



**COMMUNITY BOARD 2 QUEENS**  
**New York City, NY**

**LIC WATERFRONT DEVELOPMENT:**  
**CB2 COMMENTS ON PROPOSED PLANS**

*September 3, 2020*

Prepared By:

*Land Use Committee, CB2Q*

With Planning Assistance By:

*Nautilus International Development Consulting, Inc.*



*On the Cover:*

*The Long Island City Waterfront  
looking southeast from the East River*

*Proposed development sites from left to right:  
East River Tennis Club/"Lake Vernon" (flooded property), Department of Education Building,  
Anable Cove, 44th Drive Public Pier and Anable Basin*

*(Source: Nautilus International, July 2020)*

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## EXECUTIVE SUMMARY

### LONG ISLAND CITY'S WATERFRONT

The Hunters Point North waterfront lies across the East River from the iconic skyscrapers of Midtown Manhattan and innovative campus of Cornell Tech on Roosevelt Island at the western boundary of Long Island City (LIC). Large, formerly industrial properties along its shoreline offer an unparalleled opportunity for far-sighted and inclusive planning. Just to the south are the Queens West project by New York State and Hunters Point South, still under construction by New York City. Sustainable and well-planned growth in Hunters Point North could help the City distribute economic development more fairly, increase social equity, restore environmental resources and be proactive about climate change.



*Satellite photo of the Hunters Point North waterfront along the East River across from Midtown Manhattan and Roosevelt Island. (Source: Google Maps, 2020)*

### QUEENS COMMUNITY BOARD 2

Queens Community Board 2 (CB2Q) represents four neighborhoods in the southwest corner of the borough, including the many residents, property owners, businesses and non-profit organizations of Long

Island City, Sunnyside, Woodside and parts of Maspeth. CB2Q advocates for comprehensive planning that is both supportive of the needs of its working and middle-class residential, manufacturing and commercial neighborhoods and also based on inclusive public participation and input. Long Island City is particularly notable for its thriving arts community - including PS1/MoMA – and is home to one of the largest collections of art galleries, studio spaces and art institutions of any neighborhood in the City. For many years, CB2Q has been considering proposals for the northern Hunters Point waterfront and responding to protect the community's vibrancy and champion well-planned growth.

### WHY COMMENT ON YOUR LIC PRELIMINARY PLANS?

Recently, new plans have been proposed for part of Long Island City's northern waterfront. CB2Q has prepared these comments on the preliminary plans for two reasons:

*1) To restate the community's long-standing priorities for development of this waterfront*

Preliminary plans presented to CB2Q in May 2020 call for a massive development with 10 to 12 million square feet to be constructed over 10-15 years on a series of contiguous properties – including publicly-owned lands - by a consortium of private owners and developers known as YourLIC. Despite the lack of detailed information about the preliminary concepts, it is already clear that a significant number of issues raised by the community during earlier proposed actions continue to go unaddressed. CB2Q has prepared these comments to restate and reaffirm those issues while there is still an opportunity for them to be incorporated during early planning phases of the process.

*2) To shed light on how COVID-19 is impacting the community*

The coronavirus pandemic has fundamentally changed our City and community, and challenges us to reconsider rezoning large areas of



irreplaceable waterfront land at this time. Instead, we urge the public agencies and elected officials involved in Long Island City to focus now on responding to the citywide needs of existing residents, business owners and employees as they evolve through the pandemic, rather than pursuing an irreversible rezoning based on outdated, pre-pandemic plans. The outcome of the proposed rezoning could effectively change the use and character of this neighborhood forever.

*Ultimately, we believe that taking a step back – for now – on the northern Long Island City waterfront will allow it to reemerge later in stronger, more realistic plans for long-term, sustainable revitalization benefiting the City as a whole.*

## IMPACTS OF COVID-19

While it is too early to predict the course of the pandemic, here are some COVID-19 changes that are already emerging in Long Island City and will affect development of its waterfront:

- Hundreds of thousands of workers are now unemployed as a result of the steep economic downturn and many others are working from home rather than risking infection.
- Significant support is needed to preserve and protect the quality, character and economy of the existing jobs, businesses, healthcare and neighborhood services in CB2Q.
- There is already an acute citywide shortage of affordable housing that can be expected to become even more critical based on current economic projections.
- Meanwhile, demand for public open space has skyrocketed throughout the City and especially in neighborhoods like Long Island City, where the ratio of open space per resident ranks 47/48th out of 51 districts.

## COMMUNITY PRIORITIES FOR HUNTERS POINT NORTH

Our analysis of the preliminary plans shows that there are significant goals raised for years by the community that continue to go un-addressed. Embedded in the preliminary plans by YourLIC is a fundamental vision of the future which relies on the privatization of the last public land and many public streets on this waterfront, an inadequate recognition of the threats of climate change, and the belief that by up-zoning “underutilized” land enough economic activity will be generated that the tradeoffs and costs to the existing community are worth it in return for promises of future jobs and “community benefits.” Some of the key priorities of the community are to:

### Protect Public Land for Public Use

CB2Q, along with multiple community organizations and elected officials, has long advocated for the public use of public land on this waterfront. Over 4 ½ acres of New York City- and State-owned properties currently housing facilities for the NYC Board of Education (BOE) and Department of Transportation are proposed by YourLIC to be turned over to a private developer for a private office tower, one public school and some open space. Collateral damage includes the adjacent BOE building where the proposed private tower eliminates its waterfront views and reduces its capacity to house habitable spaces requiring light and air. Numerous other public resources would also be impacted. Most notably, five public streets totaling over 3 acres are proposed for privatization leaving only one public street with access to the waterfront.

### Be Proactive about Climate Change and Sustainability

CB2Q supports both adaptation measures for community resiliency and mitigation measures to address the underlying causes of climate change, like reducing greenhouse gas emissions. We see community resiliency as encompassing not only environmental protection and restoration, but also economic sustainability and social equity. While we are pleased that four private developers and owners are now

working together, we continue to call for the City itself to coordinate a broader EIS effort that considers the cumulative impacts of these properties along with other assets and City Planning’s work on the LIC Core. In particular, comprehensive flood-protection strategies need to be thoroughly coordinated between private owners and agencies responsible for the public lands, such as Queens West, along the East River waterfront.

### **Balance New Development with Protection for Long Island City’s Quality of Life**

Long Island City has already experienced record growth over the past two decades far outpacing the capacity of its essential services, infrastructure, schools, streets, transit and open space. What is needed now is sustainable growth that upholds a balance between new development and protection of the quality of life for existing residents, businesses, artists, and creative manufacturers who have given the community its special character.

This document elaborates on these community goals and provides detailed comments on the preliminary plans proposed by YourLIC. It begins by introducing some of the recent history of planning for the Hunters Point North waterfront, summarizes YourLIC’s preliminary plans, highlights CB2Q’s comments about previous proposals, describes changes already emerging based on the pandemic, analyzes the proposed plans, and outlines the course of possible upcoming land use actions.

### **QUESTIONS ABOUT YOURLIC PRELIMINARY PLANS**

Some questions to consider about the development proposed by YourLIC are:

*What is the need for massive office and luxury residential towers rising as high as 700 feet and adding up to a density of 10 to 12 million square feet?*

- CB2Q notes that this proposal rivals high-density areas of Midtown Manhattan and is twice the density of Hunters Point South with only two-thirds of its open space. Unlike Midtown, this part of Long Island City is remote from mass public transportation, lacks infrastructure and public services, and is starved for open space.

*What is the need to build millions of square feet for office spaces packaged into Manhattan-style towers?*

- CB2Q supports the district’s wealth of small and large manufacturers, tech companies, design firms, retail stores, and service industries that innovate and not only provide numerous jobs but also create a healthy, equitable economic ecosystem. Rather than glossy towers, what is needed now is more affordable work spaces for struggling businesses, makers and artists, as well as significant support to protect existing jobs.

*What is the need to build another five to six million square feet of high-rise, luxury housing, which could generate a staggering population of 16,250-19,500 new residents?*

- According to The New York Times, nearly 60% of the condos completed since 2018 in Long Island City remaining unsold. Rather than build more of the same, CB2Q strongly recommends a minimum of 60% affordable units in any new development, including senior units, supportive housing and below 50% Area Median Income family units. We also call for increased opportunities for affordable home ownership and more artist housing mixed with affordable cultural spaces.

*Why does the proposed public open space only meet a small percentage of New York City’s goal for YourLIC’s own proposed increase of population, not to mention the needs of existing residents?*

- CB2Q calls for substantially more public open space for these exceptional properties along the East River, where there is a valuable opportunity to restore habitat on the publicly-owned lands and create a continuous landscaped waterfront welcoming to all.

# 1 INTRODUCTION

## COMPREHENSIVE PLANNING

Following a series of separate actions proposed along the East River waterfront in Long Island City (LIC) between 2017 and 2019 - which included the Anable Basin Rezoning, LIC Innovation Center Discretionary Actions and Amazon Headquarters 2 - the New York City Department of City Planning and Economic Development Corporation approached Community Boards 1 and 2 in Queens (CB1Q and CB2Q) requesting that a working group be brought together to discuss comprehensive planning for the area. CB1Q stepped back because it was not in their immediate district. CB2Q proceeded to establish a Comprehensive Plan Working Group that articulated guiding principles for waterfront development over the summer of 2019. (See Section 3.4 - East River Waterfront Development North of Queens West.) This planning effort was intended to position any future private development proposals to be supportive of community needs and to establish a comprehensive framework where the private sector could join the City and community groups at the table to collaborate on mutually-beneficial development plans.

## PRIVATE PLANNING

Rather than continue with a public-private comprehensive planning process, in the Fall of 2019 the City requested four private owners and developers to propose a unified plan for a series of contiguous waterfront properties. The combined area centers around 44<sup>th</sup> Drive and includes City-owned properties which currently house facilities for the NYC Board of Education and Department of Transportation. Preliminary development plans were presented to the Land Use Committee of Queens Community Board 2 (CB2Q) on May 20, 2020 by the consortium, now known as YourLIC.



*View of proposed waterfront development sites looking southeast from Roosevelt Island (Source: Nautilus International, July 2018)*



*View of proposed waterfront development sites looking southeast from the East River (Source: Google Maps, 2020)*

## COMMUNITY BOARD COMMENTS

*Despite the lack of detailed information about the preliminary concepts, it is already clear that a significant number of issues raised by the community during the earlier actions continue to go unaddressed.*

Our concerns range from the appropriation of valuable public property for non-public purposes to the exorbitant amounts of City subsidies needed, inhuman scale of the buildings and the lack of a credible, proactive resiliency plan. CB2Q has prepared these comments to restate and reaffirm those issues while there is still an opportunity for them to be incorporated during the early planning phases of the process.

It is clear that embedded in the preliminary plans by YourLIC is a fundamental vision of the future which relies on the privatization of the last public land and many public streets on this waterfront, an inadequate recognition of the threats of climate change, and the belief that by up-zoning “underutilized” land enough economic activity will be generated that the tradeoffs and costs to the existing community are worth it in return for promises of future jobs and community benefits. For some, this value proposition is worth it for the hope of jobs alone.

The “community benefits” included in the preliminary plans (schools, open space and “district enhancing” uses) will actually increase profits for YourLIC by boosting this destination as a stronger and more desirable place to live and work for their residents and tenants. These are self-serving “benefits.”

There is a huge cost to the community and the public for embracing this misleading value proposition. The proposed residential towers, reaching 700’ (or around 70 stories) and blocking stunning views of Manhattan from the entire upland neighborhood, are private and exclusive by nature. A commercial building on publicly-owned land donated by NYC Economic Development Corporation to a private developer cuts off light, air and views from a valuable existing public building and devalues the existing manufacturing, maker, artist and small retail environment throughout the neighborhood. Moreover, the suggestion of offering the minimally required amount of affordable housing and public open space is unconscionable during a time when equity and social justice are such high citywide priorities.

CB2Q believes any rezoning of this priceless waterfront can reach towards much higher goals to provide genuine benefits to the existing residents, business owners and visitors, and ensure real, lasting value for the community and the City.

## COVID-19

Arriving this Spring completely unforeseen, the coronavirus pandemic has now added a new dynamic. The YourLIC plans, unfortunately, are proceeding forward in their pre-pandemic form and do not take into account the extensive social, economic and environmental changes that are already underway and can be expected to continue to evolve as the immediate crisis recedes, the City reopens and development resumes.

CB2Q strongly urges taking a step back from advancing plans that will have such far-reaching consequences without allowing time to absorb and comprehend the longer-term implications of the coronavirus pandemic, which may create new opportunities for innovative waterfront planning.



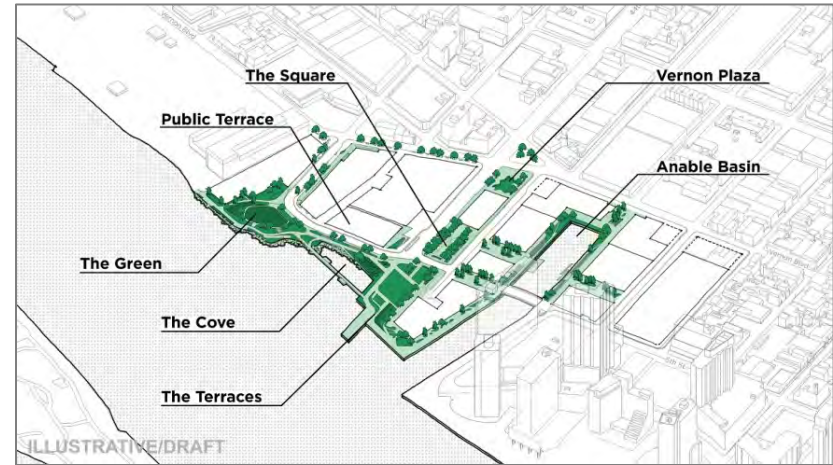
## 2 PROPOSED YOURLIC DEVELOPMENT

YourLIC's team of owners and developers - MAG Partners, Plaxall, Simon Baron Development and TF Cornerstone - provided an overview of their plans at a CB2Q Land Use Meeting on May 20, 2020. The group is aiming to have a 28-acre area surrounding 44<sup>th</sup> Drive and Anable Basin rezoned next year and developed over 10 to 15 years. Three of the members currently own a portion of the project area, with both City- and State-owned properties also included in the proposal.

The proposed plans show 10-12 million square feet of development with towers ranging in height from 400 to 700 feet. Residential space is proposed for 50% of the total development, or 5-6 million square feet.



*Illustrative massing of the development plan proposed by YourLIC (Source: YourLIC, Presentation to CB2Q on May 20, 2020)*



*Sketch of proposed open space (Source: YourLIC, Presentation to CB2Q on May 20, 2020)*

The plan also includes 7 acres of open space, three schools and ½ million square feet for “district-enhancing uses” such as arts and cultural spaces. A pedestrian/bicyclist bridge over Anable Basin is proposed and would connect 5<sup>th</sup> Street on both sides of the water.

Despite requests for more information, details were not provided for key components of the development such as: the proposed ownership transitions or operating agreements for public properties, breakdowns of proposed land uses, community facilities, affordable housing, phasing plans, resiliency plans, or infrastructure improvements.

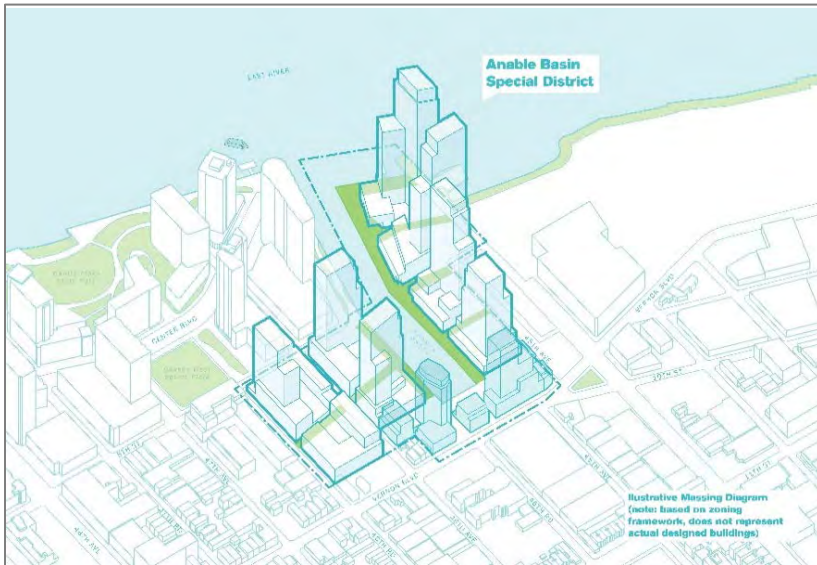
The owners and developers who formed YourLIC have hosted four public workshops since November 2019 to solicit feedback from residents covering topics such as economic empowerment to open space. A fifth workshop was postponed and then moved online due to the coronavirus pandemic.

### 3 PREVIOUS CB2Q COMMENTS

For many years, CB2Q has been considering proposals for this area and providing comments outlining community needs and priorities based on comprehensive community participation and input. This chapter summarizes CB2Q’s previous comments on recent proposals. As noted in the Introduction, a number of significant issues raised by the community during earlier actions and planning initiatives continue to go unaddressed in the current YourLIC proposals.

#### 3.1 ANABLE BASIN REZONING, 2017 & 2018

*CB2Q Comments on Draft Environmental Impact Statement for Anable Basin Rezoning Proposal, January 2018* was produced in an abbreviated timeframe which limited the opportunity for “complete and comprehensive input” from the community. Major areas of concern included transportation and open space.



*Proposed Anable Basin Rezoning (Source: <https://www.anablebasinlic.com/>, 2017)*

**Transportation** - Key topics included the need for improvements to antiquated infrastructure, alternative transportation, bike lanes, pedestrian safety including ADA compliance, streetscape upgrades, and vehicular traffic circulation.

**Open Space** - The proposed “excess density, height and tiny amount of public open space” would exacerbate the already existing deficiency of public open space. CB2Q urged the Open Space Ratio be increased, specifically that Site C2 (on 46<sup>th</sup> Avenue between Vernon Boulevard and 5<sup>th</sup> Street) be used for an active recreation area.

**Additional Concerns** - Job Generation and Wages, Sustainability, Housing Affordability, Mitigation and Construction Impacts, Residential and Business Displacement, Community Facilities and Schools, Socioeconomic Conditions, Neighborhood Character and History, Public Health, Safety, and Sanitation.

#### 3.2 FISCAL YEAR 2019: COMMUNITY DISTRICT NEEDS & CB BUDGET REQUEST

*CB2Q Statements of Community District Needs and Community Board Budget Request, Fiscal Year 2019, Submitted January 2018* detailed specific community needs, corresponding projects and the resources required to accomplish them. Both in the 2019 budget and earlier ones, CB2Q has consistently advocated for the East River Tennis Club/“Lake Vernon” site to be “foreclosed and seized.” The three most pressing issues for F2019 were: 1) Affordable Housing, 2) Health Care Services, and 3) Schools.

**1) Affordable Housing** – CB2Q is seeking a significant number of additional units of affordable housing and expanded opportunities for low- and moderate-income residents in the community.

**2) Health Care Services** - The district lacks a primary care medical facility and outpatient clinics. With one of the largest populations of senior citizens, it needs additional full-service senior centers.

**3) Schools** – There is a need for additional After School and other Youth Service programs, a multi service youth center, a high-level early children center, and a Beacon School.

Additional concerns included:

- Public Safety & Emergency Services,
- Core Infrastructure, City Services and Resiliency,
- Land Use, Housing and Economic Development,
- Parks, Cultural and other Community Facilities.

### 3.3 LONG ISLAND CITY INNOVATION CENTER (LICIC), 2018

*CB2Q Comments on Draft Scope of Work for the Preparation of the Environmental Impact Statement for the Long Island City Innovation Center (LICIC), October 2018* strongly recommended that the scope of



*Proposed LICIC Rezoning  
(Source: <https://licpost.com/>, 2018)*

study be expanded to include: Anable Basin, DOE site, Paragon Point, and “the failed East River Tennis Club” aka “Lake Vernon.” CB2Q also urged the Office of the Deputy Mayor for Housing and Economic Development) to alter the timeframe for the FEIS to include Anable Basin rezoning by 2034, rather than limiting the impacts to what is expected to be completed by 2024.

The primary areas of concern were: Transportation, Park/Open Space, Housing Affordability, Solid Waste & Sanitation, Job Generation & Wages, Community Facilities, Public Safety, Public Health, Resiliency & Natural Resources, Mitigation of Construction Impacts, Large Scale Development Plan, and Affordable Light Industrial (105,000 GSF).

Key community needs included: upgrades to antiquated and inadequate infrastructure such as subways and sewers, more parks and open space, affordable housing beyond the Mandatory Inclusionary Housing (MIH) requirements, job generation and living wages. Numerous areas required additional data, studies and analysis to further inform the planning process.

### 3.4 EAST RIVER WATERFRONT DEVELOPMENT NORTH OF QUEENS WEST, 2019

*CB2Q Comprehensive Plan Working Group (WG), Waterfront Recommendations, Summer 2019* provided input on how to view the East River waterfront development sites north of the NYS Queens West Development, specifically the Anable Basin, Paragon Point, and former Fila Tennis Club/“Lake Vernon” sites. The resulting priority elements were:

**1) Resiliency and Open Space** - **“Resiliency is our 1st priority”** because these parcels are “among the most vulnerable waterfront sites to climate change and sea level rise in NYC.” The WG emphasized that the area is among the worst community districts for public open space; they recommended 20% of the site area (excluding streets and sidewalks) be open space, and that the plans exceed minimum standards.

**2) Mix of Uses** – The WG recommended that the mix of uses should preserve and expand the existing business ecosystem, explore cross subsidizing and include: affordable work space, new commercial space, and specific well-integrated tech; affordable housing; and reimagining of the City Owned/EDC site. They noted that **meeting**

**community needs should be tied to the benefits granted in a Federal Opportunity Zone.**

**3) Community Amenities/Services** – The WG recommended prioritizing workforce development efforts by leveraging existing groups, promoting alliances, and supporting the development of a network of CB1 and CB2 not for profits to address these needs. WG noted that **the DOE building had been targeted for the development of a multigeneration community arts and recreation center.**

**4) Infrastructure/Transportation** – The WG recommended connecting the waterfront sites to transit, improving neighborhood connectivity, facilitating multimodal transport and creating a safer pedestrian experience. Specific infrastructure concerns were internalizing services, upgrading the sewer system, ensuring that there is an adequate power supply, sufficient NYPD and FDNY resources, and clearing areas under ramps and bridges.



## 4 ANALYSIS OF PROPOSED PLANS

This analysis of the proposed plans starts with how COVID-19 has fundamentally changed our City and challenges us to reconsider rezoning large areas of irreplaceable waterfront land based on outdated plans.

*“COVID-19 has changed everything about our world and how we see our future.”*

*Jimmy Van Bramer, New York City Council Member,  
Deputy Leader, District 26, Queens, July 7, 2020*

The second part of this analysis describes property ownership, both public and private, and the exceptional opportunity at this site for public land to be dedicated to public uses. That is followed by discussions of the proposed mix of land uses along with neighborhood preservation and displacement:

- residential uses, affordable housing and live/work spaces including artists’ housing,
- commercial spaces including offices, light industrial, retail and restaurants,
- workforce training and development, and
- schools and other educational needs.

Next, the proposed density is analyzed including the floor area and building heights. That is followed by the proposed open spaces and their relationship to the required waterfront open space. The section on resiliency covers NYC’s assessment of climate risks and Preliminary Flood Insurance Rate Maps versus the proposed flood barrier, along with lessons from Hurricane Sandy and the opportunity to be proactive on large-scale projects. The transportation section highlights major revisions that are proposed to the street map that would privatize all or portions of five streets. The final section covers the need for major improvements to infrastructure ranging from stormwater management to CSOs and the opportunities for innovative green infrastructure.

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### 4.1 COVID-19

The coronavirus pandemic has produced social, economic and environmental changes that have already fundamentally changed the way we live, work, socialize and shop. CB2Q questions whether pushing forward with a major rezoning, such as the one proposed for the LIC waterfront with 10-12 million square feet to be constructed over 10-15 years, makes sense at this time of significant loss of lives and major changes in New York City. **Ultimately, we believe that taking a step back - for now - on this waterfront will allow it to reemerge later in stronger, more realistic plans for long-term, sustainable revitalization.**

CB2Q requests that the public agencies and elected officials involved in LIC focus now on responding to the citywide needs of existing residents, business owners and employees as they evolve through the pandemic, rather than pursuing a massive rezoning based on an outdated paradigm. The coronavirus has already exposed the needs of the current LIC community for equity in the distribution of economic development, health care, education, job training, parks and housing. As reopening continues, we will also see more changes due to the impacts of closed businesses, shuttered shops, and departed neighbors.

*“One thing is clear: returning to the pre-COVID-19 status quo is not an option.”*

*Partnership for New York City.  
A Call for Action and Collaboration, 2020*

We understand that a number of elements of the proposed plans may eventually help support the City’s recovery, for example, creating more public open space, designing live/work communities, advancing workforce training, providing new schools, building a community center and art gallery, strengthening the bicycle network, and connecting residents with innovative jobs. However, with constrained City, State and Federal budgets, CB2Q would like to see those limited resources focused on supporting current residents and business owners, providing

real world on-the-job training, and on promoting a sustainable recovery that builds an economically diverse, environmentally resilient and socially equitable community.

***“We cannot keep doing the same things over and over again and expect different results. We need to fundamentally change how we view development in New York City.”***

*Jimmy Van Bramer, New York City Council Member,  
Deputy Leader, District 26, Queens, July 7, 2020*

The proposed development of the LIC waterfront by YourLIC repackages outdated concepts that were put forward earlier in two rezonings: the Anable Basin Rezoning (CEQR No. 18DCP057Q) in 2017 and the Long Island City Innovation Center (CEQR No. 18DME003Q) in 2018. Both rezonings were based on an urban dynamic that has now dramatically changed and a real estate market that no longer exists.

Below are examples of some post-COVID changes that are already emerging in LIC and will affect development of its waterfront:

### ***Post-COVID Changes in Housing***

Many families are leaving the City for less dense living conditions and more open space, reducing the demand for new residential construction, much less the five to six million square feet of high-rises proposed by YourLIC. According to *The New York Times*, the housing market was already weak: “Nearly 60% of condos completed since 2018 in Long Island City remain unsold.”<sup>1</sup>

Long before the pandemic, New York City faced an acute shortage of affordable housing. This can be expected to become even more critical based on the current economic downturn. Data already shows that high rates of unemployment are predominately affecting low-income New Yorkers, who are already struggling to afford housing. (Also see

*Land Uses – Affordable Housing* below.) No affordable housing has yet been confirmed in the proposed development.



*At Hunters Point South, 60% of the apartments are permanently affordable to low, moderate and middle-income renters. (Source: Nautilus International, July 2020)*

At all income levels, there will be a need for units that can accommodate working at home on a long-term basis. “A survey of employers conducted by the Partnership for New York City indicates that about 10% of workers will return to Manhattan offices this summer and only about 40% by the end of the year.”<sup>2</sup>

Given disproportionate deaths of seniors in nursing homes due to COVID-19, Mayor de Blasio has made a commitment to supporting independent living for seniors (i.e. “aging in place”).

Overall, multi-family housing design and codes will need to undergo a significant rethinking to accommodate more distancing in elevators, more outdoor residential space, and more spacious, better ventilated circulation areas. Longer-term, there will be a need to construct more “healthy buildings” to improve indoor air quality, filtration and ventilation; protect water quality; upgrade thermal and moisture controls; reduce noise transmission; and increase natural lighting and views.

### *Post-COVID Changes in Design & Location of Office Space*

Hundreds of thousands of workers are now telecommuting by working remotely out of their homes, rather than in offices. And that trend is expected to continue post-pandemic. According to the Marcus and Millchap Office Market webcast in June 2020, real estate analysts are reporting that the commercial demand they are currently seeing is out of the urban core, in structures with independent entrances for each unit.<sup>3</sup> This dramatically reduces the need for the millions of square feet of office space proposed by YourLIC.

### *Post-COVID Changes in Open Space Demand*



*Crowding in public parks at Hunters Point South before COVID-19 (Source: Photo by Hunters Point Community Coalition, 2018)*

Throughout the City, demand for public open space has skyrocketed as people and businesses need more room for social distancing and places to exercise safely. As described by the CB2Q Comprehensive Plan Working Group, the LIC community is already listed among the worst in New York City in terms of open space per residents with a rank of 47/48<sup>th</sup> out of 51 districts.



*Social distancing at a sidewalk café/brewery in LIC during COVID-19 (Source: Nautilus International, July 2020)*

At the height of the pandemic, the highest volume of 311 calls in the City for complaints about social distancing came from the LIC zip code. As a result, the Mayor closed 5<sup>th</sup> Street to vehicular traffic to create more outdoor space.

### *Other Post-COVID Changes*

The pandemic has also accelerated trends toward online shopping and reductions in business travel, which in turn lower the need for new retail spaces and hotels.

Finally, it should be mentioned that the CEQR process had already been under challenge before the pandemic for outdated methodologies and obscure, unenforceable mitigation measures. As one example, significant advances in our knowledge of the current and projected impacts of climate change need to be reflected. A thorough review of CEQR is now clearly in order.



## 4.2 PROPERTY OWNERSHIP – PUBLIC & PRIVATE

The combined 28 acres<sup>4</sup> of development area proposed by YourLIC center around 44th Drive and include City- and State-owned properties which currently house facilities for the NYC Board of Education and Department of Transportation. The public properties are proposed to be redeveloped for a combination of private commercial uses, a public school and open space. The remainder of the sites are planned for mixed-uses including residential, “district enhancing uses,” public educational facilities, retail, open spaces and parking.

### 4.2.1 Public Uses on Public Land

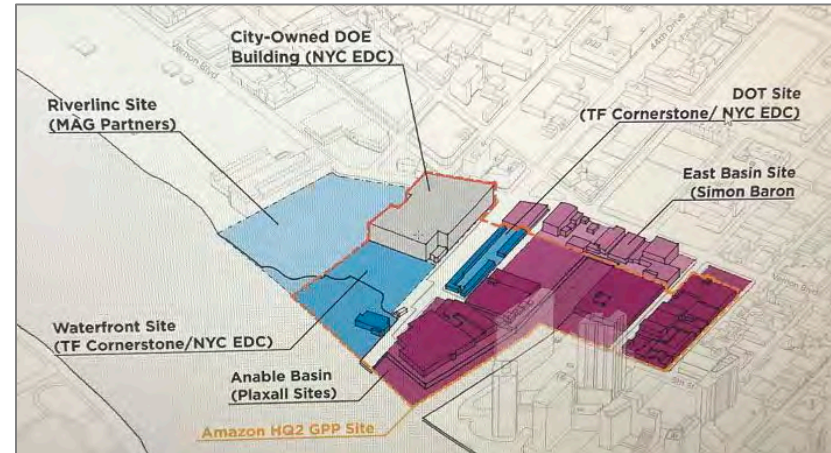
CB2Q, along with multiple community organizations and the elected officials, has long advocated for the public use of public land on this waterfront. We see this cluster of publicly-owned properties on the East River waterfront as an exceptional – and irreplaceable – opportunity for public land to be dedicated to public uses for the benefit of Long Island City as a whole.

***“I have said before and I will say again that all of the publicly owned land in this site should be used exclusively for the public. Not handed over to developers for profit...”***

*Jimmy Van Bramer, New York City Council Member,  
Deputy Leader, District 26, Queens, July 7, 2020*

As mentioned previously, the preliminary plans presented to the Land Use Committee of CB2 on May 20, 2020 are virtually devoid of quantitative information. However, based on our calculations, the amount of publicly owned property involved is 4.8 acres of which 2 acres is under water, leaving 2.8 buildable acres. (See *Square Footage Calculations*.)

September 3, 2020



*Location of publicly-owned properties shown in dark blue (Source: YourLIC, May 20, 2020 presentation to CB2Q)*

The existing NYC Department of Education (DOE) building at Vernon Boulevard and 44<sup>th</sup> Drive is not included in the proposed plans. It would add another 2.4 acres of public land. It should be noted, however, that the plans show a new tower proposed to be located directly in front the DOE building, blocking its entire western façade of windows. This would substantially devalue that building by eliminating its waterfront views and reducing its capacity to house habitable spaces requiring light and air.



*Department of Education building on 44<sup>th</sup> Drive looking southwest from the East River and showing windows where waterfront views are proposed to be blocked by YourLIC (Source: Nautilus International, 2018)*





## Private/Public Lands

Comments on LIC Waterfront Development  
Community Board 2 Queens

September 3, 2020

## Square Footages & FAR Calculations - Existing & YourLIC

Source: NYC Zoning Lots & Tax Lots Maps Date: 6/31/20

EXISTING				Public Property	PROPOSED			
Owner	Block	Lot	Name & Address	Total SF	Underwater SF	Proposed SF	FAR	FAR w/o Water
<b>MAG Partners (Vernon Realty Holdings, LLC)</b>								
Vernon Realty Hold.	488	1	Vacant; Tennis N; 44-02 Vernon	34,338				
"	"	2	End of 44th Ave	1,703				
"	"	3	Vacant; Tennis S	128,332	6,000			
			<b>SUB-TOTAL</b>	<b>164,373</b>	<b>6,000</b>			
			<i>Acres</i>	<i>3.77</i>	<i>0.14</i>			
<b>TF Cornerstone (Various NYC and NYS owners)</b>								
NYC SBS	488	15	Parking Lot; 44th Road	35,780	13,225			
?	"	35	Under water ("does not exist")	0				
NYC SBS	489	23	BOE Parking Lot; 4-99 44th Drive	100,900	42,500			
OGS Bureau of Land Man:	"	46	Under water; 44th Drive	29,512	29,512			
			<b>SUB-TOTAL (N of 44th Dr.)</b>	<b>166,192</b>	<b>85,237</b>			
			<i>Acres</i>	<i>3.82</i>	<i>2</i>			
NYS DOT	24	7	DOT Garage; 44-59 45th Ave.	42,500				
Queenbea 44-68, LLC	"	1	Warehouse; 44-64 45th Ave.	14,075				
			<b>SUB-TOTAL (S of 44th Dr.)</b>	<b>56,575</b>	<b>0</b>			
			<i>Acres</i>	<i>1.30</i>	<i>0.00</i>			
<b>Simon Baron Development (CSC 4540 Property Co. LLC)</b>								
CSC 4540 Property Co.	26	4	Paragon Paint; 45-40 Vernon	33,150				
"	"	8	Warehouse to WF Access	5,500				
			<b>SUB-TOTAL</b>	<b>38,650</b>				
			<i>Acres</i>	<i>0.89</i>				
<b>Plaxall (PLAX BL--, LLC)</b>								
PLAX BL 25, LLC	25	15	N of Anable Basin; 44-68 5th St	324,157				
PLAX BL 26, LLC	26	17	Warehouse; 5-37 46th Ave	23,100				
"	"	21	Warehouse; 5-29 46th Ave	69,840				
PLAX BL 27, LLC	27	5	Factory; 5-35 46th Road	52,613				
	"	15	Factory; 5-21 46th Road	4,000				
	"	17	Factory; 5-17 46th Road	16,000				
	"	23	Warehouse; 5-01 46th Road	5,000				
	"	25	Factory; 46-01 46th Road	12,500				
	"	37	Factory; 5-38 46th Road	10,037				
			<b>SUB-TOTAL</b>	<b>517,247</b>	<b>130,694</b>			
			<i>Acres</i>	<i>11.87</i>	<i>3.00</i>			
<b>TOTALS</b>								
			<b>TOTAL - 4 Developers</b>	<b>943,037</b>	<b>221,931</b>	<b>10,000,000</b>	<b>10.60</b>	<b>13.87</b>
			<i>Acres</i>	<i>21.65</i>	<i>5.09</i>	<b>12,000,000</b>	<b>12.72</b>	<b>16.64</b>



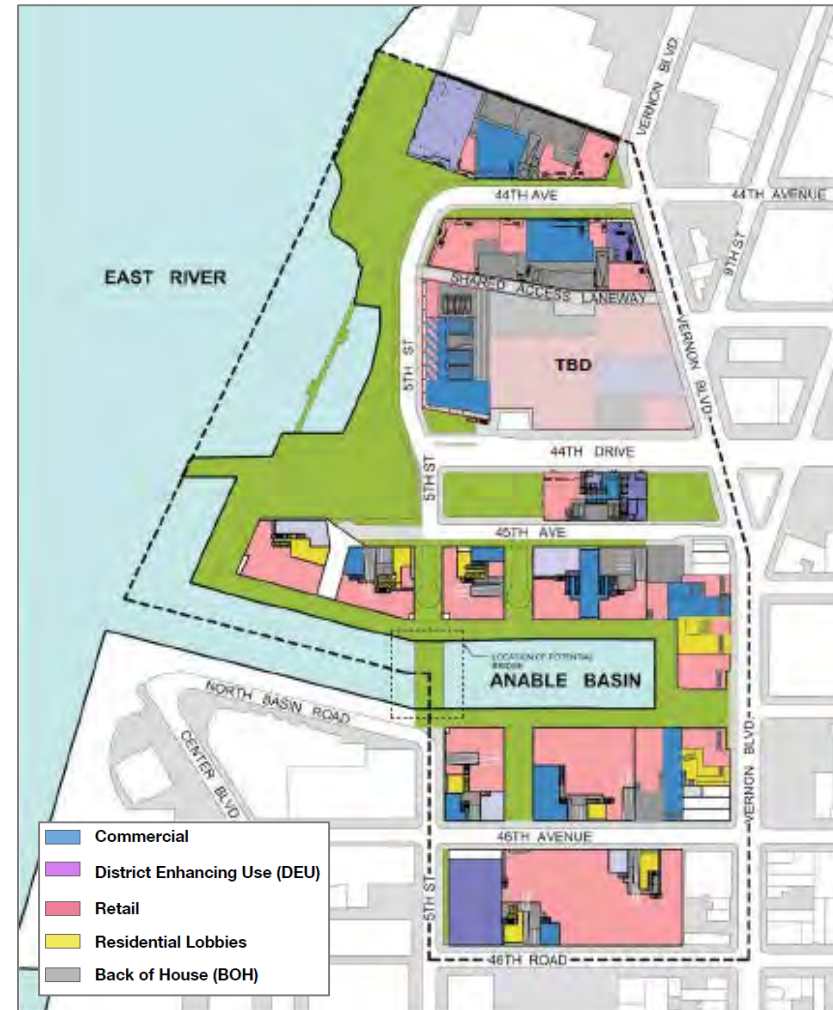
Not only is the total of 7.2 acres a significant amount of public property, but it also sits right in the middle of the combined development area at the end of 44<sup>th</sup> Drive, a major east-west connector linking from Public Pier 44 to Court Square. (See *Public/Private Land*.)

CB2Q’s Comprehensive Plan Waterfront Group notes that, while the Brooklyn Army Terminal and Brooklyn Navy yards are examples of City-owned properties operated by not for profit corporations, “There is currently no such model in Queens.” Part of the success of those projects is that non-profit/public partnership can lease space at lower rates. While the terms of the transfer of ownership, leasing or operation of the public properties involved in this project are unknown at this time, it is clear that they are proposed to be with private, for profit, developers.

#### 4.2.2 Proposed Use of Other Public Resources

In addition to the development of public properties by private developers, a number of other valuable public resources would be impacted by YourLIC’s plans. Public streets are proposed to be demapped west of Vernon Boulevard, including 44<sup>th</sup> Road, 44<sup>th</sup> Avenue and 45<sup>th</sup> Avenue, and new private streets constructed instead. (See 4.5.1 - *Proposed Revisions to Street Map*.) As a result, vehicular circulation is proposed to be reconfigured. Stormwater is proposed to be rerouted away from existing public sewer infrastructure and either run off during the storm, or after a time delay, directly into the East River. (See 4.6.1- *Proposed Stormwater Management*.)

### 4.3 LAND USES, DENSITY & OPEN SPACES



*Illustrative Site Plan and Ground Floor (Source: YourLIC, May 20, 2020 presentation to CB2Q)*

### 4.3.1 Proposed Mix of Land Uses

Preliminary plans by YourLIC call for a mixture of land uses but provide no detailed information except that 50% of the 10-12 million square feet are proposed for residential uses with no stated commitment to providing affordable housing. The remainder is slated for commercial office space, retail, and a half million square feet of “district-enhancing uses.”

#### *Neighborhood Preservation & Displacement*

CB2Q has already experienced record growth over the past two decades. Prior rezoning that had originally been aimed toward commercial growth poorly anticipated the residential boom and the pressure this has placed on every aspect of the community's needs. Development has far outpaced essential services, upkeep of the infrastructure, schools, roads, transit, and open space.



*Vernon Boulevard is lined with existing businesses and residences (Source: Nautilus International, July 2020)*

In particular, older established neighborhoods are experiencing destabilizing levels of density and displacement as well as diminished services. Newer areas are having difficulty becoming and sustaining as neighborhoods because costs encourage higher turnover, and basic services and entities that would be part of an organically evolved community do not exist. As a result, CB2Q's land use needs include a wide range of issues that impact the sustainability and quality of life within our neighborhoods. Those needs are equally directed toward a balance between economic growth and preserving and protecting the residents, businesses, artists, and makers who have given the community its special character.

The district has experienced many changes from outside coming in. Support is needed toward preserving what we already have from within. The most important housing, economic development and land use issues should be informed by the basic necessity to **preserve and protect the quality, character, and economy of all the existing neighborhoods** that comprise CB2Q. In particular, any demographic information should be parsed between long-time residents and newcomers to LIC. Characterizing the data in this way will help ensure that all residents' needs will be addressed appropriately.

The proposed development sites are located within a designated Federal Opportunity Zone offering lucrative tax benefits. Granting such benefits should be linked directly to meeting the needs of this community.

#### *Residential*

Based on statements from YourLIC that 50% of the proposed 10-12 million square feet would be allocated to residential units, it can be anticipated that their development will contain approximately 6,250-7,500 dwelling units. That will generate a population of approximately 16,250-19,500 new residents.

These plans now contrast starkly with the realities of the residential market in New York City. According to the Partnership for New York



City, “Residential rent delinquencies are about 10% in market rate apartments and 20-25% in regulated or affordable units, as compared to 15% on average prior to the pandemic... Residential sales are down more than 60% comparing May 2019 to May 2020, with values on high end condominiums dropping significantly.”<sup>5</sup>

***“There is no question that this project as proposed would cause rents to rise in the surrounding community.”***

*Jimmy Van Bramer, New York City Council Member,  
Deputy Leader, District 26, Queens, July 7, 2020*

In addition, rising housing costs have become a destabilizing factor for existing residents. Long-time renters are being displaced by increased housing costs. Small home owners - many on fixed incomes - have large property tax increases. The cost at local retail stores, including basics such as food and other groceries, have significantly risen. Very few working class, public employees, or small business owners can afford to buy property. Many of the properties that come on the market are available as knock downs for development or for speculation. Those that are retained are modernized with an eye toward an upscale market (often having previously neglected the property's condition).

### ***Affordable Housing & Work Spaces***

Among the most important and integrally significant issues is deeply affordable housing along with deeply affordable small business, maker, and artist space. According to the Partnership for New York City, “Housing affordability posed a challenge before COVID-19, with nearly 40% of metropolitan regions residents paying more than 30% of their income in rent. COVID-19-related job losses add to this burden. The shortage of affordable housing units in New York City is projected to increase from 650,000 to 760,000 units within one year of the pandemic.”<sup>6</sup> There have been unconfirmed reports that the minimum requirements under Mandatory Inclusionary Housing will be met; however, there is currently no commitment to providing affordable housing in the preliminary plans for the YourLIC development.

**CB2Q strongly recommends a minimum of 60% affordable units, including senior units, supportive housing and below 50% Area Median Income (AMI) family units.**

***“The impact of the COVID-19 pandemic has not been equitable across New York City... our NYCHA family has been devastated with the astounding loss of life and by an economic collapse at a scale we have never experienced before.”***

*Carol Wilkins, April Simpson-Taylor Claudia Coger and Annie Cotton-Morris,  
“NYCHA Tenant Leaders: Where Amazon Never Arrived, New Opportunity Arises,” Queenspost.com, July 10, 2020*

Organizations, such as Gotham, AFL/CIO Housing Investment Trust and Riseboro, have already collaborated on affordable housing in Hunters Point South and could be tapped as partners. Of the 5,000 apartments in Hunters Point South, 60% or 3,000 are permanently affordable for low, moderate and middle-income renters. One example is a public-private partnership between Gotham and Riseboro, a NYC CDC (Community Development Corporation), on a mixed-use project for two sites, F & G totaling one million square feet and 1,220 apartments. Together, these sites will house 75% affordable dwelling units available to families of low, moderate and middle-incomes, as well as 25% market-rate apartments and 90 senior independent living units. The buildings include ground floor retail, a fitness center, co-working space, and a rooftop farm.

### **Home Ownership**

In addition to affordable rentals, CB2Q recommends opportunities for affordable home ownership. Historically, redlining and other overtly racist policies denied families of color the opportunity to acquire equity and wealth through subsidized home mortgages like the post WWII VA loans. In the 21<sup>st</sup> Century, the few city programs that facilitated low and moderate-income homeownership were largely gutted during the Recession of 2008-2009.



*The Orion, Melrose Commons, South Bronx, NY / Atlantic Terrace, Brooklyn, NY (Source: MAP-Magnusson Architecture and Planning, PC)*

If the City and the development team are really committed to promoting racial equity, this would be a great development with which to pioneer new low and middle-income ownership opportunities. This would also create a broader base of long-term residents of all incomes with stakes in the neighborhood.

Examples of affordable home ownership include The Orion in the South Bronx neighborhood of Melrose Commons, and the LEED-Gold certified Atlantic Terrace across the corner from the Barclay Center in Brooklyn. Atlantic Terrace provides an especially interesting model for the LIC waterfront because it is truly mixed income, with coop units ranging from market rate to below 50% Area Median Income (AMI).

### **Artists' Housing**

CB2Q has been home to a vast community of creative individuals and groups who have given the area much of its unique identity as well as being an important sector for economic growth. PS1/ MoMa is a prime example of how a fledgling space for artist studios was able to evolve into a world class museum that provides a wide range of jobs and artist opportunities, as well as tourism revenue. Additionally, an important synergy exists between local businesses, manufacturers, and artisans - each able to share unique capabilities and ideas where the economic whole becomes greater than the sum. Our district is home to professional dancers, actors, composers, writers, and musicians who work in

professional capacities while at the same time innovating and experimenting on their own. This creative sector is among the most immediately threatened populations in the district.

El Barrio's Artspace at PS109 offers a recent example of how to mix cultural spaces and artist housing by working with a non-profit developer. Located in East Harlem, this community-driven project renovated an abandoned public school into 89 units of affordable live/work housing for artists and their families plus providing 10,000sf of spaces for arts organizations. 50% of the units have been reserved for current residents of the neighborhood and affordability ranges from 38% to 58% of the AMI.

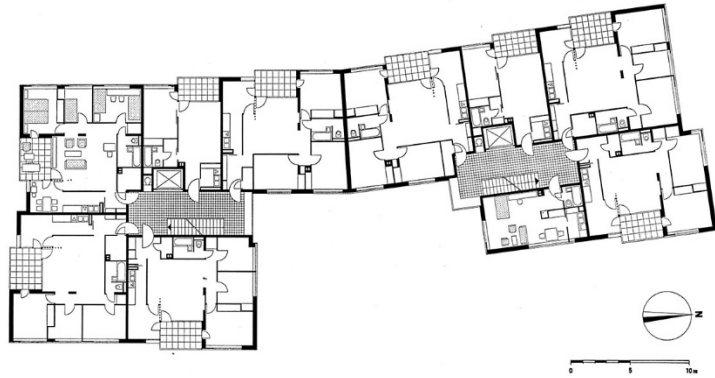


*El Barrio's Artspace at former PS109 / An artist in her affordable live/work unit at PS109 in El Barrio (Source: <https://www.artspace.org/ps109>)*

### **Private Outdoor Space**

Private outdoor space, such as balconies for all elevator apartments, are virtually always omitted by agency design guidelines and developer practices for new "low-income affordable" housing. This is in contrast to middle income projects, like Mitchell Lama, which often have balconies for many units. CB2Q recommends private outdoor space for all levels of income. The coronavirus pandemic has shown how these types of policies mean that some of those at highest health risk, including many essential workers, have the least opportunity for private outdoor space.

Many European cities have shown us how to include balconies and other private outdoor spaces into contemporary buildings, such as the Atrium Apartments (Hansaviertel) by Alvar Aalto in Berlin, Germany. The floor plan below shows how his concept of bringing nature into each apartment works by arranging the main rooms around a recessed, south-oriented balcony/atrium.



Typical floor plan for Hansaviertel in Berlin, Germany by Alvar Aalto

### Commercial

Assuming 4-5 million square feet of YourLIC's remaining floor area is occupied by commercial uses of some kind, it can be anticipated that the proposed development will generate a population of 28,000 to 35,000 additional workers.

New commercial development on this scale will require substantial public investments to compete for anchor tenants and fill the space. At a minimum, these investments would include extensive upgrades to transit infrastructure, enhanced streetscapes, and additional public open spaces. Equally important and integral is commercial district revitalization particularly as it applies to existing small storefronts, small business services and support, and workforce development that dovetails with existing businesses.

Furthermore, the viability of the massive office towers proposed by YourLIC may be in question in the post-pandemic environment. "According to one survey conducted in late May, 25% of office employers intend to reduce their footprint in the city by 20% or more, and 16% plan to relocate jobs from New York City to the suburbs or other locations. Half of companies surveyed anticipate that only 75% of their workforce will come back to the office full time."<sup>7</sup>

### Affordable Work Spaces & Light Industrial

The district has a wealth of small and large manufacturers, tech companies, design firms, retail, and service industries that innovate and provide jobs. Many have been part of the community for decades. Some are new. All experience exceptional pressure resulting in higher failure rates, turnover, layoffs and unemployment. In many instances zoning allows former manufacturing lots to be replaced by housing which further exacerbates the ongoing problems.

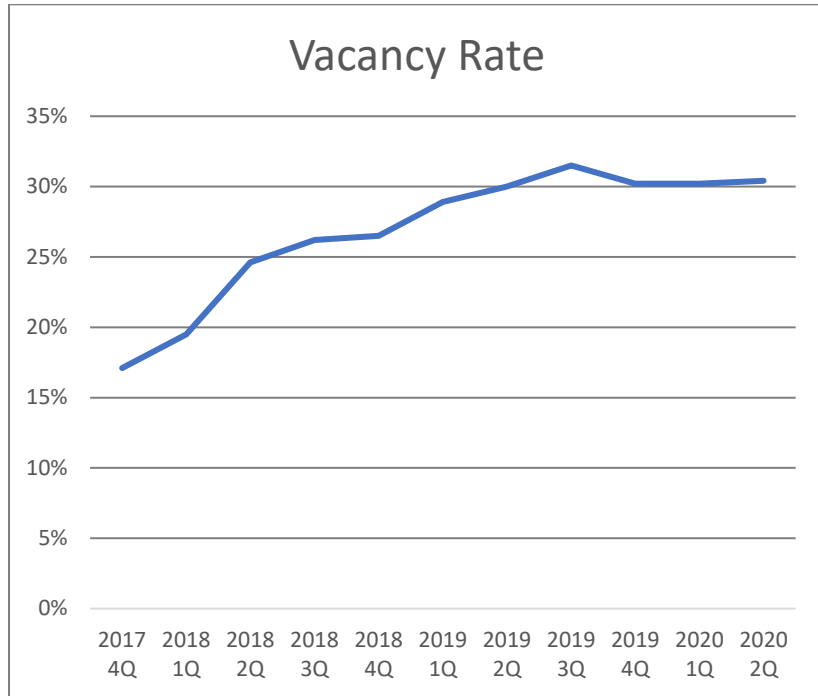
While the preliminary plans from YourLIC claim to support the need for affordable work spaces and light industrial production, there seems to be a disconnect between the physical need for flexible loft-like spaces and what appears to be entirely tower structures. In addition, while the Brooklyn Navy Yards is cited as a model for this proposed development and demonstrates the potential for manufacturing, especially on smaller scales, to grow on the New York City waterfront, there is little recognition of the fact that the Yards is City-owned and non-profit run.

### Retail & Restaurants

The existing retail corridor along Vernon Boulevard was already experiencing a decline before the coronavirus pandemic. According to CoStar, the retail vacancies in Long Island City exceeded 30% at the end of the year in 2019, raising the questions of how much and what type of retail can be supported to meet the needs of the existing residents? It is too early to predict how well retail spaces will recover in the post-COVID environment, but it is clear that placing additional



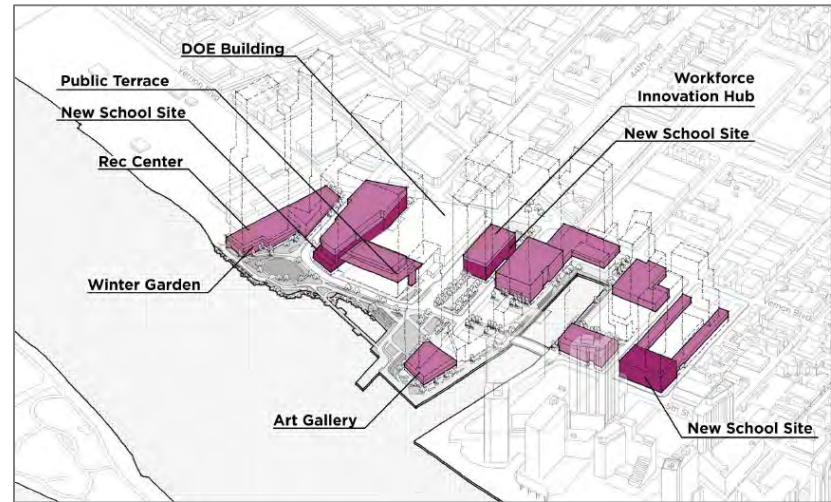
retail uses around Anable Basin and in mid-block locations, as proposed by YourLIC, will further displace and destabilize existing stores and restaurants.



Retail vacancy rates in Long Island City from 2017 Q4 to 2020 Q2 (Source: CoStar, courtesy of Handler Real Estate Services)

### District Enhancing Uses

The preliminary plans from YourLIC propose to provide a half million square feet of “district-enhancing uses,” such as an elevated terrace, three new schools, a community recreation center and winter garden, a workforce innovation hub, and art gallery. As described in the Introduction, these are self-serving because they will increase profits for YourLIC. And, while these uses are welcomed, there needs to be considerably more dialogue with the community about their location, configuration, operation and protection over time.



Proposed District-Enhancing Uses (Source: YourLIC, May 20, 2020 presentation to CB2Q)

Community priorities that have not been addressed include the need for healthcare facilities, which are seriously lacking in Long Island City. The pandemic has accentuated New York’s need to deliver health care more equitably and inclusively, possibly around community health hubs, to provide consistent care management and preventive services to rebalance social inequalities that impact personal and public health.<sup>8</sup>

### Workforce Training & Development

Workforce training and development was highlighted as a priority by CB2Q’s Comprehensive Plan Working Group, who call for leveraging existing groups in the area to “promote alliances and fund job creation with local businesses.” Potential organizations include LaGuardia Community College, Pursuit, Urban Upbound, Hour Children Fortune Society, and the Long Island City Partnership. The goals are not just to prepare the workforce for jobs, but to strengthen job generation for living wage jobs, especially those that support existing businesses.

Leaders from four NYCHA projects in Western Queens including the Queensbridge Houses have emphasized their hopes for “an integrated, place-based workforce development plan that benefits the existing local workforce, including a community center that can connect all of Long Island City, flexible job training, pathways for high school students to find internships, services including childcare for families, and opportunities to strengthen soft skills.”<sup>9</sup>

### Schools

The existing deficit of school seats in LIC is estimated to exceed 6,500.

“In its 2018 report on overcrowding highlighting CSD 24 [the Community School District which includes Long Island City] as its case study, the City Council found that at the K-8 level, CSD 24 has a 118 percent utilization rate with overcrowding in 38 of 44 elementary and middle schools. There is a shortage of 6,599 seats and the highest enrollment of any school district with a capacity of 43,445 students.

In CSD 24, the overall district utilization rate is 94.5 percent with 22 overcrowded schools, according to the DOE’s Blue Book (2017-2018). The elementary utilization rate is at 97.4 percent and middle school utilization rate is at 87.8 percent. Specifically, in Long Island City at P.S. 78, the utilization rate is at 109 percent and is already over capacity at 135 percent.”<sup>10</sup>

Not only are the four existing schools in LIC already seriously overcrowded, but three of them are located in Hurricane Evacuation Zone 1. In fact, the Robert F. Wagner, Jr. PS/IS 78, with over 700 students, was closed for at least seven days after Hurricane Sandy. There were also substantial impacts to taxpayers when the school was remediated in Sandy’s aftermath.

Based on the proposed plans for 5-6 million square feet of residential space, it can be projected that the proposed YourLIC will increase the school-age population in LIC by approximately 3,500-4,000 children.

Although no details have yet been provided for the number of school seats, this would mean an average of 1,100-1,350 seats per school merely to accommodate the new development’s own increase in school-age children. These numbers will depend on more detailed information about the proposed number and size of residential units.

We also note that the three proposed future school sites are all located in Evacuation Zone 1 and two will be cast in shadow throughout most the day from the proposed towers.

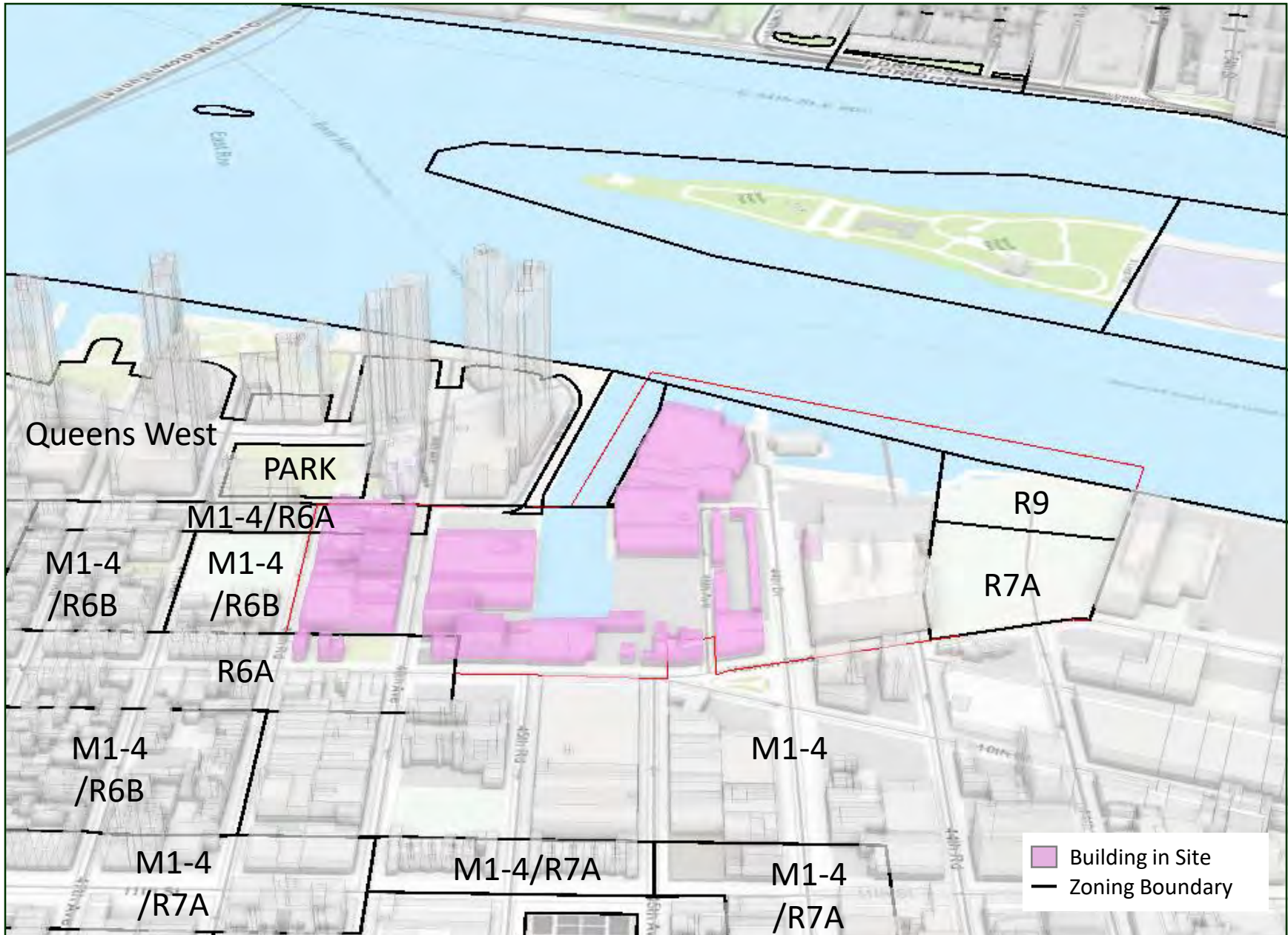
Other educational needs of LIC residents and workers include family literacy, English as a Second Language, early childhood education, and after-school programs.

### 4.3.2 Proposed Density & Heights

In the last two decades alone, our community has undergone explosive development from a series of major projects: Queens West, the Northern Hunters Point Waterfront Special Mixed Use District (Silvercup), the Special LIC Mixed Use District, Queens Plaza/Court Square rezoning, and most recently the Special Southern Hunters Point District. The proposed YourLIC development is located in a part of Long Island City that is remote from mass public transportation, lacks infrastructure and is already starved for open space.

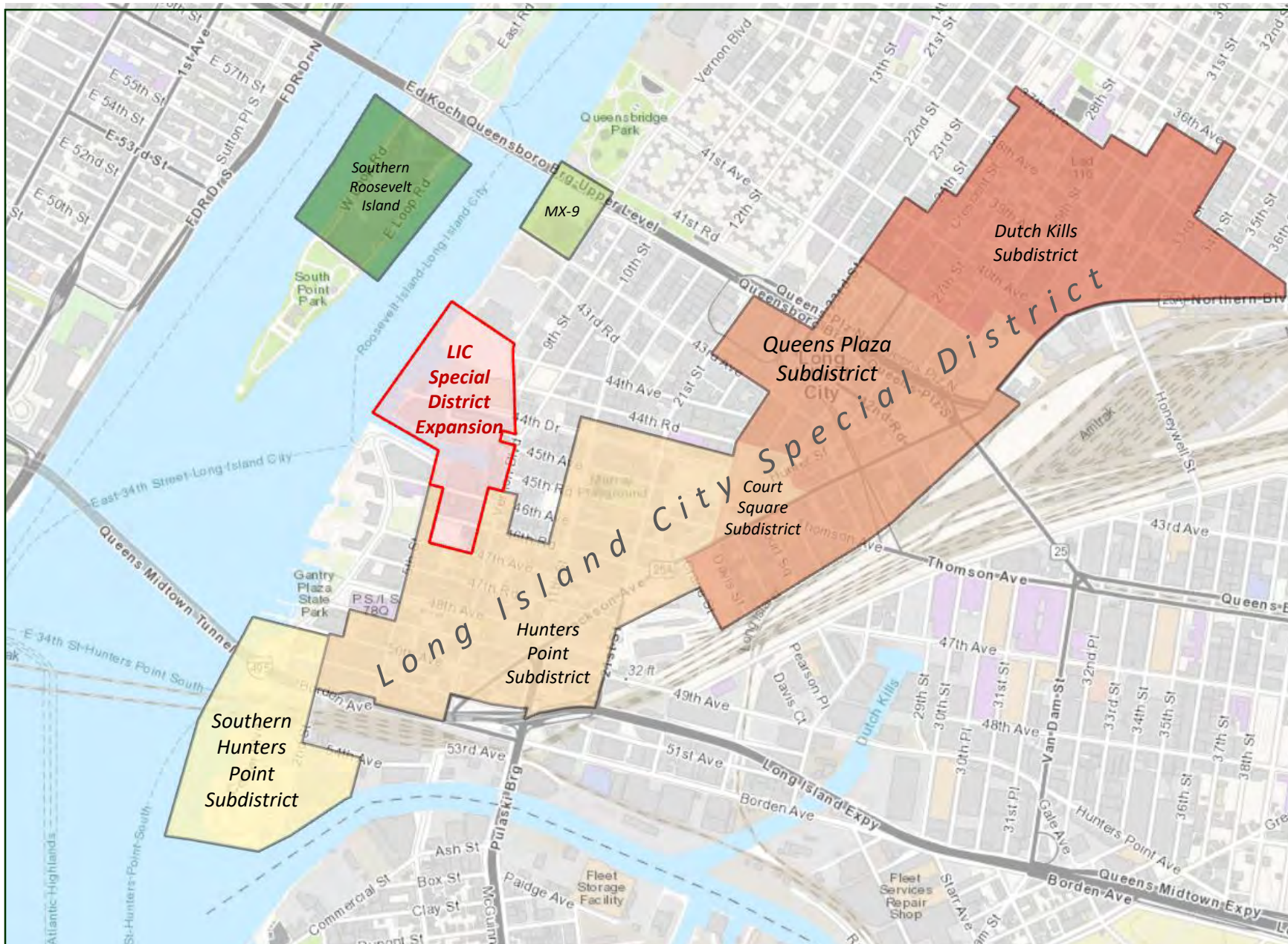
We support zoning that respects the context, density, height, scale and bulk of the surrounding community. The high-density proposed by YourLIC is inappropriate for this area. There is already an existing vibrant neighborhood in Hunters Point and adjacent zoning for moderate-density residential R6A and R6B and light manufacturing M1-4. (See *Existing Zoning & Massing*.)

In addition, the proposed structures will bring non-contextual zoning to the area which will change the architectural massing to Manhattan-style buildings like towers-in-the-park. By contrast, all the surrounding zones are contextual. These zones require street walls that relate better



## Existing Zoning & Massing





## LIC Special District Expansion

Comments on LIC Waterfront Development  
Community Board 2 Queens

September 3, 2020

to the existing urban fabric and fixed height limits that protect light and air for the neighborhood. **We strongly recommend considering an extension of the adjacent Special LIC Mixed Use District and its contextual zoning.** (See *LIC Special District Expansion*.)

### **Proposed FARs**

The proposed buildings exceed even the highest densities previously approved. According to the preliminary plans from YourLIC, the rezoning could produce a total of 10 to 12 million square feet of buildings on a site that, according to our calculations, covers only slightly over 21.5 acres of which approximately 5 acres is actually “land” underwater. The resulting density of development on the land area (above water) is 13.87 to 16.64 FAR. Even assuming the site area is 28 acres as claimed and none of that property is underwater, the density would amount to 9.8 FAR. These FARs rival high-density areas of Midtown Manhattan that are well served by public transportation, infrastructure, open space and public services.

By contrast, Hunters Point South with approximately 5 million square feet of buildings covers 30 acres and has a resulting density of 3.83 FAR. It also offers 11 acres of public open space and 3,000 permanently affordable apartments.

The extremely high densities proposed can in no way be justified by the costs of public open space and buildings on this waterfront. In terms of the public properties, the proposed development is offering only 7 acres of public open space in exchange for receiving more than 5 acres of public property (not including the DOE building). That means a public benefit of only 2 acres (87,120 square feet) of additional public space in return for a total of 10,000,000-12,000,000 square feet of development rights. In terms of the private properties, they were purchased decades ago at low land costs for low-density industrial uses. This is not a case of financial hardship for high-priced waterfront land.

### **Building Heights**

The towers are proposed to reach from 400’ at the minimum to 700’ maximum, which is more than 40% taller than the height of the tallest buildings next door at Queens West (390’) and exceed even the former Citicorp building (658’) which is located many blocks inland at a transportation hub. (See *Existing & Proposed Building Heights*.) The impacts of this massive scale on this area, in addition to the developments that have already taken place, will have significantly adverse impacts on shading of the East River, wind tunnel effects both at the street level and above, and blocking of view corridors from the upland community to the waterfront as well as iconic views to internationally acclaimed structures such as the United Nations, Queensboro Bridge, Chrysler Building and Empire State Building.

### **Building Footprints**

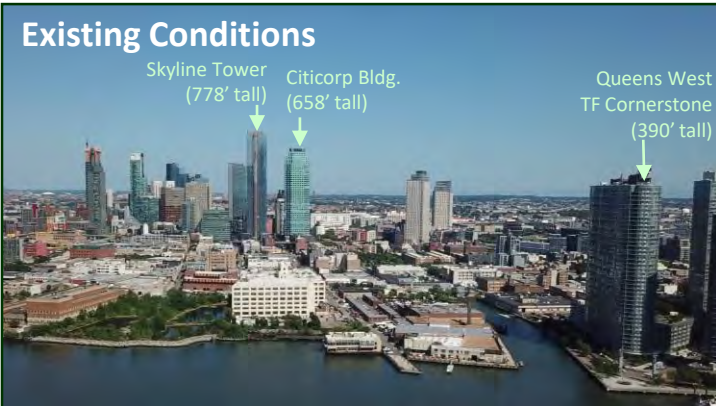
The preliminary plans show buildings that occupy massive bases, some of which have street walls over 250’ long, which greatly exceed the adjacent urban fabric of the existing community. The tower slab blocking the DOE building is 270’ long parallel to the East River, longer than the UN building, cutting off waterfront views for blocks around it.

### **4.3.3 Proposed Open Spaces**

As mentioned above, the LIC community is already listed among the worst in New York City for open space per residents with a rank of 47/48<sup>th</sup> out of 51 districts. In 2019, New Yorkers for Parks, concerned about the “breakneck” growth in the area without a parallel public investment in neighborhood amenities, compiled a *Long Island City, Queens, Open Space Index*. While LIC ranks higher than New York City’s goals for playgrounds, athletic fields and courts, it comes in below those goals on total open space, active and passive open space, recreational centers, community gardens, pocket parks, neighborhood parks, large parks, urban tree canopy, park cleanliness and overall park condition.<sup>11</sup>



## Existing Conditions



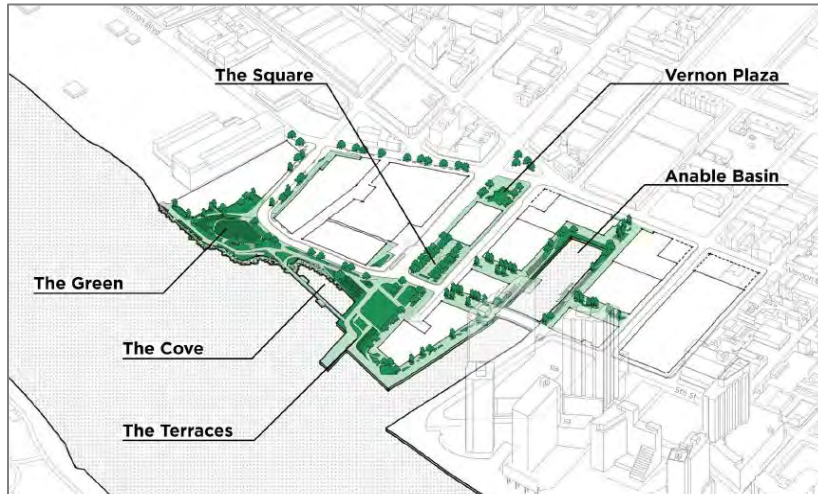
The proposed 400'-700' high-rise development will result in many surrounding properties having their views directly impacted and even blocked.

## Proposed Heights



# Existing & Proposed Building Heights





*Proposed Public Open Spaces (Source: YourLIC, May 20, 2020 presentation to CB2Q)*

The preliminary plans for YourLIC offer 7 acres of new public open space. Given the numbers of proposed residential units, this would result in an open space ratio of between .43 and .36 acres per 1,000 new residents. This is only 14% to 17% of New York City's goal of 2.5 acres per 1,000 residents.

### **Required Waterfront Open Space**

When waterfront properties are rezoned, NYC's zoning requires that they provide public access to the waterfront with elements such as new shoreline walkways and connections to the upland areas. For a large-scale development, like the one proposed by YourLIC, a minimum of 20% of the zoning lot is required for this public access. Based on 28 acres, this means that the project would be required to provide a minimum of 5.6 acres of waterfront open space. YourLIC is offering only 1.4 acres beyond the required minimum. Much of that open space appears to be paved rather than landscaped.

This part of the waterfront in LIC is also governed by the Hunters Point North Waterfront Access Plan (WAP), which is intended to harmonize

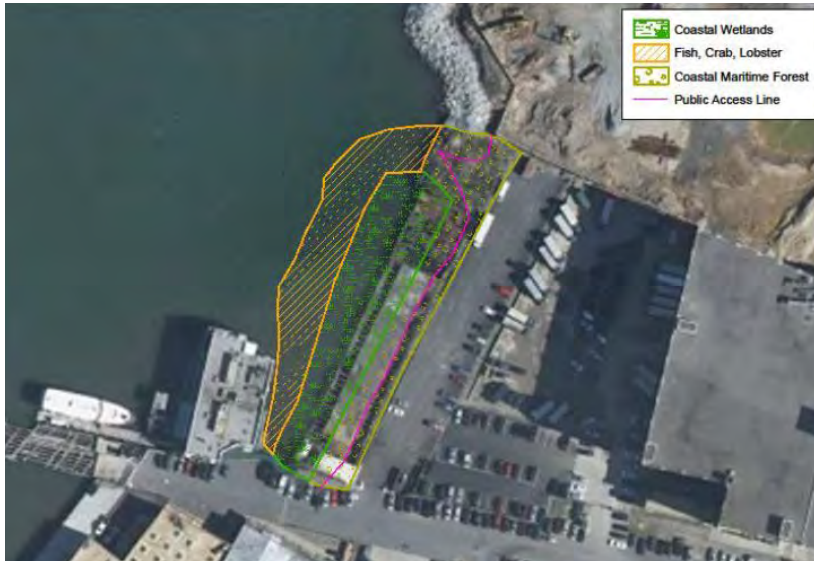
public access across multiple property owners. Under the WAP, YourLIC will also be required to provide visual corridors, waterfront yards, and locate upland connectors within designated or flexible zones. Based on the preliminary plans, there are already a number of non-compliant proposals. Of special concern is the proposal to demap and privatize all the east/west streets, except 44<sup>th</sup> Drive, leading to the East River and create private superblocks. (See 4.5.1 - *Proposed Revisions to the Street Map* below.)



*Waterfront Open Space at Hunters Point South (Source: Nautilus International, July 2020)*

### **Anable Cove Habitat Restoration**

The Anable Cove Habitat Restoration envisions a publicly accessible refuge supporting restoration of the natural estuarine landscape of the East River and creating a wildlife viewing walkway. It is cited as a restoration opportunity in the Hudson-Raritan Estuary Comprehensive Restoration Plan (HRE CRP) where coastal maritime forest, coastal wetlands and fish, crab and lobster habitat could be restored and preserved. The site is located along the East River for over 400 feet between at the western end of 44<sup>th</sup> Drive and 44<sup>th</sup> Avenue on City-owned property currently occupied mostly by a parking lot.



*US Army Corps of Engineers. Hudson-Raritan Estuary Environmental Restoration Feasibility Study; Harlem River/East River/Western Long Island Sound Study Area Report. 2004.*

Plans from YourLIC show an area called “The Cove,” however, the site is shown occupied primarily by a private commercial tower and a private road with a narrow strip of walkway along the shoreline and a pedestrian bridge over the water.

For many years there has been broad support for the Anable Cove Habitat Restoration from not only CB2Q, but also elected officials, city agencies and landowners. The Department of City Planning recommended the Anable Cove be reclaimed for public open space in its *Comprehensive Waterfront Plan* and *Plan for Long Island City: A Framework for Development*. The restoration of Anable Cove’s habitat has been on CB2Q’s Statement of Community District Needs for over a decade.

## 4.4 RESILIENCY

*“Resiliency is our 1st priority.”*

*CB2Q Comprehensive Plan Working Group,  
Summer 2019*

CB2Q supports both adaptation measures for community resiliency and mitigation measures to address the causes of climate change like reducing greenhouse gas emissions. We see community resiliency as encompassing not only environmental protection and restoration, but also economic sustainability and social equity. The effects of climate change are felt disproportionately by low-income communities, which typically correlate to people of color.

Based on the previous isolated rezoning, CB2Q called for expanding the scope of future Environment Impact Statements (EISs) to include all adjacent development sites. We strongly requested that the City coordinate a broader EIS effort that takes into account the cumulative environmental impacts of the Anable Basin Rezoning along with two directly adjacent proposals on the waterfront - the New York City Economic Development Corporation (EDC) Long Island City Waterfront Project and the variance application before the Board of Standards and Appeals (BSA) for the Paragon Paint site - and with the DCP’s own extensive LIC Core Rezoning, which is located just a few blocks inland.

In addition, we requested the long undeveloped East River Tennis Club waterfront site just to the north of the proposed EDC project be included as part of a cumulative analysis. While we are pleased that this group of four private developers is now working together on the waterfront sites, we continue to call for the City itself to coordinate a broader EIS effort that considers the cumulative impacts of these properties along with DCP’s work on the LIC Core and the other East River properties in northern Hunters Point.



***“... If Long Island City is not resilient against sea-level rise, all other goals may be for naught.”***

*Hunters Point Civic Association (HPCA), Community-Centered Development for Anable Basin Sites: Proposals by the Community, for the Community, September 2019*

Among other advantages of a united approach, there is an opportunity to create a more resilient shoreline along the East River benefiting everyone in the area if comprehensive flood-protection strategies are thoroughly coordinated between the private owners and the agencies responsible for public lands on the adjacent waterfront, such as Queens West.

### ***NYC Climate Risk Assessment for Brooklyn-Queens Waterfronts***

*A Stronger, More Resilient New York* describes a wide variety of challenges that will be faced along the Brooklyn-Queens waterfronts. In 2013, it assessed the major risk as storm surge causing significant flooding from waterbodies. Today in 2020, there are additional moderate risks from sea level rise amplifying storm surge and local flooding; increased precipitation producing more releases of untreated sewage into waterways; and heavy downpours causing street flooding, sewer backups and overflows from CSOs (combined sewer overflows). Within 30 years, by 2050, moderate risks are also anticipated from heat waves placing added pressures on power systems, which are expected to disproportionately impact high-rise buildings such as those proposed by YourLIC. (See *Resiliency - New York City Climate Risk Assessment*.)

Since that publication, the Hunters Point waterfront is already experiencing tidal inundation, where portions of the water's edge are flooded on a daily basis around high tides, also known as “sunny day flooding.”

The preliminary YourLIC plans propose shoreline protection for storm surge along the project's East River shoreline but stop at the ConEdison property line to the north and Queens West on Anable Basin to the south. If implemented, this partial protection will direct water onto adjacent properties and eventually to the upland areas of the low-lying neighborhood. So far, the proposed plans do not take into account the high water table at the site, which rests on landfill, or address the additional risks from sea level rise, increased precipitation, heavy downpours or heat waves.

### **4.4.1 Proposed Flood Barrier**

The plans provided to CB2Q show a proposed barrier along the East River shoreline with raised elevations reaching up to a maximum of +10' (NAVD88) based on a projected 25-year 9' storm surge. There are tie-back points indicated at the Con Edison property line to the north and the Queens West property to the west, halfway along the southern bulkhead of Anable Basin. A protected area of about 27 acres onsite and an additional 19 acres in Hunters Point is claimed.



*“Sunny Day Flooding” along the waterfront parks at Queens West (Source: Hunters Point Community Coalition, 2018)*



## Risk Assessment: Impact of Climate Change

■ Major Risk  
 ■ Moderate Risk  
 ■ Minor Risk

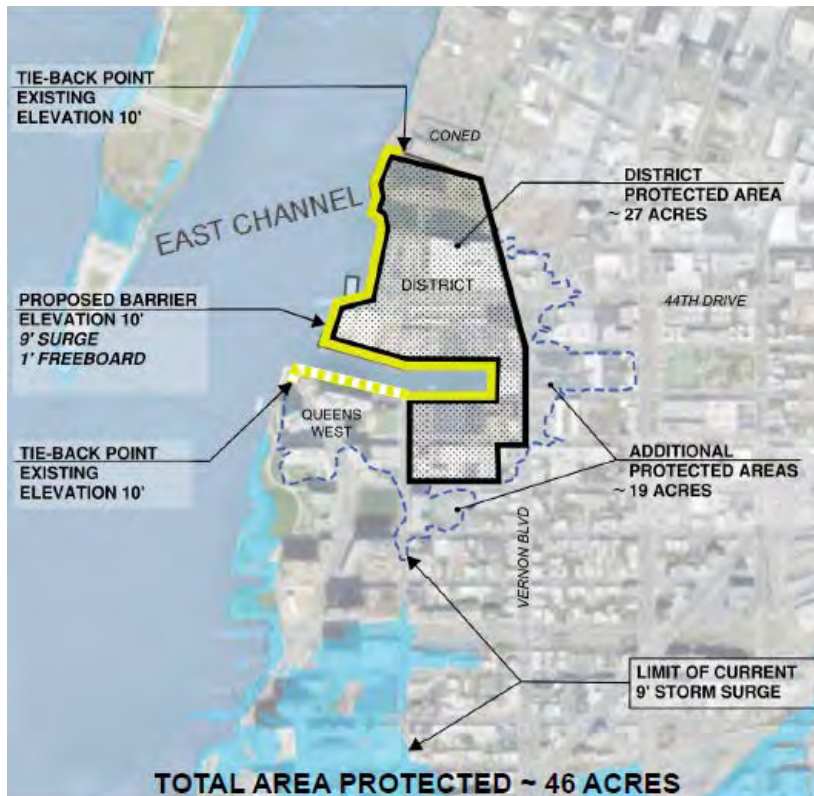
Hazard	Scale of Impact			Comments
	Today	2020s	2050s	
<b>Gradual</b>				
Sea level rise	Minor Risk	Moderate Risk	Moderate Risk	Some areas already experience occasional flooding from creeks; sea level rise likely would result in increases in localized flooding
Increased precipitation	Minor Risk	Moderate Risk	Moderate Risk	Combined sewage and stormwater could exceed the capacity of wastewater treatment plants, leading to releases of untreated or partially treated sewage into waterways
Higher average temperature	Minor Risk	Minor Risk	Minor Risk	Minimal impact
<b>Extreme Events</b>				
Storm surge	Major Risk	Major Risk	Major Risk	Significant risk of flooding from both coastal and inland water bodies (e.g., runoff, sewer backups), as evidenced by Sandy; risk primarily to building systems
Heavy downpour	Minor Risk	Moderate Risk	Moderate Risk	Sewer system capacity may be exceeded more frequently, leading to street flooding, sewer backup and combined sewer overflow
Heat wave	Minor Risk	Minor Risk	Moderate Risk	Greater strain on power system with potential for more failures; most significant impact on high-rise buildings
High winds	Minor Risk	Minor Risk	Minor Risk	Minimal impact

The City of New York. *A Stronger, More Resilient New York, PLaNYC, 2013.*  
 Chapter on Brooklyn-Queens Waterfronts, page 204.

## Resiliency – NYC Climate Risk Assessment

### Preliminary Flood Insurance Rate Maps 2015

We understand that FEMA is currently revising the Flood Insurance Rate Maps (FIRMs) based on New York City's technical appeal of the Preliminary FIRMs (PFIRMs) issued in January 2015. A check of the current FIRMs in use shows that a portion of the East River wharf is in the VE zone at a Base Flood Elevation (BFE) – the height to which flood waters could rise during a storm - of 14', and that other parts of the proposed site have BFEs of both 11' and 12'. This is substantially higher than the elevations proposed by YourLIC. (See *Preliminary Flood Insurance Rate Map 2015*.)



*Proposed Flood Barrier (Source: YourLIC, May 2020)*

### Lessons from Hurricane Sandy

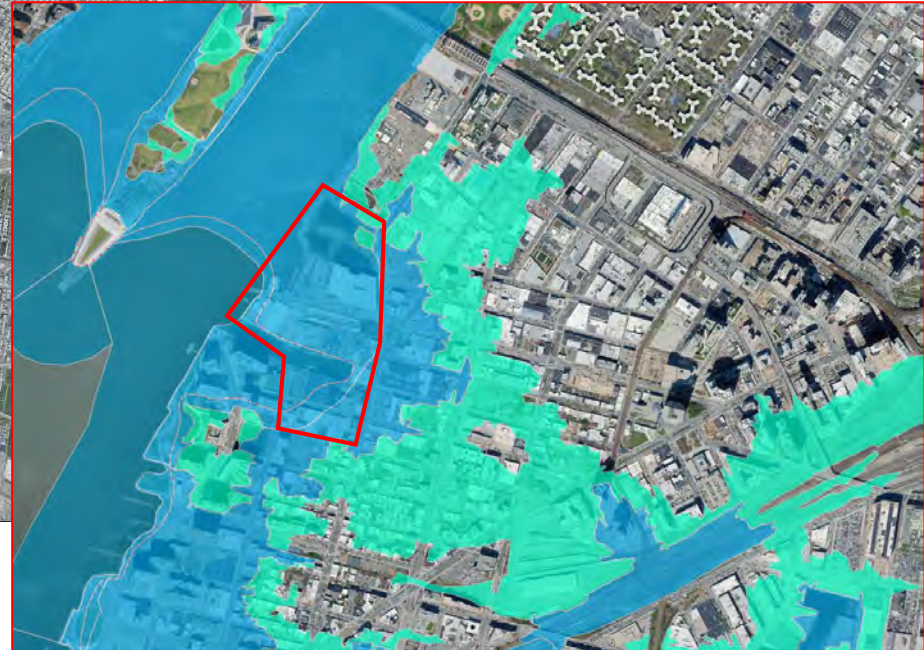
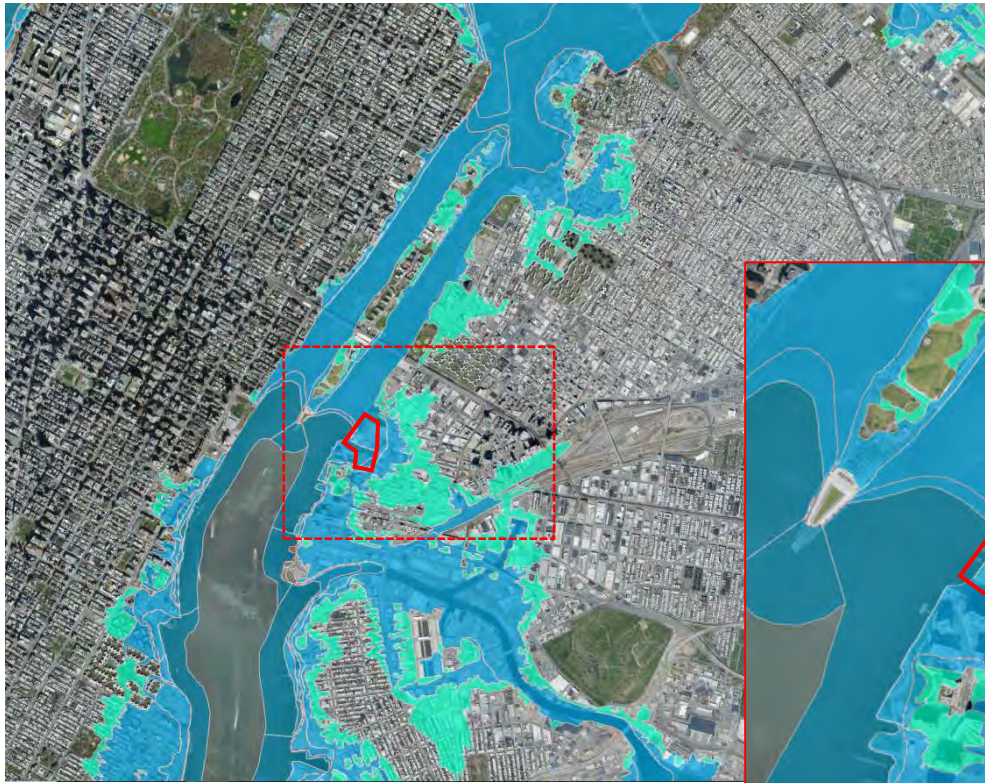
As clearly described in the CB2Q's Comprehensive Plan Working Group recommendations for the waterfront, the East River sites in this area are among the most vulnerable in New York City. Very significant flooding took place in Hunters Point during Hurricane Sandy and disrupted the life of this community for months and years in terms of remediation to homes, closing and repair of schools, transit shutdowns and gas rationing, full and partial power outages, shorting and smocking of below-grade electrical lines, severe damage to public parks, public health hazards from sewage backups, and time-consuming recovery efforts for damaged businesses, manufacturing facilities and vehicles.

During Sandy, Anable Basin was one of the primary points of water infiltration and responsible for flooding throughout the neighborhood. We are concerned that the proposed elevation of the YourLIC site, if done in isolation, may actually displace water to other locations elsewhere in the area and produce additional flooding on surrounding properties.

### Being Proactive

Given the long-term nature of rezoning and the stated goals of the proposed development, CB2Q recommends that it be built to the highest resiliency standards. This means being proactive about all climate change risks over the life cycle of the proposed development, rather than using minimal criteria and short-term projections. (See *Resiliency - Storm Surge SLOSH*.)





Preliminary Flood Insurance Rate Maps 2015

- V Zone      V Zone - Waves greater than 3' high during a 100- year storm
- A Zone      A Zone - Waves lower than 3' high during a 100-year storm
- Shaded X Zone      X Zone - Flooding during a 500-year storm

## Preliminary Flood Insurance Rate Map 2015





**Category 1 Inundation – High Tide**



**Category 2 Inundation – High Tide**



**Category 3 Inundation – High Tide**



**Category 4 Inundation – High Tide**



# Resiliency – Storm Surge (SLOSH) 2020

### U.S. Fatalities by Hazard, 2006-2015

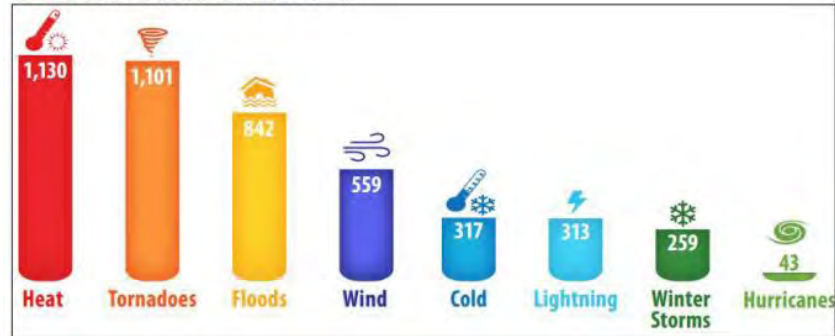


Figure 2: More Americans die from heat waves every year than from all other extreme weather events combined. Source: NOAA National Weather Service, 2016.

### Heat Vulnerability Index (HVI) for New York City Community Districts

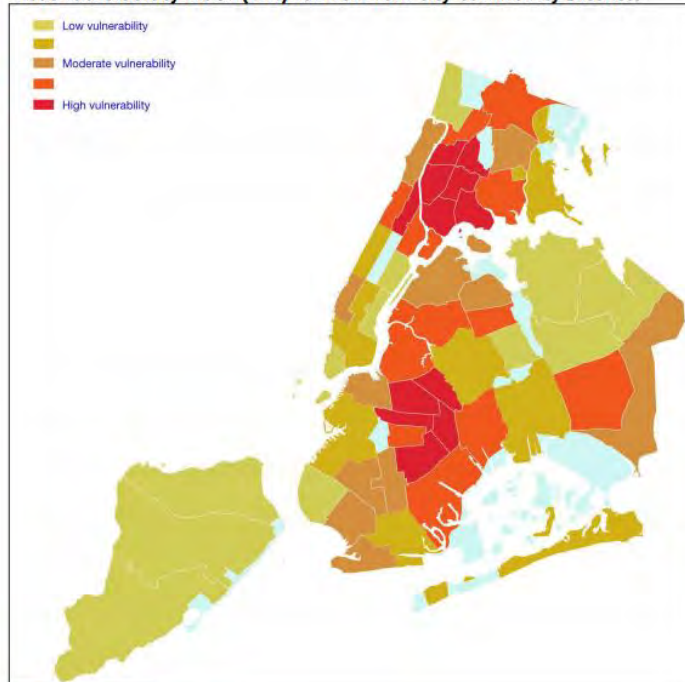


Figure 3: Source: DOHMH, 2015.

### NYC Thermal Imagery

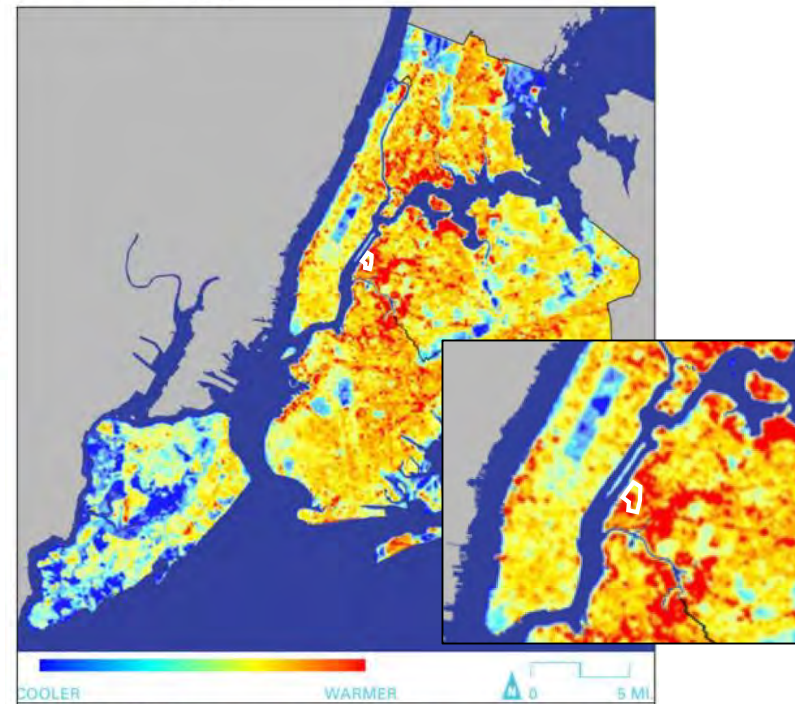


Figure 1: Some NYC communities experience higher temperatures than others. Variation in NYC's densely built environment results in disparate neighborhood-level risks. Source: LANDSAT Thermal Data, 2009.



*“To help identify NYC’s most heat vulnerable neighborhoods, Columbia University and the NYC Department of Health and Mental Hygiene (DOHMH) developed a Heat Vulnerability Index (HVI) that combines metrics proven to be strong indicators of heat risk through validation with health data and that describes both social and physical characteristics.”*

[https://www1.nyc.gov/assets/orr/pdf/Cool\\_Neighborhoods\\_NYC\\_Report.pdf](https://www1.nyc.gov/assets/orr/pdf/Cool_Neighborhoods_NYC_Report.pdf)

## Resiliency – Heat Vulnerability



#### 4.4.2 Other Climate Change Risks

Direct and secondary flooding are only two of the many resiliency issues facing New York City according to both *A Stronger, More Resilient New York* and the New York Panel on Climate Change (NPCC). Other critical climate change issues to address in the proposed plans are:

- Precipitation – Annual rainfall is predicted to increase and be more intense. This will increase inland flooding, structural damage to buildings (such as, basement flooding and stress on foundations), street inundation, sewer flooding, and back flows of raw sewage. Residents of LIC are already being requested not to flush toilets during heavy rains.
- Temperatures - Air temperatures are predicted to increase, making heat waves likely to become more frequent, intense and longer in duration. Among other impacts, these will increase peak electricity loads in the summer with significant implications for high-rise buildings like those shown in the preliminary YourLIC plans. (See *Resiliency – Heat Vulnerability*.) LIC scores in the high ranges of the New York City Heat Vulnerability Index compared to other community districts. Contributing factors may be the lack of a tree canopy, large areas of impervious surfaces such as parking lots and industrial rooftops, and lack of landscaped open spaces in LIC. In addition to air temperatures, water temperatures are also predicted to rise. This will alter aquatic and wetland habitats, which in turn will impact bird migration, fish migration and other ecosystems along the East River.

#### 4.5 TRANSPORTATION

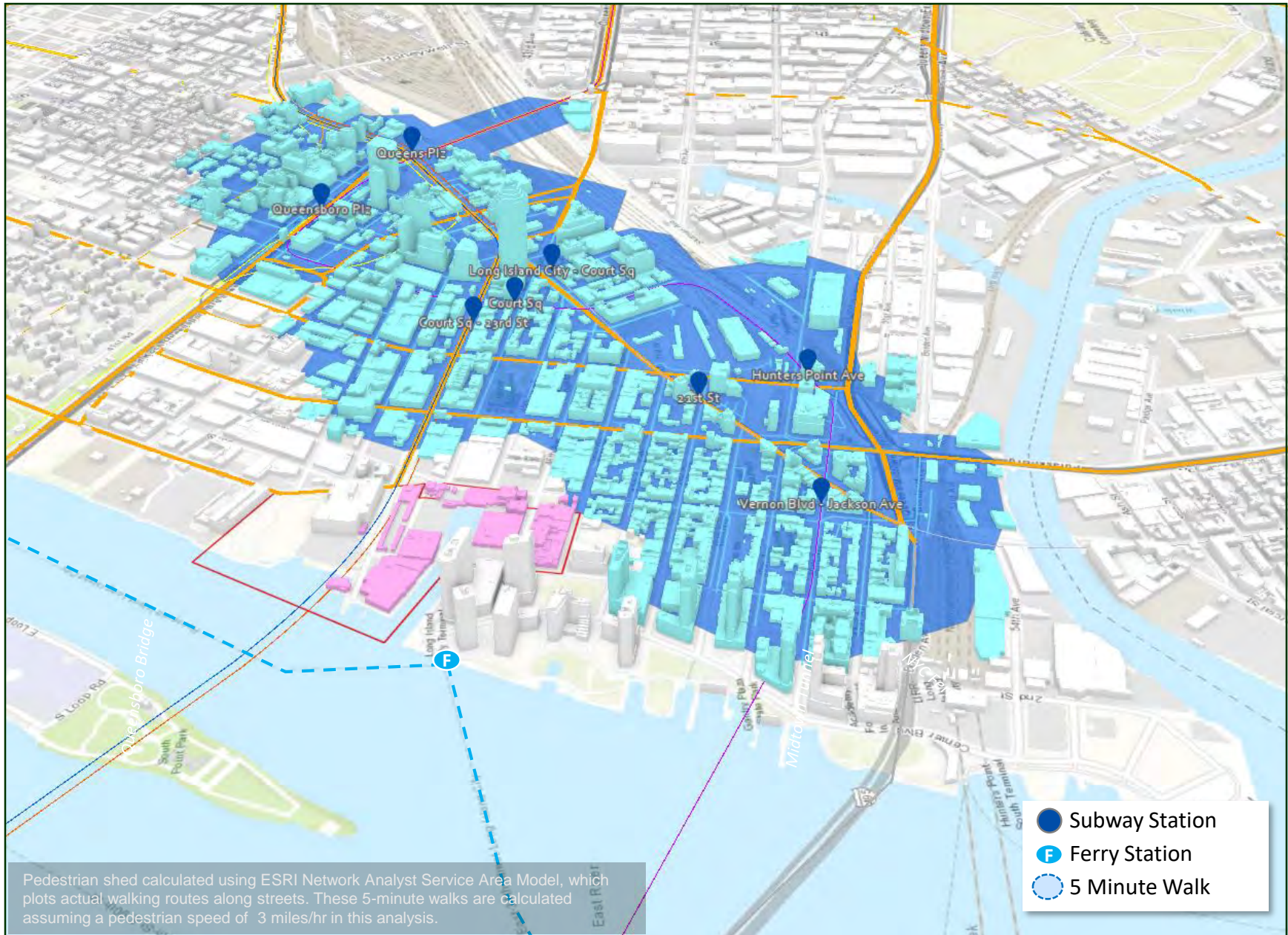
Comprehensive planning of the East River waterfront in LIC offers an opportunity to create an intermodal transportation system that leverages public investments in infrastructure by reaching east-west from the new Citywide ferries back inland to the subway lines in the LIC Core. At the same time north-south connections can be strengthened along existing streets and future waterfront esplanades. Every previous community response to the numerous development schemes for the LIC waterfront has emphasized the lack of transportation systems serving this area. A substantial body of information has already been provided by the community about traffic, public transit, pedestrians, parking, private buses, school buses, bus rapid transit, bicycles, ferries, commuter rail, air traffic, and the proposed BQX. In addition, a comprehensive examination of transportation issues, *Western Queens Transportation Study*, was completed by the DCP in 2018.

No transportation proposals have been presented to CB2Q as part of the preliminary YourLIC plans. In the absence of information, we reemphasize that the existing subway system has aging, inaccessible stations, which are further than a 5-minute walk from the proposed development sites (see *Existing Subway Locations*), and that potential intermodal connections are missing (see *Intermodal Connections*).



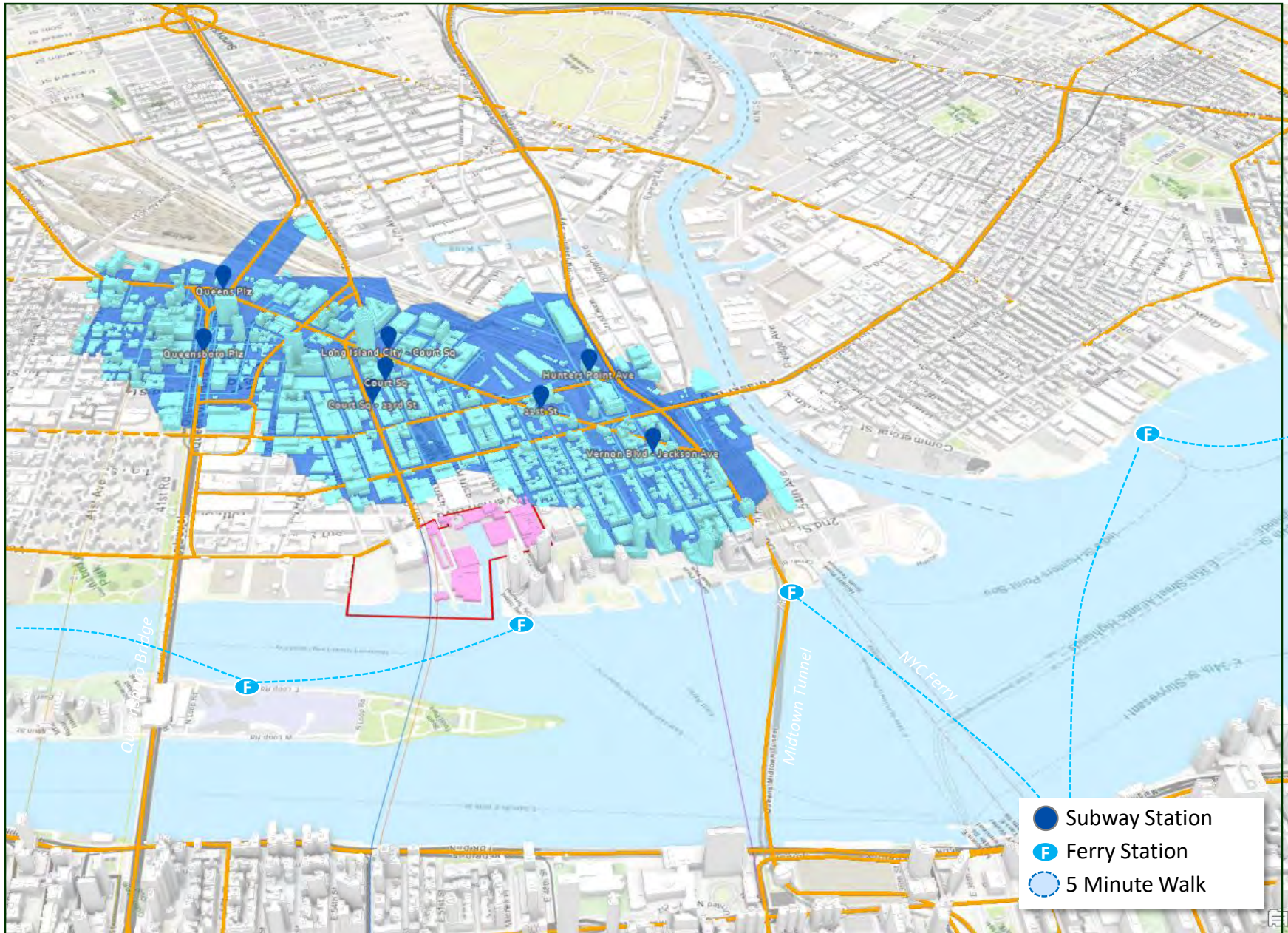
*The ferry stop at Hunters Point South connects to the public Esplanade and adjacent bikeway (Source: Nautilus International, July 2020)*





## Walking Distances from Subway Stations





## Intermodal Connections



### 4.5.1 Proposed Revisions to Street Map

There appear to be substantial revisions proposed to the NYC Street Map. Overlaying the existing street map with the conceptual site plan provided by YourLIC, five public streets are proposed for privatization. (See *Public Street Demappings Proposed by YourLIC*.) In fact, only one public street will be left on the entire 28 acres: 44<sup>th</sup> Drive. Here are the details from the north to the south:

44<sup>th</sup> Avenue, a required upland connection to the waterfront and generous visual corridor, is proposed to be demapped to the west of Vernon Boulevard (1.13 acres) and turned into a narrow private street.

44<sup>th</sup> Road, which extends from the water's edge east to Vernon Boulevard as an easement and then as a regular street east to the Citicorp Building, is proposed to be demapped (1.46 acres) and turned into a vehicular service corridor.

44<sup>th</sup> Drive, a significant crosstown connector, is proposed to be demapped to the west of 5<sup>th</sup> Street cutting off vehicular access to recently renovated 44<sup>th</sup> Drive Pier. In addition, part of its right-of-way on the south has been appropriated for commercial development (.69 acres). In contrast, NYC DOT and the Department of Design and Construction (DDC) have targeted 44<sup>th</sup> Drive from the East River to Jackson Avenue, as part of the Hunters Point right-of-way rehabilitation project for a series of improvements to turn it into a "green boulevard" connecting the public 44<sup>th</sup> Drive Pier with Court Square.

45<sup>th</sup> Avenue is proposed to be demapped between Vernon Boulevard and 5<sup>th</sup> Street (.42 acres) and turned into a private street.

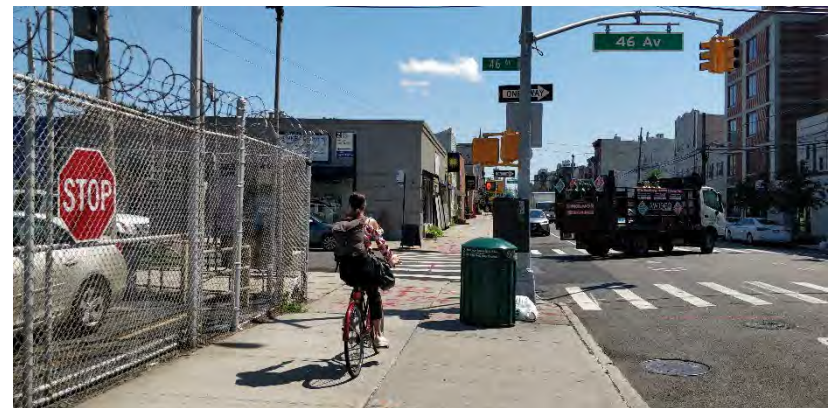
5<sup>th</sup> Street, a required upland connection and visual corridor to the Queensboro Bridge from many blocks south into Hunters Point, is shown blocked by a commercial tower. It is proposed to be extended slightly south from 44<sup>th</sup> Drive to Anable Basin (.14 acres), but only as a private street.



*The recently renovated public 44<sup>th</sup> Drive Pier provides spectacular views of the Manhattan skyline (Source: Nautilus International, July 2020)*

### 4.5.3 Proposed 5<sup>th</sup> Street Bridge

The proposed bridge extending 5<sup>th</sup> Street across Anable Basin to the north would greatly improve connectivity in the neighborhood, especially to the recently renovated public 44<sup>th</sup> Drive Pier which provides spectacular views of the Manhattan skyline. This link has been proposed since NYC's first waterfront plans in the 1990s. We request that it be studied as either a vehicular/bicycle/pedestrian bridge or a pedestrian/bicycle bridge with access for emergency vehicles.



*Biker on sidewalk in LIC (Source: Nautilus International, July 2020)*

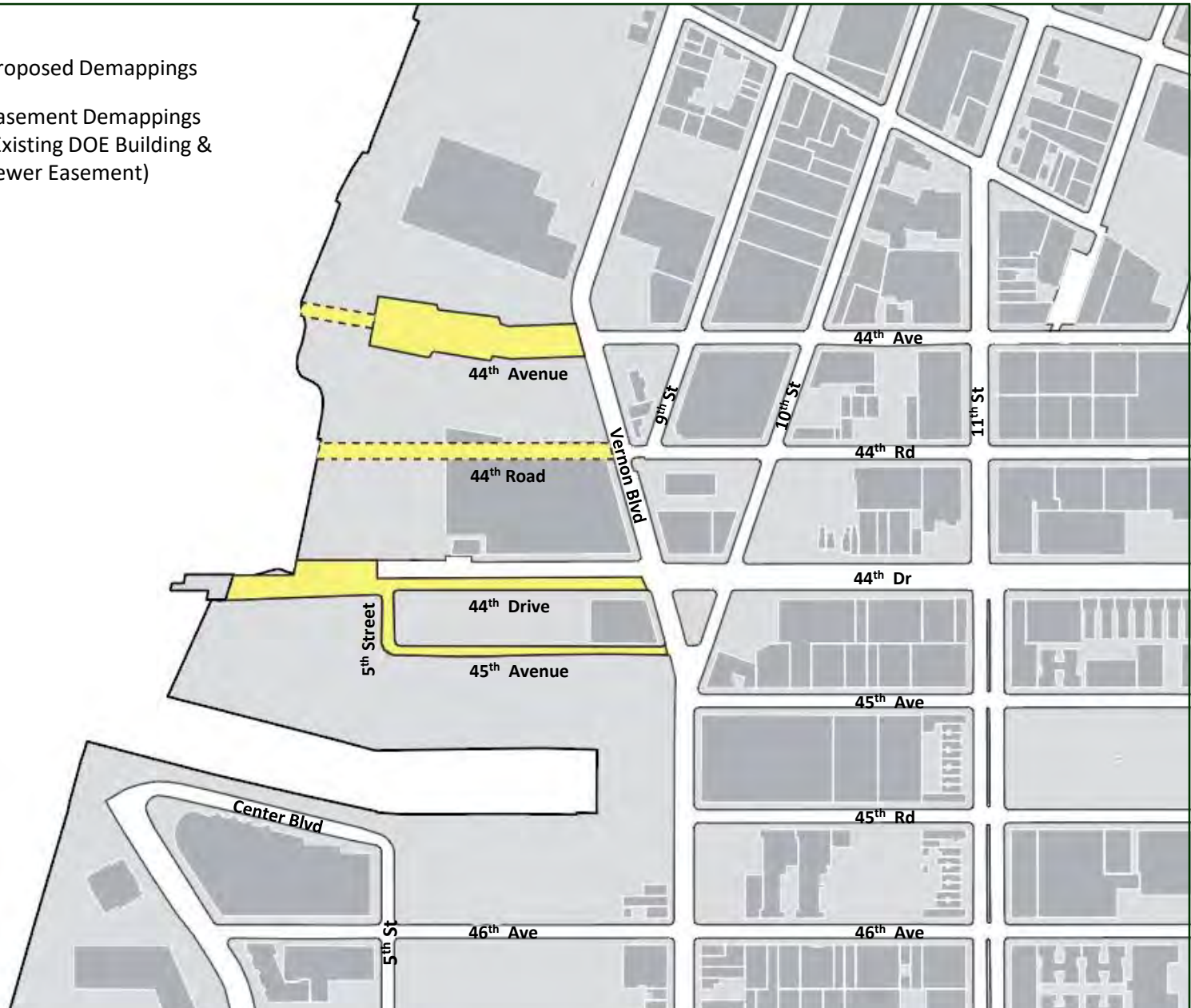




Proposed Demappings



Easement Demappings  
(Existing DOE Building &  
Sewer Easement)



## Public Street Demappings Proposed by YourLIC

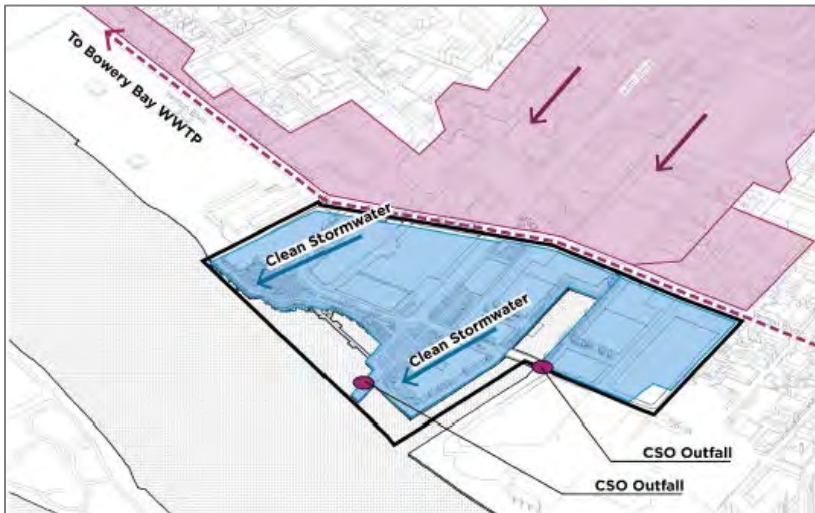
Comments on LIC Waterfront Development  
Community Board 2 Queens

September 3, 2020

## 4.6 INFRASTRUCTURE

Comprehensive planning of the East River waterfront in LIC offers another major opportunity: to take into account the progressive impacts of climate change on the infrastructure, such as elevation of the already high water table in this low-lying area from sea level rise, and tackle the more frequent and toxic flooding of streets, cars, buildings and basements due to more frequent and intense storm systems.

So far, there has been little information about proposed infrastructure improvements from YourLIC. During the last round of proposed rezonings, 11 New York City departments ranging from NYC EDC and Department of City Planning to the Departments of Environmental Protection and Small Business Services came together with a pledge to invest \$180 million in new City funding in seven key areas, including infrastructure, to ensure that the growth in LIC was “sustainable and inclusive.”<sup>12</sup> So far, the majority of these funds have failed to materialize.



*17 Million Gallons of Stormwater Runoff to the East River (Source: YourLIC, May 20, 2020 presentation to CB2Q)*

### 4.6.1 Proposed Stormwater Management

As mentioned above, stormwater is proposed by YourLIC to be rerouted away from existing public sewer infrastructure; collected, stored and cleaned; then run off directly into the East River. Other drawings from YourLIC, however, show the area tilted up in elevation towards the water’s edge for flood protection. That would mean that storm water will run off towards Vernon Boulevard rather than into the East River.

Given the opportunity presented by proposed developments on both sides of the streets from Vernon Boulevard to the East River, we recommend that the possibility be examined of combining those improvements with new storm drainage infrastructure along 44<sup>th</sup> Drive and other streets.

### *Green Infrastructure*

In addition, the inclusion of green infrastructure could be considered along with the traditional gray infrastructure described in the preliminary plans from YourLIC. In particular, planted, pervious surfaces at the waterfront can be designed as “sponge parks,” such as the one on the Gowanus Canal, that are opportunities for public open space to serve multiple purposes, such as providing protection from shoreline erosion and deflecting polluted runoff from flowing into the waterways.

### 4.6.2 Other Infrastructure Issues

#### *CSOs*

Historic reports and recent testimony about backups and other problems with the CSOs do not appear to be considered in the preliminary plans from YourLIC. In particular, the relocation of the Combined Sewer Outfall (CSO) currently discharging directed into Anable Basin should be analyzed during this redevelopment process.

### ***Sewer upgrades***

The City needs to ensure all upgrades of public infrastructure critical to maintaining public health and responding to the increasing impacts of climate change, such as system-wide improvements to the antiquated and inadequate sewers in LIC. An area-wide sewer improvement infrastructure project has been on the books at NYC's Department of Design and Construction for almost two decades without implementation. We understand that the NYC Department of Environment Protection is almost complete with modeling existing conditions, but that evaluating future conditions has been put on hold due to budgetary limitations. The 2018 interagency document, *LIC.NYC An Investment Strategy*, calls for completing the amended drainage plan (ADP) and implementing sewers upgrades for \$95M.<sup>13</sup>

### ***Electrical grid & renewable energy sources***

The LIC area already experiences power outages during the summer. New demands on the electrical grid from the proposed development should be carefully analyzed and all potential sources of renewable energy need to be explored.

### ***Solid waste & sanitation***

Measures to mitigate solid waste and sanitation impacts of the proposed development on the LIC community should be addressed.

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<sup>1</sup> Chen, Stefanos and David W. Chen. "Where Do They Go From Here?," *The New York Times*, July 5, 2020.

<sup>2</sup> Partnership for New York City. *A Call for Action and Collaboration*, page 17, 2020.

<sup>3</sup> Marcus and Millchap Office Market, Webcast, June 24, 2020

<sup>4</sup> While YourLIC has stated the project occupies 28 acres, our calculations show that the properties under the control of the 4 developers is less. (See *Square Footage Calculations*.)

<sup>5</sup> Partnership for New York City. *A Call for Action and Collaboration*, page 16, 2020.

<sup>6</sup> Ibid, page 16.

<sup>7</sup> Ibid, page 17.

<sup>8</sup> Ibid, page 4.

<sup>9</sup> Wilkins, Carol, April Simpson-Taylor, Claudia Coger and Annie Cotton-Morris. "Opinion: NYCHA Tenant Leaders: Where Amazon Never Arrived, New Opportunity Arises," *queenspost.com*, July 10, 2020.

<sup>10</sup> Mohamed, Carlotta. *Queens Public Schools continue to Battle Overcrowding*, <https://qns.com>, June 18, 2019.

<sup>11</sup> New Yorkers for Parks. *Long Island City, Queens, Open Space Index*, 2019.

<sup>12</sup> New York City EDC, DCP, HPD, DPR, DOT, SCA, DEP, DCLA, NYCHA, DYCD, SBS, and Queens Library. *Long Island City, LIC.NYC. An Investment Strategy*, 2018.

<sup>13</sup> Ibid.



## 5 UPCOMING LAND USE ACTIONS

The **Uniform Land Use Review Procedure (ULURP)** is a formal public review of development applications that require rezoning within a neighborhood. **Key participants** in the ULURP review process are the Department of City Planning (DCP), the City Planning Commission (CPC), Community Boards, the Borough Presidents, the Borough Boards, the City Council and the Mayor. **Public Hearings** are integrated throughout to ensure that the community is engaged, thoroughly informed and able to provide critical feedback about their needs and concerns.

### 5.1 PRE-APPLICATION

The first step is an **Informational Interest Meeting** with the Borough Office of the Department of City Planning; applicants and the DCP discuss zoning, the neighborhood, and other plans affecting the project area. The Borough Office then determines whether a **Pre-Application Statement (PAS)** should be submitted. Upon PAS submission, DCP begins tracking the progress of the project, assigns staff, and schedules the **Interdivisional Meeting(s)**.

### 5.2 LAND USE APPLICATION & ENVIRONMENTAL IMPACT STATEMENT

Following the Interdivisional Meeting(s), applicants prepare the **Draft Land Use Application** and supporting documents. Some projects may require a **Reasonable Worst Case Development Scenario (RWCDs)**. If so, applicants meet with the Environmental Assessment and Review Division prior to proceeding. DCP determines the significance of environmental impacts on the project area by reviewing the **Environmental Assessment Statement (EAS)**. If a positive declaration is issued, an **Environmental Impact Statement (EIS)** is required.

#### 5.2.1 Draft Scope of Work for EIS (15 days)

When an EIS is required, the lead agency has 15 days to issue a **Draft Scope of Work**. This details the topics, methods of analysis, and ways to mitigate potential significant impacts of the proposal.

#### 5.2.2 Public Scoping Meeting (30-45 days)

A **Public Scoping Meeting** is required within 30 to 45 days to obtain feedback from the community on the Draft Scope of Work for EIS and to identify additional issues that should be included in the EIS.

#### 5.2.3 Final Scope of Work / Draft EIS

Once recommendations from the Scoping Meeting are incorporated, the **Final Scope of Work** is issued and preparation of the **Draft Environmental Impact Statement (DEIS)** begins.

#### 5.2.4 Public Hearing (15-60 Days)

When the **DEIS** is published and a **Notice of Completion** is issued, the period for public review and comments is set. A **Public Hearing** is conducted within 15 to 60 days and **written comments** are accepted up to ten days after the hearing.

#### 5.2.5 Final EIS / Other Documents

The **Final EIS (FEIS)** includes the DEIS, a summary of public comments and lead agency responses, and requisite revisions based on this feedback. Specific mitigation measures with written agreement from applicable agencies are also required. When the FEIS is published, a **Notice of Completion** is issued. A **Statement of Findings** is produced by the lead agency to demonstrate that they have “taken a ‘hard look’ at the impacts, mitigations and alternatives”<sup>1</sup>. Additional forms and documents specific to the proposed project are required to complete the application. The entire application package is then submitted to DCP.

### 5.3 PRE-CERTIFICATION (DCP)

When the application is reviewed and approved by DCP (**Pre-Certification**), the formal public review of the ULURP application begins.

### 5.4 ULURP REVIEW PROCESS

#### 5.4.1 Community Board Review (60 Days)

Within 60 days of DCP approval, the Community Board (CB) holds a Public Hearing and submits written recommendations to CPC. Input from the **Public Hearing** is expressed in the **CB's written recommendations**, which can critically impact the "make-or-break"<sup>2</sup> vote of the local City Council member at the end of the process.

#### 5.4.2 Borough President/Board Review (30 Days)

Within 30 days of the end of the CB's review period, the Borough President or Borough Board submits **written recommendations** to CPC.

#### 5.4.3 City Planning Commission Review

Within 60 days of the end of the Borough President / Board's review period, the City Planning Commission (CPC) must hold a **Public Hearing**. CPC votes to either **Approve, Approve with Modifications, or Disapprove** of the application. This typically requires seven affirmative votes. However, if the Borough President has recommended against an application, nine votes are required. CPC files its report with the City Council. **A CPC decision to disapprove is usually final and terminates the ULURP process.**

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<sup>1</sup> "Environmental Review Process." *NYC Department of City Planning*, <https://www1.nyc.gov/site/planning/applicants/environmental-review-process>. Accessed 29 June 2020.

### 5.5 ADDITIONAL REVIEWS

#### 5.5.1 City Council Review (50 days)

An application is reviewed by the City Council in the following cases:

- **Mandatory review:** Required for zoning map and text changes, housing and urban renewal plans, and disposition of residential buildings (except to non-profits for low-income housing).
- **Elective/Council "call-up":** City Council elects to review an action by voting to take jurisdiction with 20 days of CPC report filing.
- **Triple no:** If both the CB and the Borough President disapprove, the CPC approves or approves with modifications, and the Borough President files an objection to the CPC decision.

In these cases, a **Public Hearing** is held and the City Council votes to **Approve, Approve with Modifications, or Disapprove** of the CPC decision within 50 days. Most actions require a majority, however Urban Renewal Plans disapproved by CPC require  $\frac{3}{4}$  vote. If City Council wants to **approve with modifications**, CPC determines if additional environmental review is required. If so, the modification cannot be adopted; if not, the Council can adopt the application with modification.

#### 5.5.2 Mayoral Veto (5 days) / Override (10 Days)

City Council decisions to approve/disapprove and CPC decisions to approve (that are not acted on the by City Council) are considered final unless the **Mayor elects to Veto** the decision within 5 days. The City Council can **override the Mayor's veto** by a  $\frac{2}{3}$  vote within 10 days.

<sup>2</sup> Spivack, Caroline. "What Is ULURP, and Why Should I Care?." *Curbed NY*, Curbed NY, 22 Jan. 2020,. [ny.curbed.com/2020/1/22/21073049/nyc-zoning-ulurp-land-use-review-city-council](https://ny.curbed.com/2020/1/22/21073049/nyc-zoning-ulurp-land-use-review-city-council).

## ACKNOWLEDGMENTS

*Queens Community Board 2 would like to thank*

*the New York City Council for the funding they generously provided for this study*

*and is grateful for the opportunity to have the support of professional consultants to address*

*the complex issues involved in the proposed development plans for the Long Island City waterfront.*

*CB2Q also thanks the Land Use Committee for their work on this project*

*and extends a special thanks to the dedicated Subcommittee who contributed generously*

*of their time and knowledge of the community during the preparation of this document.*



