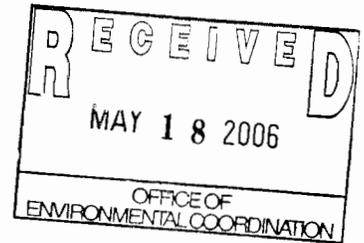




THE CITY OF NEW YORK  
 OFFICE OF THE MAYOR  
 NEW YORK, N.Y. 10007



**POSITIVE DECLARATION**

**NOTICE OF INTENT TO PREPARE  
 DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

**NOTICE OF PUBLIC SCOPING MEETING**

<p><b><u>PROJECT:</u></b>          Flushing Commons          Borough of Queens          CEQR: 06DME010Q          ULURP: PENDING</p>	<p><b><u>LEAD AGENCY:</u></b>          Office of the Deputy Mayor for Economic          Development and Rebuilding          100 Gold Street, 2<sup>nd</sup> floor          New York, New York 10038</p>
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**DATE ISSUED:** May 17, 2006

**TYPE OF ACTION:** Type I

**NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:**

Flushing Commons  
 Block 4978, Lots 25 & 46  
 Community District #7, Borough of Queens

Flushing Commons is the proposed redevelopment of a municipal parking lot in Flushing, Queens, into a mixed-use project containing residential, retail, commercial, community facility, and hotel uses; a multi-level underground parking garage; and an approximately 1.5-acre town square-style publicly accessible, privately owned open space (the "proposed project"). The proposed Flushing Commons project would be constructed on a portion of Lot 25 (the "project site"). The project site is located in Queens Community District 7. Under the proposed business terms, the project would include approximately 517 market-rate apartments; 200 hotel rooms; nearly 390,000 square feet of retail, office, restaurant, and cinema space; and nearly 88,000 square feet of community facility space for such things as cultural and visitors' centers, a recreation center, and medical offices. The project would also include a below-grade public parking garage of 2,004 spaces, which would replace the 1,101 parking spaces presently in the municipal lot. Of these spaces, 708 would be accessory parking required by the Zoning Resolution for proposed uses. Total gross square footage, including parking, would be 1.9 million square feet. The project as described above represents a reasonable maximum development scenario under the proposed business terms and the proposed zoning. The Flushing Commons buildings would be organized around a central approximately 1.5-acre publicly accessible, privately owned open space with walkways.

The project is expected to be complete and operational in 2010.

The Proposed Project involves disposition of City-owned property for private development. Disposition will require approval through the Uniform Land Use Review Procedure (ULURP) under City Charter Section 197(c) and separate Borough Board and Mayoral approval pursuant to City Charter Section 384(b)(4). In addition, a number of other discretionary actions will be required, as follows:

- **Zoning Map Amendment.** The applicant is requesting a zoning map amendment from the City Planning Commission (CPC) 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 to C4-4.
- **Special Permits.** The applicant is requesting special permits from the CPC and the Board of Standards and Appeals (BSA), including:
  - A special permit from the CPC pursuant to Zoning Resolution (ZR) Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Area) for the project's public parking garage;
  - Special permits and/or authorizations from the CPC pursuant to ZR Section 74-74 (General Large-Scale Development) to modify certain zoning provisions of the Zoning Resolution including those governing height and setback, yards, location of uses within buildings, and signage.
  - A special permit from the BSA pursuant to ZR Section 73-66 (Height Regulations around Airports) for modification of height regulations applying to areas around major airports.

The proposed project would also require a Determination of No Hazard to Air Navigation from the Federal Aviation Administration (FAA).

### **STATEMENT OF SIGNIFICANT EFFECT:**

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Economic Development and Rebuilding, in the Office of the Mayor, lead agency for the project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement is required to evaluate and disclose the extent to which impacts may occur. Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use and zoning;
- 2) The potential for substantial socioeconomic impacts;
- 3) The potential for substantial impacts to community facilities and services;
- 4) The potential for substantial open space impacts;
- 5) The potential for substantial impacts as a result of shadows;
- 6) The potential for substantial impacts related to archaeological resources;
- 7) The potential for substantial urban design/visual resource impacts;
- 8) The potential for substantial impacts related to neighborhood character;
- 9) The potential for substantial impacts related to hazardous materials;
- 10) The potential for substantial impacts related to traffic, parking, transit & pedestrians;
- 11) The potential for substantial impacts related to air quality;

- 12) The potential for substantial impacts related to noise;
- 13) The potential for substantial construction impacts; and
- 14) The potential for substantial public health impacts.

**Statement in Support of Determination:**

The above determination is based on the finding that:

- 1) The proposed project would require, among other actions, the disposition of an approximately 4.8-acre parcel of land, a zoning map amendment, and zoning special permits. The project would replace Municipal Lot 1, a 1,101-space parking lot that serves commuter and short-term shopper parking, with an approximately 1.9 million-square-foot mixed-use complex. These actions and the anticipated development would result in a major change in land use and zoning on the project site, and therefore warrant a detailed assessment.
- 2) As there are no residential properties on the project site, the proposed project would not result in the direct displacement of any residents. The proposed project would also not result in the direct displacement of any businesses, and no further analysis of direct displacement is warranted. Pursuant to the CEQR Technical Manual methodology, the preliminary assessment will consider the potential for indirect residential displacement, indirect business displacement, and effects on specific industries.
- 3) The proposed project is expected to generate more than 50 elementary and intermediate school students. However, since the proposed project is expected to generate fewer than 150 high school students, an analysis of public high schools is not required. The analysis of community facilities and services will be limited to an assessment of the ability of public elementary and intermediate schools to serve the new residents.
- 4) Since the proposed project is expected to bring more than 500 employees and 200 residents to the project site, it would have an effect on the utilization of open space and recreational facilities in the surrounding area, and on the new publicly accessible, privately owned open space to be created. Therefore, a detailed assessment of the proposed project's effect on open space will be provided.
- 5) The proposed project would create buildings of approximately 16 stories which have the potential to cast shadows at a length of approximately 700 feet. Of particular concern with regard to shadows are the stained-glass windows of the Macedonia African Methodist Episcopal Church that are facing, and directly adjacent to, the project site as well as the stained glass windows of the St. George Episcopal Church to the west of the project site. In addition to the churches, the analysis will consider potential shadows on any publicly accessible open spaces, additional historic resources with significant light dependent features, historic landscapes, and significant natural features.
- 6) The proposed project is in close proximity to a number of architectural resources. The project also would involve subsurface disturbance in an area previously determined in a Phase IA Archaeological Assessment Report to have archaeological sensitivity for 19th century historic-period resources, including certain home parcels, a former

school, and a small area around the Macedonia African Methodist Episcopal (AME) Church. Therefore, historic resources issues are an important consideration for the project. The analysis will be undertaken in consultation with the New York City Landmarks Preservation Commission and will be prepared in accordance with the CEQR Technical Manual.

- 7) According to the CEQR Technical Manual, a detailed assessment of urban design and visual resources is undertaken when a proposed action would result in a building or structure substantially different in height, bulk, form, setbacks, size, scale, use, or arrangement than exists; when an action would change block form, demap an active street, map a new street, or would affect the street hierarchy, street wall, curb cuts, pedestrian activity, or other streetscape elements; or when an action would result in above-ground development or would change the bulk of new above-ground development and is proposed in an area that includes significant visual resources. The proposed project meets this threshold for analysis, and therefore would be expected to affect the urban design character of the site and of the surrounding area.
- 8) By replacing a municipal parking lot with a major new mixed-use development, the proposed project would change the site's land use and would involve a change in the scale of the development on the site. The action would also change the visual character of the project site, increase residential population and employment in the area, and create a town square-style publicly accessible, privately owned open space as a new center of community and pedestrian activity. Therefore, the proposed project could have neighborhood character impacts, and a detailed analysis of neighborhood character will be prepared.
- 9) Because the excavation required for construction of the sub-grade levels of the proposed project requires that all fill material present be removed and properly disposed of, an analysis of hazardous materials on the project area will be included in the EIS.
- 10) As the proposed project would create over 300,000 square feet of new retail development, as well as parking, hotel, and publicly accessible, privately owned open space, it would exceed the CEQR threshold, and consequently could have significant traffic impacts. Therefore, a detailed analysis of the potential traffic and parking impacts of the proposed project will be required. As described in the CEQR Technical Manual, a detailed analysis of transit and pedestrian trips should be provided if a proposed action is projected to result in more than 200 rail or bus transit riders in the peak hour. The proposed project would exceed this threshold, and consequently could have significant transit and/or pedestrian impacts. Therefore, a detailed analysis is warranted.
- 11) The air quality studies for the proposed project will include both mobile and stationary source analyses. The stationary source air quality impact analysis will include an assessment of the potential for impacts on project users from existing industrial/manufacturing uses in the area, and the effects of the project's heating, ventilation, and air conditioning (HVAC) systems' emissions.
- 12) Existing noise levels in the area immediately adjacent to the project site are relatively high and reflect the level of activity (particularly vehicular activity) in the area. Autos, taxis, and trucks along with noise generated by aircraft flyovers, mechanical

equipment, and people going about their normal business all contribute to the total ambient noise levels. Therefore, a noise analysis is warranted and will be performed.

- 13) The proposed project, while not located near sensitive natural resources or the waterfront, could have the potential for substantial construction effects because of its size and the displacement of public parking spaces. The likely construction schedule for development at the project site will be described. This analysis will focus on the technical areas of historic and archeological resources, traffic and parking, air quality, noise, transit and pedestrians, and hazardous materials. As appropriate, other technical areas will be assessed for potential construction-related impacts.
- 14) No major public health impacts are expected with the proposed project (i.e., the project does not include any facilities of a community health concern). In conformance with the CEQR Technical Manual, a screening level of assessment of the proposed project will be undertaken for public health impacts.

Accordingly, the Office of the Deputy Mayor for Economic Development and Rebuilding directs that a Draft Environmental Impact Statement be prepared in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

**Public Scoping:**

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft EIS. A Scoping Document has been prepared outlining the proposed content of the Draft EIS.

The Public Scoping meeting will be held on Wednesday, June 21, 2006 at 3:30 P.M. at:

Flushing Branch of the Queens Public Library  
41-17 Main Street  
Flushing, New York

A copy of the Scoping Document may be obtained by any member of the public from:

Ms. Asima Jansveld, Director, Planning  
New York City Economic Development Corporation  
110 William Street  
New York, New York 10038  
Telephone: (212) 312-3781  
Fax: (212) 312-3989

or:

NYC Office of Environmental Coordination  
100 Gold Street, 2<sup>nd</sup> floor  
New York, New York 10038  
Telephone: (212) 788-9956

The documents are also posted on the sponsoring and lead agencies' websites:  
[www.nycedc.com](http://www.nycedc.com) and [www.nyc.gov/oec](http://www.nyc.gov/oec).

Written comments will be accepted until 5:00 P.M. on Friday, July 7, 2006 and may be submitted at the public scoping meeting or to Ms. Asima Jansveld at the above address.

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.

A handwritten signature in black ink, appearing to read "Robert R. Kulikowski", with a horizontal line underneath it.

Robert R. Kulikowski, Ph.D., Assistant to the Mayor  
For the Deputy Mayor for Economic Development and Rebuilding