

**A. PROJECT IDENTIFICATION**

Flushing Commons is a proposal to redevelop Municipal Lot 1 in Downtown Flushing, Queens, into a mixed-use project containing residential, commercial (including office, retail, restaurant, and possibly hotel uses), and community facility uses; a multi-level underground parking garage; and an approximately 1.5-acre town square-style open space (collectively, the “proposed project”).

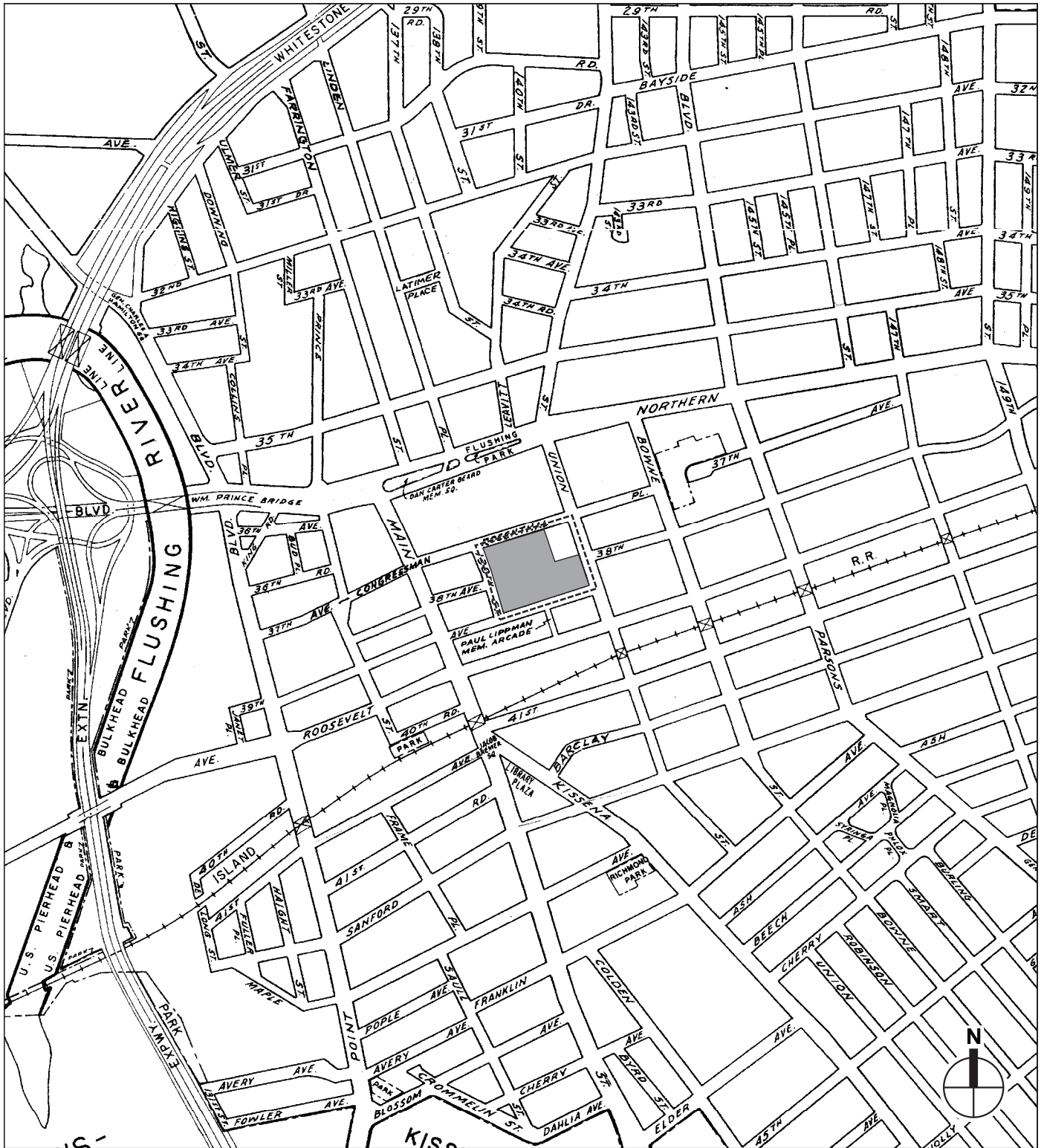
Public actions required to permit the proposed Flushing Commons project to go forward include disposition of interests in City-owned property from the New York City Department of Transportation (NYCDOT) to the New York City Economic Development Corporation (NYCEDC) and, subsequently, from NYCEDC to the designated developer, Flushing Commons LLC, based on business terms to be finalized pursuant to City Charter Section 384(b)(4); rezoning the project site block; special permits for public parking facilities; a special permit for waivers pursuant to a General Large-Scale Development; a zoning text amendment pursuant to provisions of a General Large-Scale Development; a zoning text amendment to the Downtown Flushing Waterfront Access Plan and related waterfront certification; and a special permit from the New York City Board of Standards and Appeals (BSA) to allow for modification of height regulations that apply to areas around major airports (collectively, the “proposed action”).

The proposed rezoning would encompass the entire block bounded by 138th Street, 37th Avenue, 39th Avenue, and Union Street (Block 4978, Lots 25 and 46) (see Figure 1-1), located in Queens Community District 7. The proposed Flushing Commons project would be constructed on a portion of Lot 25 (“project site”). The remainder of the rezoning area is occupied by Macedonia African Methodist Episcopal (AME) Church (Lot 46), as well as a portion of the municipal parking lot (Lot 25) not included in the Flushing Commons project site (see Figure 1-2).

The proposed rezoning would also allow for the development of the Macedonia Plaza affordable housing project on the northeast portion of the municipal parking lot, which is not part of the Flushing Commons project site<sup>1</sup>. To facilitate that development, the proposed action includes the transfer of management and jurisdiction of City-owned property from the NYCDOT to the New York City Department of Housing Preservation and Development (HPD) and, subsequently, disposition of the property from HPD to an entity established specific to the project. The Macedonia Plaza project is subject to the Uniform Land Use Review Procedure (ULURP) under City Charter Sections 197(c) and 197(d) and with business terms to be finalized pursuant to Article 16 of the General Municipal Law and Section 1802(6)(j) of the City Charter.

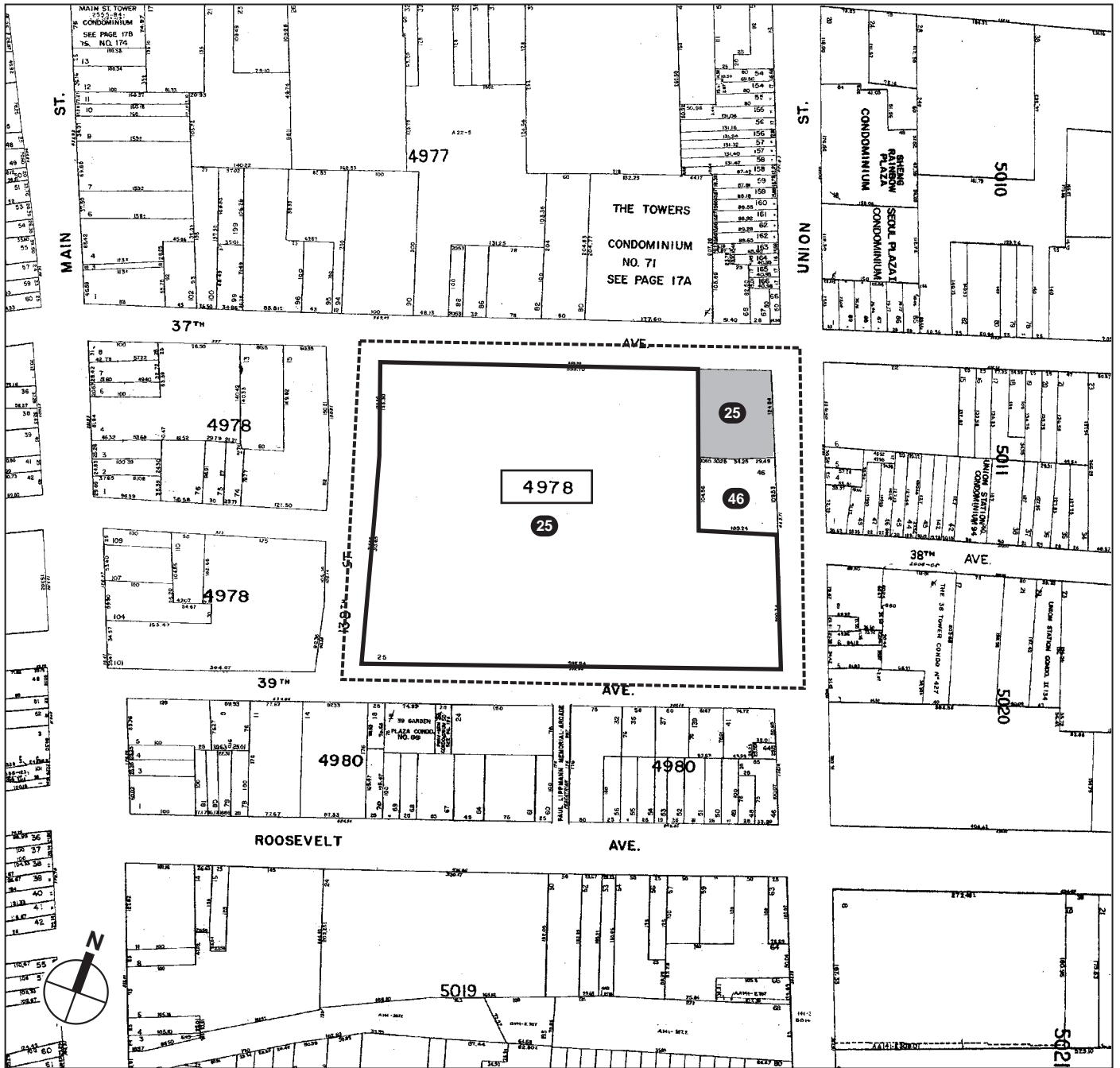
---






<sup>1</sup> Separate ULURP and BSA applications are associated with the Macedonia Plaza project. This Environmental Impact Statement (EIS) analyzes the potential environmental impacts associated with both the Flushing Commons and Macedonia Plaza projects.



- Project Site
- Rezoning Area Boundary





-  Flushing Commons
-  Rezoning Area Boundary
-  Block Number
-  Lot Number
-  Macedonia Plaza Project Site

**Flushing Commons**

## **Flushing Commons**

---

If the proposed action is approved, the Flushing Commons and Macedonia Plaza projects are anticipated to be completed in 2013.

### **B. PROJECT PURPOSE AND NEED**

The Flushing Commons project has been proposed in response to a request for proposals issued by NYCEDC to encourage new high-quality development on this large parcel of City-owned land in Downtown Flushing. Flushing Commons would create new employment and residential opportunities and would generate economic and fiscal benefits to the City in the form of economic activity, tax revenue, and community benefits, including approximately 98,000 square feet (sf) of community facility space and a 1.5-acre town square-style public open space, an amenity that is notably absent in this densest portion of Downtown Flushing. As a mixed-use project located in a downtown center with exceptional subway, rail, and bus access, the proposed project would enhance the vibrancy and diversity of land use in Downtown Flushing.

As proposed, the Flushing Commons project would respond to the City's land use strategy for the site, as reflected in the "Development Framework for Downtown Flushing," May 2004. The Development Framework is a land use planning strategy for the future growth and sustainability of Downtown Flushing, the Flushing River waterfront, and the Willets Point peninsula. The Development Framework considers opportunities for high-quality mixed-use development, improved connections with adjacent regional destinations, enhancements to public open spaces and streetscapes, and transportation and parking strategies. The City is currently working to implement many of the goals and recommendations outlined in the Development Framework.

That document proposes the development of Municipal Lot 1 as a way to reconnect and renew downtown, stating five specific goals for the site:

- Create a town square-style public open space that would be a center of community activity.
- Enhance the pedestrian environment with street-level retail to attract shoppers east of Main Street.
- Help meet housing demand and stabilize the retail market by establishing a new residential community in Downtown Flushing.
- Maintain competitively priced parking on-site.
- Serve as a clear example of high-quality design and construction that would raise the standard for private investment in Downtown Flushing.

### **C. DESCRIPTION OF PROPOSED ACTIONS**

The proposed action would entail a number of City approvals requiring review under City Environmental Quality Review (CEQR). Several of these are discretionary actions requiring review under ULURP. Others require environmental review but are not subject to ULURP; nonetheless, these are subject to review under each relevant agency's public mandate, as discussed below.

#### **DISCRETIONARY APPROVALS FROM THE CITY PLANNING COMMISSION**

Approval for the Flushing Commons business terms pursuant to City Charter Section 384(b)(4) and Article 16 of the General Municipal Law is required by the Office of the Deputy Mayor for

Economic Development (ODMED). Based on this primary action, ODMED is the CEQR lead agency for the proposed project.

The following discretionary actions from the New York City Planning Commission (CPC) are required for the development of the project site and rezoning. Additional discretionary actions are also required for the use of three off-site public parking areas during construction.

*REZONING AREA*

- **Zoning Map Amendment** to rezone the block bounded by 37th Avenue to the north, Union Street to the east, 39th Avenue to the south, and 138th Street to the west from C4-3 (see Figure 1-3) to C4-4 (see Figure 1-4). C4-4 and C4-3 permit the same maximum floor area ratio (FAR) for commercial uses—3.40. However, C4-4 districts permit a maximum 6.5 FAR for community facility uses and 3.44 FAR for residential uses—C4-3 districts only permit a maximum 4.8 FAR and 2.43 FAR, respectively. C4-4 districts have lower parking requirements than C4-3 districts. For example, C4-4 has a parking requirement for certain commercial uses of one space per 1,000 sf of development, while C4-3 requires one space per 400 sf.

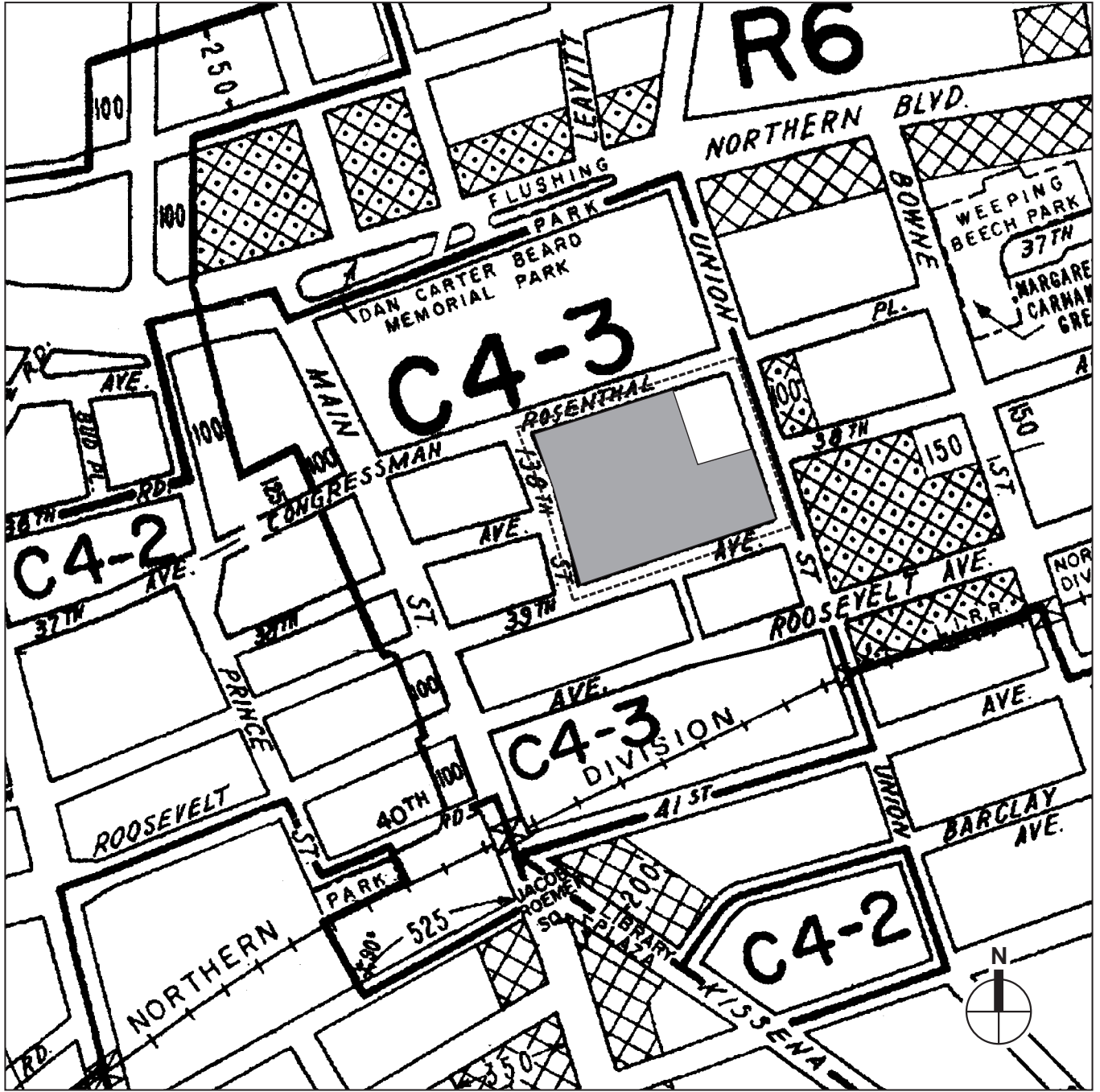
As part of the zoning map amendments, E-designations would be mapped, as appropriate, to address potential issues related to air quality and noise. The specific language for the E-designations is described in greater detail in Chapter 16, “Air Quality,” and Chapter 17, “Noise.”






*Flushing Commons*

- **A General Large-Scale Development** would be declared for the Flushing Commons project site pursuant to Zoning Resolution (ZR) Section 74-74. Special permits pursuant to ZR Sections 74-743 and 74-744 (General Large Scale Development) would be required to obtain waivers from certain specific zoning requirements (height and setback, rear yard equivalent, rear yard setback, location of uses within buildings, minimum distance between buildings, and open space).
- **Zoning Text Amendment** to ZR Section 74-743 to allow modification of open space regulations pursuant to the General Large-Scale Development special permit for the Flushing Commons project.
- **Disposition of City-owned property** to NYCEDC for the Flushing Commons project. A portion of Block 4978, Lot 25 would be disposed of, first to NYCEDC and then to Flushing Commons LLC. Disposition would require approval through ULURP under City Charter Section 197(c) and separate Borough Board and Mayoral approval pursuant to City Charter Section 384(b)(4) for the approval of the business terms pursuant to Article 16 of the General Municipal Law and Section 1802(6)(j) of the City Charter.
- **Public Parking Special Permit** pursuant to ZR Section 74-512 (Parking Garages or Public Parking Lots Outside High Density Central Areas) for the Flushing Commons project’s public parking garage.

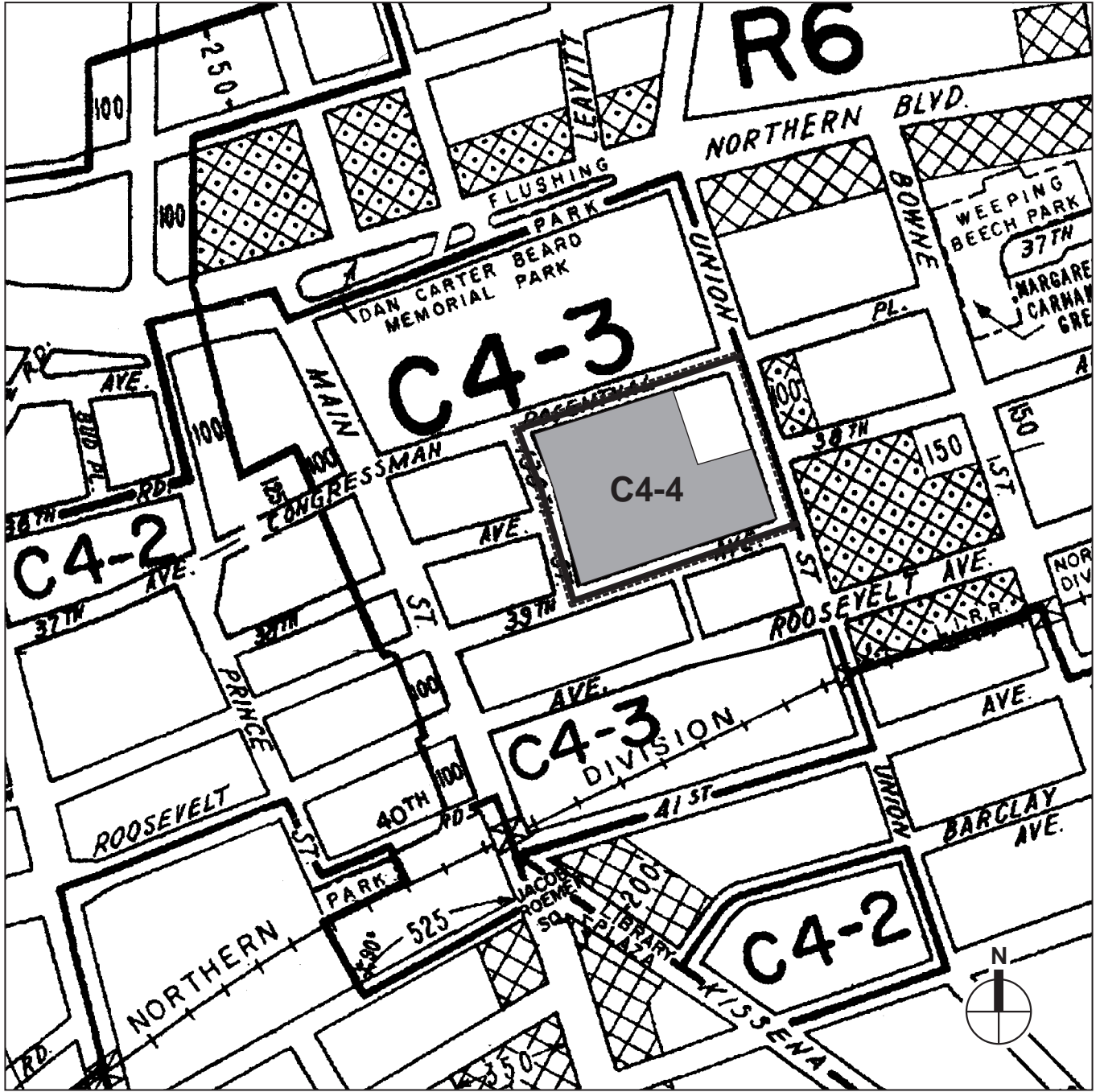
*Macedonia Plaza*






- **Urban Development Action Area Project (UDAAP) Designation, Disposition, and Project Approval** for the Macedonia Plaza project pursuant to Article 16 of the General Municipal Law.

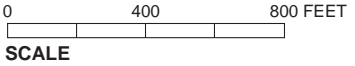


-  Project Site
-  Rezoning Area Boundary
-  Zoning District Boundary
-  C1-2 Overlay
-  C2-2 Overlay

0 400 800 FEET  
SCALE



-  Project Site
-  Rezoning Area Boundary
-  Zoning District Boundary
-  C1-2 Overlay
-  C2-2 Overlay



## Flushing Commons

---

- **Disposition of City-owned property** from HPD to a developer to be selected by HPD. Disposition would require approval through ULURP under City Charter Section 197(c) and 197(d).

### *OFF-SITE: COLLEGE POINT PARKING LOT*

During construction, the lot located at 37-02 College Point Boulevard (Block 4963, Lot 85) would be used as an interim parking lot. The waterfront lot is also located on Parcel 2 of the Downtown Flushing Waterfront Access Plan.

- **Public Parking Special Permit** pursuant to ZR Section 74-512 and ZR Section 62-835 (Public Parking Facilities on Waterfront Blocks) to permit an interim (for a maximum term of ten years) public parking lot within a waterfront area at 37-02 College Point Boulevard (Block 4963, Lot 85).
- **Zoning Text Amendment** to ZR Section 62-952 (Waterfront Access Plan Q-2, Downtown Flushing), which requires development on sites within the Downtown Flushing Waterfront Access Plan to provide access to the waterfront from College Point Boulevard and a public walkway along the river, and to maintain a visual corridor from College Point Boulevard to the pierhead line. The proposed text amendment would exempt interim parking lots on Parcel 2 only from the access, public walkway, and visual corridor requirements and allow the City Planning Commission to permit a public parking lot on Parcel 2 for a term of no more than 10 years.
- **Waterfront Certification** pursuant to ZR Section 62-811 relating to waterfront public access and visual corridors.

### *OFF-SITE: FULTON/MAX SITE*

During construction, additional public parking would be provided between Prince Street and College Point Boulevard at the site of the existing Flushing Mall located west of the project site between 37th Avenue and 39th Avenues. With or without the proposed action, the existing Flushing Mall would ultimately be demolished and the site would be redeveloped for other uses to be determined in the future. The demolition and displacement of existing businesses is considered in the future condition without the proposed action.

- **Public Parking Special Permit** pursuant to ZR Section 74-512, for a maximum of 10 years, for the off-site parking lot.

### *OFF-SITE: MUNICIPAL PARKING LOT 2*

Additional public parking would also be provided at the existing Municipal Lot 2 located west of the project site on the east side of Prince Street between 38th and 39th Avenues, by expanding the existing 87-space lot by 188 spaces, for a total capacity of 275 spaces.

- **Public Parking Special Permit** pursuant to ZR Section 74-512, for a maximum of 10 years, for the off-site parking lot.

## **OTHER APPROVALS AND ACTIONS**

- **Office of the Deputy Mayor for Economic Development** approval of the Flushing Commons business terms to be finalized pursuant to City Charter Section 384(b)(4) and Article 16 of the General Municipal Law.



- **HPD** approval of Macedonia Plaza business terms to be finalized pursuant to Article 16 of the General Municipal Law and Section 1802(6)(j) of the City Charter.
- **Board of Standards and Appeals (BSA) Special Permit** pursuant to ZR Section 73-66 (Height Regulations around Airports) for modification of height regulations applying to areas around major airports. This permit is required for both the Flushing Commons and Macedonia Plaza projects.
- **New York City Department of Environmental Protection (NYCDEP)** approval for an Amended Drainage Plan.
- **Industrial Development Authority (IDA)** benefits potentially including tax abatement and financing for the Flushing Commons project.
- **Federal Aviation Administration (FAA)** determination of No Hazard to Air Navigation is required for both the Flushing Commons and Macedonia Plaza projects. The FAA issued five Determinations of No Hazard to Air Navigation for the Flushing Commons project, one determination for each of the encroaching building points on the Flushing Commons project site, and no further action is required. The Macedonia Plaza project has also received its FAA Determination of No Hazard to Air Navigation.
- **Mayoral Zoning Overrides** are being requested for the Macedonia Plaza project, that would waive regulations associated with ZR Sections 23-142, 23-632, 36-352, and 36-21 pertaining to minimum open space ratio, height and setback limits, and minimum accessory parking spaces. The waivers of these regulations are needed to allow for the development of the project site and to support the financial feasibility of the proposed affordable housing.

## **D. DESCRIPTION OF PROPOSED PROJECT**

The proposed action would rezone the entire project block from C4-3 to C4-4. The rezoning, along with the other actions, would allow for the Flushing Commons development as described below. In addition, the rezoning would also allow for the development of the affordable housing Macedonia Plaza project on the northeastern portion of the project block, not included in the Flushing Commons project site. Therefore, this EIS will consider the potential significant adverse environmental impacts from the Flushing Commons and Macedonia Plaza projects. To be conservative, the EIS examines slightly larger build programs, as described below, for both the Flushing Commons and Macedonia Plaza projects than presented in the ULURP applications for the projects.

### **FLUSHING COMMONS**

The proposed action would allow for the development of Flushing Commons, a mixed-use development containing residential, commercial, and community facility uses; a multi-level underground parking garage; and an approximately 1.5-acre town square-style publicly accessible, privately owned open space to be constructed on the project site. Flushing Commons would be located on a portion of Lot 25 on Block 4978.

### ***BUILDING PROGRAM***

The proposed Flushing Commons project would comprise a mix of uses in five buildings: A, B, C, D, and E buildings (see Figure 1-5). As currently conceived, the project would include approximately 620 market-rate residential units, up to 275,000 sf of retail and restaurant space, up to 234,000 sf of office space; up to 250 hotel rooms, and up to 98,000 sf of community



**NOTE:** See Figure 1-12 For Macedonia Plaza Project



## Flushing Commons

---

facility space, including an approximately 62,000-square-foot YMCA and medical offices. For a portion of the D building, different potential development scenarios of either hotel or office use, or some combination of those two uses, will be studied. Under the office scenario, a portion of the building would consist of 124,000 sf of office space, and the project would include a total of 234,000 sf of office space. The hotel scenario would provide 130,000 sf of hotel space for approximately 250 hotel rooms.

The project would also include a 1,600 space below-grade public parking garage, which would replace the 1,101 parking spaces currently in the municipal lot. Of these spaces, about 700 would be accessory parking required by the Zoning Resolution for the proposed uses. Total gross square footage, including below-grade space and parking, would be 1.89 million sf, approximately 538,000 sf of which would be below-grade.

The proposed Flushing Commons project would provide the number of accessory parking spaces required by the proposed C4-4 zoning district, and its overall floor area would be less than what would be permitted in the proposed district. However, the project represents a reasonable maximum development scenario that will be the basis for the proposed business terms with NYCEDC. A summary of the proposed development is provided below in Table 1-1.

**Table 1-1**  
**Summary of Flushing Commons Development by Use (in GSF)**

Use	Office Scenario	Hotel Scenario
Residential (620 units)	740,000	740,000
Commercial		
Retail/restaurant	275,000	275,000
Office	234,000	110,000
Hotel (250 rooms)	0	130,000
Commercial total	509,000	515,000
Community facility	98,000	98,000
Parking (1,600 spaces), service and loading	538,000	538,000
<b>Total</b>	<b>1,885,000</b>	<b>1,891,000</b>

### *ARCHITECTURAL DESIGN*

The design goal for Flushing Commons is to integrate the new buildings into the existing urban fabric and create a new expression of civic space. Retail uses would line the street frontages at the base of each of the buildings, and residential and commercial uses would rise in towers above. A central pedestrian passageway would extend through the development, generally in the historic location of 38th Avenue on the site.

The Flushing Commons buildings would be organized around a central publicly accessible, privately owned open space with adjacent walkways (see Figures 1-5 and 1-6). The proposed project would provide a significant open space (approximately 1.5 acres) that is currently missing from the urban fabric of Downtown Flushing, a town square. This open space, which would front along 138th Street, would also be visible looking into the site along 38th Avenue, Main Street, Union Street, and from Lippmann Arcade, a pedestrian walkway that extends through the block from 39th Avenue to Roosevelt Avenue. The main portion of this space would be an elliptical green opening onto 138th Street that is expected to contain a terraced lawn, formal plaza, trees, tables and chairs, additional seating, and a water feature. Three open pedestrian passageways would also lead into the central open space—from 39th Avenue, 37th



Avenue, and Union Street. The open space would be open to the public at all times and available for the programming of public events.

At the north side of the site, on 37th Avenue, a mixed-use building would contain a two- to three-story commercial base with a residential tower rising along the north and west side (A building) and another residential tower rising along the east side (B building). The commercial base would contain retail, restaurants, and the residential lobbies. Community facility space would also be included in the base of the building. Total height, including the base, would be approximately 17 stories above the central open space area (see Figures 1-7 through 1-10.)

A residential building and hotel/office building above a retail and restaurant base (C and D buildings, respectively) would stand in the southeastern corner of the site, on 39th Avenue and Union Street. The total height of the building, including the base, would be approximately 16 stories (see Figures 1-9 and 1-10). The 62,000-square-foot YMCA would be located in the base of the C building. Also on 39th Avenue, a smaller commercial building containing office and retail space (E building) would be located at the southwestern corner and rise approximately five to six stories (see Figures 1-8 and 1-10).

Retail and commercial uses would front the commercial bases of each building. Access for the larger retail uses, as well as several of the restaurants, would be interspersed, with entry points primarily through the central open space. Access to the residential buildings would be from 37th Avenue or 138th Street for the A building and Union Street or 39th Avenue for the C building. Access to the community facility spaces would be primarily from 37th Avenue and 39th Avenue, with access also provided from the central open space.

The shortest building—the E building, at approximately five to six stories—would be located at the southwest edge of the site near the entrance to the central open space. This commercial building would be located closer to 39th Avenue and oriented to provide a wide opening to the central open space. The commercial bases along 37th and 39th Avenues would form a continuous streetwall (except for an opening along 39th Avenue for a pedestrian passage serving as an extension of the Lippmann Arcade) to connect to the strong retail presence along Roosevelt Avenue.

Access for the parking garage would be from both 37th and 39th Avenues. Parking would be located on three levels below-grade.

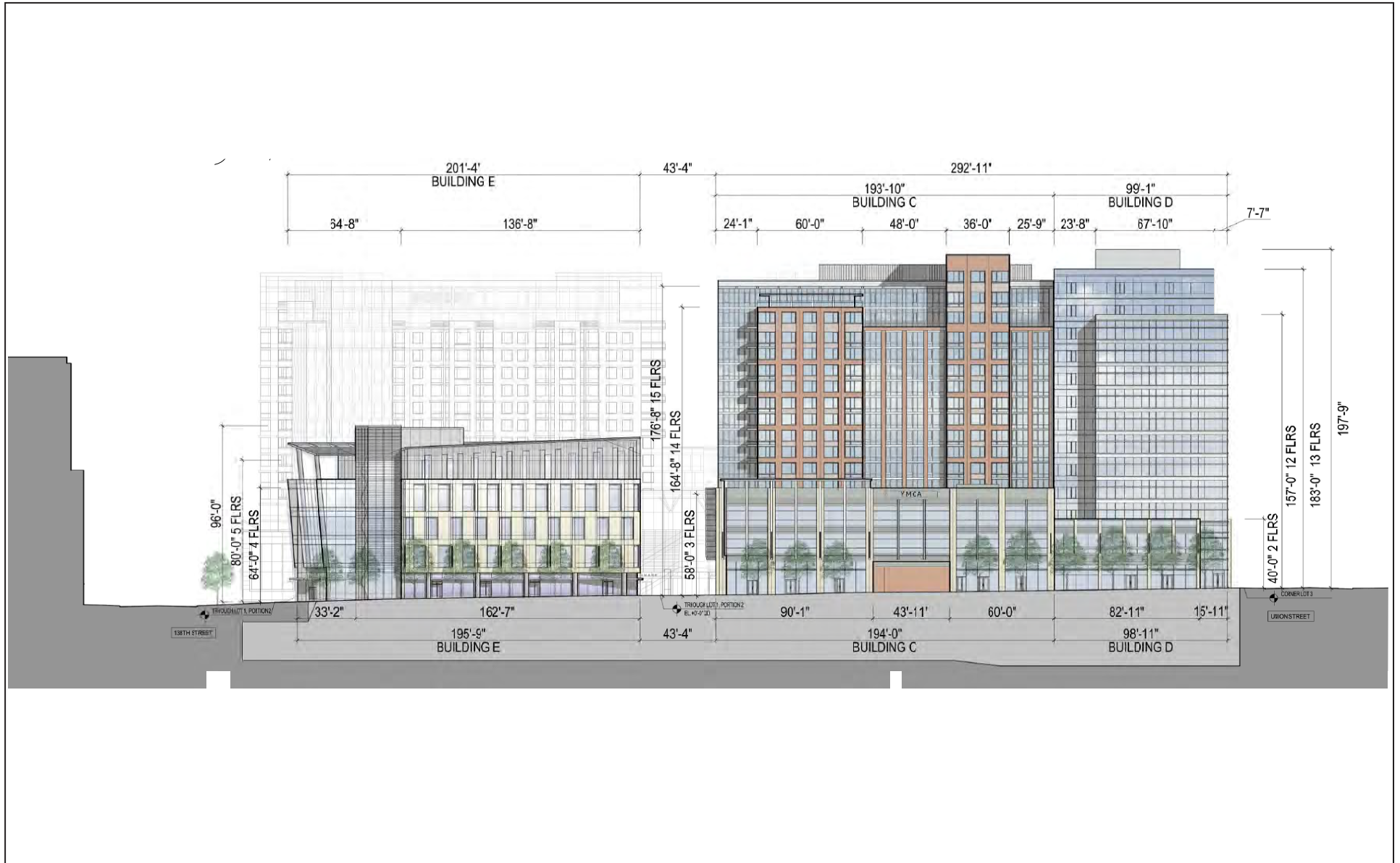
The Flushing Commons project is pursuing five separate Leadership in Energy and Environmental Design (LEED®) certifications for New Construction and Core and Shell under V2.2.

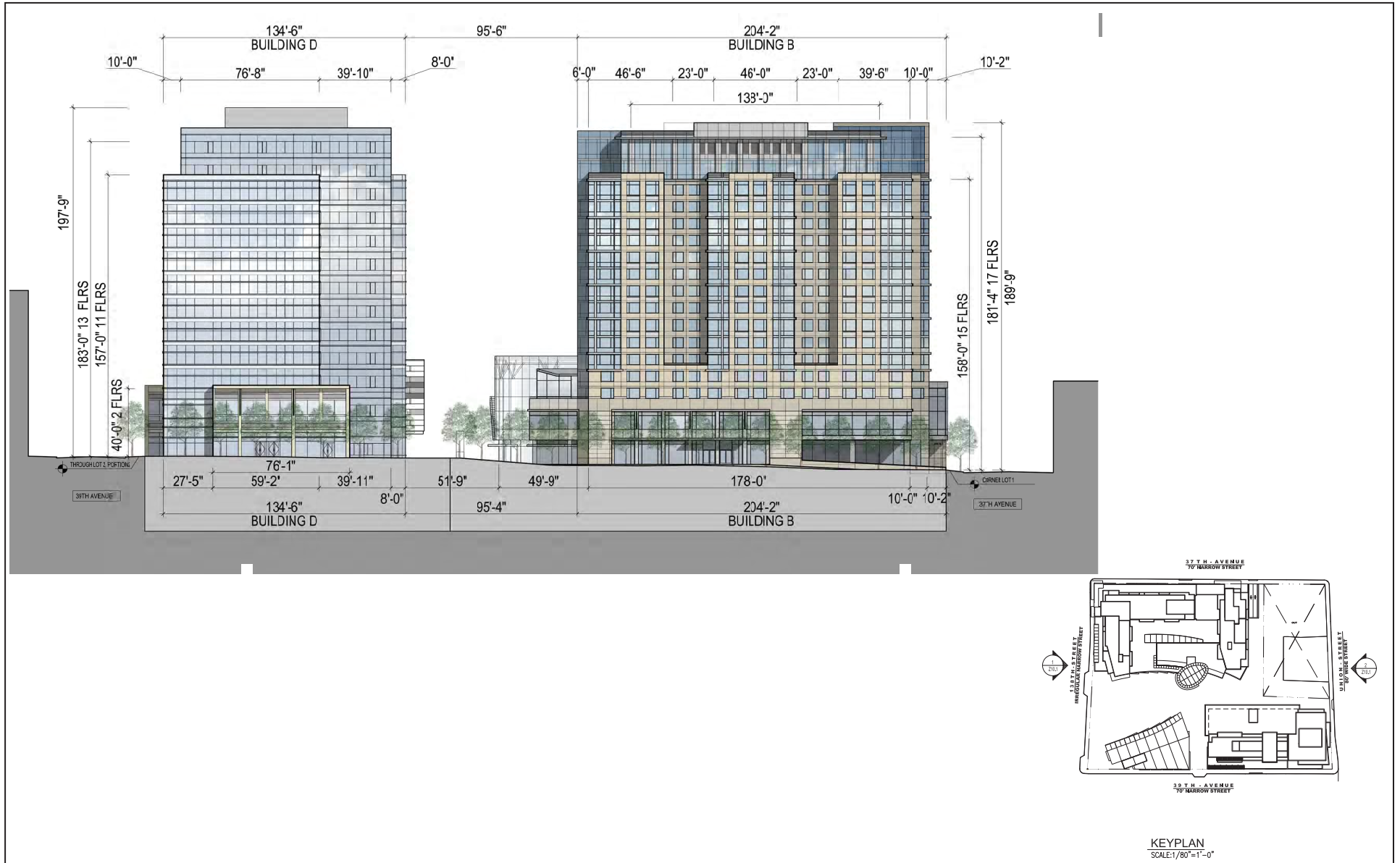
### *INTERIM PARKING DURING CONSTRUCTION*

The existing parking facility on the project site is expected to be closed and demolished at the start of construction. The parking lot currently accommodates short-term, transient parking as well as long-term commuter parking. To accommodate the short-term parking demand during construction, the proposed project would also include public parking on three nearby sites (see Figure 1-11), providing a total of 1,144 new public parking spaces. With these off-site lots, there would be no net loss of public parking spaces during construction.

The first interim-parking site, Fulton/Max lot, is located west of the project at the site of the existing Flushing Mall, between 37th Avenue to the north, Prince Street to the east, 39th Avenue to the south, and College Point Boulevard to the west. Currently an enclosed one-story mall with

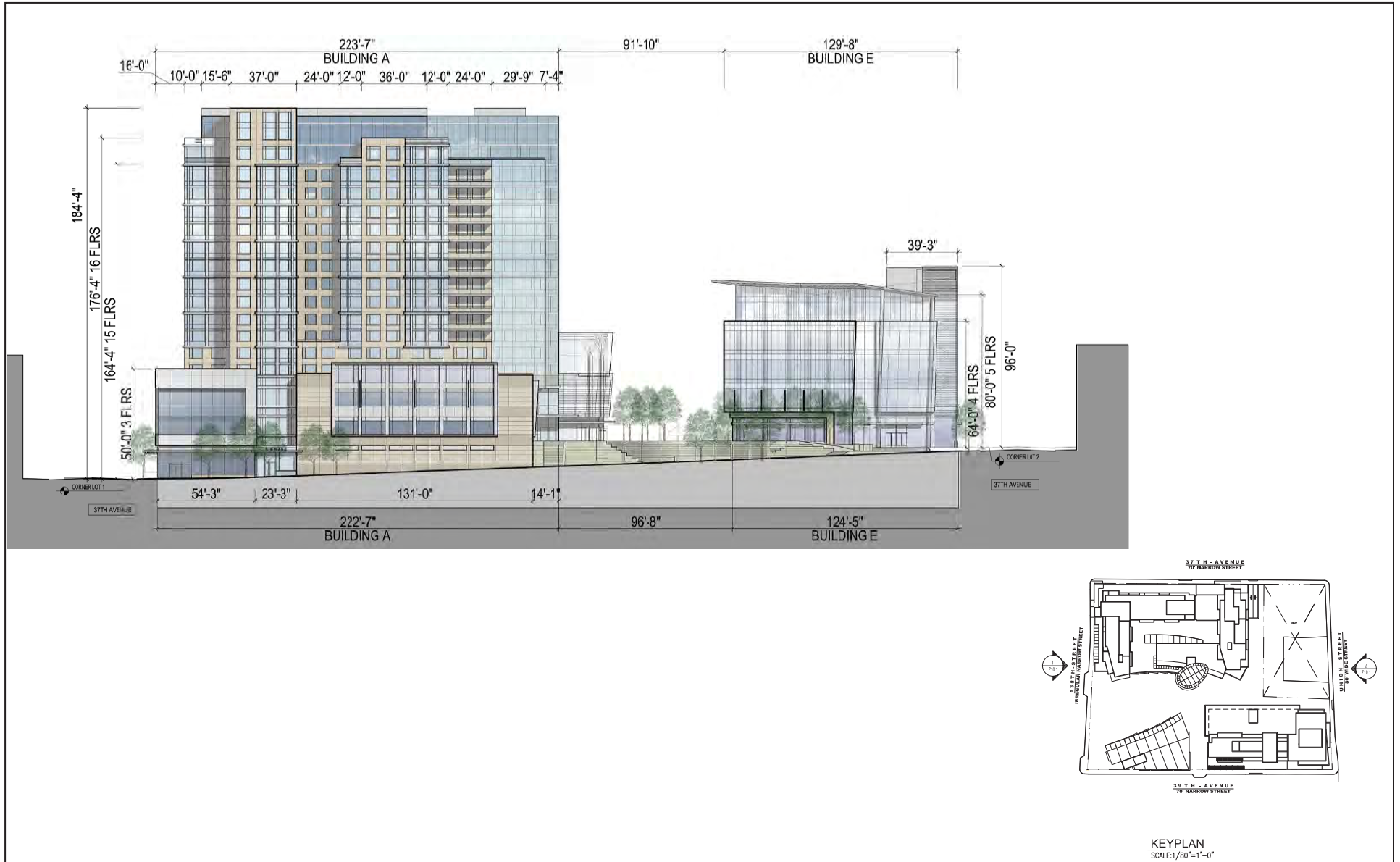


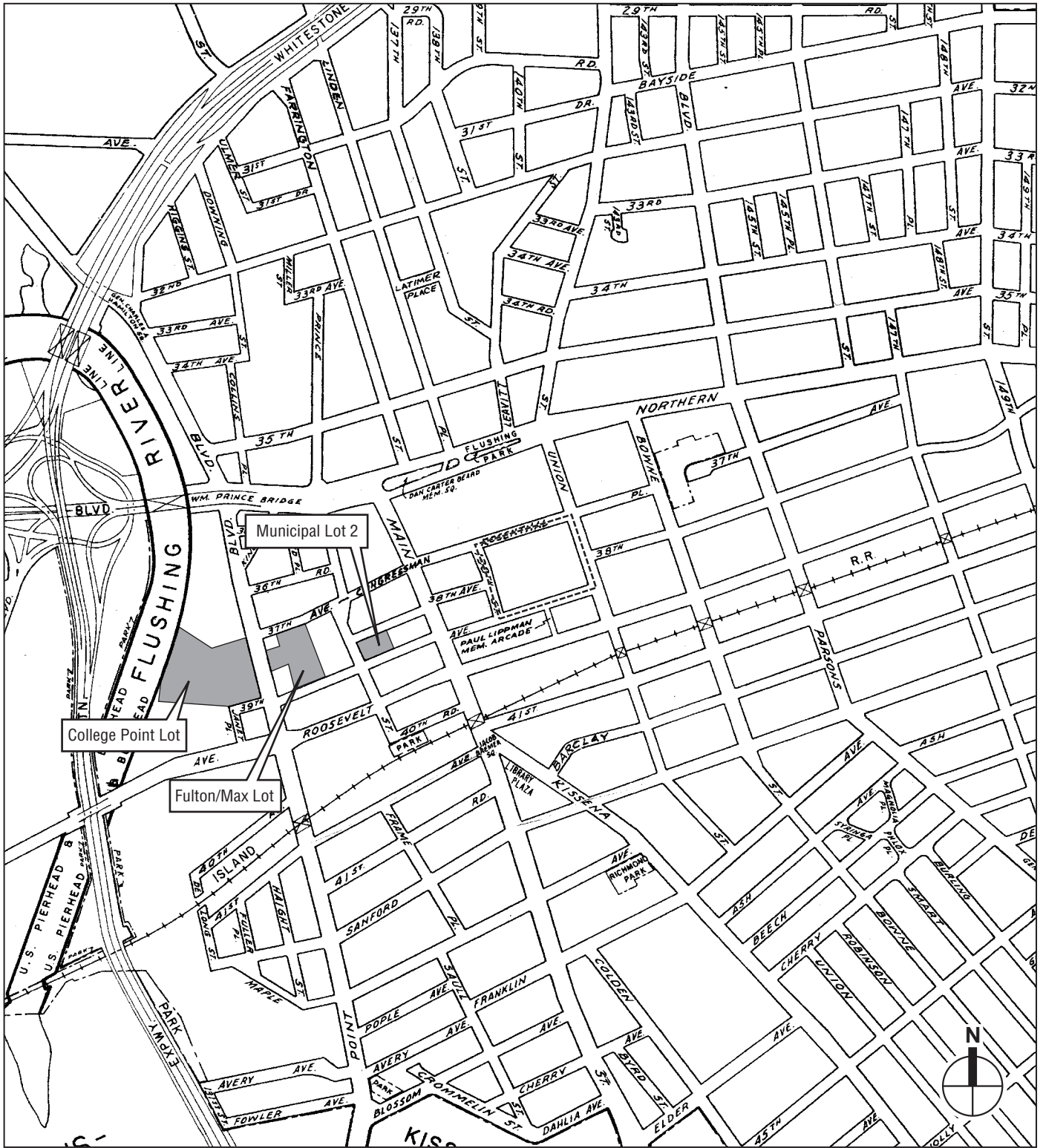




Section Through D and B Buildings  
Figure 1-9







Off-Site Parking Site  
 - - - - - Rezoning Area Boundary

0 1000 FEET  
SCALE

## **Flushing Commons**

---

a number of local, neighborhood retail uses within its interior, Flushing Mall would be demolished and redeveloped with 647 temporary public parking spaces.<sup>2</sup>

The second site, College Point lot, is located west of the project site on a 4-acre parcel at College Point Boulevard, two blocks from Main Street between 39th and 37th Avenues. College Point lot is currently used as a permitted, accessory parking lot and would accommodate 309 temporary public spaces.

The third site is the existing Municipal Lot 2, located west of the project site on the east side of Prince Street between 38th and 39th Avenues. The existing 87 spaces at Lot 2 would be increased by an additional 188 spaces, for a total of 275 public parking spaces.

### **MACEDONIA PLAZA**

The Flushing Commons project site does not include the AME Church lot itself (Lot 46). The rezoning itself is not expected to result in redevelopment of the Macedonia AME Church site (Lot 46).<sup>3</sup> The portion of Lot 25 located north, west, and south of the AME Church not included in the Flushing Commons project site is City-owned property and is the subject of a disposition from HPD to the AME Church for development of the Macedonia Plaza project.

For EIS analysis purposes, the Macedonia Plaza project is assumed to include a 14-story mixed-use development building comprising up to approximately 142 residential units (approximately 125,000 sf), 10,000 sf of community facility space, and 25,000 sf of retail space (see Figure 1-12). As noted above, the Macedonia Plaza project proposes to seek a Mayoral Override of parking requirements and, as a result, the EIS does not assume any on-site parking for the Macedonia Plaza project. For analysis purposes, all residential units are assumed to be affordable.

The proposed Macedonia Plaza building would be directly adjacent to the Macedonia AME Church. It would maintain a streetwall along 37th Avenue, which would set back at the center of the third floor at a height of approximately 31 feet, and at the sixth floor at the two ends at a height of approximately 60 feet, above which it would set back by 20 feet from streetline, before reaching the maximum building height of approximately 132 feet (14 stories) (see Figures 1-13 and 1-14). Similarly, the streetwall along Union Street would rise up to 6 stories approximately 60 feet, above which it would set back by 12 feet from streetline, before reaching the maximum building height of approximately 132 feet (14 stories). The anticipated cladding materials for the building are brick and glass. The Macedonia Plaza project would provide approximately 18,834 square feet of private open space that would be located primarily around the north, west, and south sides of the existing Macedonia AME Church. New street trees would be planted along 37th Avenue and Union Street.

---

<sup>2</sup> As described above, with or without the proposed action, the existing Flushing Mall would ultimately be demolished and is therefore its demolition and displacement of existing businesses is considered in the future condition without the proposed action.

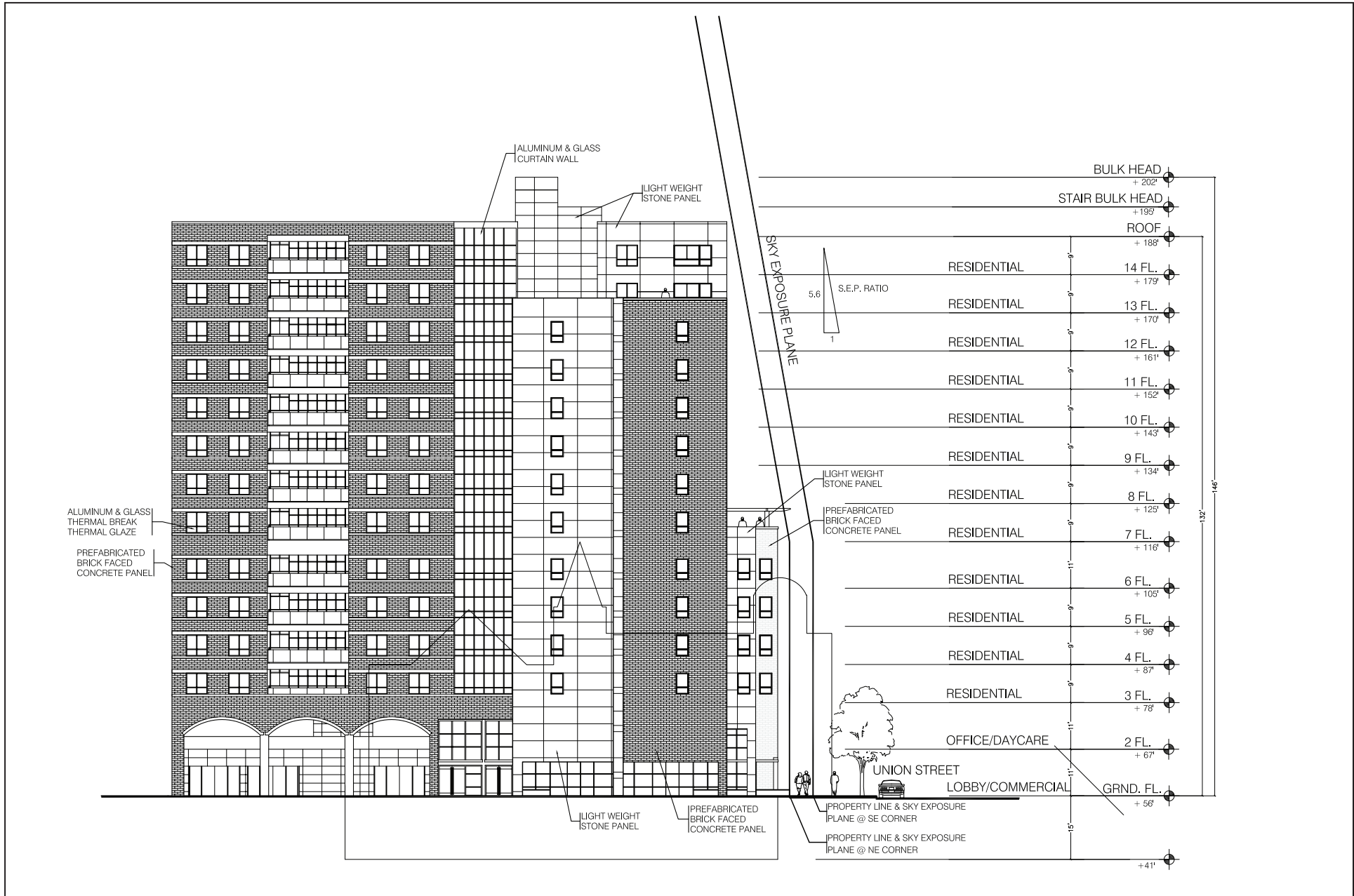
<sup>3</sup> Although the AME Church may renovate or expand at some point in the future, these plans and any associated actions are not included in the proposed action and therefore not included in this EIS.



**NOTE:** See Figure 1-5 For Flushing Commons Site Plan

**Macedonia Plaza Project:  
Illustrative Site Plan**  
Figure 1-12





## **E. ENVIRONMENTAL REVIEW PROCESS**

The proposed zoning map change, City Planning Commission (CPC) special permits, and disposition actions are subject to the City's land use approval process (ULURP) and environmental review, as described below. Several of the other actions also require environmental review, but not ULURP. CEQR supports these actions, too, and normally runs concurrently with ULURP. As described above, approval for the Flushing Commons business terms is required by the ODMED and therefore, ODMED is the CEQR lead agency for the proposed project. The CPC and City Council are involved agencies in the CEQR process.

### **UNIFORM LAND USE REVIEW PROCEDURE (ULURP)**

The City's ULURP, mandated by Sections 197-c and 197-d of the City Charter, is a process specifically designed to allow public review of the proposed action at four levels: Community Board and Borough President, which are advisory recommendations; CPC; and City Council. The procedure sets time limits for review at each stage to ensure a maximum total review period of approximately seven months. The process begins with certification by CPC that the ULURP application is complete.

The application is then referred to Queens Community Board 7, which has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt a resolution regarding the proposed project. Once this is complete, the Queens Borough President has up to 30 days to review the project. CPC then has up to 60 days for review of the application, during which time a public hearing is held. Following the hearing, CPC may approve or disapprove the application. The required public hearing for the DEIS (see below) may be held jointly with CPC ULURP hearing. Comments made at the DEIS public hearing are incorporated into a Final Environmental Impact Statement (FEIS); the FEIS must be completed at least 10 days before CPC action.

CPC forwards the application to the City Council, which has 50 days in which to consider the proposed project. Following the Council's vote, the Mayor may approve or veto the proposed project. The City Council may override the mayoral veto.

### **CITY ENVIRONMENTAL QUALITY REVIEW**

Responding to the State Environmental Quality Review Act (SEQRA) and its implementing regulations, New York City has established rules for its environmental review process, CEQR. The environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify and, when practicable, mitigate significant adverse environmental effects. Most recently revised in 1991, CEQR rules guide environmental review through the following steps:

- **Establishing a Lead Agency.** Under CEQR, the "lead agency" is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily responsible for carrying out, funding, or approving the proposed project. ODMED is the CEQR lead agency for the proposed project, and the CPC and City Council must also make discretionary decisions under this CEQR process.
- **Determination of Significance.** The lead agency's first charge is to determine whether the proposed project might have a significant impact on the environment. To do so, ODMED prepared an Environmental Assessment Statement (EAS). Based on the information

contained in the EAS, ODMED determined that the project might result in significant adverse environment impacts and issued a Positive Declaration on May 17, 2006.

- **Scoping.** Along with its issuance of a Positive Declaration, ODMED issued a draft Scope of Work for the EIS on May 17, 2006. This draft Scope was widely distributed to concerned citizens, public agencies, and other interested groups. "Scoping," or creating the Scope of Work for the EIS, is the process of focusing the environmental impact analyses on the key issues that are to be studied. A public scoping meeting was held for the proposed project on June 21, 2006, and additional comments were accepted until July 7, 2006. Modifications to the draft Scope of Work for the proposed project's DEIS were made as a result of public and interested agency input during the scoping process. A Final Public Scope of Work for the project (which reflected comments made on the draft Scope and responses to those comments), was issued on December 4, 2009.
- **Draft Environmental Impact Statement (DEIS).** In accordance with the Final Public Scoping Document, a DEIS was prepared. After reviewing the DEIS and determining that the document has fully disclosed the project program, its potential environmental impacts, and recommended mitigation, the ODMED issued a Notice of Completion on January 20, 2010. Having been certified as complete, the DEIS has been circulated for public review.
- **Public Review.** Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time, which extends for a minimum of 30 days, the public has the opportunity to review and comment on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. Where the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. In any event, the lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written comments for at least 10 days following the close of the hearing. All substantive comments received at the hearing or during the comment period become part of the CEQR record and are summarized and responded to in the FEIS.
- **Final Environmental Impact Statement.** After the close of the public comment period for the DEIS, ODMED will prepare an FEIS. This document will include a summary restatement of each substantive comment made about the DEIS and a response to each comment. Once ODMED has determined that the FEIS is complete, it will issue a Notice of Completion and circulate the FEIS.
- **Findings.** To demonstrate that the responsible public decision-maker has taken a hard look at the environmental consequences of a proposed project, any agency taking a discretionary action regarding a project must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts of the proposed project, potential alternatives, and potential mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted the lead and involved agencies may take their actions (or take "no action").

## F. FRAMEWORK FOR ANALYSIS

### SCOPE OF ENVIRONMENTAL ANALYSIS

As set forth in the Positive Declaration, the lead agency has determined that the proposed project may result in one or more significant adverse environmental impacts and thus requires preparation of an EIS. The EIS has been prepared in accordance with the guidelines in the *CEQR*



*Technical Manual*, which sets forth methodologies and guidelines for environmental impact assessment consistent with SEQRA.

For all technical analysis in the EIS, the assessment includes a description of existing conditions, an assessment of conditions in the future without the proposed project for the year that the proposed project would be completed, and an assessment of conditions for the same year with the completion of the action in the future with the proposed project. Identification and evaluation of impacts of the proposed project are based on the change from the future without the proposed project to the future with the proposed project.

### **ANALYSIS YEAR**

An EIS analyzes the effects of a proposed action on its environmental setting. Since typically a proposed action, if approved, would take place in the future, the action's environmental setting is not the current environment but the environment as it would exist at project completion, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "Build year," which is the year when the action would be substantially operational. As previously described, 2013 is the year that the proposed project would be completed, and therefore 2013 is the analysis year for the EIS.

### **DEFINITION OF STUDY AREAS**

For each technical area in which impacts may occur, a study area is defined for analysis. This is the geographic area likely to be affected by the proposed project for a given technical area, or the area in which impacts of that type could occur. Appropriate study areas differ depending on the type of impact being analyzed. Often it is appropriate to use primary and secondary study areas: the primary study area is closest to the project area and therefore is most likely to be affected; the secondary study area is farther away and receives less detailed analysis. Generally, the primary study area is most likely to be directly affected by the proposed project, and those effects can be predicted with relative certainty, while the secondary study area could experience indirect effects, such as changes in trends. It is anticipated that the direct principal effects of the proposed project would occur within the project study areas. The methods and study areas for addressing impacts are discussed in the individual technical analysis sections.

As described above, the proposed project would also include interim parking at three off-site locations during construction. Chapter 18, "Construction," includes an analysis of any potential significant adverse impacts associated with these parking facilities. Various study areas will be used to identify and examine the area likely to be affected by these parking facilities.

### **DEFINING BASELINE CONDITIONS**

#### *EXISTING CONDITIONS*

For each technical area assessed in the EIS, the current conditions must first be described. The assessment of existing conditions establishes a baseline against which future conditions can be projected. The prediction of future conditions begins with an assessment of existing conditions because these can be measured and observed. Studies of existing conditions are generally selected for their reasonable worst-case conditions. For example, the times when the greatest number of new vehicular, pedestrian and transit trips to and from a project site would occur are measured for the traffic analysis. The project impacts are then assessed for those same traffic peak periods.

### *DEFINITION OF FUTURE WITHOUT THE PROPOSED PROJECT*

The “future without the proposed project,” or “No Build condition,” describes a baseline condition which is evaluated and compared to the incremental changes due to the proposed project. The No Build condition is assessed for the same 2013 analysis year as the proposed project.

The No Build condition uses existing conditions as a baseline and adds to it changes known or expected to be in place by 2013. For many technical areas, the No Build condition incorporates known development projects that are likely to be built by the analysis years. This includes development currently under construction or which can be reasonably anticipated due to the current level of planning and public approvals. The No Build analyses for some technical areas, such as traffic, use a background growth factor to account for a general increase expected in the future. Such growth factors may also be used in the absence of known development projects. The No Build analyses must also consider other future changes that will affect the environmental setting. These could include technology changes (such as advances in vehicle pollution control and roadway improvements), changes to City policies (such as zoning regulations), or changes in public policy. The No Build condition at the project site is anticipated to be a continuation of existing conditions.

As described earlier, the Development Framework is a land use planning strategy for the future growth and sustainability of Downtown Flushing. The Development Framework sets forth several goals to reconnect and renew downtown, including improving transportation and parking. Creating a one-way street network for the area is one of the recommendations for improving mobility and reducing vehicular and pedestrian impacts. A traffic study regarding various one-way pairings of streets has been prepared and is currently undergoing agency and public review. It is anticipated that this study would be finalized and implemented before the build year for the proposed project. Therefore, the No Build condition will consider the one-way pairing street network.

### *DEFINITION OF FUTURE WITH THE PROPOSED PROJECT*

The “future with the proposed project,” or “Build condition,” is the condition which is evaluated and compared to the No Build condition in order to identify incremental changes due to the proposed project. The Build condition is assessed for the 2013 analysis year. In the Build condition, the Flushing Commons and Macedonia Plaza projects would both be developed as described above.

## **IDENTIFYING SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS**

Identification of significant adverse environmental impacts is based on the comparison of future conditions without and with the proposed project. In certain technical areas (e.g., traffic, air quality, and noise), this comparison can be quantified and the severity of impact rated in accordance with the *CEQR Technical Manual*. In other technical areas (e.g., neighborhood character), the analysis is qualitative. The methodology for each technical analysis is presented at the start of each technical chapter.

## **MITIGATION**

Mitigation measures for all significant adverse impacts identified in this DEIS are described in Chapter 20, “Mitigation.” CEQR requires that any significant adverse impacts identified in the EIS

be minimized or avoided to the fullest extent practicable, given costs and other factors. In the DEIS, options for mitigation can be presented for public review and discussion without the lead agency having selected one for implementation. Where no mitigation is available, the EIS must disclose the potential for unmitigatable significant adverse impacts.

**ALTERNATIVES**

Chapter 21, “Alternatives,” assesses a range of alternatives to the proposed project. CEQR requires that a description and evaluation of the range of reasonable alternatives to the action be included in an EIS at a level of detail sufficient to allow a comparative assessment of the alternatives to a proposed action. Alternatives and the rationale behind their selection are important in the disclosure of environmental effects of a proposed action. Alternatives provide options to the proposed action and a framework for comparison of potential impacts and project objectives. If the environmental assessment and consideration of alternatives identify a feasible alternative that eliminates or minimizes adverse impacts, the lead agency may want to consider adopting that alternative as the proposed action. CEQR requires a “no action alternative” that evaluates environmental conditions that are likely to occur in the future without the proposed action. Other alternatives include those that reduce any significant adverse unmitigated impacts and development scenario projected under the existing zoning district. \*