

## **Four Sparrows Retail Center at Mill Basin—Draft Scope of Work to Prepare an Environmental Impact Statement**

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### **A. INTRODUCTION**

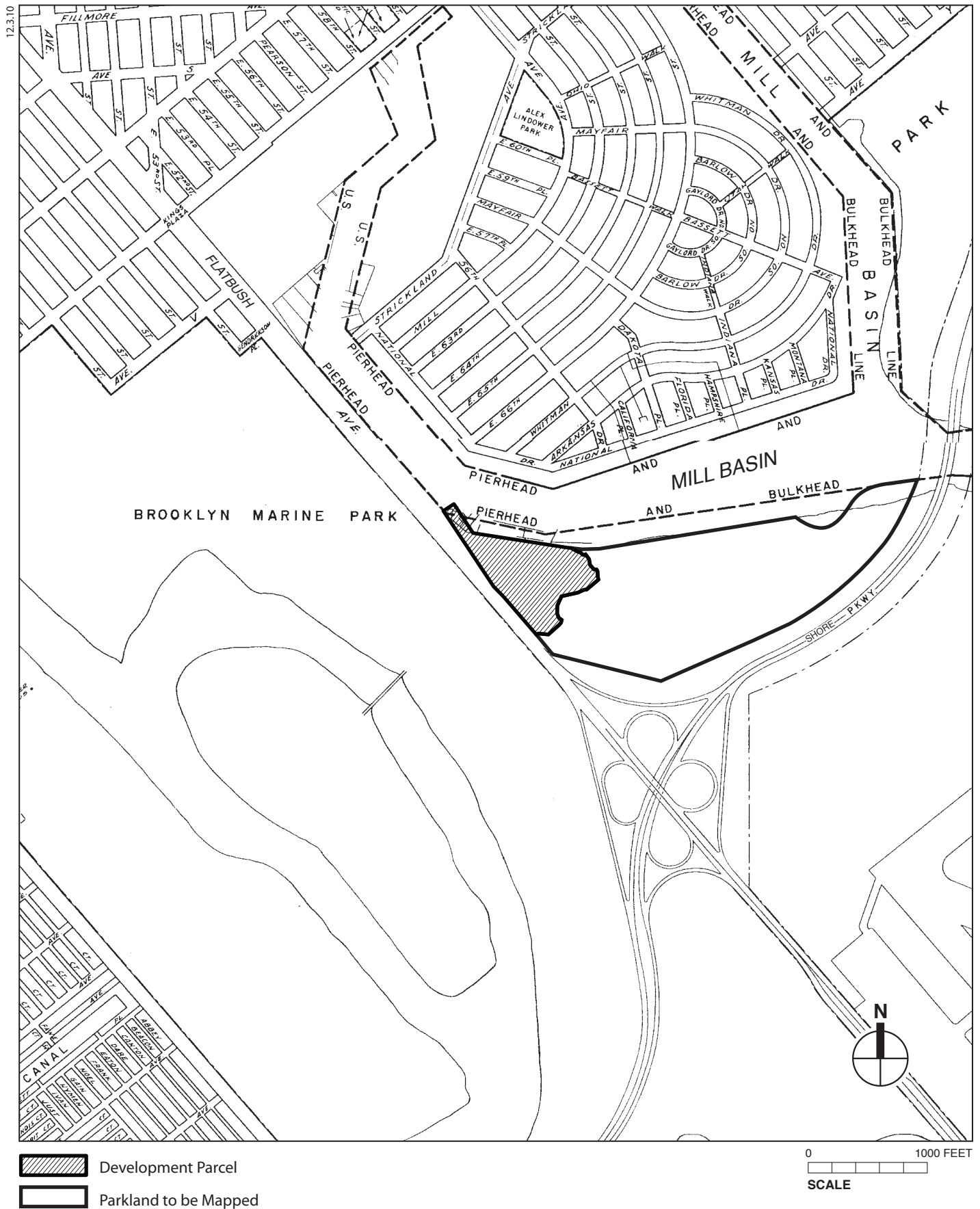
The proposed project is a commercial retail center that would be sited along Flatbush Avenue on City-owned properties that are located northeast of the interchange of Flatbush Avenue and the Belt (Shore) Parkway, about 0.5 mile south of Avenue U. The area of the proposed actions (the “project area”), is about 61 acres in size and is located on the south side of Brooklyn Community District 18, near the Marine Park and Flatlands neighborhoods and west (across the Mill Basin waterway) from the Mill Basin Island neighborhood (see Figure 1). Flatbush Avenue forms the west boundary of the project area and Mill Basin forms the east boundary. To the west, across Flatbush Avenue, is a City park, Brooklyn Marine Park. The Belt Parkway right-of-way delineates the southerly boundary. The project area consists of Tax Block 8591, Lots 100, 125, and 175 (see Figure 2).

The proposed project is comprised of two parts: a development parcel and lands to be preserved and mapped as City parkland. The development parcel totals about 15 acres and is proposed for a retail development that would total approximately 294,000 gross square feet (gsf). Adjacent to the development parcel, directly on the Mill Basin waterfront, is the existing Sea Travelers Marina. A relocated driveway and traffic signal would provide access to both the proposed development and the existing marina via a common access corridor.

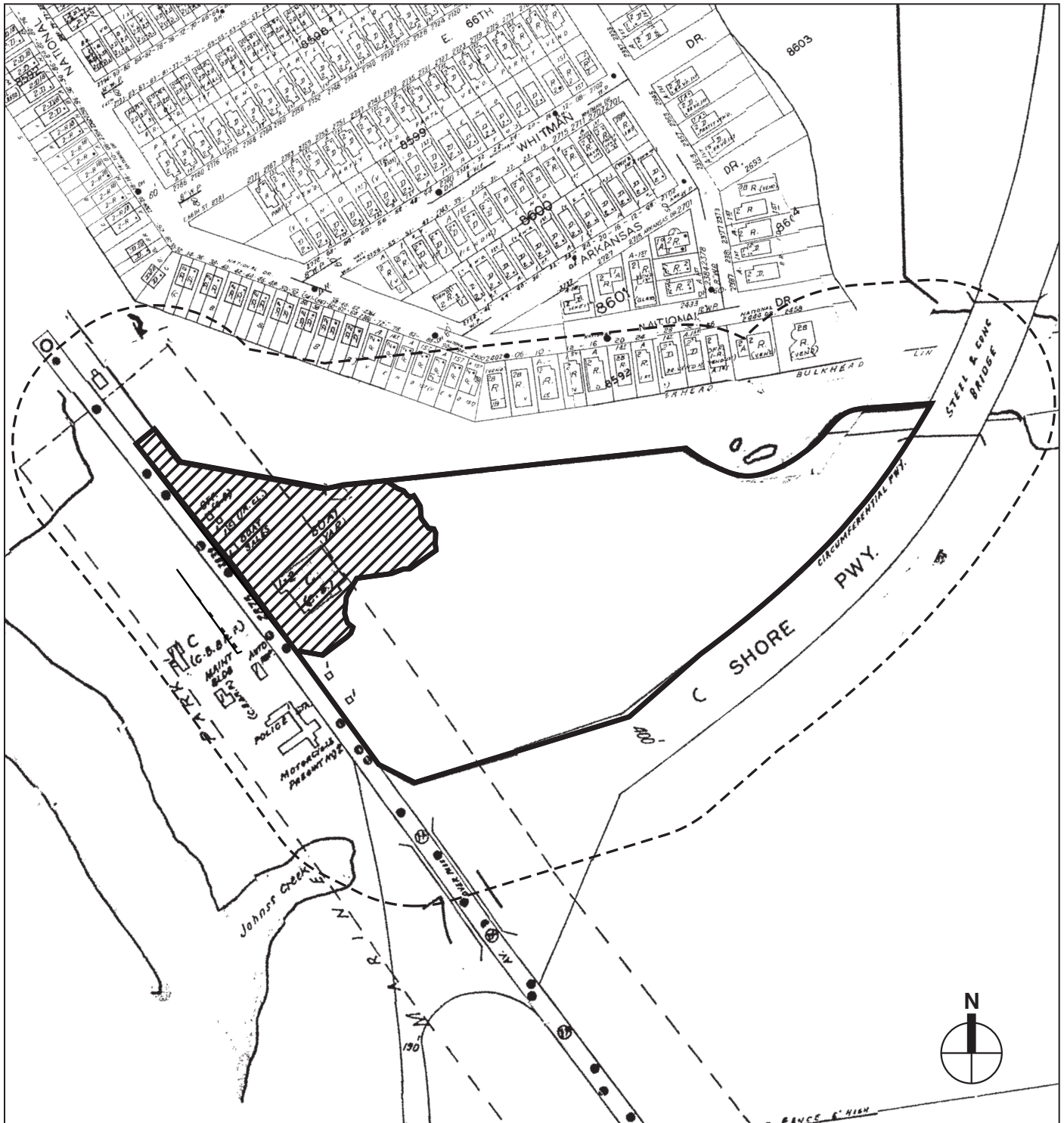
To the east and south of the development parcel is Four Sparrows Marsh. This is also City-owned property. Containing large areas of tidal wetlands and coastal habitat, the marsh is an undeveloped natural area. However, it is not mapped parkland. Therefore, one of the proposed actions is to map this area as public parkland which would protect, in perpetuity, these tidal wetlands and coastal habitats as natural areas under the jurisdiction of the New York City Department of Parks and Recreation (DPR). The project area to be mapped as parkland totals about 46 acres. A public trail proposed as part of the development component of the project would provide waterfront access for passive recreation.




To ensure proper development of the site, the City will establish the Mill Basin Design Guidelines. These design guidelines will be created to ensure proper commercial development of the site, as well as the protection of natural features, public access to the waterfront, and protection of public parkland. With these guidelines in place, site development could proceed, providing new jobs as well as private investment and improvements for the purposes of providing economic redevelopment while minimizing environmental impacts.

As stated above, all of the lands in the project area are under City ownership. Under the proposed actions, the development parcel would be conveyed to the New York City Economic Development Corporation (NYCEDC) and then to the developers for the purposes of the proposed retail development. Additional actions include demapping and disposition of an unbuilt portion of Flatbush Avenue adjacent to the proposed project site, a zoning map change (from C3



12.10.10



-  Proposed Development Parcel
-  Proposed Parkland
-  400-Foot Perimeter

0 500 1000 FEET  
SCALE

to C8-1) to allow the proposed retail development, as well as the mapping of Four Sparrows Marsh as City parkland (see Figures 3a and 3b). If the proposed actions are approved, the proposed project is expected to be completed and occupied in 2014.

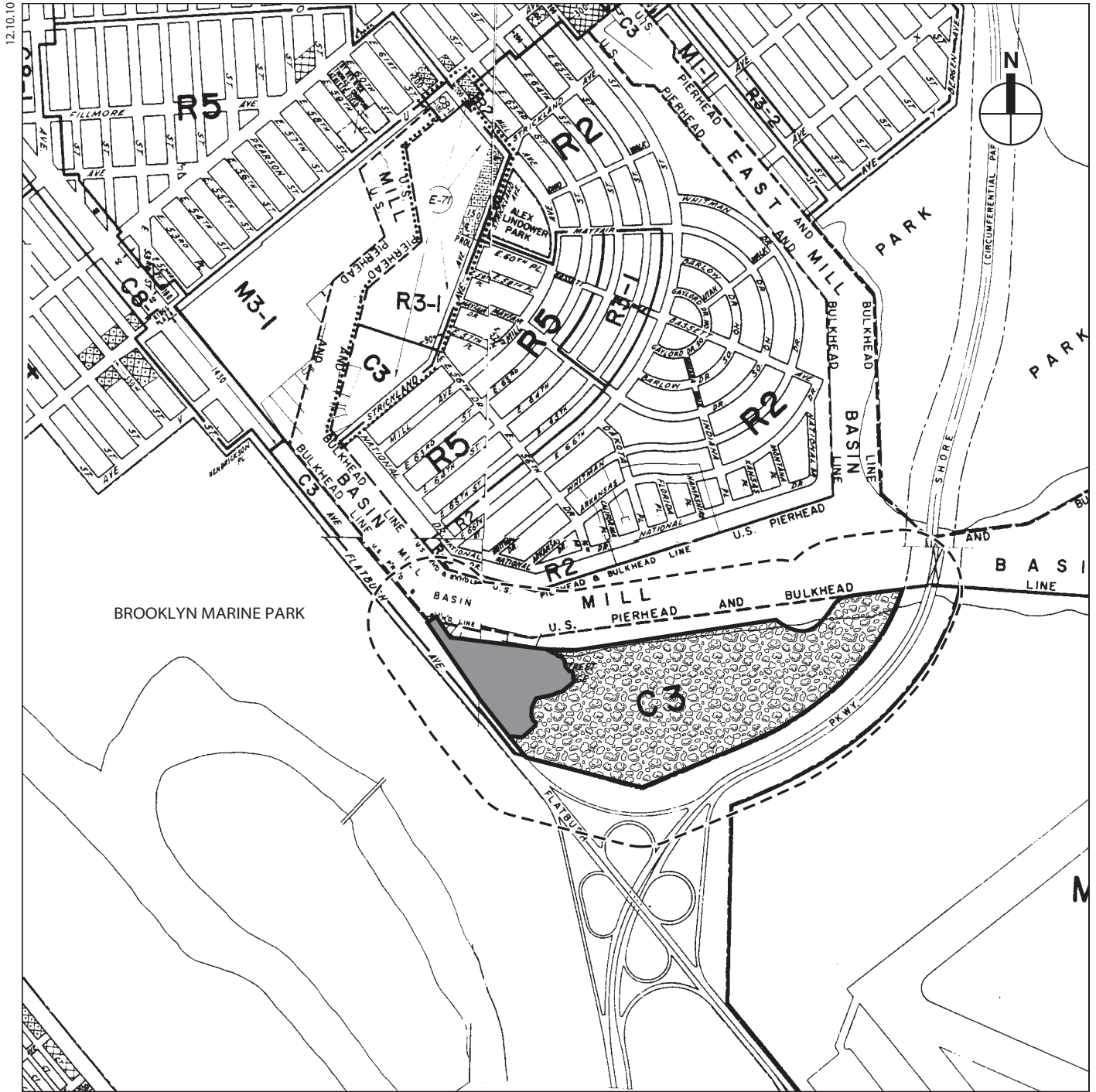
## **B. PROJECT DESCRIPTION**

### **PROPOSED DEVELOPMENT PLAN**

The proposed development parcel is approximately 15 acres of City-owned land. The site design principle for the proposed project is to create a functional, interconnected, and aesthetically appealing commercial retail center. There are three components to the retail center, which are:

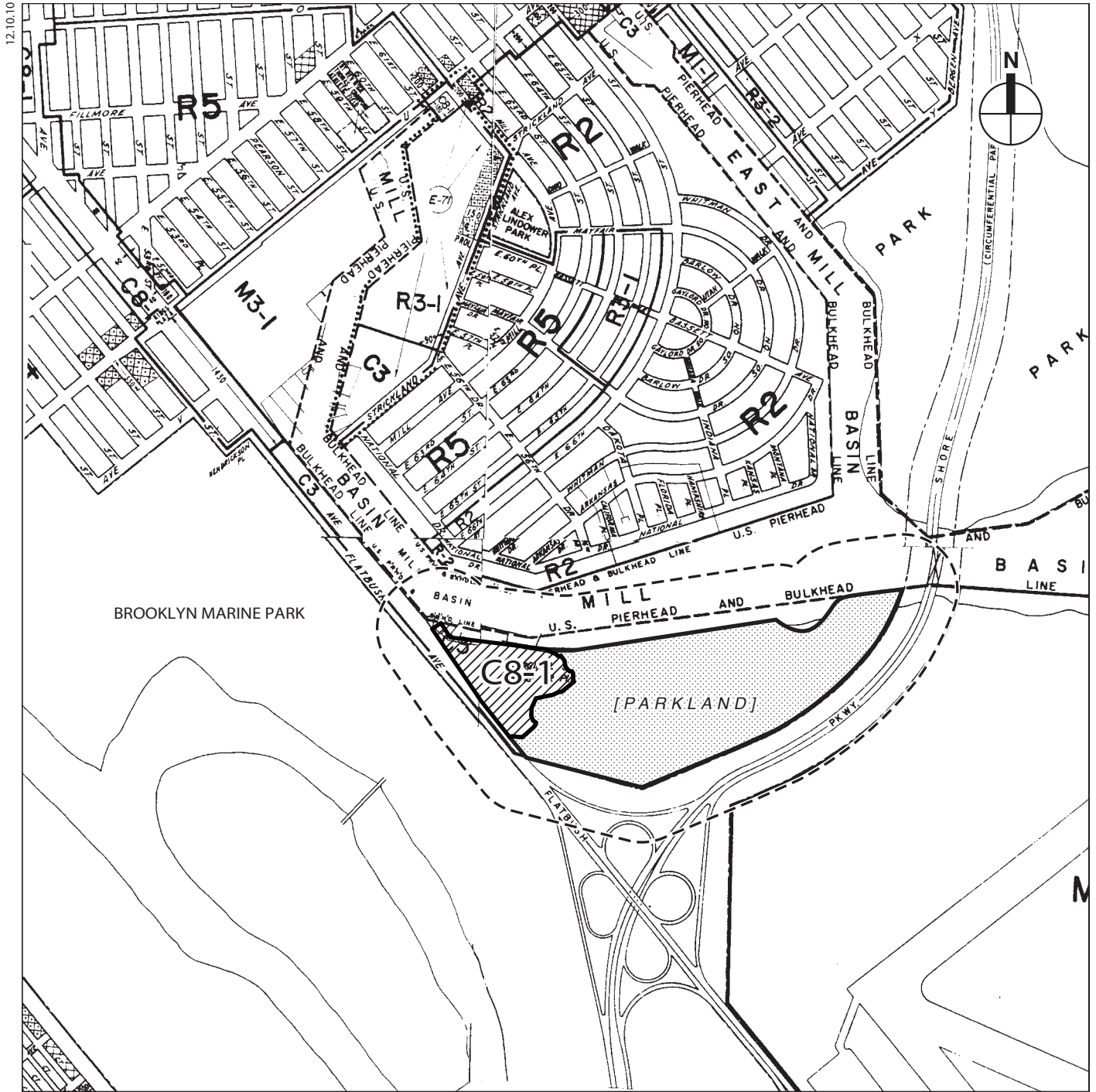
- A proposed auto-related commercial use referred to as the Kristal Auto Mall. To be located at the northern end of the development area, this proposed use would provide automobile sales, showroom, and service space in a two-story building with about 104,000 zoning square feet (zsf), with about 110,000 gross square feet (gsf). Also provided would be accessory parking for about 206 cars. This includes at-grade parking and rooftop parking. In addition to the proposed main building there would be a small accessory structure on the north side of the site. There would also be stormwater runoff and infrastructure improvements, as well as landscaping (see Figure 4).
- The existing Toys ‘R’ Us, which contains about 46,000 gsf, would remain on the site. No additions or expansions to this building are proposed, with the exception of façade refurbishing. Improvements on this parcel include landscaping and paving/circulation improvements to interconnect the three development parcels.
- The proposed commercial retail complex on the south side of the development area would be the Four Sparrows Marsh Retail Center. There are two site plans under consideration that will be analyzed in the DEIS. Under one scenario, the proposed development concept calls for two commercial structures with a combined total building area of 137,967 gsf (see Figure 4). The proposed development would include a one-story commercial retail structure (with about 40,176 gsf) along the Flatbush Avenue side of the lot and a two-story commercial retail structure (with about 97,791 gsf) to the rear of the lot set back further from Flatbush Avenue. The layout of this site plan and building design would allow for multiple tenants. The building heights would be 24 and 45 feet above grade, respectively up to 29 and 50 feet above grade, including rooftop mechanical space. Parking would be provided for 460 vehicles. This development would include the required finishes and landscaping in accordance with City zoning, including the planting of about 74 trees and space for about 32 bicycles. Under the second scenario, the proposed development concept calls for a single commercial structure with a total building area of 127,340 zsf (see Figure 5). This site plan and building design assume a single-tenant building. The building height would be 30 feet above grade up to 40 feet above grade, including rooftop mechanical space. Under this scenario, parking would be provided for 427 vehicles. This development would include the required finishes and landscaping in accordance with City zoning, including the planting of about 68 trees and space for about 24 bicycles. Under either development scenario, there would be a new curb cut and relocation of the existing signalized intersection at Flatbush Avenue (which provides access to the Toys ‘R’ Us site), The relocated intersection would provide controlled access to the main access corridor of the proposed development.











- Development Parcel
- Proposed Parkland
- 400-Foot Perimeter
- Zoning District Boundary
- C2-2 Overlay
- C1-2 Overlay

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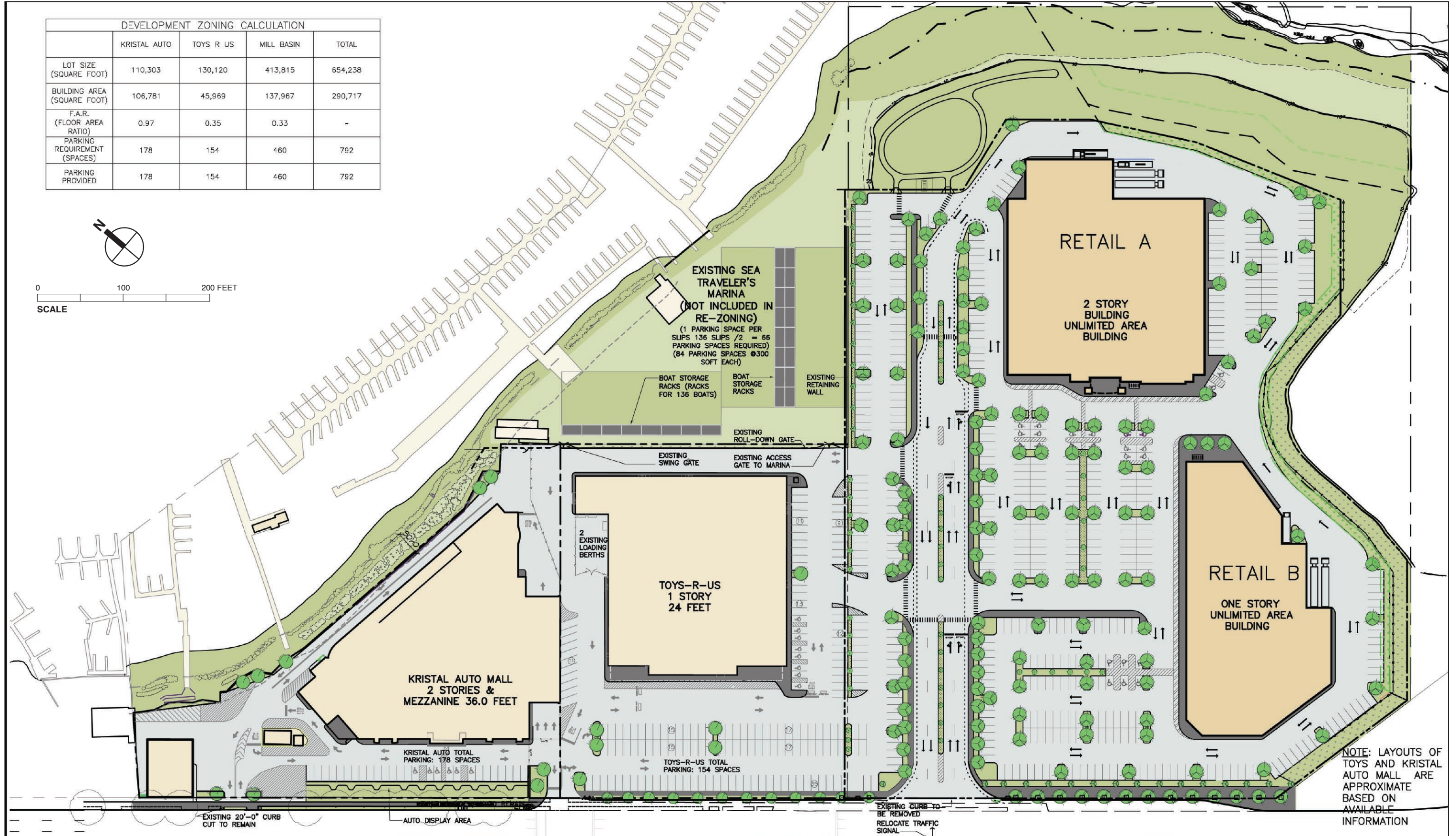


-  Proposed Development Parcel
-  Proposed Parkland
-  400-Foot Perimeter
-  Zoning District Boundary
-  C2-2 Overlay
-  C1-2 Overlay

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Proposed Zoning  
and Parkland Mapping  
**Figure 3b**





In addition to the above, the proposed project includes circulation improvements to interconnect the three retail sites, and to provide access to the adjoining Sea Travelers Marina property along the waterfront. The site plan also includes provisions for bicycle access across the site. There would also be utility and infrastructure improvements for the purposes of managing stormwater runoff and providing sanitary sewer service to the commercial buildings.

The proposed site design would be in conformance with site design guidelines that will be developed with the Department of City Planning (DCP). In accordance with those guidelines, all development improvements would be sited outside of the tidal wetlands and the regulated adjacent area at the site (above elevation 10). In addition, a landscaped buffer of indigenous coastal edge shrubbery would be planted in a natural area planting buffer to be created between the development improvements and the wetland-adjacent area line.

The proposed project also includes the mapping of approximately 46 acres of City-owned open space as Four Sparrows Marsh Park. No improvements are proposed with this element of the proposed project, with the exception of the construction of a small nature trail to provide public access for viewing the parkland. A nature path would also be provided to allow public access for birding and views of Four Sparrows Marsh (see Figures 4 and 5). Signage will also be installed to denote the presence of publicly accessible waterfront open space at the site. The nature path and waterfront will be accessible from dawn to dusk. Public parking spaces will be provided adjacent to the Four Sparrows Marsh open space.

Outside the land proposed for disposition, the City would retain ownership of the Mill Basin waterfront for the purposes of providing public access and water-related recreation. To that end, the City would continue to lease the waterfront to the current occupant, Sea Travelers Marina. With the proposed zoning lot subdivision (see the list of actions described below), the Sea Travelers Marina would remain the sole occupant of the balance of Tax Block 8591, Lots 125 and 175, and would occupy the remaining 270,000 square feet of lot area for the purposes of operating a marina. As part of the proposed project, boat storage racks would also be developed on the Sea Travelers Marina property.

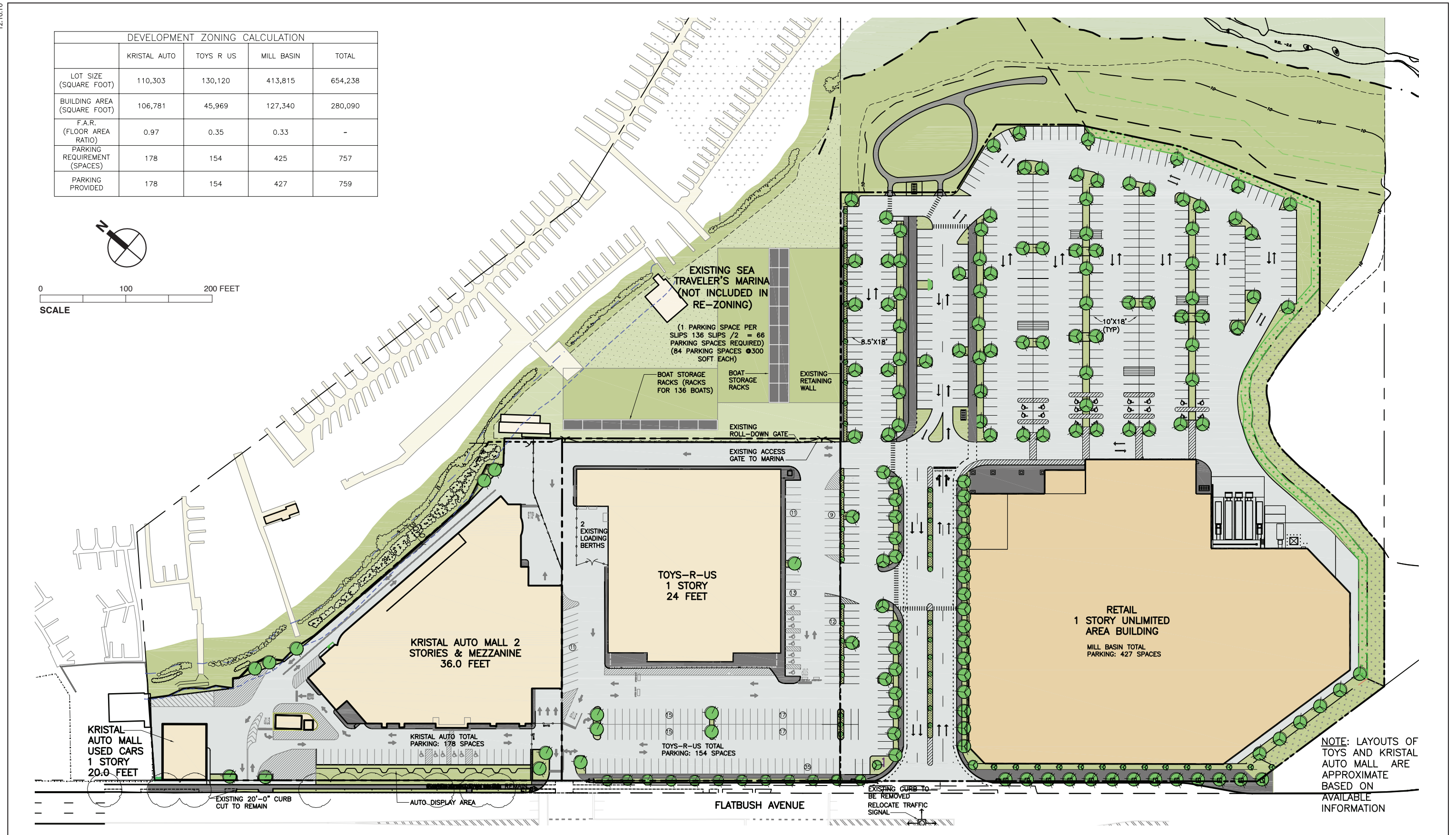
#### ***CIRCULATION AND PARKING PLAN***

The proposed project would be accessible via a new curb cut and signal on Flatbush Avenue that would be relocated from the existing driveway across from Flatbush Avenue to Toys ‘R’ Us and Sea Travelers Marina. This common access corridor would provide access to the proposed Four Sparrows Marsh Retail Center as well as to Toys ‘R’ Us and Sea Travelers Marina. The access corridor would provide vehicular access to the site parking as well as access for delivery trucks. In addition, the common access corridor is to provide pedestrian and visual access to the waterfront. In addition, a second access to the north would provide access to both Kristal Auto Mall and the Toys ‘R’ Us. With the proposed project, parking would include 206 spaces at the Kristal Auto Mall parcel, approximately 154 spaces at the Toys ‘R’ Us parcel, and up to 460 parking spaces at the Four Sparrows Retail Center parcel. Thus, total parking would be up to about 820 spaces. In addition, the site plan will accommodate pedestrian circulation both to and across the site with pedestrian crossings between the adjoining retail properties. There would also be bicycle access and bike racks provided on site.

#### **PROPOSED OPEN SPACE AND PARK MAPPING PLAN**

In addition to the proposed development plan, the proposed actions include mapping of Four Sparrows Marsh as City parkland, which will permanently preserve the natural areas and





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wetlands of Four Sparrows Marsh. This open space is City land, but is not officially mapped parkland. As part of the proposed action a total of 46 acres would become mapped as City parkland.

As part of the public access plan, there would be a landscape plan that would provide for the protection of natural resources in the area adjacent to the development site. This landscape plan includes the designation of a green buffer to a width of 10 feet, separating development from natural areas, and a natural area buffer to a width of 25 feet. This will protect the woodlands and wetlands on the east and south ends of the site. As required by the design guidelines, any planting of vegetation in this area must use indigenous species.

### **PROPOSED ACTIONS**

The following City actions are necessary for the proposed project to move forward:

- Rezoning of the development parcel from C3 to C8-1;
- Demapping and disposition of the unbuilt portions of Flatbush Avenue and Marginal Street, Wharf, or Place that cross the site, and remapping of the easterly Flatbush Avenue right-of-way line to reflect the limits of the existing built street;
- Disposition of the development parcel to NYCEDC for further disposition to three private entities, and approval by the Mayor and Borough Board of the business terms of such disposition pursuant to Section 384(b)(4) of the New York City Charter;
- Special permit pursuant to ZR Section 62-836 to modify height and setback regulations on a waterfront block for Four Sparrows Retail Center and Kristal Auto Mall sites;
- Certification of the site plan on a waterfront block pursuant to ZR Sections 62-811;
- Certification of zoning lot subdivision pursuant to ZR Section 62-812; and
- Mapping of Four Sparrows Marsh and the nature path area as parkland.

Certain of these actions are subject to the City's Uniform Land Use Review Procedure (ULURP). Additional related actions would include review and approval of the project's business terms in accordance with Section 384(b)(4) of the City Charter, permits and approvals from the New York City Department of Transportation (NYCDOT) for proposed signal and roadway improvements, and the New York State Department of Environmental Conservation (NYSDEC) for activities on a site that contains tidal wetlands and for stormwater management during construction and operation. In addition, the proposed project requires an amended drainage plan which is subject to the approval of the New York City Department of Environmental Protection (NYCDEP). Additional approvals would also be required from NYCDEP for the extension of sanitary sewer lines and storm sewers.

As stated above, all development activities would occur outside the regulated wetland-adjacent area. It is the objective of the proposed project to minimize indirect impacts on wetlands both during construction and operation. Activities that may occur in the regulated area are principally related to the stormwater management and public access improvements (e.g., nature path).

Since this site lies within the designated boundaries of the City's coastal zone, the City's coastal zone management policies apply. The City Planning Commission, acting as the City Coastal Commission, must therefore make a consistency determination pursuant to these policies.

Subject to the approval of the proposed actions cited above, the proposed development is expected to be completed and operational in 2014 (i.e., the project's Build year).



## ENVIRONMENTAL REVIEW

Pursuant to the City Environmental Quality Review (CEQR) Act, the lead agency for the environmental review (the Office of the Deputy Mayor for Economic Development) reviewed the Environmental Assessment Statement (EAS) for the proposed action (see attached) and determined that the proposed actions have the potential for significant environmental impacts and an Environmental Impact Statement (EIS) analyzing those impact areas that have the potential for significant adverse environmental impacts will be prepared. The Office of the Deputy Mayor for Economic Development issued a positive declaration on December 10, 2010. The Positive Declaration noted that the following impact categories require analysis in an EIS:

- Land Use, Zoning, and Public Policy;
- Socioeconomic Conditions;
- Urban Design and Visual Resources;
- Natural Resources;
- Hazardous Materials;
- Water and Sewer Infrastructure;
- Transportation;
- Air quality (mobile sources);
- Noise;
- Public Health;
- Neighborhood Character; and
- Construction Impacts.

The guidelines for the methodologies to be used in the Environmental Impact Statement are contained in the 2010 *CEQR Technical Manual* and are described below in this scope of work.

After issuance of the positive declaration, the next step in the environmental review process is scoping the content of the EIS. Therefore, in accordance with the City and State environmental review regulations and methodologies, this Draft Scope of Work to prepare an EIS has been issued. Public review of this draft scope will include a public scoping meeting to be held on January 11, 2011 at 7:00 PM at the Kings Plaza Community Room, 5100 Kings Plaza (Avenue U at Flatbush Avenue), Brooklyn, NY. Following the public meeting, a public comment period will remain open for 10 calendar days, until 5:00 P.M. on Friday, January 21, 2011. Subsequent to public review of this draft scope, a final scope of work will be issued. The EIS must be prepared in accordance with the final scope. The DEIS must also be certified as complete by the lead agency before the ULURP process can commence. During ULURP, a public hearing will be held on the DEIS, concurrently with the public hearing on the ULURP applications, and a Final Environmental Impact Statement (FEIS) will be prepared. The FEIS will address relevant comments made during the public comment period and will include a summary of comments on the DEIS, as well as responses to those comments where appropriate.

## **C. ENVIRONMENTAL IMPACT STATEMENT SCOPE OF WORK**

### **OVERVIEW**

The EIS will focus on the key planning and environmental issues associated with the proposed action and related development, including land use and neighborhood character, open space, hazardous materials, historic and archaeological resources, traffic, air quality, noise, and coastal zone management. The DEIS will:

- Describe the proposed action and its environmental setting;
- State the environmental impacts of the proposed action and identify any significant environmental impacts;
- Identify and assess any significant adverse environmental impacts that cannot be avoided if the proposed action is implemented;
- Present, analyze, and evaluate alternatives to the proposed actions; and
- Describe any mitigation measures necessary to minimize or eliminate any significant adverse environmental impacts.

The analyses will be performed for the expected year of occupancy of the proposed project (2014) and will include the cumulative impacts of other projects that could affect conditions in the study area through that year.

### **EIS CHAPTERS**

#### ***TASK 1: PROJECT DESCRIPTION***

The first chapter of the EIS introduces the reader to the proposal and provides the description from which impacts are assessed, including a description of the analysis framework. It will contain a detailed project description; the background and purpose and need for the proposed project and related actions; the lots that are involved, and the proposed development program; diagrams to depict the proposed actions and development plan; a description of proposed landscaping; and a discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter provides the public and decision-makers a basis from which to evaluate the project impacts.

The project description will include appropriate data from the ULURP application and a graphic presentation of key project elements, such as a site plan, elevations, parking, and circulation plans. The section on required approvals will describe all public actions required to implement the project, including zoning changes and the ULURP process, a project review schedule, and public hearings. The role of the lead agency will also be described as well as the purpose of the EIS as a full disclosure document to aid in decision-making.

Specifically, the project description will include:

- **Project Purpose and Need.** This section will discuss the objectives of the proposal in terms of creation of jobs, economic and fiscal benefits to the City, and the preservation and protection of wetlands and public open space as well as the mapping of Four Sparrows Marsh as City parkland. This chapter will also include a description of the Mill Basin Design Guidelines developed by the City and the public access components.

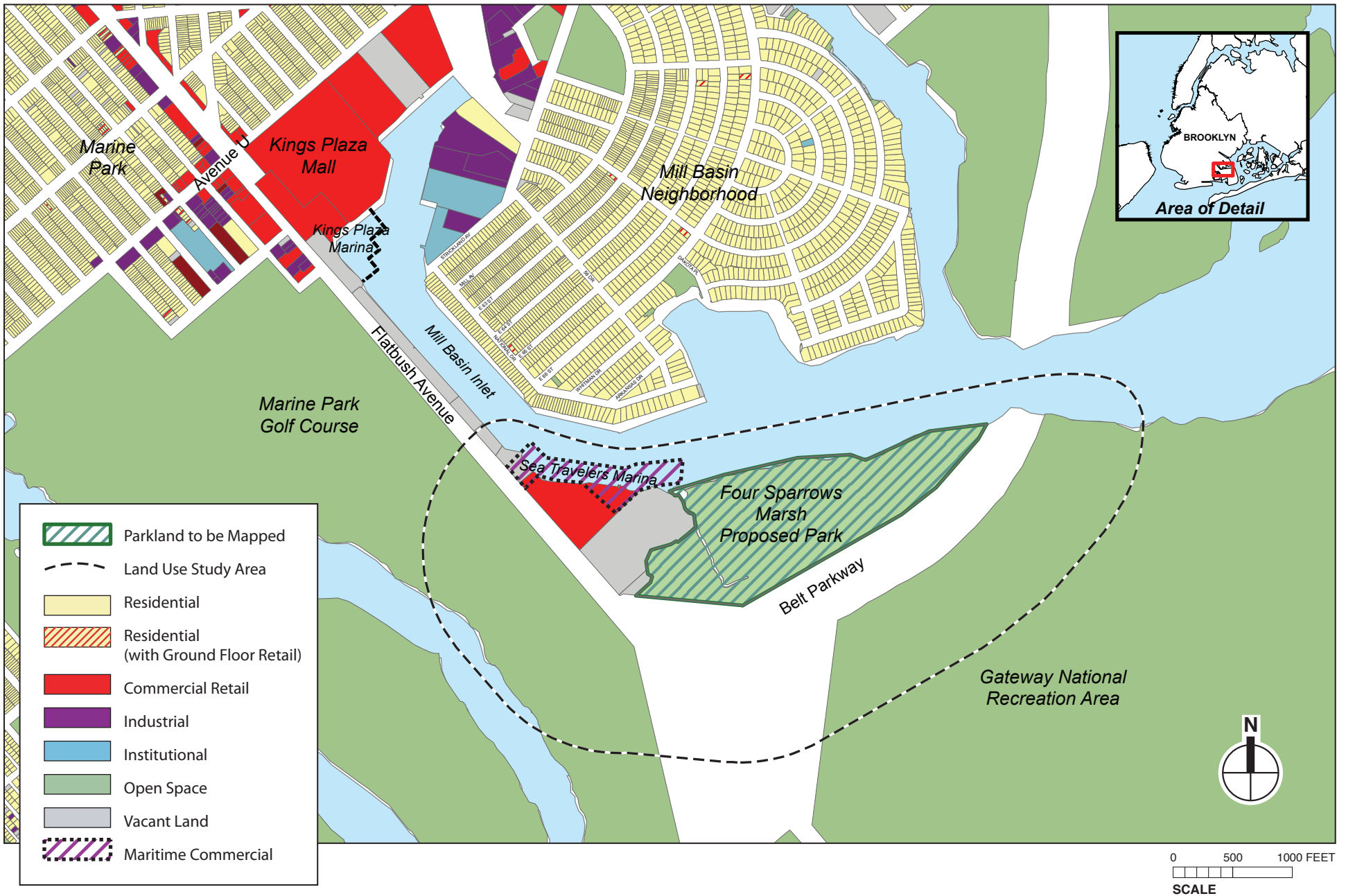
- Site Design/Circulation/Landscaping. Text and graphics will provide a complete description of the project location, proposed development plan, and any on- and off site improvements. This section will also include details on architectural, landscaping, and circulation features of the proposed plan.
- Required Approvals. This section will list and describe the required City and State actions and approvals, the roles of the involved public agencies, and the ULURP and CEQR processes.
- Environmental Review Process. The environmental review process and the role of the lead agency will be described, as well as the purpose of the EIS as a full disclosure document to aid in decision-making.

#### *TASK 2: LAND USE, ZONING, AND PUBLIC POLICY*

This chapter of the EIS will consider the proposed actions' potential impacts in terms of land use compatibility and land use trends, as well as trends related to zoning and public policy. These issues will be addressed, as follows:

Describe in detail land use conditions for the study area (the area in which potential impacts could occur) which is assumed to be 400 feet and to the center of the Mill Basin waterway. Describe in more general terms land use conditions for a larger study area (0.5-mile). See Figure 6.

- A. Describe predominant land use patterns and trends, including a description of recent development activity.
- B. Describe the existing zoning and recent zoning actions in the study areas.
- C. Describe any public policies that apply to the project area and the study area, including specific development projects and plans for public improvements.
- D. Prepare a list of future projects in the study area and describe how these projects could affect land use patterns and development trends in the study area in the future without the proposed actions. Also, identify pending zoning actions (including those associated with the proposed No Build projects) or other public policy actions that could affect land use patterns and trends in the study areas as they relate to the proposed project.
- E. Assess the impacts of the proposed project and actions on land use and land use trends, zoning, and public policy.
- F. The area of the proposed actions is also located within the City's coastal zone. Actions subject to CEQR, such as this proposal, that are within the designated boundaries of the coastal zone must be assessed for their consistency with the City's Local Waterfront Revitalization Program (LWRP). Adopted under the federal Coastal Zone Management Act of 1972, the LWRP is administered by the City Planning Commission acting as City Coastal Commission. The City's program consists of 10 policies that address such issues as water dependent activities, flooding, erosion, natural resources, and water quality. This analysis will examine the proposed project's consistency with these policies.



***TASK 3: SOCIOECONOMIC CONDITIONS***

According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if an action may reasonably be expected to create substantial socioeconomic changes in an area. This can occur if an action would directly displace a residential population, substantial numbers of businesses or employees, or eliminate a business or institution that is unusually important to the community. It can also occur if an action would bring substantial new development that is markedly different from existing uses and activities in the neighborhood, and therefore would have the potential to lead to indirect displacement of businesses or residents from the area.

As detailed in the EAS screening analysis, the proposed actions would not result in significant adverse impacts due to: direct residential displacement; direct business displacement; indirect residential displacement; indirect business displacement due to increased rents; or adverse effects on specific industries. The DEIS will address the one remaining issue of socioeconomic concern: the potential for indirect business displacement due to market saturation.

*Indirect Business Displacement Due to Retail Market Saturation*

Occasionally, development activity may create retail uses that draw substantial sales from existing businesses. While these economic pressures do not necessarily generate environmental concerns, they become an environmental concern when they have the potential to result in increased and prolonged vacancy leading to disinvestment. Such a change may affect the land use patterns and economic viability of the neighborhood. Indirect displacement due to market saturation is rare in New York City, where population density, population growth, and purchasing power are often high enough to sustain increases in retail supply.

Following the 2010 *CEQR Technical Manual* guidelines, the analysis will start with a preliminary assessment of the two development scenarios. The purpose of the preliminary assessment will be to determine whether the project may capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potentially resulting in vacancies and disinvestment on neighborhood commercial streets. The preliminary assessment will therefore analyze retail capture rates for both development scenarios, as follows:

- Determine the primary trade area for the proposed “anchor” stores—the largest stores in the proposed development that are expected to be the primary sources of added retail sales. The primary trade area is the area from which the bulk of the store’s sales are likely to be derived. Under the multiple-tenant retail scenario, the primary trade area for anchor stores is expected to vary by store; the auto dealership is a regional-serving retail use that would draw a bulk of its sales from customers within a larger trade area (3+ miles) than the other, more local-serving retail stores, which are expected to have a smaller primary trade area (1.5- to 2-mile radius from the project site). Under the big-box retail scenario, the two anchor stores—an auto showroom and a big-box retail use—would draw from similar approximately 3-mile primary trade areas.
- Through data available from the Census of Retail Trade or proprietary sources such as ESRI Business Analyst, estimate sales volume of relevant retail stores within the trade area(s). Relevant retail stores include those establishments that would be expected to sell categories of goods similar to those sold in anchor stores in the project.
- Through data on retail spending available from the census, the U.S. Department of Commerce, or other proprietary sources such as ESRI Business Analyst, determine the

expenditure potential for relevant retail goods of shoppers within the primary trade area(s). Expenditure potential is the amount that customers in the trade area—typically residents and workers—may be expected to spend on the relevant categories of retail goods.

- Compare the sales generated by relevant retail stores within the trade area(s) to the expenditure profile of the trade area(s) to determine whether the trade area(s) are currently saturated with retail uses or whether there is likely to be an outflow of sales from the trade area(s).
- Determine whether any factors would emerge that would affect conditions within the trade area(s) by 2014, the proposed project's build year. These may include factors not associated with the proposal, such as projected increases in population that would provide a stronger base of shoppers, other projected retail developments, or anticipated store closings or rising incomes.
- Project the sales volume for the project's anchor tenants. This would be based on the size of the store and on industry standards for sales derived from the Urban Land Institute's *The Dollars and Cents of Shopping Centers* or another appropriate source.
- Compare the project sales volume with the dollars available within the trade area(s).

Based on the analysis described above, if the capture rate for specific, relevant categories of goods is found not to exceed 100 percent under either of the development scenarios, the proposed actions would not have the potential for significant adverse impacts due to indirect business displacement as a result of competition, and no further analysis would be warranted.

If the capture rates under either development scenario exceed 100 percent, the proposed actions may have the potential to saturate the market for particular retail goods, and a detailed analysis will be conducted. The detailed analysis, if determined to be necessary, will include the following steps:

- Develop a profile of the retail environment within the trade area. This will require locating key retail concentrations within the trade area; creating, through field surveys, an inventory of their retail uses; and, through visual observation or through discussions with local realtors, development corporations, or merchant associations, developing an understanding of recent trends and overall conditions.
- Profile stores that would provide goods similar to those of the proposed project's anchor stores. These data will be collected through field observations (for availability of parking and hours of observation); detailed real estate atlases, such as Sanborn maps (for size); and from standard references, such as *The Dollars and Cents of Shopping Centers*, published by the Urban Land Institute (for estimated sales volume). Key competitors will be identified and profiled.
- For the project's 2014 build year, determine whether any factors would emerge that would affect conditions within the trade area(s). These may include projected increases in population that would provide a stronger base of shoppers, other projected retail developments, or anticipated store closings or rising incomes. Additionally, New York City's commercial streets are dynamic, and therefore potential turnover due to changes in consumer spending, shopping trends, demographics, and population growth independent of the proposed project will be considered.



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- Add the proposed project to the baseline established in the future No-Action conditions, and assess impacts on local shopping areas. The analysis will consider the proposed project's effect on the demand for new retail businesses that could locate on the commercial street. Based on 2010 *CEQR Technical Manual* guidelines, there may be a potential for a significant adverse impact on retail businesses if a project would result in decreased shopper traffic on neighborhood commercial streets that causes increased vacancy that would affect the economic viability of retail business in the study area. This would be considered likely if all of the following conditions are expected:
  - The proposed anchor stores have the potential to affect the ability of stores selling similar categories of goods located on neighborhood commercial strips to capture sufficient sales volume to remain in operation;
  - These stores draw a substantial share of shopper traffic to the neighborhood commercial strips or the street contains a concentration of businesses that sell the relevant categories of retail goods; and
  - No new demand for retail tenants is expected due to purchasing power in the trade area(s).
  - If the DEIS identifies the potential for significant adverse impacts due to retail market saturation, the analysis will propose mitigation measures for those potential impacts.

### ***TASK 4: URBAN DESIGN AND VISUAL RESOURCES***

Following the guidelines of the 2010 *CEQR Technical Manual*, prepare a preliminary assessment of urban design and visual resources. The preliminary assessment would determine whether any physical alterations to the site would create a change to the pedestrian experience that is sufficiently significant to require further study. The preliminary assessment will include a concise narrative of the existing project area, a projection of conditions in the future without the proposed action condition, and the future with-action condition. The analysis will use photographs, floor area calculations, building heights, zoning calculations, project drawings and site plans, and view corridor assessments as part of the screening. This analysis will then consider the effects of the proposed development plan on local urban design and visual resources, as follows:

- A. Based on field surveys, describe the site and the urban design and visual resources of the surrounding area using text and photographs, as appropriate. A description of existing natural features, block forms, streetscape elements, street patterns, and street hierarchy, as well as building bulk, use, type, and arrangement of the study area will be included as per the *CEQR Technical Manual*. A description of visual corridors in the area will also be provided.
- B. Based on planned development projects, describe the changes expected in the urban design and visual character of the study area that are expected in the future without the proposed project.
- C. Evaluate the potential impacts of the proposed project with respect to urban design characteristics and visual resources and evaluate the significance of these impacts on predominant public views and local urban design. This analysis will also include an assessment of view corridors through the site and from proposed waterfront access locations and will describe the proposed on-site landscaping and buffers.

*TASK 5: NATURAL RESOURCES*

The project area lies on the Mill Basin waterfront and includes the Four Sparrows Marsh, a 46-acre parcel that is proposed to be mapped as public parkland as one of the proposed actions. The parkland area contains tidal wetlands including intertidal and high marsh and coastal shoals. The adjacent upland area (i.e., the development site) contains floral characteristics and habitats that are more characteristic of a vacant, disturbed site with mixed grasses, woody thickets and invasive species. The northern portion of the development area also contains an existing building (Toys 'R' Us) and a paved parking area. Because the wetlands of the adjacent parkland would be protected as part of the project design, the greatest potential for adverse natural resources impacts from the proposed actions is from possible indirect impacts on tidal wetlands and wildlife habitats of Four Sparrows Marsh or Mill Basin or impacts that may occur due to stormwater runoff. Site descriptions of existing natural resources conditions for flora and fauna to be used in the EIS will be based on a literature search and field investigations of the site. There is also previous documentation on the conditions of the site (1985 and 1991) that will be presented as an historical account. The EIS analysis will consist of the following tasks:

- A. A spring and fall flora and fauna survey will be conducted to identify the types of vegetation and habitats found on the site. Plant and animal species observed or likely to use the site will be identified and their abundance noted.
- B. Using text and graphics, and based on the site surveys and a literature review, describe the habitats of the project site. As part of this task, an assessment will be made of the adjacent tidal wetlands and their current condition, characteristics, and boundaries.
- C. Information requests will be sent to the NYSDEC Natural Heritage Program and the U.S. Fish and Wildlife Service to obtain data on the presence or absence of protected species in the area and a site survey will be undertaken to determine if there are any threatened and endangered species using the development site. If any of these species or habitats are observed, the size of the group, its range, and a description of the typical habitat will be provided.
- D. Any expected changes to the natural resources of the project site or surrounding area in the future without the proposed project will be described.
- E. Potential development impacts on habitats as well as plants and wildlife will be analyzed and described. This would include direct impacts such as the removal of vegetation or the displacement of wildlife. A specific impact analysis assessment will be made with respect the adjacent tidal wetlands and the potential for any direct or indirect impacts on this regulated habitat. Any potential for indirect impacts on the habitats and species of Four Sparrows Marsh will also be assessed.

*TASK 6: HAZARDOUS MATERIALS*

With the exception of limited activities along the nature path, no site disturbance is proposed outside of the site area proposed for commercial development. The development site is currently partially paved and developed (the existing Toys 'R' Us) and partially vacant overgrown land. The EIS hazardous materials analysis will include the following tasks:

- A. Review historical Sanborn maps, aerial photos, and other records to discern historical uses of the property and prior levels of disturbance.

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- B. Examine Federal and State databases to determine if there are any records of hazardous materials contamination on the site or impacts to the site from activities in the surrounding area.
- C. Perform a site walkover, looking for evidence of disposal or soil stains.
- D. Describe the potential for site contamination and the need for any remedial actions to protect the health of residents of the area, construction workers, or future users of the site. Present the need for any mitigation.

#### **TASK 7: WATER AND SEWER INFRASTRUCTURE**

This chapter will present the potential infrastructure in the context of the City's capacity to serve these added demands and in consideration of the on- and off-site improvements that may be necessary in order to provide infrastructure service to the site. In addition to assessing the stormwater management plan, the volume of water use and wastewater will be determined. The EIS analysis will include the following tasks:

- A. Current on-site stormwater characteristics will be described.
- B. The existing water supply system serving the area will be characterized. The description will include the location and size of water lines along Flatbush Avenue. The capacity of the City's water supply system and its long-range plans will also be described.
- C. Existing City sewer lines and the water pollution control plant (WPCP) serving the area will be documented. The description of the system will include the WPCP capacity and disclose any current operational capacity issues at the WPCP.
- D. Future demands and anticipated changes in the water, wastewater, and solid waste systems in the future without the proposed project will be presented.
- E. Water demands will be estimated using published usage rates from the *CEQR Technical Manual*. Descriptions of tie-in locations for any new water lines serving the development will be provided. The effect of the project's water demand on the City's water supply system will be assessed. The assessment will include the ability of the system to supply water, and any effects on existing water pressure.
- F. Sewage generation of the proposed project will be described based on the projected water demand and the capacity of the WPCP to accommodate the incremental increase in sewage generated will be assessed. The need for any sewer line extensions or other improvements (such as pumping stations) will also be described as well as the need for any approvals related to these infrastructure improvements.
- G. A description of the proposed stormwater management infrastructure will be provided. This would include presenting the volume of incremental increase in stormwater runoff that would occur with the proposed development along with an analysis of the pre- and post-development condition stormwater release using the City's stormwater design criteria. Any proposed infrastructure improvements needed to handle this runoff will be described as well as approvals that are necessary to implement these infrastructure improvements.

*TASK 8: TRANSPORTATION*

*Traffic and Parking*

The EIS will assess the potential traffic, parking, and transit impacts of the proposed project, as well as the proposed circulation improvements, and the need for any traffic mitigation measures that may be necessary beyond the proposed improvements. As described above, the proposed development would introduce a new retail center that would increase local travel demand, principally by vehicle trips. These new trips have the potential to affect the area's transportation system.

Therefore, the traffic and transportation studies will focus on three critical issues: (1) the size of the traffic study area and the number of intersections to be analyzed including the Belt Parkway interchange; (2) the likelihood that the proposed action and the amount of development would generate significant impacts requiring mitigation; and (3) an analysis of the parking demands to be met on-site. Parking is expected to be less of an issue as all demands would be accommodated on site. Attached to this Draft Scope of Work (Attachment B) is a draft Transportation Planning Factors memorandum that has been prepared to identify some of the key assumptions in this analysis.

This site is readily accessible from the Belt Parkway interchange with Flatbush Avenue. All travel demands would access the site at the proposed relocation of a signalized intersection and curb cut. In addition to the proposed development, other nearby developments that need to be accounted for in terms of traffic analysis of future condition (the No Action condition) will be examined in the analysis. The EIS analysis will consist of the following tasks:

- A. Define a traffic study area consisting of intersections to be analyzed within the proposed action area and along major routes leading to and from the area. For this analysis, several intersections on Flatbush Avenue north of the Belt Parkway, as well as along Avenue U, will be analyzed (see Attachment A, "Transportation Planning Factors," for the delineation of the traffic study area and intersections).
- B. Conduct traffic counts at analysis locations using automatic traffic recorder (ATR) machine counts and manual intersection turning movement counts. ATRs will provide 24-hour traffic volumes for a full week at selected arterial locations. Traffic counts will be conducted during the midday and PM peak periods on a typical weekday and on Saturday in the midday period. Where applicable, information from both the recent and current studies of the area will be compiled to identify any transportation issues.
- C. Conduct travel speed and delay runs and vehicle classification counts along key routes in the study area as support data for air quality and noise analyses. These speed-and-delay runs and vehicle classification counts will be conducted in conjunction with the traffic volume counts.
- D. Inventory physical data at each of the analysis intersections needed for capacity analyses, including street widths, number of traffic lanes and lane widths, pavement markings, turn prohibitions, typical parking regulations, and signal phasing and timing data. Signal phasing timing data will be acquired from NYCDOT.
- E. Determine existing traffic operating characteristics at each analysis intersection including capacities, volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service (LOS) per traffic movement and per intersection approach. The *2000 Highway Capacity Manual* procedures will be used. Allowances for any on-going construction or temporary road closures will be made. It is proposed to study the following intersections:

## **Four Sparrows Retail Center at Mill Basin**

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- Flatbush Avenue at Fillmore Avenue
  - Flatbush Avenue at Avenue S
  - Flatbush Avenue at Avenue T
  - Flatbush Avenue at Avenue U
  - Flatbush Avenue at Avenue V
  - Flatbush Avenue at Existing Traffic Light (existing Toys ‘R’ Us driveway)
  - Flatbush Avenue at Toys ‘R’ Us/Site Entry (proposed project entrance)
  - Avenue U at Coleman Street
  - Avenue U at Hendrickson Street
  - Avenue U at East 54th Street
  - Avenue U at East 55th Street
- F. Compute future No Build traffic volumes based on an approved background traffic growth rate for the study area and the volume of traffic expected to be generated for significant development projects anticipated to be in place by the analysis year for the proposed action. Intersection v/c ratios, delays, and LOS will also be determined for this No Build condition.
- G. Determine the volume of vehicle traffic expected to be generated by the proposed development based on patterns from similar retail developments and assign that volume of traffic in each analysis period to the approach and departure routes likely to be used, and prepare traffic volume networks for the future With-Action condition for each analysis period.
- H. Determine the resulting v/c ratios, delays, and LOS for the future Build condition, and identify significant traffic impacts in accordance with the *CEQR Technical Manual* criteria. The Build condition analyses will include all project-related physical improvements to Flatbush Avenue.
- I. Identify and evaluate any additional traffic mitigation needed to mitigate any significant traffic impacts identified in the analysis. The mitigation will be coordinated with NYCDOT.
- J. Prepare a parking forecast for a weekday and a weekend day based on patterns exhibited for shopping centers. This demand will be evaluated against the capacity of the proposed development’s parking lot.

### *Transit and Pedestrians*

The limited transit and pedestrian trips with the proposed project do not trigger the need for a detailed analysis of transit and pedestrian conditions. However, transit access and internal circulation are important issues for this proposed project. Therefore, The EIS will summarize the existing transit, pedestrian and bicycle access and facilities as it relates to current services at the project site and will describe the proposed internal circulation with the proposed project.

### *TASK 9: AIR QUALITY*

The air quality studies will include both mobile and stationary source analyses. The number of project-generated trips is expected to exceed the 2010 *CEQR Technical Manual* screening thresholds for analysis of carbon monoxide (CO) and particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>). Thus, a modeling analysis of mobile emissions air quality impacts will need to be conducted. The mobile source air quality analyses will have to address two distinct issues:

- The potential effects of traffic-generated emissions on local air quality (i.e., CO concentrations and PM<sub>2.5</sub>) at representative locations within the study area; and
- The proposed development's consistency and compliance with the applicable National Ambient Air Quality Standard (NAAQS) State Implementation Plan (SIP) for the area and the *de minimis* criteria for CO.

Based on a screening analysis prepared for the proposed project, it has been determined that the project would not have any stationary source impacts. Therefore, the DEIS air quality analyses will assess the potential for impacts from mobile sources in accordance with the methodology provided below.

#### *Mobile Source Analyses*

- A. Collect and summarize existing ambient air quality data for the study area. Specifically, ambient air quality monitoring data published by NYSDEC will be compiled for the analysis of existing conditions.
- B. Select receptor locations for the microscale analysis. Intersections in the traffic study area that exceed the CEQR screening thresholds will be selected for analysis, based on the background and project-increment traffic volumes and levels of service, representing locations with the worst potential total and incremental pollution impacts. At each intersection, multiple receptor sites will be analyzed in accordance with CEQR guidelines. It is assumed that up to three intersections will be analyzed for CO and/or PM<sub>2.5</sub>.
- C. Worst-case meteorological conditions to be assumed are a 1 meter/second wind speed, Class D stability, 43°Fahrenheit temperature, and a 0.7 persistence factor.
- D. Calculate emission factors. Vehicular cruise and idle emissions for the dispersion modeling will be computed using EPA's MOBILE6.2.03 model and applicable assumptions based on guidance by EPA, NYSDEC and DEP. Compute re-suspended road dust emission factors based on the EPA procedure defined in AP-42.
- E. For the CO microscale analysis, select appropriate background levels for the study area from data collected by the NYSDEC monitoring stations.
- F. Use EPA's first-level CAL3QHC intersection model to predict the maximum change in CO concentrations, and the refined CAL3QHCR intersection model to predict the maximum change in PM<sub>2.5</sub> concentrations. At each CO microscale receptor site, calculate maximum 1- and 8-hour average CO concentrations for existing conditions, the future conditions without the proposed actions, and the future conditions with the proposed actions. Concentrations will be determined at up to three locations. At each PM<sub>2.5</sub> microscale receptor site, the maximum 24-hour and annual average PM<sub>2.5</sub> concentrations will be determined for future conditions without the proposed actions, and the future conditions with the proposed actions.
- G. Information on the design of the parking facilities will be employed to determine potential off-site impacts. A temperature of 43° F will be assumed in the analysis, and a point source screening analysis will be used. Cumulative impacts from on-street sources and the parking facility exhaust will be calculated, where appropriate. The analysis will use the procedures outlined in the *CEQR Technical Manual* for assessing potential impacts from proposed parking facilities.



- H. Evaluate potential impacts by comparing predicted future CO and PM<sub>10</sub> pollutant levels with standards, comparing total CO concentrations with the National Ambient Air Quality Standards (NAAQS), the predicted CO increment with *de minimis* criteria, and comparing the PM<sub>2.5</sub> increments with the City's interim guidance criteria. If significant adverse impacts due to CO concentrations are predicted, refine results by performing detailed dispersion analysis at affected locations using EPA's refined CAL3QHCR intersection model and compare refined results to benchmarks.
- I. Determine the consistency of the proposed project with the strategies contained in the SIP for the area. At any receptor sites where violations of standards occur, analyses would be performed to determine what mitigation measures would be required to attain standards.
- J. Provide a qualitative discussion of the effects of project-related traffic on NO<sub>2</sub> concentrations at affected roadways.

### TASK 10: NOISE

The noise study will examine impacts on sensitive land uses (including residences and parks) that could be affected by noise changes from development-generated traffic or operations. This work will include noise monitoring to determine existing ambient noise levels at four selected locations and will examine noise levels into the future, for both the Build and No Build scenarios. Noise impacts will be determined by comparing Build and No Build noise levels with various noise standards, guidelines, and other noise criteria, including the New York City Ambient Noise Quality Criteria, the New York City CEPO-CEQR Noise Standards, the New York City Noise Performance Standards, and the impact criteria contained in the *CEQR Technical Manual* (a change of 3 to 5 dBA or more is considered a significant impact). The DEIS noise analysis will include the following:

- A. Select appropriate noise descriptors to characterize the noise environment and the potential impacts of the proposed project. Current city criteria regarding noise descriptors will be followed. Consequently, where and when appropriate, the L<sub>10</sub>, day-night (L<sub>dn</sub>), and/or 1- and 24-hour equivalent (L<sub>eq(1)</sub> and L<sub>eq(24)</sub>) noise levels will be examined.
- B. Receptor sites will be selected to include locations where the proposed project will have the greatest potential to affect ambient noise levels and where ambient noise levels may affect the project itself. A maximum of four receptor locations are assumed.
- C. Noise measurements will be performed during the weekday AM, midday, and PM peak periods using Type I instrumentation recording hourly L<sub>eq</sub>, L<sub>1</sub>, L<sub>5</sub>, L<sub>10</sub>, and L<sub>50</sub> values.
- D. Based on the results of the traffic studies, determine whether project-generated traffic would have the potential for causing a significant noise impact. If project-generated traffic would result in a doubling of Noise PCEs (passenger-car-equivalents), a detailed mobile source noise analysis would be performed at the selected noise receptor locations.
- E. If necessary, and based on the baseline measurements, determine if any building attenuation is necessary. The level of building attenuation to satisfy CEQR requirements is a function of exterior noise levels. Measured values will be compared to appropriate standards and guideline levels. As necessary, recommendations regarding general noise attenuation measures needed for the proposed project to achieve compliance with standards and guideline levels will be made.

- F. Noise levels at the proposed new publicly accessible waterfront open spaces will be examined and compared to CEQR guidelines based on the noise monitoring results and calculated noise levels due to the proposed parking lot. Noise associated with the proposed parking lot will be calculated using the results of the traffic analyses and procedures outlined in the Federal Transit Administration (FTA) May 2006 guidance manual, *Transit Noise and Vibration Impact Assessment*.

#### *TASK 11: PUBLIC HEALTH*

This task will examine the proposed project to determine if there are any potential unmitigated environmental impacts with respect to hazardous materials, air quality, or noise and therefore any potential public health impacts as defined by the *CEQR Technical Manual*.

#### *TASK 12: NEIGHBORHOOD CHARACTER*

Neighborhood character is defined by the *CEQR Technical Manual* as comprising a number of community elements, including land use and population, economic activities, development scale and building design, presence of notable landmarks, noise levels, traffic, and pedestrian patterns. It is recognized that the project site is largely removed from the residential communities of the area (e.g., Flatlands, Mill Basin, Mill Basin Island). However, the EIS analysis will include the following neighborhood character tasks:

- A. Summarize the predominant factors that contribute to defining the character of this neighborhood. This would include, among other features, its waterfront access and major roadway corridors, such as Flatbush Avenue and the Belt Parkway, and the large, open spaces, such as Marine Park, Jamaica Bay/Gateway National Recreation Area, and Four Sparrows Marsh.
- B. Based on planned development projects, public policy initiatives, and any proposed public improvements, describe changes that can be expected in the character of the neighborhood in the future without the proposed actions.
- C. Assess and summarize the impacts on neighborhood character. This analysis will rely on impacts as presented in other pertinent EIS sections, particularly land use, open space, and traffic.

#### *TASK 13: CONSTRUCTION IMPACTS*

Project construction activities are expected to be typical for New York City, with the exception of tidal wetland and parkland protection strategies. Typical construction activities include clearing and excavation, framing and finishing, parking and landscaping, and interior and finishing details. This chapter will describe the proposed construction program, including any phasing, and examine the potential short-term construction impacts, as follows:

- A. Traffic Systems. This assessment will consider temporary use of travel lanes, sidewalks, and other facilities during the various phases of construction. A qualitative review of the construction plan and traffic generation will be prepared.
- B. Air Quality. The air quality analysis will provide a qualitative discussion of both mobile source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions.

- C. Noise. The construction noise impact section will contain a qualitative discussion of noise from each phase of construction activity.
- D. Protection of Environmental Features. Discuss the potential construction-related impacts on natural resources (i.e., impacts from storm water runoff, utility extensions) and describe the measures that would be employed to avoid impacts to these features, such as a stormwater protection plan.

*TASK 14: ALTERNATIVES*

An EIS must present an examination of reasonable alternatives, particularly where impacts have been identified. Other than the No Build alternative, which is required under CEQR, alternatives to be analyzed are typically finalized if impacts are identified. In addition, because a rezoning is proposed, an alternative that assumes the disposition of City land, but no zoning change would be analyzed. Other alternatives may be developed with the Lead Agency as the environmental analyses proceed.

*TASK 15: MITIGATION MEASURES*

Where significant impacts are identified by the EIS analyses, measures to mitigate those impacts will be described in this chapter. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

*TASK 16: UNAVOIDABLE ADVERSE IMPACTS*

Any significant impacts for which no mitigation can be put forth or implemented will be presented as unavoidable adverse impacts.

*TASK 17: ADDITIONAL CEQR/SEQR CHAPTERS*

CEQR and SEQR require chapters that consider the potential for growth-inducing aspects of a proposed action, as well as a discussion of the irretrievable and irreversible commitments of resources. Growth-inducing aspects will consider the potential for the proposed project or actions to result in additional off-site development that would otherwise not occur, and the consideration of commitments of resources will address the use of land and material in the development of the project.

*TASK 18: EXECUTIVE SUMMARY*

Once the technical analyses and chapters have been prepared, a concise executive summary will be drafted and included at the beginning of the EIS. The executive summary will present a succinct description of the project area and proposed project and actions, the environmental impacts, potential significant impacts and measures to mitigate those impacts, and alternatives to the proposed action. \*