

Dear Borough President Katz,

I want to thank you for taking the time to listen to the many concerns about the Peninsula Hospital Development plan (Edgemere Commons) at your public hearing session.

I hope you had the time to look over the information in the presentation I provided via e-mail prior to the hearing. As a lifelong resident of the Rockaway Peninsula my family goes back in the Arverne community from the very late 1800's and Rockaways future is very important to me. The purpose of this letter is NOT to stop the development of the former Peninsula Hospital site. As we all know responsible development is not only needed in the Rockaways but is wanted. We were told by Councilman Richards that not everyone will be happy, and it will never be a perfect plan. Shouldn't we strive for a more perfect plan to ensure the residents who will be impacted in both a positive and negative way get the most benefits possible while also mitigating the significant adverse impacts mentioned in the DEIS? He himself said the plan is not perfect and he himself does not support the project as it stands, **but he has not said just where he does stand**. We are the ones who have to live with the results for years to come – not the developer or the **councilmember**. We need to ensure SIGNIFIGANT changes are made to the plan with regards to density, lack of balance of incomes, **schools**, building heights, building setbacks, parking, open space, etc.

As the former chair of the City Council Land Use Committee, you probably know the former Peninsula Hospital site is adjacent to the **Arverne Urban Renewal Area**, and the **Edgemere Urban Renewal Area**. Both of these Urban Renewal Areas also overlap with the study area of the former peninsula hospital site.

**See EIS Chapter (2) Figure 2-2**

Also, just outside the Peninsula Hospital study area but within the confines of Community Board 14 the Downtown Far Rockaway Urban Renewal Area was recently approved and construction is underway. In addition the completion of the Arverne Urban Renewal Area West (Arverne by the Sea) is also winding down with mid-rise housing units.

The proposed Peninsula Hospital Development (Edgemere Commons) is ONLY one development coming to the Rockaways, please see the following information

regarding current and future development projects that are also located in the study area and others which are in close proximity or adjacent.

### **Current and Future Development Plans**

- **Edgemere Urban Renewal Area:** 500 units and approximately 1,515 NEW residents.
- **Arverne East Urban Renewal Area:** 1,200 units and approximately 3,636 NEW Residents.
- **Arverne West Urban Renewal Area:** 800 units and approximately 2,424 NEW Residents
- **Downtown Far Rockaway Urban Renewal Area:** 3,131 units and approximately 9,487 NEW residents

**Total Units:** 5,631 units and approximately 17,061 NEW residents.

These numbers are **WITHOUT** Peninsula Hospital Site.

- **Peninsula Hospital Site (Edgemere Commons):** 2,200 units and approximately 6,665 NEW residents.

**\*Grand Total:** 7,831 units and approximately 23,727+ NEW residents\* **These numbers will result in a 25% increase in the Rockaways' population!**

### **PLEASE NOTE:**

The Arverne URA study was completed in 2003 and the Edgemere URA study was originally adopted in 1997 and revised in 2008 to promote the development of residential, commercial, community facility, and public space uses, with new infrastructure. **However, during the environmental review process of the former Peninsula Hospital site (Edgemere Commons) the previous environmental studies mentioned above for Arverne, Edgemere, and the new Far Rockaway**

**Urban Renewal Area were deliberately ignored and what was done was a deliberate segmentation of the study areas. The study of the Peninsula Hospital site should have studied the cumulative environmental effects in a holistic study that this proposed development would have on the community and revised and or amended the other original plans mentioned, as the subject area overlaps, is adjacent too or in very close proximity to the other Urban Renewal Areas that already had prior studies done.**

This project would introduce a substantial new residential population to the study area resulting in increased demand for community facilities and services. The negative impacts to the community within the DEIS are many with regards to schools, transportation, healthcare, job opportunities, etc.; many of which cannot be mitigated and would further cause hardships and quality of life issues for the vulnerable current and future residents. Some of the info in the DEIS is also flawed and misleading and **likely to** be **worse** than stated in the DEIS because of the segmentation and failing to study the cumulative effects, and could also face legal challenges ahead for this reason.

This plan could also face legal challenges for reasons similar to the current federal lawsuit about the City of New York's community preference policy in that it would be in violation of federal fair housing laws. The Department of City planning has already stated in the past that according to a report by the New York City Planning Commission during the Arverne Urban Renewal EIS Calendar No. 2 C 030509 HUQ, **Half of the subsidized housing in Queens was located on the Rockaway Peninsula** and **construction of additional low and moderate-income housing in Arverne would only increase the proportion.** Additionally, NYC Planning recently stated with regards to the Peninsula Study area a high concentration of public and publicly subsidized housing and long-term care facilities are also present in the surrounding area.

These are NOT my words these are the words of New York City Planning. If only 13% of the units for Edgemere Commons are for moderate-and middle-income families and 87% are for low, very low and extremely low income; this plan would only further perpetuate economic and racial segregation in an area of the Rockaways that has been divided along racial and economic lines for decades and is in desperate need for economic and racial integration as the study area already suffers from concentrated poverty and this plan would do little to resolve that issue.

This plan would fail to properly balance incomes and would cause a non-intentional disparate impact discrimination which is a violation of Fair Housing Laws and the city's policies and developer could be liable for housing discrimination even when there was no intention to discriminate.”

There are two categories of discrimination prohibited under the Fair Housing Act of 1968: Acts that are clearly intentional and acts such as policies and practices that might seem neutral but that have a discriminatory effect. Under the disparate impact standard, courts assess discriminatory effect and whether an action perpetuates segregation, whether the discrimination is justified, and whether less discriminatory alternatives exist for the challenged practice.

The 2015 ruling by the Supreme Court (citation?) upheld and established that the Fair Housing Act of 1968 allows lawsuits based on disparate impact, meaning a law or practice can be determined to have a discriminatory effect even if it wasn't based on a discriminatory purpose. The developer is requesting discretionary up zoning of this site through the ULURP process and wanting permission to build an additional 1,632 units of housing above their 568 “As of Right.” The development put forth is slated to have 87% of the dwelling units geared toward the lower income spectrum and they would be seeking public funds through the city's HPD construction loans program to build affordable housing where only 13% are for moderate- and none for middle-income households which would continue to cause a continued economic and racially segregated housing pattern in the area which already has a disproportionate amount of lower income minorities as mentioned by the Department of City Planning thus creating a disparate impact.

**IMPORTANT:** Just a few years ago, Community Board #14 **UNANIMOUSLY OPPOSED** any affordable housing developments that **DID NOT** have AMI of 60% or higher and supported an emphasis be put on **Home Ownership, PREFERABLY market rate.**

**ADDITIONAL INFO:**

4,107 (83%) of the TOTAL 4,908 dwelling units are publicly funded.

4,076 (93.6%) of the occupied 4,356 dwelling units are renters.

280 (6.4%) of the occupied 4,356 dwelling units are owner occupied.

This proposed development **DOES NOT** provide **affordable housing home ownership**, even though it is desperately needed to stabilize the area.

During the Arverne Urban Renewal Studies the City Planning Commission noted that that over the years **the** Rockaway has been the site for a number of public housing units and government sponsored partnership housing and that the introduction of market rate housing was needed. The current plan put forth would NOT serve as a balance for the area if only 13% of the units would be for moderate- and **none for** middle-income households and 87% would be for low, very low, and extremely low-income households.

This would NOT be a well-balanced comprehensive planning strategy as it further creates concentrated poverty and would not lead to commercial vitality. For this reason, the legal reasons mentioned above, along with the other reasons mentioned which I had previously provided prior to the public hearing at Borough Hall; and the fact community board had disapproved the current rezoning with recommendations 28-5 I am requesting that you join members of the community board and make the tough decision to disapprove the rezoning with recommendations as well. This is not to stop the development of the site or to deny people in the community who are in desperate need of development; but this disapproval is to ensure we get a More Perfect Plan that is balanced, would provide our residents with MUCH more benefits, mitigate significant adverse impacts, end economic and racial segregation and would ensure the LONG TERM vitality of the Edgemere and Arverne area of the Rockaways.

We support the Arkers vision to redevelop the land and bring retail. This plan also has the ability to be something special if significant changes are made. It could finally break that economic and racial divide that has plagued the Rockaway community for years and could help lift people up from poverty to prosperity. However, the current plan is irresponsible and reckless overdevelopment and such a large development would result in much more intensive land use than currently

exists and would have direct and indirect Significant Adverse Impact on many residents who live in the immediate and surrounding areas.

We need to ensure SIGNIFIGANT changes are made to the plan with regards to density, lack of balance of incomes, building heights, building setbacks, parking, open space, ect. **Please see below recommendations.**

**Density:** That the density be reduced from 2,200 units to 1,320 units which 207 will still be senior housing and is a reduction of 40% from the proposed plan and in line with the Community Board 14, 30-50% reduction recommendation and would still provide the builder with a 133% increase from their 568 “As of Right”. This reasonable increase in units would assist in solving a few issues. **1.** It would limit the strain mentioned in the DEIS on the community’s infrastructure particularly the already overcrowded and underperforming elementary and intermediate schools **2.** It would limit the strain mentioned in the DEIS with regards to publicly funded childcare and head start programs. **3.** It would increase parking ratio from the current 35% as there are currently ONLY 734 spaces put aside for residential use and it would increase that ratio more in line with Community Board 14’s 50% recommendation for residential units. **4.** It would limit the number of vulnerable residents who will rely of city and social services in a community that has inadequate transportation, job opportunities and other services.

**Better Balanced Affordable Housing:** This is being sold to the Rockaway Community as a mixed income development, when it truly is not. The current plan is allowing for ONLY 13% of the units to be for moderate and **no** middle income while 87% of the units would be for low, very low, and extremely low income – something the City Planning Commission has already stated the community already has enough of. It also goes against Community Boards 14’s vote a couple years ago as mentioned above. Currently the Arker companies can build 568 units of market rate housing when all studies and facts by the city and other resources clearly show the area is in desperate need middle income housing as the area already has high concentration of poverty and the bringing in more disposable income to the community is desperately needed to ensure the LONG-TERM vitality of the development and the surrounding Rockaway community. With the reasonable and pragmatic recommendation of 1,320 residential units there should be a minimum of 568 or 43% (the current “As of Right”) of those units for **Affordable Housing Homeownership.** This will bring stability to the area which is desperately needed

while assisting the Mayor's goal of affordable housing and homeownership while also ensuring there is higher incomes in the community without displacement. A perfect example of affordable Homeownership in the Rockaways is the Waters Edge II development.

**Open/Green Space:** The current proposed design is totally out of character with the surrounding midrise Ocean Bay and **Nordeck** House Apartment which range in height from 7-8 stories, and low rise residential homes in proximity; while the developer wants to build 11 buildings of which 10 of them will be 12-19 stories casting shadows on the surrounding units and public parks and outdoor community space. Additionally, the buildings have little to no street setbacks which would also be out of character with the entire Rockaway Peninsula. Street setbacks should be part of any plan and are needed for outdoor space. Additionally, the proposed highpoint plaza is only a concrete plaza with a few planted trees and a small playground. This is not enough green space for this community who deserves the same amenities as residents of other areas of the peninsula.

As difficult a decision as it might be, I hope you will side with members of the Community Board and disapprove the rezoning with recommendations to ensure the Rockaways continues its path to responsible development.

**Glenn DiResto**