two proposals, the SFWD No-Action Scenario has almost 885,000 sf more in total development on Sites 1, 2, and 3 than the Flushing West proposal, despite the fact that no other zoning actions have occurred on the site.<sup>10</sup> We assert that the SFWD should use the Flushing West as-of-right development scenario as a baseline for the CEQR analysis, or provide details, including all relevant development assumptions, that support SFWD as the more accurate development scenario.

### *Potential Development Sites*

The EAS states that the U-Haul site could be redeveloped as a 177,000 square-foot commercial building, but that is not the only possibility. The most potentially impactful scenario would be one in which the U-Haul building is demolished and replaced with a larger structure. This development scenario needs to be part of the evaluation.

The full impact of an approximately 7,000 square-foot site containing a vacant auto body shop just south of Site 4 has also not been addressed. The site was excluded from the evaluation because it was deemed too small and irregularly shaped to be developed. However, with the development of the SFWD, the site is unlikely to remain vacant. Therefore, its full redevelopment potential should be evaluated.<sup>11</sup>

### *The Inclusion of Sky View Parc*

The SFWD includes Sky View Parc, a 14-acre, one-million-square-foot, mixed-use complex completed in 2011 because it is “a beneficiary of certain zoning modifications within the SFWD.” The EAS does not clarify what the zoning modifications are or how Sky View Parc will actually

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<sup>9</sup> The Flushing West Rezoning Proposal was ultimately shelved in 2016 due to concerns about the lack of an equitable rezoning process, unaddressed burdens on area infrastructure, and inadequate levels of housing affordability.

<sup>10</sup> Note: Based on *Flushing West Rezoning Proposal, Draft Scope of Work for an Environmental Impact Statement*, Appendix 2b, Snapshots of RWCD Sites, the total development for Sites 1, 2 and 3 is 1,874,700 sf. The total development for the SFWD as-of-right for the same sites is 2,759,175 sf.

<sup>11</sup> The site is Block 4962, 210.



benefit. However, it does state that Sky View Parc will not be redeveloped or otherwise affected by the SFWD.

While it is possible that its inclusion originates from the BOA Master Plan, which stated that the SFWD should include Sky View Parc so the district's regulations would fully replace the 1998 WAP,<sup>10</sup> the EAS's open space evaluation may reveal another potential rationale.

### *Open Space*

The fundamentally flawed EAS open space evaluation is of utmost concern. *CEQR Technical Manual* guidelines specify that to create a baseline inventory of open space within a half-mile study area, only census tracts with at least 50 percent of their area in the study area can be used. However, the EAS uses a census tract with less than 50 percent of its area in the half-mile study area *specifically* because it includes a portion of Flushing Meadows Corona Park.<sup>12</sup>

By including Sky View Parc, the open space study area was expanded to justify inclusion of the questionable census tract and give the impression that the study area has far more open space than it does. This is not a minor issue. The portion of Flushing Meadows Corona Park included in the open space study area is 94 percent, or 45 acres of the total 48 acres, of open space in the study area. Without it, the SFWD's open space ratio—a measurement of acres of open space per 1,000 residents—would decrease by 87 percent, from 1.66, slightly above the city's average, to a mere 0.21, well below. As a result, the development would leave Flushing with a substantially worse open space deficit than currently exists.

For the SFWD to meet the city's median open space ratio of 1.5 acres, the development would need to include 7.2 total acres of new open space rather than the 3.14 it proposes. As such, the open space analysis is deeply flawed and the conclusion that the project would not result in adverse open space impacts is not valid.

### *Socioeconomic Conditions*

The proposal does not meet the requirements of the MIH program, which mandates either 25 or 30 percent of residential floor area to be affordable. Yet the 61 affordable units amount to only 20 percent of the total number of units on Site 4. Furthermore, the number of proposed units and level of affordability are misaligned with the needs of the Flushing community. The median household income within a quarter-mile of the SFWD is \$28,988. Within the same area, 32 percent of households are at or below poverty level.<sup>13</sup> Yet only 61 (3.5 percent) of the project's 1,725 dwelling units will be affordable under the City's MIH program, and those would only be in reach for households earning \$85,360. According to

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<sup>12</sup> Census Tract 383.02

<sup>13</sup> *Special Flushing Waterfront District, Environmental Assessment Statement*, Attachment C: Socioeconomic Conditions, p.90

the EAS, a household would have to earn about \$80,000 annually just to afford a market rate studio apartment -- higher than the average income for Queens and even all of New York City.

Therefore, to ensure that the proposal offers true housing affordability and conforms to the requirements of the MIH program, the entire SFWD should be mapped as an MIH area. The City Council should choose Option 1 in which 25 percent of all residential floor area would be affordable for residents with incomes averaging 60 percent of the Area Median Income (AMI) (\$57,660 per year for a family of three). In addition, to be better aligned with project area incomes, at least 10 percent of the affordable units must be set aside for families making an average of 40 percent of AMI or \$38,440 for a family of three.

### *Schools*

The project is expected to bring almost 5,000 new residents. Yet the proposal does not include any new schools. The seven elementary schools in the area (CSD 25 Sub-district 2) have a collective utilization rate of 131 percent.<sup>14</sup> However, because the proposed project would not increase the utilization rate by more than five percent, the CEQR threshold indicating an adverse impact, the EAS concludes that there will be no impact on area public schools. We urge the developers to include a new elementary school to accommodate new residents and help alleviate the overcapacity issues in district schools.

### *Shadows*

The density and layout of the buildings and the proximity to Flushing Creek will result in significant shadow impacts within the site and on the water. The public realm will be cast in shadow, covering the Flushing Creek shoreline for four to five hours each morning throughout the year.

Therefore, we recommend the proposal include mitigation measures such as increased building setbacks and limitations on the size of building facades to encourage more sky exposure and air flow. The project should also evaluate thermal comfort and shadow impacts on the shore public walkway and private street network.

### *Traffic*

The EAS asserts that the publicly accessible private street network would facilitate better traffic circulation, improve safety and accessibility, contribute to waterfront neighborhood character, and provide a more pedestrian friendly development. However, it is not clear how specifically this would be accomplished.

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<sup>14</sup> *Special Flushing Waterfront District, Environmental Assessment Statement, Attachment D: Community Facilities, p.100.*

Despite this assertion, traffic congestion will remain a significant problem in the area for peak traffic times when the project is completed.<sup>15</sup> As such, the environmental review must be revised to provide a clear rationale for the private street network and how it actually creates better traffic circulation and a pedestrian-friendly environment. This requires a revision to how the anticipated congestion is accounted for in achieving stated project goals.

### **Additional Recommendations**

#### Community-Based Planning

- DCP and the developers must implement a true community-based planning process that is informed by Flushing residents' vision for the waterfront. The plan needs input from all stakeholders on waterfront design and amenities, open space, area connectivity, housing affordability, retail mix, and other elements of sound planning.
- Consistent with other District/Neighborhood-based rezoning efforts, pursuant to the application of Local Law 175, the City should track commitments to investments and initiatives that both compliment and facilitate the intended outcomes of sound urban design, neighborhood stability, and environmental resilience as outlined in SFWD. These commitments have traditionally been bundled into Housing; Open Space; Community Resources; Transportation and Infrastructure; and Economic and Workforce Development.

#### Comprehensive Environmental Review

- The project should be subject to a full EIS so that the full array of environmental impacts can be evaluated more comprehensively. This would also require a public scoping process, which is essential for getting input from the Flushing community at large.
- Given Flushing's racial diversity, the proposal would benefit from an expanded Racial Impact Statement, a concept that is being considered by City Council and the Public Advocate.

#### Increased Transparency in the Planning Process

- The developers must present a detailed waterfront plan, especially in consideration of the ongoing citywide Comprehensive Waterfront Plan efforts.
- The EIS must provide an explicit rationale for the publicly accessible private street network and a detailed description of how its goals will be achieved by the development.
- The EIS should include correspondence between DCP, the FAA, and the Port Authority regarding the approvals for lifting building height limitations

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<sup>15</sup> The EAS identifies 22 intersection approaches as “unacceptable” at 22 intersections with lanes within the SFWD experiencing at least one, and in some instances, up to five peak-hour traffic evaluation times.

## Resiliency and Sustainability

- Given Flushing Creek’s ecological significance and its history of neglect, this project presents a critical opportunity to restore the shoreline to a viable habitat that achieves the community’s desires for resilient infrastructure and environmentally programmed space. To accomplish this, we urge the developers to seek WEDG certification and work with the Waterfront Alliance, Riverkeeper, and Friends of Flushing Bay to come up with a cohesive resiliency plan.
- The SFWD should include sustainability requirements and design guidelines (LEED™ or equivalent standard) that reduce energy and water usage, minimize the urban heat island effect, and foster reuse of stormwater to improve ecological conditions in Flushing Creek.
- The EIS must provide details on all development-related climate change impacts and mitigations, including those pertaining to sea level rise and storm surges.

## Conclusion

Flushing is one of the most ethnically diverse and culturally vibrant communities in New York City. It is home to one of the largest and fastest growing Chinatowns in the world, the busiest intersection in the city after Times Square and Herald Square,<sup>16</sup> and more businesses than any other neighborhood in the borough.<sup>17</sup>

It is also one of the most rapidly developing areas in the city. Over the last 10 years, Flushing has experienced a wave of new condominium construction surpassed only by Williamsburg, Brooklyn. And that change has come at a steep cost.

Development has attracted an influx of higher income earners that threaten to displace long-time Flushing residents. It has also brought large multinational chain stores and high-end restaurants that put a strain on local small businesses.<sup>18</sup> These challenges have compounded long-standing pressures in the neighborhood, including an inaccessible waterfront, limited public space, overburdened infrastructure, and high poverty.

Now, this controversial waterfront development proposal threatens to exacerbate these issues even further. Despite its promises of affordable housing, waterfront access, and connections to Downtown Flushing, the proposal attempts to wedge as many luxury condos and hotel rooms as possible along the waterfront with little in the way of demonstrable benefits to the Flushing community.

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<sup>16</sup> <http://fourthplan.org/places/new-york-city/flushing>

<sup>17</sup> <https://nypost.com/2020/03/28/locals-livid-over-rigged-development-in-flushing-creek-queens/>

<sup>18</sup> <https://www.theguardian.com/us-news/2020/aug/13/flushing-queens-gentrification-luxury-developments>

This site along the long-neglected waterfront offers a rare opportunity for a well-planned, integrated development, one that might indeed prove mutually beneficial for the developers and the community. Unfortunately, the current proposal fails to achieve these goals by a wide margin.

We strongly urge the City Council to reject the proposal and challenge the developers to work with the community to come up with the right plan for Flushing.

**From:** [Ashley Thompson](#)  
**To:** [Land Use Testimony](#)  
**Cc:** [Kelley, Chelsea](#); [Kelly, Rosa](#); [Douglas, John](#); [Cheung, Elaine](#)  
**Subject:** Letters in Support of SFWD  
**Date:** Monday, November 9, 2020 5:59:16 PM  
**Attachments:** [image001.png](#)  
[SFWD Union Contractors Support Letters.pdf](#)

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Attached, please find some additional letters in support of the Special Flushing Waterfront District to be submitted for the record.

**ASHLEY THOMPSON**  
PRINCIPAL

O 212.616.5814  
C 609.209.5435  
E [ashley@capalino.com](mailto:ashley@capalino.com)  
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**CAPALINO**  
We get it done



October 28, 2020  
Hon. Peter Koo  
New York City Council  
250 Broadway  
New York, NY 10007

Special Flushing Waterfront District  
Application # C200033ZMQ

Dear Councilmember Koo,

Our company, Ecker Window Corp. was founded by my grandfather in 1947. We are one of the largest window contractors in NYC. We are also a proud member of Local 580, Ornamental Iron Workers. We pride ourselves on doing our job professionally and adhering to a highest safety standard across all of our projects.

Over the last three years, we have had an excellent working relationship with United Construction & Development Group through Newline Structures on their Skyline Tower project in Long Island City, a 1.1 million square foot project, that has become the tallest building in the borough of Queens. We have installed the entire glass and aluminum façade on this magnificent tower. This one project has generated more than 50 high paying jobs for the men and women of our company. We are glad to be working with United and look forward to continuing a successful working relationship with them as they carry on in investing and building in downtown Flushing.

We need your support to approve the continued development in the Special Flushing Waterfront District.

Sincerely,

*Howard J. Ecker*

Howard J. Ecker, CEO

10/30/20

Hon. Peter Koo  
New York City Council  
250 Broadway  
New York, NY 10007

Re: Special Flushing Waterfront District – Application #C200033ZMQ

Dear Councilmember Koo,

Our company, EPIC Mechanical Contractors, LLC is an HVAC Contractor that specializes in the residential / commercial market in the five boroughs. Over the last 16 years we have been lucky enough to work on high-profile jobs in the area, while strictly employing Local 638 Union Steamfitters. We take tremendous pride in conducting ourselves in a professional manner, establishing / maintaining working relationships with prominent Developers, and instituting high levels of safety while performing our work.

Over the last few years, we have established another great working relationship with United Construction & Development Group, through New Line Structures, on their Skyline Tower project in Long Island City. EPIC Mechanical Contractors performed all the HVAC work in this iconic 1.1 million square foot residential tower that currently stands taller than any other building in the borough of Queens. This project allowed EPIC to consistently employ 50 men and women under our direct payroll with another 40-50 by our subcontractors. These individuals earned good salaries and benefits to support their families during this time. We are glad to be working with our clients and look forward to continuing a successful working relationship with them as they continue investing and building in downtown Flushing.

Sincerely,  
EPIC Mechanical Contractors, LLC



Michael J. Fregara  
President



October 30, 2020

Hon. Peter Koo  
New York City Council  
250 Broadway  
New York, NY 10007

Special Flushing Waterfront District  
Application # C200033ZMQ

Dear Councilmember Koo,

Our company Fujitec American Inc. located in the NYC and NJ area specializes in Elevator manufacturing, installation, modernization, and service/repair in the tri-state area, largely in the five boroughs of NYC. We are also a proud member of the Local 1 union of elevator constructors and pride ourselves on doing our job professionally while adhering to a high safety standard across our projects.

As the elevator manufacturer and installation group, the City View/Skyline tower recently completed with United Construction and Development Group with General contractor New Line Structures, was a safe and substantial project for the Long Island City, Queens area. This project holds accolades as the tallest building in Borough and will benefit the community now and in the future. As the elevator sub-contractor, this project employed personnel working in our Ohio factory, and local manufacturing companies in the NY and NJ area that produced the goods and material installed in the building. Fujitec hopes for future endeavors of this magnitude with United Construction and New Line Structures to keep our Union employees employed as well as supporting the local fabrication plants in the area.

Very truly yours,  
**Fujitec America, Inc.**



Peter Jodko  
Regional Construction Manager New York/New Jersey  
(201) 870-8970

# GUYTEC STEEL INC.

STRUCTURAL AND MISC. STEEL FABRICATOR & ERECTOR

MBE.DBE.DASNY.SCA.SBS. CERTIFIED

BRIDGES. HIGH RISE. BUILDINGS. PRECAST. DECK. STUDS. WELDING. RIGGING. STAIRS. RAILS. GRATING.

---

October 30<sup>th</sup> 2020

To whom it may concern,

Our company, Guytec Steel Inc. is a structural steel fabrication and erection company located in Ridgewood, Queens, New York. We were founded in March of 2014 and worked in the five boroughs of NYC as well as Nassau, Suffolk and Westchester counties. We are New York State MBE certified as well as The Port Authority of NY & NJ , MBE, DBE & SBE certified. We are also certified MBE by New York City Small Business Services and DASNY and Prequalify by New York City School Construction Authority. We also have agreements with Iron Workers Local 40, 361, 417, operating engineers local 14 & 15 and Stone Derrickmen Local 197. We pride ourselves on doing our job professionally and adhering to the highest safety standards across all of our projects.

Over the past several years, we have had the great pleasure of working with F & T Group and Top8 Construction on projects in downtown Flushing, namely the 1.2 million square feet mixed use development – Tangram. Our company fabricated and installed the entire structural steel component for the Tangram project and thus, was able to put our people to work, generating well over fifteen good paying jobs for men and women of our company. F & T Group and Top8 Construction are first rated developers and builders and have proven to be professional, fair and reasonable in their dealings with us and other contractors and workers on their projects. We have enjoyed working with F & T Group and Top8 Construction and look forward to continuing a successful working relationship with them as they carry on in investing and building in downtown Flushing.

Frankly speaking, they are our most favored contractor and developer. I wish they were more folks like them who are so considerate about others and treat them as part of the same team.

Sincerely,



Casel Sattar  
President  
Guytec Steel Inc.

# **GUYTEC STEEL INC.**

**STRUCTURAL AND MISC. STEEL FABRICATOR & ERECTOR**

**MBE.DBE.DASNY.SCA.SBS. CERTIFIED**

**BRIDGES. HIGH RISE. BUILDINGS. PRECAST. DECK. STUDS. WELDING. RIGGING. STAIRS. RAILS. GRATING.**

---

**October 30<sup>th</sup> 2020**

**Guytec Steel is also certified as a DBE contractor in the following states listed below.**

**New York State**

**New Jersey**

**Maine**

**Vermont**

**Massachusetts**

**Rhode Island**

**Connecticut**

**Delaware**

**City Of Philadelphia ( MBE)**

**Pennsylvania**

**Ohio**

**West Virginia**

**South Carolina**

**Florida**

**Alabama**

**Louisiana**

**Colorado**

**Texas**

**Oklahoma**

**Iowa**

**Nevada**

**Arizona**

**Minnesota**

**North Dakota**

**South Dakota**

**Montana**

**Oregon**

**Idaho**

**Kansas**

**Kentucky**

**Nebraska**

**Tennessee**

**Missouri**

**Washington State**

**City of Chicago**

**There's also a few others under review.**

**Thank you.**



**KING FREEZE**

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127 WEST 26<sup>TH</sup> STREET · NEW YORK, N.Y. 10001 · TELEPHONE (212) 760-9300 · FAX (212) 760-1472

October 28<sup>th</sup>, 2020

To whom it may concern,

I am writing from King Freeze Mechanical Corp. We were established in 1982 and have provided our clients with exceptional project management as well as professional installations and service. We are certified as a MBE contractor by both NYC and NY State and we are also affiliated with 638 B Union.

During the past years, we have successfully completed tens of millions of dollars worth of construction projects in many industries, including education, government, medical, office, and high-rise. The major projects we have done in Tri-state area include Medgar Evers College, St. John's University D'Angelo Center, NYU Washington Mews, MTA Paratransit Facility Bronx, Essex Market, Wells Fargo at Hudson Yard and many more.

Currently we are working on the 1.2 million square feet mixed-used development project, Tangram, located at Flushing, Queens with Unity Construction Services. We are in charge of air conditioning, heating, refrigeration, and process piping systems at the Regal Cinemas which is the anchor tenant of this mixed-use project. During the pandemic, this project and the developers still managed to provide around nineteen (19) good paying jobs for my employees and I hope there will be more to come in the future in downtown Flushing.

Sincerely Yours,  
King Freeze Mechanical Corp.

Sham Malhotra

Sham Lal Malhotra , P.E.  
President

---

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# Parkview P&H, Inc.

2210 REEDS MILL LANE, BRONX, NEW YORK 10475  
TEL: 718-792-3500 · FAX: 718-792-4636

October 29, 2020

Hon. Peter Koo  
New York City Council  
250 Broadway  
New York, NY 10007

**RE: Special Flushing Waterfront District  
Application # C200033ZMQ**

Dear Councilmember Koo,

Our company, Parkview P & H Inc. was founded in 2002 and we work in the five boroughs of NYC. We are also a proud members of both Local 1 and Local 21 which also serves Westchester County. We pride ourselves on doing our job professionally and adhering to a high safety standard across all of our projects.

Over the last few years, we have had a good working relationship with United Construction & Development Group through Newline Structures on their Skyline Tower project in Long Island City, a 1.1 million square feet building, that has become the tallest building in the borough of Queens. We were the plumbing contractor at this site. We installed all the plumbing piping, equipment and fixtures in this tower. Through this jobsite we were able to put our people to work, generating about 45+ good paying jobs for the men and women of our company. We are glad to be working with our client and look forward to continuing a successful working relationship with them as they carry on in investing and building in downtown Flushing.

Sincerely Yours,

Christopher K. Strnad  
President



October 30, 2020

To Whom It May Concern,

Unity Construction Services, Inc. was founded in 2002. Since then, Unity has grown to be a recognized leader in the New Jersey/New York commercial construction market. We provide both General Contracting and Construction Management services to corporate clients, real estate developers, brokers, architects and building/property management firms. We are a long-standing member of Eastern Atlantic States Regional Council of Carpenters. By self-performing all the carpentry work on many of our projects with an in-house staff of over fifty carpenters, tapers and laborers, Unity has a proven commitment to this work force, which is an advantage over most its competitors.

Unity became acquainted with F&T and its outstanding management and staff, while completing projects for Regal Cinemas in Lynbrook, NY and The Marketline at Essex Crossing. Since that time, Unity is working with them to complete Regal Tangram, including the buildout of a seven-screen state of the art movie theater in Flushing, NY. The project consists of a 38,000 square foot multiplex and is part of a new 1.2 million square foot, mixed use development. Regal will be the first theater to open in Downtown Flushing in thirty years. Since our arrival onsite, two years ago, we have worked alongside the fantastic group of professionals at F&T Group by providing tremendous due diligence for Tangram.

F&T has proven to be a true partner and supporter of the community by setting standards for the engagement of local and minority and women-owned businesses on each project they manage. By establishing these standards, they ensure diversity and opportunity for local companies and those in the broader Tri-State area.

F&T works diligently with Unity and its subcontractors, to keep all workers safe and healthy by coordinating all COVID-19 measures on a daily basis. Their commitment to all those working on this project is evident, even during this trying time, they continue to strive for project advancement, which provides good paying jobs to hundreds of people on this project.

Unity values its relationship with F&T and the professionalism they bring to each project they manage. We hope to continue our partnership for the betterment of the Flushing community.

Sincerely,

A handwritten signature in blue ink that reads "Linda Mazzola". The signature is fluid and cursive, with a long horizontal line extending to the right.

Linda Mazzola  
Vice President

[www.buildunity.com](http://www.buildunity.com)

2500 Main Street Extension, Unit 3, Sayreville, NJ 08872 (P) 732.967.9800 (F) 732.967.9810  
1001 Avenue of the Americas, 12<sup>th</sup> Floor, New York, NY 10018 (P) 212.719.7560



Oct 28<sup>th</sup>, 2020

To whom it may concern,

Our company, WEIR WELDING COMPANY INC. is a metal fabrication company located in New Jersey and Pennsylvania. We were founded in 1961 and operate in the Tri-State area. We are also a proud union member of the New York and New Jersey Subcontractor Trade Association. As a leader in the production of high-quality structural steel and metal, specializing in on-time deliveries and quality of workmanship, we pride ourselves on doing our job professionally and adhering to the highest safety standards across all of our projects such as Bronx High School for Law, 4 Times Square, Newton Creek, Brooklyn Health Care, Sharon Facility, Hackensack University Medical Center Cancer Center, etc.

Over the last 59 years, we have developed a reputation of quality, integrity, and dependability. In the last few years, it was our pleasure working with F&T group and Top 8 Construction on Tangram in Downtown Flushing, a 1.2 million square feet mixed-use development. We fabricated and welded the entire structural steel component for this project. In doing so, we were able to create more than 50 good-paying jobs for the men and women of our company. We look forward to growing our partnership with F&T Group and creating more jobs for the local community.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read 'Tom Weir', with a long, sweeping flourish extending to the right.

Tom Weir

WEIR WELDING COMPANY INC.

**From:** [Vivian Liu](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Say No to Flushing Rezoning, Lack of Affordable, Environmentally Clean Housing  
**Date:** Monday, November 9, 2020 4:10:19 PM

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Members of the City Council,

No more empty condos.

My name is Vivian Liu and I have lived in Flushing for 18 years. Empty high-rise condos are no new sight. Over 65 condo and hotel buildings already exist in Flushing, from Skyview to Parc Hotel to Tangram Condos. Yet, so many of these buildings are **empty**. So why are we trying to build more condos?

Earlier today, Ross Moskowitz said we need to look at this project holistically, and that access to this waterfront somehow outweighs the lack of affordable housing. He says Flushing residents have been asking for this for years. But what have Flushing residents actually been asking for?

You've heard Flushing is a community of Asian, Black, and Hispanic immigrants, and that our income is low. We're not asking for a kayak or some bathrooms near the creek.

We're asking for lowered rents.

We're asking for homeless people to stop freezing in cardboard boxes. **We're asking for a place to live.**

Not, empty condos.

They're proposing only 90 units of affordable housing. That's less than **5 percent** of the luxury condos being built. More importantly, these affordable housing units will be in Site 4, the last site to be built, and will be separated from the rest of the condos. **Site 4 is right next to cement and asphalt factories.** Not only is there a lack of affordable housing, the ones that are available will cause environmental harm for low-income residents.

This waterfront means nothing for Flushing's image if the very people who live here will continue to die on the streets and be displaced. We don't need more empty, environmentally unsafe, condos. There needs to be more affordable housing. Please vote no.

Thank you,  
Vivian Liu



**From:** [Vanessa Thill](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Testimony against Flushing Waterfront Rezoning  
**Date:** Wednesday, November 11, 2020 9:42:26 PM

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My name is Vanessa Thill and I am a concerned community member. I am involved with anti-displacement organizing in the Lower East Side and Chinatown. This topic is deeply connected to Flushing concerns because so much of our community in the LES and Chinatown has already been priced out of Manhattan and relocated to Queens.

I really want to ask you Councilpeople: How are you protecting your most vulnerable constituents this year? How does this project help low income people? I think you know the answer is that it hurts low income people by damaging affordability in the area, clearing poor people out of the way for the rich.

As you know, this area was part of the epicenter of the pandemic. A massive tragedy has just hit this community. People are mourning the loss of community members, continuing to suffer the economic destruction on small businesses. People are in dire need of help and at risk of eviction.

Am I correct that 3% of units will be affordable? Of 1700 units. That's 50 units? At 80% AMI that's 85,000 for a family of 4? The average median income is half that. HALF THAT. \$41k. And of course the proposed numbers often dwindle by the time they are actually constructed. The need for affordability is SO great and the handful of overpriced units simply do not address the extreme need. Instead, the result of this project will be a guaranteed increase in the speculation in the area (well-documented in similar rezonings), which would result in the deregulation of rent stabilized apartments and other predatory moves by land owners to kick out long-term residents. Meanwhile, these developers are receiving tax subsidies for their supposed "contribution" which only causes displacement and destruction of the community. This maneuver allows developers to rob our community two-fold, and if you approve this project you are aiding and abetting their bald-faced profit-seeking.

Housing insecurity is a serious crisis in our city. Please consider the impact on our students and schools. We saw in Manhattan's Chinatown, where the attendance at PS2 decreased by more than 50% after the construction of the luxury Extell tower because so many low income families were forced to leave the area. Just like we heard in the Industry City hearing, a vague notion of "improvement" is just another word for wealthy people consolidating their power. We are hearing a vague idea of "Jobs" without commitment to union jobs. We have zero faith in these developers' commitment to the community as they have given us no reason to trust their promises. They have done everything they can to exclude the public from this process, including the MAJOR problem of language and technology accessibility, which cast into doubt this entire proceeding as a legitimate public forum.

At a time like this, it is simply shameful that we are fighting off luxury construction around the city, while we struggle to maintain our homes and families with the incredible economic insecurity that New Yorkers are facing. These constructions are almost always in poor working class immigrant areas, where we are watching small businesses forced to shutter and food pantry lines stretching for blocks and blocks. City Councilmen and City Councilwomen, do you understand that by allowing luxury developers to carve up our neighborhoods you are effectively declaring war on immigrants and the people without resources that you supposedly

represent? You are public servants. So why are you acting on behalf of private interests at the expense of the public? This is a life or death situation. If you approve this development you approve greed over human life.

Lastly, I know that you entered this office with the hope of leading NYC into a more equitable and prosperous future. I am respectfully asking you, as a fellow New Yorker who cares about the culture and livelihood of this amazing city, to take a stand here. Be a hero to the little people. When you fall asleep at night, isn't that what you would rather think about, than all the families you displaced, all the small businesses who had to close down, the people who became desperate and without a home? I know you struggle to balance the interests of the many voices in NYC, but here I respectfully ask you to rise to the occasion and be a leader for all of us in this crisis. Please give us some hope.

Yours,

Vanessa

--

Vanessa Thill

**Statement of the Waterfront Alliance on the Special Flushing Waterfront District, Queens (C 200033 ZMQ and N 200034 ZRQ)  
City Council Hearing Subcommittee on Zoning and Franchises  
November 9, 2020  
Submitted by: Karen Imas, Vice President of Programs, Waterfront Alliance**



Thank you, Council Members. Waterfront Alliance is a non-profit civic organization and coalition of more than 1,100 alliance partners ranging from environmental advocates to educational institutions to businesses and corporations. Our mission is to inspire and enable resilient, revitalized and accessible coastlines for all communities.

The Special Flushing Waterfront District proposal has unique and viable potential to revitalize the Flushing Creek waterfront and open a new chapter for community access, and thus we are supportive.

But we do encourage that several opportunities should be further explored and prioritized in these plans. Through our Waterfront Edge Design Guidelines (called WEDG), Waterfront Alliance has highlighted many of the priorities that would make the revitalization plan more resilient, ecological and open to community access.

Thirty NYC community boards across all five boroughs have adopted resolutions encouraging WEDG standards for their ULURP applicants.

WEDG takes into account a number of factors including:

A higher standard for ecology such as wetland restoration and living shorelines which are limited in this project.

Two, planning for the future when it comes to direct access to the water. The decommissioning of the channel, along with various clean-up efforts, provide an opening for more in-water recreation and community education opportunities. Waterfront Alliance has shared a report on best practices and designs for kayak launches – ranging from natural shorelines and get-downs to floating docks and kayak storage – with the development team. We look forward to continued discussion around these efforts and seeing some proposed sites for boating.

Residents in the community should have opportunities to explore the water's edge not only from an esplanade. Our hope is opportunities for recreational and educational programming are prioritized for the community. This would include the provision of facilities such as bathrooms and community spaces.

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Sanoulis

Peggy Shepard

Michael Stamatis

Richard S. Weeks

Cortney Koenig Worrall  
*President and CEO*



For five years, Waterfront Alliance has operated the Estuary Explorers waterfront field lab program with public middle schools across New York City and at community pop-ups at different waterfront sites across the five Boroughs. We would be eager to partner with the Council, the development team, local public schools in Flushing and the community to activate an Estuary Explorers program at the new Flushing waterfront.

Thank you for your time today.

**32BJ SEIU Testimony—Wendy Polanco**

**Special Flushing Waterfront District**

**New York City Council**

My name is Wendy Polanco and I'm here today as a 4-year 32BJ member and an 11-year resident of Flushing to urge you to VOTE NO on this application.

I love Flushing and my working class community. It is simple: working families deserve to have access to affordable housing and prevailing wage jobs that allow them to raise their families without worry.

Not only can I attest to the benefits of have a prevailing wage job such as health coverage, a livable wage, and paid days off but being a member of 32BJ has added to my quality of life. Through the union, I was given access to the legal fund and was able to become a US Citizen at almost no cost to me. This was life changing.

Building more than 1700 units of luxury housing with a minuscule 76 units of affordable housing is unacceptable. It is not fair to the working people who have made this neighborhood thrive. This rezoning will generate high returns for the developers with no real community benefits.

This project does not provide the community I love, with access to affordable housing or prevailing wage jobs. All working people deserve the opportunity live and work with dignity I respectfully urge you to VOTE NO on this project.

Thank you

**From:** [Wilson Pun](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Written Testimony for the Special Flushing Waterfront District  
**Date:** Monday, November 9, 2020 9:54:13 AM

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To the Land Use Division of the NYC Council,

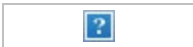
I wanted to send my written testimony in support of proposed development of the Special Flushing Waterfront District in case I am not able to stay for the duration of the hearing. As someone who works in and has friends and family that live in Flushing, My support is based on the overall benefit that the project will bring, transforming a currently unused, stagnant, unkept and polluted waterfront, to one that will bring many benefits to the public, including, but not limited to:

- 1) The proposed plan would add **1,725 homes** to Downtown Flushing including affordable housing.
- 2) **2,926 Permanent Jobs**
- 3) **\$28 million in annual tax revenue**
- 4) A publicly accessible integrated road network to help alleviate heavy traffic congestion.
- 5) Will be privately funded and maintained will providing a coordinated publicly accessible waterfront open space.
- 6) The facilities will bring a combined 400,000 gross square feet of office and community space.
- 7) that is in addition to 286,000 gross square feet of retail space and 687,250 gross square feet of hotel space.

Thank you all for your consideration and efforts.

Wilson Pun

**Wilson Pun**



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**From:** [Ying Yu Situ](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Testimony for Special Flushing Waterfront District Rezoning  
**Date:** Wednesday, November 11, 2020 7:57:00 PM  
**Attachments:** [Oppose SWFD- Situ Testimony.docx](#)

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Hello,

Attached is my testimony in opposition of the Special Flushing Waterfront District Rezoning.  
Thank you.

Sincerely,  
Ying

--

Ying Yu Situ  
*Advocacy & Organizing Coordinator*

**MinKwon Center for Community Action**  
133-29 41st Ave., 2nd Floor, Flushing, NY 11355  
Tel [718-460-5600](tel:718-460-5600) x302 | Fax [718-223-5837](tel:718-223-5837)  
[www.minkwon.org](http://www.minkwon.org) | [facebook](#)

November 9, 2020

Thank you Councilmembers for opening space for us to speak today and for listening. My name is Ying Yu Situ and I am the Youth Organizer at the MinKwon Center. I am here to speak on behalf of the Flushing youth and the tenants we door knocked and spoke to about the rezoning plan, who could not be here today because Flushing residents have limited access to internet, especially with the libraries closed from the pandemic, and have to work at this hour. They represent the working class, limited English proficient, and first generation of immigrants, students, workers, and residents of Flushing. These are people who have invested their money and roots in downtown Flushing and they are asking you to vote NO on the special waterfront rezoning and to make recommendations to the plan that are FAIR for the community by including 100% truly affordable housing with full priority given to residents of District 7, square footage space allotted for a youth and senior center, and meaningful investment in our residents--real jobs that match the skills of our community and guaranteed just wages.

I want to start by saying that I am tired and I am grieving. I am tired of attending hearing after hearing only to hear the same thing: that profit and developers' ambitions for transforming our neighborhood into glass towers will always win over the people and our livelihoods. That our lives are worth nothing.

Just two days ago, [an unhoused Asian man was found dead in front of Prince Noodle on 40th Road](#), bent over his makeshift home of five cardboard boxes. He died alone overnight in the cold and was lifted out of his boxes in the morning when FDNY came. He is just one of the members of the skyrocketing homeless population in Flushing over the past months that I've seen when I walk through the neighborhood.

Three years ago around this time on the same block, [an immigrant sex worker named Yang Song was killed by police when they violently raided her workplace on 40th Road](#). Her family still mourns her today and regularly visits the La Jornada food pantry in Flushing. Yang Song's death [is a direct result of over policing sanctioned by Councilman Koo](#) to sanitize our neighborhood and clean up our streets to make our neighborhood nice for ongoing and future real estate speculation and luxury development. Both people's deaths were entirely avoidable.

I am scared of how many more lives will be lost as a result of the relentless march for "progress"-- how many more unhoused people will die this winter? Will our street workers be able to survive as Flushing becomes a place for the wealthy to park their money?

I sit here listening to developers pass the hot potato around about whose responsibility it is for affordable housing to be built in this neighborhood. It is disrespectful to hear them essentially say that "it's not my responsibility nor is it required by law, but have some kayaks instead."

Of the 9 towers being built, only one will be for affordable housing. That is anywhere between 75-90 units under MIH. Only 50% of this number is reserved for residents of District 7, so we only get 35-45 units out of 1700+ total buildings. This is a laughable exchange for acres of land they will develop on. As the affordable housing is on site 4, it will also be one of the last projects to be completed on their timeline.



Will they even build the housing by the time 2024 rolls around and the pressure is off of them? And can we wait as people in our neighborhood are pushed out of their homes and dying on the streets every day?

A 2020 survey showed that Flushing tenants [spend over 60% of their salary on the rent](#). The people in this neighborhood make a per capita annual income of [\\$31,480](#), and many are undocumented. They DO NOT qualify for the AMI in these affordable housing buildings.

I work with Flushing and Queens youth in a city where 1 in 10 public school students are homeless/ living in shelters, crashing on couches, sharing apartments with three other families. I have students who have moved into basement apartments because they could not afford market rate rent, and then got evicted from basement apartments because those are illegal in Queens. Will homeless people be allowed to sleep in this project's public-private streets that close at 1 AM? I don't want fancy buildings if none of my community can live in it, if they can't be safe off the streets. They are also promising a lot of things-- how will we keep them accountable? They promised community space and a YMCA at places like Flushing Commons, but we have still yet to see this.

Please, have courage to listen to our stories, to think about the voices who were excluded from the conversation today. We have been here since white flight began in the 1960s when no one wanted to live here. The developers will say that they have been a community presence here for years, but they only donated to the La Jornada Food Pantry recently ([when lines have stretched for blocks since February](#)) for one last push as the project's approval timeline comes to an end (wouldn't want to miss that fat paycheck if the project doesn't get approved, right?). We grew up here, we invested our hopes here, we took care of each other when no one else did. We rallied for our neighbors when they were being evicted out of their buildings owned by predatory landlords at Treetop, F&T, A&E, and we want to stay here. Please don't sell our community out, [like our local politicians who have accepted at least \\$18,000 in donations](#) from development groups like F&T. We must stop this terrifying trend of maximizing "unused" land for personal profits, rather than using it for community need and community ownership. I urge the City Council to stand with the working class people of Flushing and vote no on this cash cow rezoning.

**From:** [Yolanda Zhang](#)  
**To:** [Land Use Testimony](#)  
**Subject:** SFWD  
**Date:** Wednesday, November 11, 2020 10:19:54 AM

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Thank you Councilmember Moya and the Land Use committee for your time. My name is Elizabeth Oh and I work at the Legal Aid Society and have been organizing with the Flushing Anti-Displacement Alliance.

For months, we have been doing research and outreach to fight against this rezoning. What we know for a fact is that the developers have spent \$1 million of taxpayer money to lobby City Council to develop this part of Queens. What we know for a fact is that the average Flushing resident is severely rent-burdened, spending more than 60% of their income on rent. Downtown Flushing is one of the most if not the most congested area in Queens.

Flushing doesn't need 1725 luxury condos. It already has seen the most luxury condos built in the past decade after Williamsburg. What the long lines in the food pantry La Jornada have shown, is that Flushing residents need rent relief in the short-term and affordable housing in the mid to long-term. The Special Waterfront District does none of that.

An extraordinary number of small businesses have already shuttered their doors due to COVID-19. There are residents who are disgusted with the rate of homelessness, but that is a direct correlation to the displacement and high rents. The answer to this is not to "clean up" the area - where will people go once they are displaced? Downtown Flushing is the last stop on the 7 train.

The people who will be most impacted by displacement cannot join us on this call because 41% of Flushing residents don't have broadband access and Zoom public hearings are inaccessible in general. But we know that this luxury development is an insult to the vibrant community that immigrants and first generation Americans have built. How many of the longtime residents do you think can afford to live in one of those condos?

Job creation should not depend on displacement and developers' using our taxpayer money to build their investment portfolios. We need real solidarity from the City Council to reject this proposal like they rejected Industry City and a commitment to build affordable housing in this city.

Thank you for your time.

YZ  
NYU

My name is Zeke Luger, I'm a student at Queens College, and I've been organizing on bus transit issues my classmates and I are facing. I've been getting to know local community organizations in Flushing through the work I've been doing advocating for the Main Street Busway. I wish this process gave more time to make the relevant students aware of this issue, however this approval process has restarted rapidly, too rapidly for the slow speed of organizing during pandemic times. Furthermore, it's extremely disappointing that community advocates like Seonae Byeon are only allowed 2 minutes each to speak their piece, when the developers get 2 hours and 40 minutes to make their case before any community groups are allowed to speak.

What I can speak to today is the traffic impact of this development, and what it says about the developers. Flushing is an old neighborhood, and parts of its street grid trace back to the [mid-1600s](#). Old neighborhoods in NYC, like the Financial District & Jamaica have narrow streets, often only 2-3 lanes wide, and few through-streets, requiring vehicles to make many turns. Furthermore, like Jamaica, many major roads in northeast Queens lead to Flushing's narrower streets. Especially given the draw of Flushing's Central Business District & nearby highways, this high demand and low supply is a recipe for congestion. Everyone who has spent time in Flushing knows how severely congested its streets are, both in terms of vehicle and pedestrian crowding, and how seriously it impacts daily life there. Flushing has very little green space or parks, and almost all of its public space is its public streets. Traffic is [listed](#) as CB7's 3rd most serious local issue, after street degradation due to overuse, and poor street drainage.

The [majority](#) of Flushing residents don't enjoy the privileges of driving, yet the cars on their roads present a danger to local residents' safety & health and degrade the quality of their public space. The City's 2013 Vision Zero Report for Queens shows Flushing to have the highest density of pedestrians killed or severely injured in the borough ([see pages 5 & 10](#)) averaging 16 severe injuries and 2 deaths every year. Severe urban congestion, like that experienced in Flushing, [has been found](#) to be so well correlated to collisions that it can be used to predict the number of vehicle-induced injuries and fatalities on a street. This is not to mention poor safety for bikers, who are particularly vulnerable to injuries in congestion and are often visible on Flushing's streets, despite the lack of dedicated road space for them in the district. The danger of nearby traffic, even if not causing direct injuries, makes the experience of a street stressful due to the additional caution needed by pedestrians. The noise levels produced by a congested street serve as a chronic, loud reminder of this danger, and, more than just an annoyance, car noise is known to cause symptoms of high stress levels, including [higher levels](#) of medical emergencies like heart attacks. Furthermore, Flushing's residents are also exposed to exhaust fumes at levels close to Manhattan's, which is a direct consequence of the number of cars in the neighborhood.

Flushing also relies on its roads for personal, delivery, and emergency service transport. Flushing residents rely heavily on a vast bus transit system that relies on its street grid, transporting riders on [150,000 trips](#) down Main Street alone every weekday. However, Flushing is also the slowest segment of all of these routes, which causes them to run with inconsistent timing, leading to delayed buses that arrive already full, as well as less frequent service overall. Buses often drive through Flushing at slower than 3 mph, referred to by the city's DOT "a leisurely walking pace", Bus riders often get off a stop early and walk the rest of the route. Furthermore, the congestion impedes the street network's ability to provide supply deliveries to flushing's local businesses, making deliveries expensive and unreliable. CB7's Statement of

Community Needs cites the road congestion as the “most important issue” they face related to public safety and emergency services.

Moreover, in most aspects other than the traffic, Flushing is a very walkable neighborhood, and pleasant to explore. With short blocks, all the goods, services, jobs, and transit residents need easily accessible with a short walk, and in the language that they need it. A disproportionate number of residents walk to work. Between its transit access & walkability, Flushing allows immigrant families to live car-free at much higher levels than the rest of Queens, despite being surrounded by a vast subway desert. This saves residents an average of [\\$8,500](#) a year, keeping the neighborhood affordable for residents. The developers main claim of public benefit is the public space, which, as referenced by CM Reynoso, is extremely minimal, will not be fully public, and could be subject to private security. They say the rezoning will bring public realm improvements provided by public access to their private street network, a public plaza, and “6am to 1am” public access to their private waterfront pedestrian path. However, without the rezoning, they would legally be required to create an actually public waterfront path. And they have not made any commitments to supporting public activities, like boating, on the waterfront. Additionally, their private streets are necessary architecturally as relief from the new heights the rezoning allows them to build to. If you look at their plans, the developers have maximized every inch of waterfront space possible on the property to make room for their luxury condos. The “public plaza” they reference is smaller than the green space that already exists on the property. If you look at their plans, the developers have maximized every inch of waterfront space possible on the property to make room for their luxury condos.

The developers also claim that their private road network and 1,500 new parking spots will “relieve traffic” in the neighborhood. Yet it’s [well established](#) in transportation planning that new street space and especially new parking generates more congestion, and not less, because they attract new car trips. And if you actually take a look at the EAS transportation analysis, as Mr. Kelty of CB7 is clearly aware, it very plainly tells a story even worse than I would’ve expected. Like Mr. Devaney said, the congestion levels at intersections adjacent to the development currently graded as providing A, B, and C Levels of Service (LOS) (page 292) suddenly become Ds, Es, and Fs (page 316), which translate to apocalyptic levels of traffic for most of the day. This includes highlights like an impassible westbound Roosevelt Ave with an 44 minute average wait in traffic to make a right turn onto Janet Place, just before the bridge, and 61 minute wait to exit the driveway at site 4 and turn onto College Point Boulevard. Similar to what Paula Segal, and Rebecca Pryor were saying, the only reason the developers can claim that traffic is improved with the private roads is that they’re comparing it to the plan which they claim, [dubiously](#), that they’ll be able to build without the rezoning, which the EAS says will produce equally terrible traffic (page 306).

This is not to say that old cities can’t grow, as density can managed if congestion is dealt with appropriately. This would be a different story if Flushing’s developers were also pushing for measures to alleviate the impact of congestion & improve and increase public space. However, Flushing’s developers, and the politicians, community boards, & faux community organizations indebted to them, are the \*main opposition\* to \*actual public realm improvements\*, like open dining, real public space at the waterfront, and public waterfront recreation. They’ve been buying up and developing the municipal parking lots that could’ve been used for public space, a park, or a bus terminal. And critically, they’ve been the primary opposition to any measures that

would reduce congestion and road safety like the Main Street Busway, open streets, or [bike lanes](#)! Furthermore, local developers are the primary supporters of the “wrong way” LaGuardia Airtrain, set to add 1,000 new parking spots at the Casey Stengel Bus Depot, most easily accessible through Flushing via Roosevelt Ave. Indeed, the Flushing Waterfront plan includes [hotel space](#) to match. This is in addition to the Waterfront development’s 1,500 new parking spaces, and [2,600](#) (page 4) more parking spaces at other Flushing developments to be built shortly, for a total of 5,100 new spots in the next few years!

It’s hard not to conclude that the developers want to make this neighborhood as unlivable as possible until they’re seen as the only option for public space improvements. Privatise the public realm, make the rest of the public space as dangerous and stressful as possible, cripple the functionality of local transportation, drive out anyone selling affordable goods, and make sure rents are too high for the current residents until that way all the tenants are gone. That way the buildings are empty and primed for further speculative development. This is a playbook we’ve seen over and over again in nyc. Just like with Flushing’s transportation system, developers are just using resources from this unique, vibrant, and transit-rich neighborhood for their private speculation, with no regards to what happens once they sell their condos.

Yet, as seen with the Main Street Busway project, Flushing can create high-quality public space when the city listens to the residents of Flushing. The Main Street Busway is being painted as we speak, despite the developers’ [aggressive opposition](#) and disinformation campaign . The opposition was so plainly counter to the public interest, that the city had to listen to us.

Here too, the developers are pushing a plan that so plainly aims to displace and un-house residents when Flushing is facing acute crises of hunger and homelessness, and the developers are so plainly abusing their outsize microphone to make the neighborhood unlivable, that I believe the City Council must reject their application. The incredible movement that has grown in Flushing around this rezoning can and will ensure that this unique and vibrant neighborhood provides livability and housing security for its residents for generations, but that can happen *if and only if* the City Council *listens* to the voices of the residents of Flushing. Please listen and vote no on this rezoning.

**Subject:** Testimonial on the Special Flushing Waterfront District  
**To:** The Subcommittee on Zoning and Franchises  
**From:** Zhi Keng He, a Flushing resident

Good Morning,

I am testifying today to oppose the Special Flushing Waterfront District plan as it does little to benefit the community and it will greatly hurt it. We need to address the lack of housing for lower income residents and seniors, the lack of PUBLIC community spaces, and the growing number of active luxury developments.

Between 2014 and 2018, the Flushing Neighborhood had

- 68.6% or 11 thousand households that are rent burdened, meaning they pay 30% or more of their income to rent
- More frighteningly, 45.7% or 7,800 households used 50% or more of their income to pay rent
- That number has grown as rents increase and job instability worsens during the pandemic

Over the last five years only a few developments added new affordable units (One Flushing added 231 units and Macedonia Plaza added 143 units). That barely makes a dent.

The Special Flushing Waterfront District plan intends to build 1,725 luxury condos while adding only 61 - 90 affordable housing units. To add insult to injury, the affordable units will be constructed in the northern part of the sites, closest to Northern Blvd, where all of the industrial asphalt and concrete plants are. These plants have trucks going back and forth which release particulates and other harmful odors and gas that will cause long-term health issues to future residents. In addition, most of these sites are located on historical industry land by the Flushing Creek. These tiny handouts are not done in good faith

Flushing has many real estate developments in the works, and adding more luxury hotel rooms, commercial spaces, and condos ignores the needs of the community in favor of increasing corporate profits.

Just across the street, Tangram is building 300 luxury apts, a hotel, and commercial space. In the south, Skyview Phase II and Skyparc have a newly built hotel, and the proposed Flushing Point Plaza is adding 386 luxury apts. Close by, the developments of Flushing Commons, Westin Hotel, CA PLAZA, RKO, and 35th Avenue are adding many more hotels and luxury units.

While many of the residents live homeless or close to the possibility of homelessness, we need a plan that addresses the needs of residents and community, instead of ignoring and harming them.

We should not give the developers rezoning rights if they don't intend to help out or only intend to help in such small disingenuous ways. Thank you.

**32BJ SEIU Testimony—Cassie Carrillo**

**Special Flushing Waterfront District**

**New York City Council**

Good morning Chair Moya and members of the subcommittee. My name is Cassie Carrillo and I am a representative of 32BJ and a resident of Queens.

32BJ believes that the developers for this project have not put forth a rezoning plan that aligns with the needs and priorities of the Flushing community, including our roughly 1000 members that live and work in the area. Working people in Flushing need good jobs and affordable housing where they can raise their families. Instead, these developers intend to build roughly 1,700 luxury condos, over a million square feet of commercial space, and as many as 2,000 hotel rooms in the project area. As few as 75 of the residential units will be affordable units (around 4%) and there is no commitment to pay the prevailing wage for building service workers. Amid the COVID pandemic, the last thing that Queens needs are frontline jobs without standards and mega-projects that fail to deliver measurable benefits for low-income and working people. Queens' residents and working families need and deserve a better recovery. For these reasons, 32BJ opposes this application.

While the Developers state that the project will create 3,000 new jobs in the area, they have not made a credible commitment that these will be good jobs that pay family sustaining wages and benefits. The median household income in the area is \$34,428, much lower than the county and city median income. The largest share of households in Flushing (19.2%) are within the \$15,000-\$25,000 household income range. It is clear that this community needs jobs that pay family sustaining wages that give people access to upward mobility and security.

In Flushing, 76 percent of residential units are renter-occupied and approximately 63 percent of Flushing renters are "rent burdened." In 2017, DCP in its analysis of the area stated, "there is a need for affordable housing in this area." The Developers' plan clearly does not address these needs and could exacerbate them.

Since the beginning of this process, the developers have presented this rezoning as two options (1) accept a private road system, a privately managed waterfront park, and insignificant amount of affordable housing units or (2) accept an as-of-right development. But, since 2018, the Developers spent over \$1.7 million lobbying DCP and New York City elected officials in order to prepare for ULURP. We question why the developers would expend resources on this ULURP application if building an as-of-right project is feasible.

A primary reason that the Developers may be pursuing this rezoning is because they wish to qualify for lucrative tax credits and incentives, which would lower their cost burden for the potential clean-up required to develop the sites. The project area was designated as a Brownfield Opportunity Area (BOA) by the State after a community organization submitted a Brownfield Opportunity Area Nomination Plan (the Plan) in 2018. The Plan recommended that the project area be rezoned to create a Special Flushing Waterfront District. Developers within a BOA designation are then given tax credits and incentives to encourage them to follow the vision laid out in the Plan. It is within the Developers' interest to conform to the Plan if they wish to receive these lucrative tax credits and incentives. 32BJ opposes the use of the



discretionary land use process to facilitate public subsidies for developers who have not made meaningful commitments to community benefits.

We strongly encourage the City Council to vote NO on this application as currently constituted. The FWRA Developers should be advised to put forward a plan that provides meaningful benefits for working families in the Flushing community, and to disclose the connections between this rezoning and any public incentives they could subsequently stand to receive.

**32BJ SEIU Testimony—Eudrey Gutierrez**

**Special Flushing Waterfront District**

**New York City Council**

My name is Eudrey Gutierrez, I am a 2-year 32BJ member, a 14-year resident of Flushing and I'm here today to ask you to Vote NO on the Special Flushing Waterfront District.

Having a job that pays the prevailing wage has changed my life. More working families in Flushing deserve to have a job that allows them to take care of their families with security. A prevailing wage job does that—and development in our communities must come with commitments to prevailing wage jobs.

The working families in Flushing also need affordable housing. Not more than 1,600 units of luxury condos. It is difficult for me to support a project that doesn't bring good jobs or meaningful affordable housing to Flushing. Please VOTE NO on this project.

Thank you.

**32BJ SEIU Testimony—Jorge Ortiz**  
**Special Flushing Waterfront District**  
**New York City Council**

Good afternoon Chair Moya and members of the subcommittee. My name is Jorge Ortiz and I have been a 32BJ member since 1973 and have lived in Flushing for more than 20 years.

I've called in today to echo the voices of my fellow union members and community. Flushing is an amazing community. We are diverse, welcoming, and have some of the best food. Our community is strong because it has been built by people like me, immigrants who are not afraid of hard work or a challenge.

COVID hit Queens and Flushing hard. Many people are still unemployed or lack benefits like health care, in the middle of a pandemic. A rezoning like the Special Flushing Waterfront should be an opportunity to create good jobs that give local families access to upward mobility. However, that is not the case.

The developers haven't committed to good, prevailing wage jobs—the kinds of jobs that Flushing deserves, especially right now. New development must mean responsible development. I stand with my union and I stand with my community against this rezoning. Developers should not get wealthy on the backs of workers or working class communities.

I respectfully urge you to vote down this rezoning. Thank you.

**32BJ SEIU Testimony—Patricia Florio**

**Special Flushing Waterfront District**

**New York City Council**

My name is Patricia Florio and I'm here today as a 20-year 32BJ member and a 40-year resident of Flushing to ask you to VOTE NO on this rezoning.

My family and I came to the United States from Ecuador for a better life—and that better life came into fruition because we found a good home in Flushing and I got a good paying job with a strong union contract.

My job allowed me to raise my son with dignity and security. Because it is a job that pays the prevailing wage, I have guaranteed paid days off, sick days, medical benefits, and a retirement plan. For 20 years, I never worried about having to choose between putting food on the table or paying rent. All working families deserve this too.

I love Flushing. We are a strong, dynamic community built by immigrants like myself, from all over the world. Although we are from different countries and have had different experience, we are all strong working people trying to raise our families. Our neighborhood deserves development that will give us meaningful affordable housing and prevailing wage jobs. This project will provide neither. For these reasons, I urge you to VOTE NO.

Thank you.

**32BJ SEIU Testimony—Ruby Gutierrez**

**Special Flushing Waterfront District**

**New York City Council**

My name is Ruby Gutierrez and I'm here today as a 15-year 32BJ member and a 14-year resident of Flushing to urge you to VOTE NO on this rezoning.

I love my neighborhood; my favorite part of Flushing is the shopping. Our neighborhood is so diverse you can get whatever you need. Another part of Flushing that I love is the people. We are a diverse, immigrant community built by the working class.

Many people in my neighborhood would benefit from good, prevailing wage jobs like mine. Especially in an environment, where having access to affordable health care is more important than ever.

The working families in flushing need also need affordable housing that allows us to live with dignity. Why build so many luxury condos when working families in Flushing need more affordable housing.

This rezoning does not benefit the Flushing community. We need prevailing wage jobs and affordable housing. Do the right thing and VOTE NO on this application.

Thank you

**32BJ SEIU Testimony—Saul Hernandez**

**Special Flushing Waterfront District**

**New York City Council**

Good afternoon Chair Moya and members of the subcommittee. My name is Saul Hernandez and I've been a 32BJ member for 12 years and have lived in Queens for 39 years.

I'm here to testify against the Flushing rezoning. I love Queens, it's such a diverse borough filled with warm and friendly people. Most of us are working people trying to get by and make ends meet.

The developers for the Special Flushing Rezoning have been asked to make a credible commitment to good jobs with prevailing wages for building service and hotel workers, yet they refuse. The community has asked for more affordable housing, yet they refuse. They need to be more able to work with the community, come to the table with a reasonable and responsible development. We are working people who deserve good jobs. We aren't asking for handouts, we want to work for ours—but we don't want to be shortchanged.

We need investment in our communities, especially after COVID. We want to rebuild but it needs to be responsible. A good job like mine is life changing. It's give me upward mobility and my children opportunity that I never had. Working families in Flushing deserve this kind of opportunity too.

For these reasons, I respectfully urge you to vote down this rezoning. Thank you.

**32BJ SEIU Testimony—Wendy Polanco**

**Special Flushing Waterfront District**

**New York City Council**

My name is Wendy Polanco and I'm here today as a 4-year 32BJ member and an 11-year resident of Flushing to urge you to VOTE NO on this application.

I love Flushing and my working class community. It is simple: working families deserve to have access to affordable housing and prevailing wage jobs that allow them to raise their families without worry.

Not only can I attest to the benefits of have a prevailing wage job such as health coverage, a livable wage, and paid days off but being a member of 32BJ has added to my quality of life. Through the union, I was given access to the legal fund and was able to become a US Citizen at almost no cost to me. This was life changing.

Building more than 1700 units of luxury housing with a minuscule 76 units of affordable housing is unacceptable. It is not fair to the working people who have made this neighborhood thrive. This rezoning will generate high returns for the developers with no real community benefits.

This project does not provide the community I love, with access to affordable housing or prevailing wage jobs. All working people deserve the opportunity live and work with dignity I respectfully urge you to VOTE NO on this project.

Thank you

**From:** [AUDREY CHOU](#)  
**To:** [Land Use Testimony](#)  
**Subject:** SFWD testimony  
**Date:** Monday, November 9, 2020 3:26:06 PM

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My name is Audrey, I'm 16, I was born and raised in Flushing, I attend high school right here at Townsend Harris, and I'm testifying today in opposition today because Flushing is my home. What makes Flushing feel like home to me is walking down Main Street with my family and stopping at our favorite street vendor to share kebabs, saying hi to the lady with the rhinestoned denim jacket and her Bible whenever we cross paths, and laughing at my poor Mandarin as I fail to describe the haircut I want at the local salon. My friends jump at the chance to come to Flushing and no, not for Flushing Commons or Queens Crossing, but to grab hand pulled noodles on College Point or to simply hang out at the Bland Playground. Our community is built from shared moments like these, not retail complexes and office centers.

The proposed Special Flushing Waterfront District developments are designed for wealthy families and commercial businesses — not the average working class family and mom & pop shop that you would find here in Flushing —and these developers know that. The proposed luxury housing units are clearly meant for wealthy folks, and nearby landlords will most definitely jump at the chance to raise rent. In fact, the meager amounts of “affordable” housing units included would cost double the median household income in downtown Flushing.

How could one expect luxury developments to benefit a community where 60% of residents are rent burdened? How will commercial properties serve a town where countless are waiting for food each week, businesses are shutting down, and families are facing eviction? My parents and neighbors are struggling to pay rent this month, will these developments do anything about that?

Voting yes will show that you do not care about the working class folks that have built Flushing into the amazing community it is, do not care about the gentrification and the displacement that the developers will be responsible for, and do not care about the fact that they will create a congested nightmare in an already overcrowded space. All these developers do care about is gaining as much profit as they can from as much land as they can get.

You cannot rewrite our narrative. Today you've heard a group of voices that are actually representative of Flushing. The Special Flushing Waterfront Project will hurt us. We've stepped away from jobs, busy schedules, and in my case, AP classes and SAT prep, all to show you how much we care about our town and that we will speak up against what we know will damage it. I implore you to listen to our voices and recognize that the Flushing Waterfront needs community-focused developments by and for the people of Flushing. What Flushing doesn't need is luxury developments to “become a beacon for Queens at large.” Flushing is already that beacon and these developments would dampen that light.



**From:** [Alice Wong](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Special Flushing Waterfront District  
**Date:** Monday, November 9, 2020 10:47:54 AM

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I am voting **for** the Special Flushing Waterfront District. Reason being:

- (1) Improvement of quality of life
- (2) Create job opportunities
- (3) Lower crime rate

I hope everyone put aside their other motives/self interest and look at the bigger picture. We can say this is gentrification, causing pollution, causing traffic. But these do not justify us of not moving forward to improve our well being, advance to a better stage.

Indeed, no developer would be willing to develop if there's no profit involved, but isn't it the foundation of a free economy? There are some people who are willing to take a business risk and thus they can make money or lose a lot (like a lot of other corporate which go under). I find this inevitable in the path of development. What's important is: how to plan ahead of time and make sure it doesn't affect the existing residents much, make sure the environment is not affected as much during the construction process, better planning of diversifying the traffic routes, etc., make sure certain number of local business are being included in the development.

I am a local worker who works 5 days a week in Flushing, since April as I work in the insurance industry, an essential business. To me, Flushing is a place I work and do grocery. I see it thrive and I don't see why this Flushing Waterfront District is anything different from the other big projects, like Skyview Parc and Flushing Commons. I can only see they bring more business and vibe to the City. Of course, traffic is still a headache but I am sure with the help of the councilman and local officials, it will be something that can be resolved as long as we set aside our self interest.

I am a little under the weather and thus I only submit this written testimony and won't be able to call in.

Thank you.

Alice Wong  
(347) 592-1150

To whom it may concern:

I am the owner of a small business in Flushing, Queens. I fully support this new development. Flushing's small business owners are suffering from the economic fallout of coronavirus. economy's recovery from the coronavirus is likely to be long and painful. It is hurting our community- particularly businesses like mine- the hardest. We reduced workers hours and temporarily closed our business due to lack of visitors. Continued investment in Flushing is the best way to keep the local business community vibrant and encourage visitors to come back to Flushing.

Approval of this project will provide what the community need ,and it also provide many other benefits to this community, such as waterfront access, affordable housing, and good local jobs of opportunities for residents. Please support the Special Flushing Waterfront District.

Angela An  
11/9/2020