## A. INTRODUCTION

This environmental impact statement (EIS) considers the discretionary action requested by 1160 Flushing Avenue LLC, the Applicant, that would facilitate the construction of a new, mixed-use development comprising approximately 238,104 gross square feet (gsf) in total (the "Proposed Project"). The Proposed Project would be constructed at 1160 Flushing Avenue (Block 3167, Lots 18 and 24), a 37,928-sf, rectangular-shaped site with frontages on Flushing Avenue and Jefferson Street in the Bushwick neighborhood of Brooklyn Community District (CD) 4 ("Projected Development Site 1").

The Applicant seeks City Planning Commission ("CPC") approval for a zoning map amendment that would rezone Block 3167, Lots 12 (p/o), 18, 24, 26, 29, and 40 (the "Proposed Rezoning Area" or "Project Area") from a M1-1 district to a M1-5 district (the "Proposed Action"). The Proposed Action will undergo coordinated review under City Environmental Quality Review ("CEQR"), with the New York City Department of City Planning (DCP) serving on behalf of the CPC as lead agency.

The Proposed Action would facilitate the demolition of the existing single-story building on Projected Development Site 1 and the construction of the Proposed Project. As stated above, Lots 18 and 24 are owned and controlled by the Applicant and comprise Projected Development Site 1; Lots 12, 26, 29, and 40 are not owned or controlled by the Applicant. The Proposed Project would consist of a single-story building and a nine-story building separated by a pedestrian alleyway. The single-story structure and first two floors and cellar floor of the nine-story building would contain a combined total of approximately 75,586 gsf (36,730 zoning square feet (zsf)) of retail uses (0.97 FAR); the second and third floors of the proposed nine-story building would contain approximately 40,732 gsf (37,846 zsf) of light industrial uses (1.0 FAR); and the remaining floors (three through nine) of the proposed nine-story building would contain approximately 121,786 gsf (114,983 zsf) of commercial office uses (3.03 FAR). Three loading bays would be provided with a single curb cut along Flushing Avenue to satisfy the M1-5 zoning requirements associated with the proposed office, retail, and light industrial uses; no accessory parking spaces would be required under the proposed M1-5 zoning district. In total, the Proposed Project would contain approximately 238,104 gsf (189,559 zsf) of new development.

In the future with the Proposed Action, it is assumed that the proposed zoning map amendment would be approved, allowing the Applicant to construct the Proposed Project at Projected Development Site 1 (Lots 18 and 24). However, as the proposed M1-5 zoning district permits a maximum floor area ratio (FAR) of 6.5 for community facility uses, the reasonable worst-case development scenario (RWCDS) for Projected Development Site 1 assumes an additional 1.5 FAR of community facility (medical office) uses. As such, for conservative analysis purposes, it is assumed that Projected Development Site 1 could accommodate up to approximately 75,586 gsf (36,730 zsf) of retail uses, approximately 40,732 gsf (37,846 zsf) of light industrial uses, approximately 121,786 (114,983 zsf) of commercial office uses, and approximately 59,973 gsf (56,975 zsf) of community facility (medical office) uses (the "RWCDS"). In total, the RWCDS for Projected Development Site 1 would comprise approximately 298,077 gsf (246,534 zsf) of new development (6.5 FAR).

In addition, it is assumed that Lots 29 and 40 (both of which are non-Applicant-owned) would each be

redeveloped in the future with approval of the Proposed Action as well. It is anticipated that Lot 29 would be redeveloped with a six-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses comprising approximately 79,821 gsf of office space and 16,730 gsf of retail space ("Projected Development Site 2"), and Lot 40 would be redeveloped with a five-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses comprising approximately 32,547 gsf of office space and 6,250 gsf of retail space ("Projected Development Site 3"). As a result, the total With-Action development scenario for the Project Area would include approximately 234,154 gsf of commercial office uses, 98,566 gsf of retail uses, 40,732 gsf of light industrial uses, and 59,973 gsf of community facility (medical office) uses, thus representing the RWCDS for the Project Area under the Proposed Action.

It is expected that all three projected development sites would be constructed and fully operational by the end of 2027. Without discretionary approval, it is anticipated that the on-site conditions would remain unchanged from existing conditions, with exception to Projected Development Site 1 which is expected to be converted and reoccupied with commercial retail uses.

This attachment provides a summary and description of the Proposed Action, including Project Area location, existing conditions of the Project Area, purpose and need for the Proposed Action, the RWCDS under No-Action and With-Action conditions, and the discretionary approvals required.

## B. BACKGROUND AND EXISTING CONDITIONS

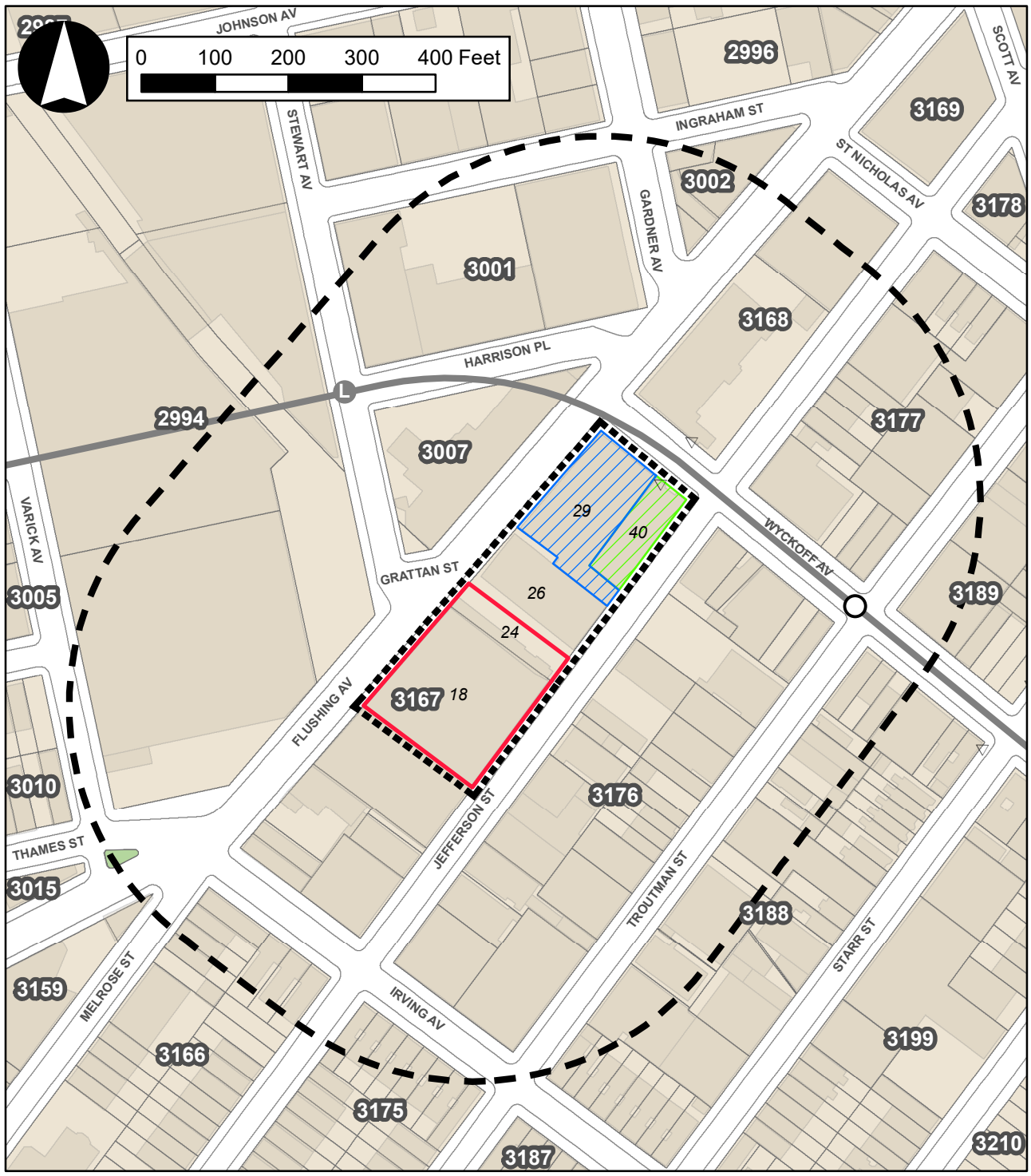
### Description of the Project Area

The Project Area encompasses Block 3167, Lots 12 (p/o), 18, 24, 26, 29, and 40 in the Bushwick neighborhood of Brooklyn CD 4 (see **Figure 1-1**). Block 3167 is bordered by Flushing Avenue to the west, Wyckoff Avenue to the north, Jefferson Street to the east, and Irving Avenue to the south. Lots 18 and 24 are owned and controlled by the Applicant and comprise Projected Development Site 1. Projected Development Site 1 encompasses a total of approximately 37,928 sf of lot area and has approximately 221-feet 6-inches of frontage on Flushing Avenue and approximately 216 feet of frontage on Jefferson Street. The Project Area totals approximately 79,833 sf of lot area and has approximately 493 feet of frontage on Flushing Avenue, 146 feet of frontage on Wyckoff Avenue, and 485 feet of frontage on Jefferson Street. The Proposed Rezoning Area would be mapped approximately 250 feet north of Irving Avenue between Flushing Avenue and Jefferson Street. A discussion of each of the Project Area lots is provided below.

#### *Applicant-owned Site ("Projected Development Site 1")*

As described above the Applicant-owned site, or Projected Development Site 1, is comprised of Brooklyn Block 3167, Lots 18 and 24. Lots 18 and 24 are currently occupied by one single-story vacant industrial (warehouse) building, and are currently zoned M1-1 with a maximum permitted commercial/industrial FAR of 1.0. While the existing building on Lots 18 and 24 is currently vacant (0.0 FAR), the building contains approximately 30,388 sf of former warehouse floor area (0.80 FAR). Lot 24 also contains a small portion of vacant, underdeveloped land on the northernmost portion of the lot, totaling approximately 3,750 sf.

**Project Site Location**




## Legend

- Projected Development Site 1
- Projected Development Site 2
- Projected Development Site 3
- Project Area
- 400-ft Radius
- Open Space
- L-Line
- Jefferson Street Subway Station (L)
- Subway Station Entrance
- 3167 Block
- 18 Lot

***Remainder of the Project Area (Lots 12 (p/o), 26, 29, 40)***

*Lot 12*

Lot 12 is a 19,265-sf, non-Applicant-owned lot currently zoned M1-1 with a maximum permitted commercial/industrial FAR of 1.0. Lot 12 is currently occupied by a one-story lumber yard building and contains approximately 19,874 gsf of industrial uses (0.98 FAR). An approximately four-foot-wide, 725-sf portion (less than four percent) of Lot 12 is located within the Proposed Rezoning Area.

*Lot 26*

Lot 26 is a 15,200-sf, non-Applicant-owned lot currently zoned M1-1 with a maximum permitted commercial/industrial FAR of 1.0. Lot 26 is currently occupied by a three-story warehouse building containing approximately 45,780 gsf of industrial uses (2.87 FAR), making the building noncompliant under existing zoning. All of Lot 26 is located within the Proposed Rezoning Area.

*Lot 29*

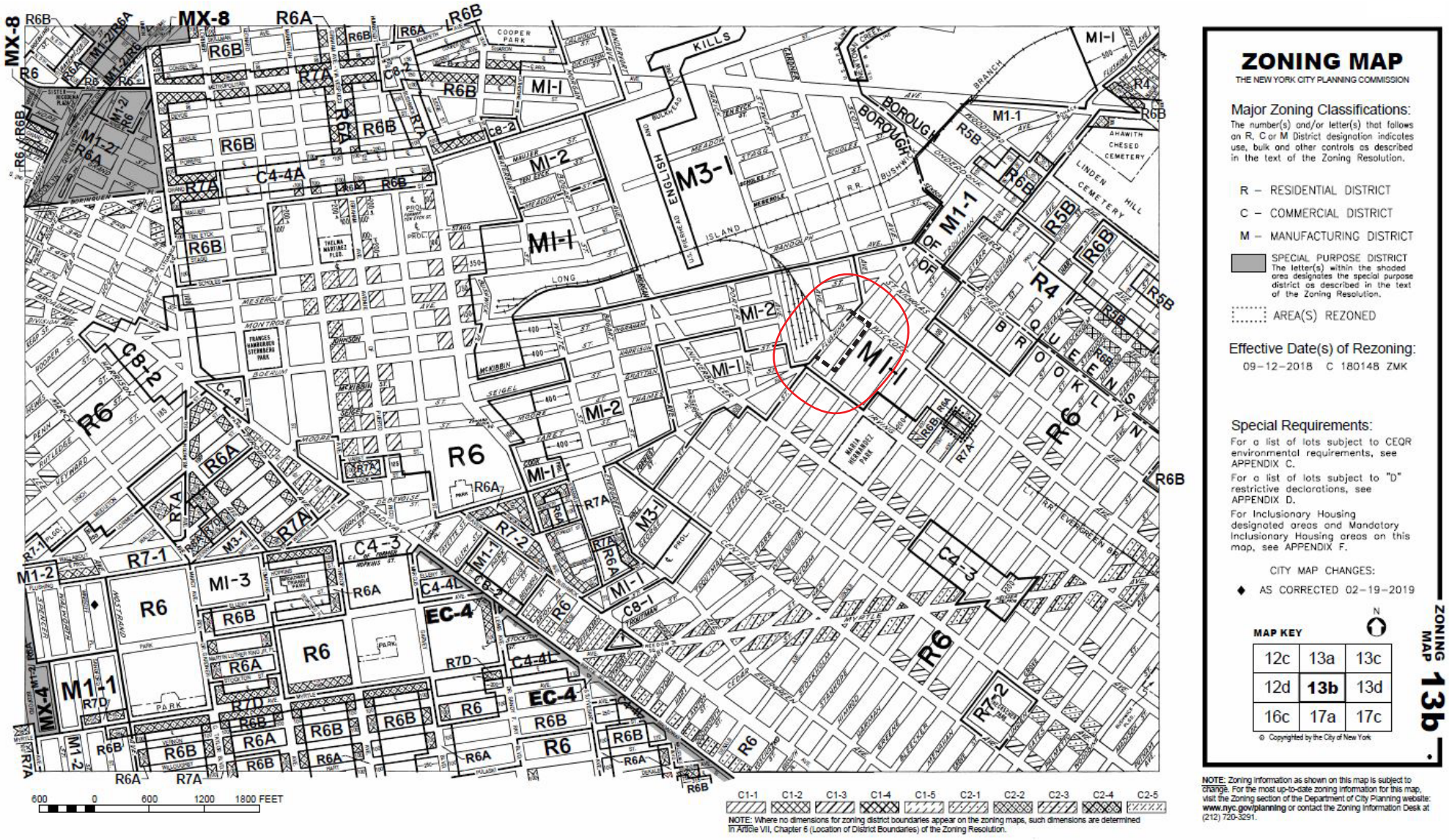
Lot 29 is an 18,530-sf, non-Applicant-owned lot currently zoned M1-1 with a maximum permitted commercial/industrial FAR of 1.0. Lot 29 is currently occupied by a single-story building that, according to New York City Department of Buildings (DOB) records, is currently undergoing a conversion from industrial (warehouse) uses to commercial retail uses (DOB job no. 340525300), which will result in a building containing approximately 20,475 gsf of commercial retail space on a 18,530-sf lot (1.05 FAR). All of Lot 29 is located within the Proposed Rezoning Area.

*Lot 40*

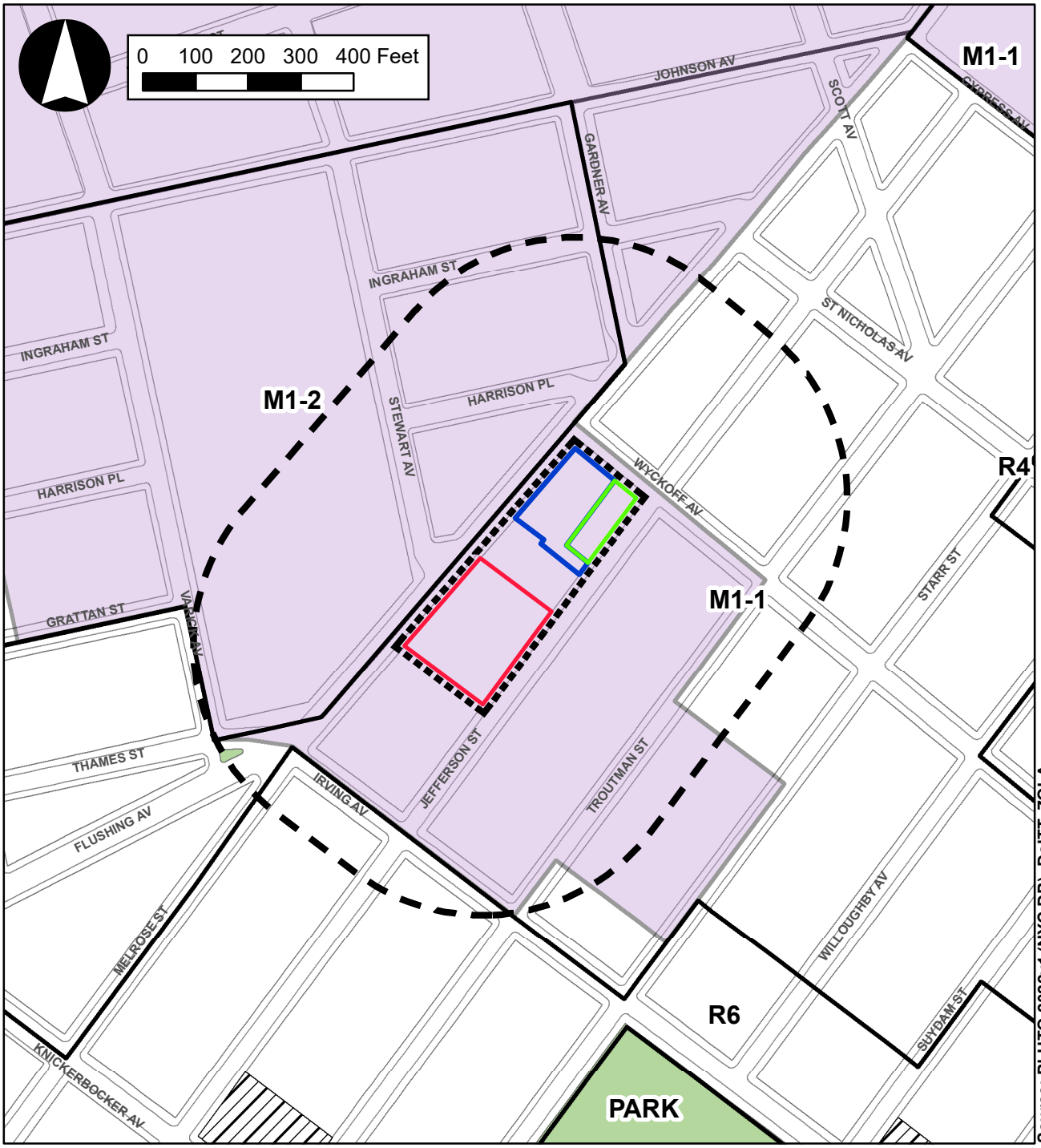
Lot 40 is a 7,450-sf, non-Applicant-owned lot currently zoned M1-1 with a maximum permitted commercial/industrial FAR of 1.0. Lot 40 is currently occupied by a single-story warehouse building containing approximately 7,613 gsf of industrial uses on a 7,450-sf lot (0.97 FAR). In addition, a small, northeastern portion of Lot 40 is encumbered by a Real Estate of Utility Companies (REUC) easement due to the location of street stairs serving the L-line's Jefferson Street Station. All of Lot 40 is located within the Proposed Rezoning Area.

***Zoning***

As shown in **Figure 1-2**, the Project Area is zoned M1-1, which is the original zoning designation from the 1961 Zoning Resolution. M1-1 is a light manufacturing/industrial district that has performance standards and may serve as industrial front yards or buffers to adjacent residential and commercial zoning districts. High performance industrial uses are allowed, as well as a range of commercial uses. Pursuant to the recently-approved M1 Hotel Text Amendment, hotels are only permitted by special permit. Additional Use Group 4 community facilities are allowed in M1 districts by special permit. Residential development is generally not allowed in M1 districts. M1-1 districts have a maximum floor area ratio (FAR) of 1.0 for manufacturing and commercial uses and 2.4 for community facility uses (Use Group 4, only). Buildings in M1-1 districts are governed by the sky exposure plane, which begins 30 feet above the street line. Within M1-1 districts, off-street parking is required and varies by use.




Proposed Rezoning Area  400-foot Radius




Source: PLUTO 2022v1 (NYC DP), DoITT, ZOLA

## Legend

- Project Area
- 400-ft Radius
- Projected Development Site 1 (Applicant-owned)
- Projected Development Site 2 (Non-Applicant-owned)
- Projected Development Site 3 (Non-Applicant-owned)
- Zoning District Boundary
- C1-3 (Commercial Overlay)
- Industrial Business Zone

## Neighborhood Context

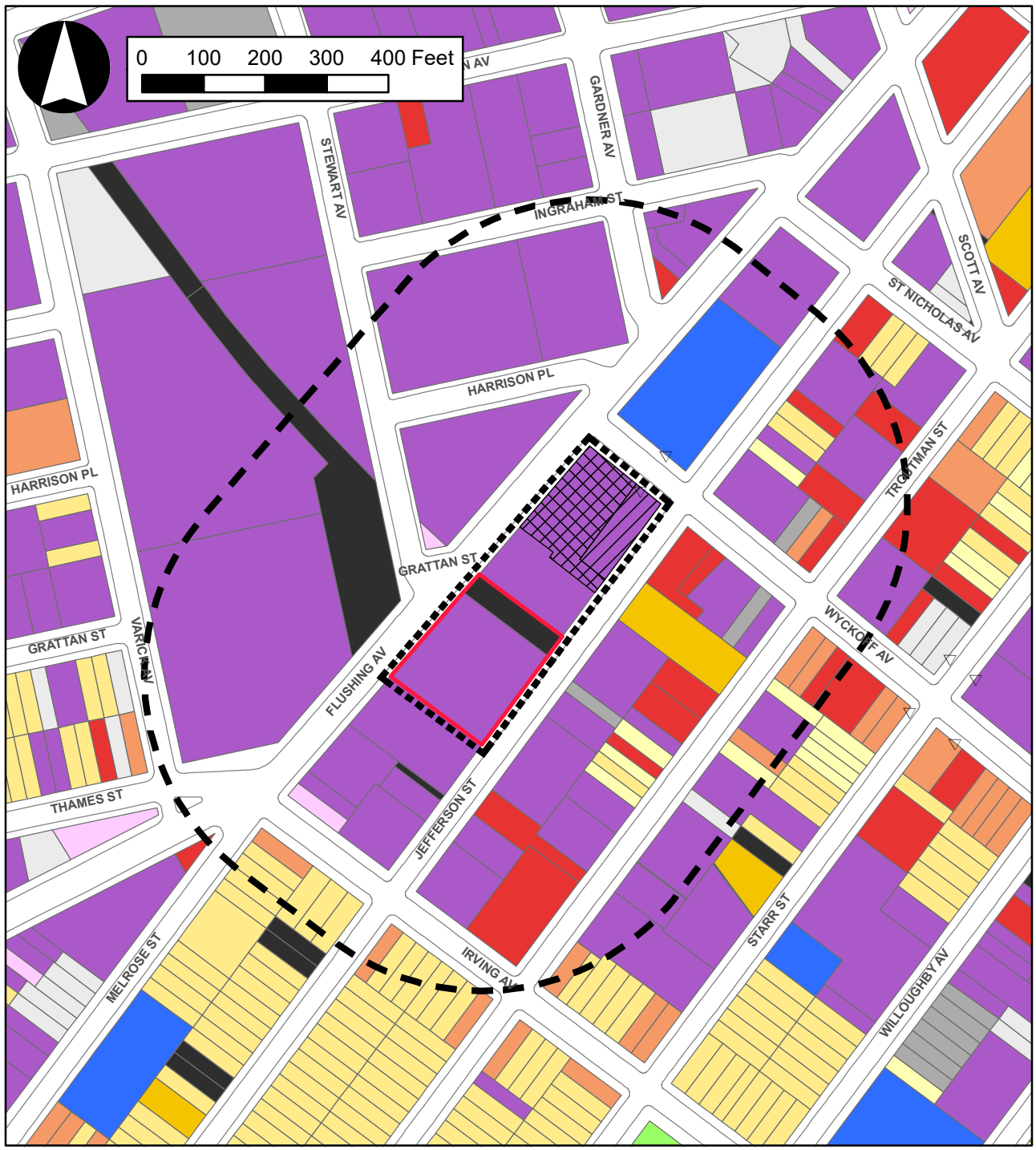
The Project Area is located in the Bushwick neighborhood of Brooklyn, Community District 4. As presented in **Figure 1-3**, this area is characterized by a wide variety of industrial, commercial, and residential land uses and various building types. The predominant land use within a 400-foot radius is light manufacturing. The 400-foot radius also includes several commercial uses and residential buildings. Current land uses within the 400-foot radius reflect both longstanding manufacturing and industrial buildings. The single community facility use within the 400-foot radius is the SCO Family of Services building located directly north of the Project Area, which provides transitional housing for at-risk populations.

The Project Area and the areas to the south and east are mapped as M1-1, whereas the areas to the west and north are generally mapped as M1-2; additionally, a small, southwestern portion of the 400-foot radius is zoned R6 (see **Figure 1-2**). Residential uses are common on blocks to the south of the site, including immediately south of Irving Avenue. Most of the residences are low-rise, single-family buildings. Several exist southeast of the Project Area along Troutman Street and Irving Avenue. Few commercial buildings exist along Jefferson Street and Troutman Street.

The Project Area is located within the North Brooklyn Industrial Business Zone (IBZ). The North Brooklyn IBZ is the third largest in New York City, covering hundreds of blocks along Newtown Creek in the Greenpoint, East Williamsburg and Bushwick neighborhoods. The designation of an IBZ fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City. The IBZs are supported by tax credits for relocating within them, zone-specific planning efforts, and direct business assistance from Industrial Providers of NYC Business Solutions Industrial and Transportation. In light of the purpose of IBZs to foster industrial sector growth by creating real estate certainty, residential rezonings are generally not supported within IBZs.

The Project Area is also located within the boundaries of NYCDCP's *"North Brooklyn Industry and Innovation Plan"* (2018) study area. The plan was released on November 19th, 2018 and an update was shared in April 2019 at Brooklyn Community Board 1 (April 9, 2019) and Community Board 4 (April 17, 2019). Utilizing input from the local community, the plan identifies strategies to promote job growth and economic activity and ensure that core industrial areas (i.e., areas of the most intensive industrial activity) provide the necessary businesses for industrial areas to thrive. The plan explores new models for innovation districts to support 21st century businesses and jobs, with opportunities, as appropriate, for a mix of light industrial and commercial uses. Using zoning and other policy tools, the goals of the plan are to (1) create a better business environment for all, by preserving and growing industrial jobs, as well as other compatible jobs in the creative and innovative sectors; (2) improve the quality of life for workers and residents within the area and nearby; (3) address the potential for conflicts between industrial and non-industrial uses; (4) identity improvements to transportation and infrastructure conditions that would support growth in economic activity; and (5) address environmental and resiliency challenges. The North Brooklyn Plan also establishes a land use framework that identifies subareas based on existing trends and assets, which include the "Core Industrial Area," which is the central hub for essential industrial business; the "Growth District," which is a dynamic, transit-accessible district for creative and tech-driven jobs of the future; the "Transition Area," which is a mix of industrial and non-industrial uses serving as a buffer between subareas; and the "Stable Areas," or small peripheral areas where no change in land use is recommended, such as the "Mixed Edge," the "Commercial Edge," and the "Established Residential" area. Of the proposed subareas, the Project Area is located in the "Growth District" at the southern-most edge of the IBZ. The Growth District is described as being the most transit-accessible subarea with the greatest concentration of multistory industrial loft buildings. It has a rapidly evolving mix of artist studios,

**Land Use Map**




Source: PLUTO 2022v1(NYC DCP), DoITT

## Legend

- Project Area
- Projected Development Site 1
- Projected Development Site 2
- Projected Development Site 3
- 400-ft Radius

### Land Uses

- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

restaurants, TAMI (technology, advertising, media, and information) and other office-based businesses, artisanal manufacturing, and other industrial uses. According to the plan, the goal of the proposed Growth District is to promote an ecosystem of creative and tech-driven jobs in office-based and industrial sectors near transit by (a) increasing density for commercial and industrial uses; (b) creating new loft-like building envelopes; (c) reducing parking requirements; and (d) modifying loading requirements to reflect business needs.

There have been modest new developments within the 400-foot radius. A new planned nine-story hotel across from Flushing Avenue, located at 25 Stewart Avenue, would be 115-feet tall with 140 hotel rooms. Permits for the proposed 79,798 sf building were approved in 2015. In 2019, the owners of the property sold the lot. No new plans have been filed for the property.

### Area Transportation

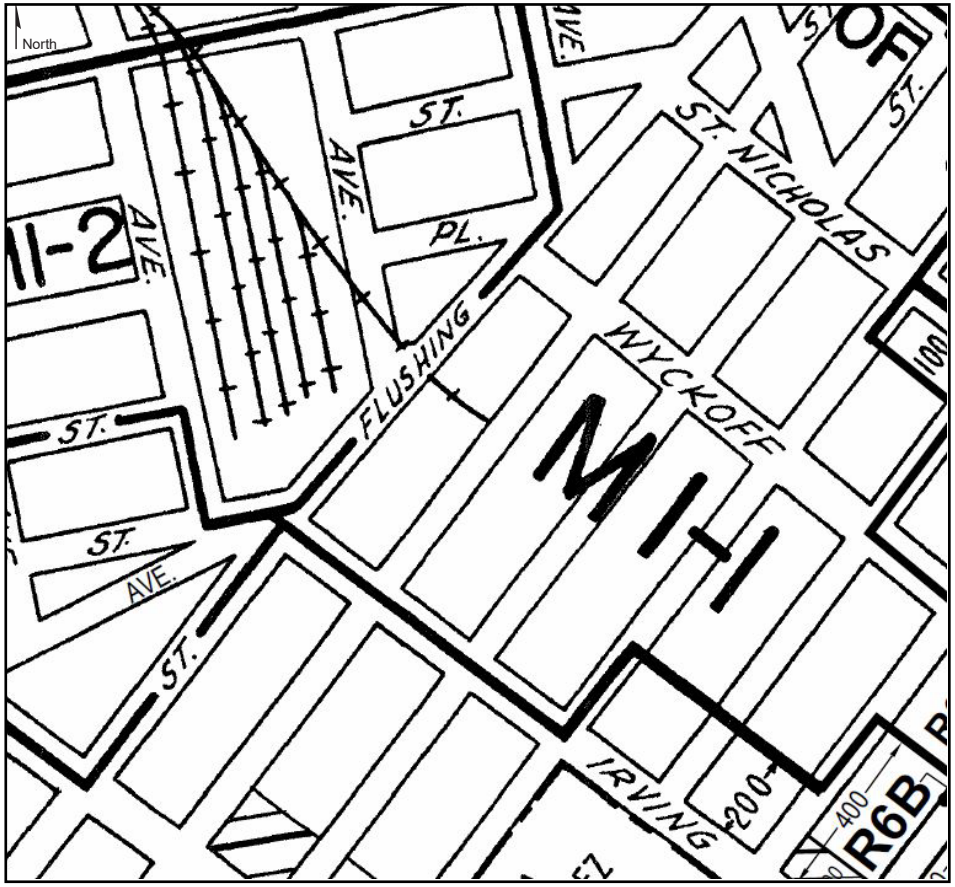
The area surrounding the Project Area is served by several public transit options. The Jefferson Street L subway station (located to the north at the intersection of Jefferson Street and Wyckoff Avenue) is directly adjacent to the Project Area. In addition, the B57 bus (connecting Maspeth, Queens and Red Hook, Brooklyn) runs along Flushing Avenue. The B57 bus also makes a wide variety of connections to other local bus lines along Flushing Avenue in Brooklyn, including connections with the B15, B43, B44, B44 SBS, B46, B46, B47, B48, B60, B62, B69 bus lines. There are two nearby CitiBike stations, at the corner of Jefferson Street and Irving Avenue and on Wyckoff Avenue between Jefferson Street and Flushing Avenue. Taken together, these transit options provide access to the Project Area from much of north Brooklyn and beyond.

## C. DESCRIPTION OF THE PROPOSED ACTION

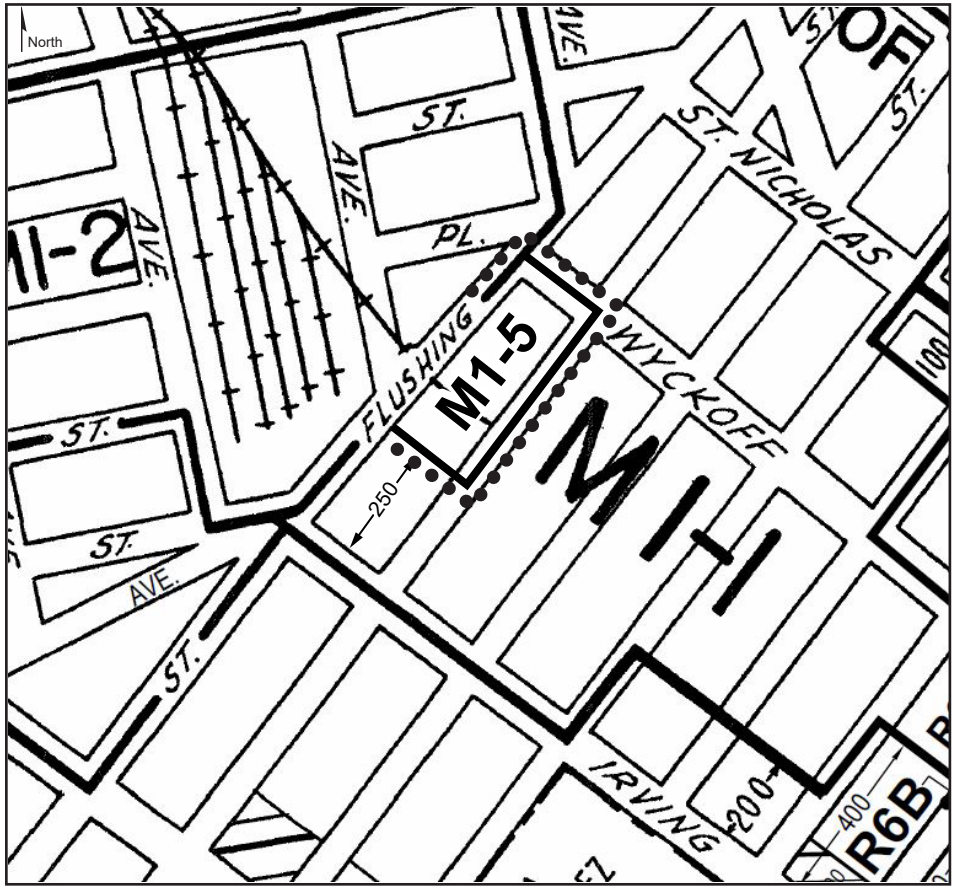
### Zoning Map Amendment

The proposed zoning map amendment, which would rezone the Project Area from M1-1 to M1-5, would increase the maximum permitted FAR from 2.4 to 6.5, allowing for additional development of commercial, light industrial, and/or community facility uses than could be provided under existing conditions, in addition to reducing the loading dock and accessory parking requirements. While the Project Area under an M1-5 district would still be governed by the sky-exposure plane as under the existing M1-1 zoning, the additional permitted density under the M1-5 district would result in larger building envelopes to accommodate the increase in permitted commercial, light industrial, and community facility uses. As shown in **Figure 1-4** the Proposed Rezoning Area would be mapped 250 feet north of Irving Avenue between Flushing Avenue and Jefferson Street, and its boundaries would extend approximately 493 feet along Flushing Avenue, 146 feet along Wyckoff Avenue, and 485 feet along Jefferson Street.

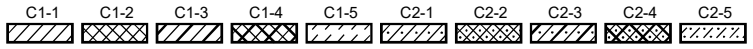
In conjunction with the Proposed Action, an E-designation (E-674) will be recorded on Projected Development Sites 1, 2 and 3 (Block 3167, Lots 18, 24, 29 and 40) to preclude significant adverse impacts related to air quality, noise and hazardous materials. In addition, a Restrictive Declaration will be recorded, in conjunction with project approvals, to codify commitments made in the EIS related to the environmental review.




Existing Zoning Map (13b)




Proposed Zoning Map (13b)
Area to be rezoned is outlined with dotted lines



## D. PURPOSE AND NEED FOR THE PROPOSED ACTION

In recent years, the population of North Brooklyn and the demand for workspace has increased substantially. Between 2010 and 2016, job growth in North Brooklyn increased by as much as 42 percent. However, despite the growing investment momentum and demand for commercial space, there has been limited new construction in the area.[1] As a result of the increase in demand, the growth of the new economy in North Brooklyn is constrained, with a commercial/office vacancy rate of only two percent in Brooklyn as of 2015. In North Brooklyn, due to underlying density and parking zoning constraints, M1-1 and M1-2 districts, which are envisioned to employ many local workers, are often being used for warehousing and freight distribution where average employment is often less than one job per 2,500 sf. Frequently, as is the case for the Project Area, the narrow streets of these districts are not appropriate for the large trucks associated with heavy industrial uses, and the small footprint buildings are unsuited for the high-cube mechanized warehouses of today. While warehousing and freight distribution facilities can serve as appropriate uses in certain sections of North Brooklyn, transit accessible areas, such as the Project Area, are better served by high-density commercial office and retail uses. The proposed M1-5 zoning district would allow for the development of commercial uses at higher densities and would create opportunities for nearby schools, community groups and growing tech businesses to engage with one another.

Specifically, the proposed zoning map amendment would facilitate the development of new office and retail space in the Project Area by increasing the buildable commercial FAR from 1.0 to 5.0. Introducing additional commercial office space on Flushing Avenue would address a borough-wide need for more commercial office space, particularly for technology, advertising, media, and information ("TAMI") firms. The Proposed Action would result in new Class A office space that could accommodate a wide variety of tenants, including TAMI firms, generating new employment opportunities in the Project Area. The proposed M1-5 zoning would also help preserve essential light industrial uses within the Project Area, as the Applicant is committed to providing approximately 1.00 FAR (approximately 40,732 gsf) of light industrial uses (Use Groups 11, 16, 17) at Projected Development Site 1. As such, the Applicant has partnered with Evergreen, a local organization that organizes and supports manufacturing, creative production and industrial service businesses in North Brooklyn. The proposed retail uses that would be facilitated by the Proposed Action would serve to improve the pedestrian environment along this portion of Flushing Avenue and Jefferson Street, as well the accompanying project-generated pedestrian areas, with active ground floor uses, thus activating the streetscape surrounding and within the Project Area. Further, the proposed commercial office and light industrial development would align with the goals of the New York Works policy, which is a series of 25 initiatives to spur 100,000 jobs over the coming decade. Specifically, the plan calls for the need to bring jobs closer to where New Yorkers live to reduce commuting times and minimize the strain on the transit network.

The proposed M1-5 zoning district would also eliminate any requirements for accessory on-site parking at the Applicant-owned site and within the Project Area. As the Project Area is within a transit zone and contains the Canarsie-bound entrances to the Jefferson Street subway station, providing service along the L-line (Manhattan-bound entrances are located directly adjacent the Project Area across Wyckoff Avenue), the Proposed Action would encourage and support transit-oriented development within the Project Area in an appropriate area of Brooklyn, and would therefore support the goals of OneNYC in facilitating greater opportunities for transit-oriented growth throughout the city. Additionally, with the onset of the COVID-19 pandemic, the Proposed Action and resultant RWCDS would further support the

[1] *North Brooklyn Industry & Innovation Plan* (2018), New York City Department of City Planning.

growing need to promote livable and walkable mixed-use neighborhoods with work spaces within close proximity to residential communities.

## E. DESCRIPTION OF THE PROPOSED PROJECT

In the future with the Proposed Action, the Applicant proposes to demolish the existing single-story building on Projected Development Site 1 in order to facilitate a new mixed-use development spread between two buildings on a single zoning lot (the "Proposed Project"). The Proposed Project would consist of a single-story building and a nine-story building separated by a pedestrian alleyway (see **Figure 1-5**). The single-story structure and first two floors and cellar floor of the nine-story building would contain a combined total of approximately 75,586 gsf (36,730 zsf) of retail uses (0.97 FAR); the second and third floors of the proposed nine-story building would contain approximately 40,732 gsf (37,846 zsf) of light industrial uses (1.0 FAR)[2]; and the remaining floors (three through nine) of the proposed nine-story building would contain approximately 121,786 gsf (114,983 zsf) of commercial office uses (3.03 FAR) (see **Figure 1-6**). The Proposed Project would also create up to 0.11 acres of private open space areas located within the pedestrian alleyway,[3] as well as approximately 0.33 acres of private outdoor office amenity space located at the Proposed Project's second- and fourth-floor terraces. The proposed retail spaces located on the ground floor and cellar would accommodate multiple retail tenants and would be accessed from the building's pedestrian alley, Flushing Avenue, and Jefferson Street frontages. Additionally, within the nine-story building, each of the retail spaces would provide internal connections via the commercial lobby. As shown in **Figure 1-7**, three loading bays would be provided with a single curb cut along Flushing Avenue to satisfy the M1-5 zoning requirements associated with the proposed office, retail, and industrial uses; no accessory parking spaces would be required under the proposed M1-5 zoning district. In total, the Proposed Project would contain approximately 238,104 gsf (189,559 zsf) of new development (5.0 FAR).

## F. ANALYSIS FRAMEWORK

### Analysis Year

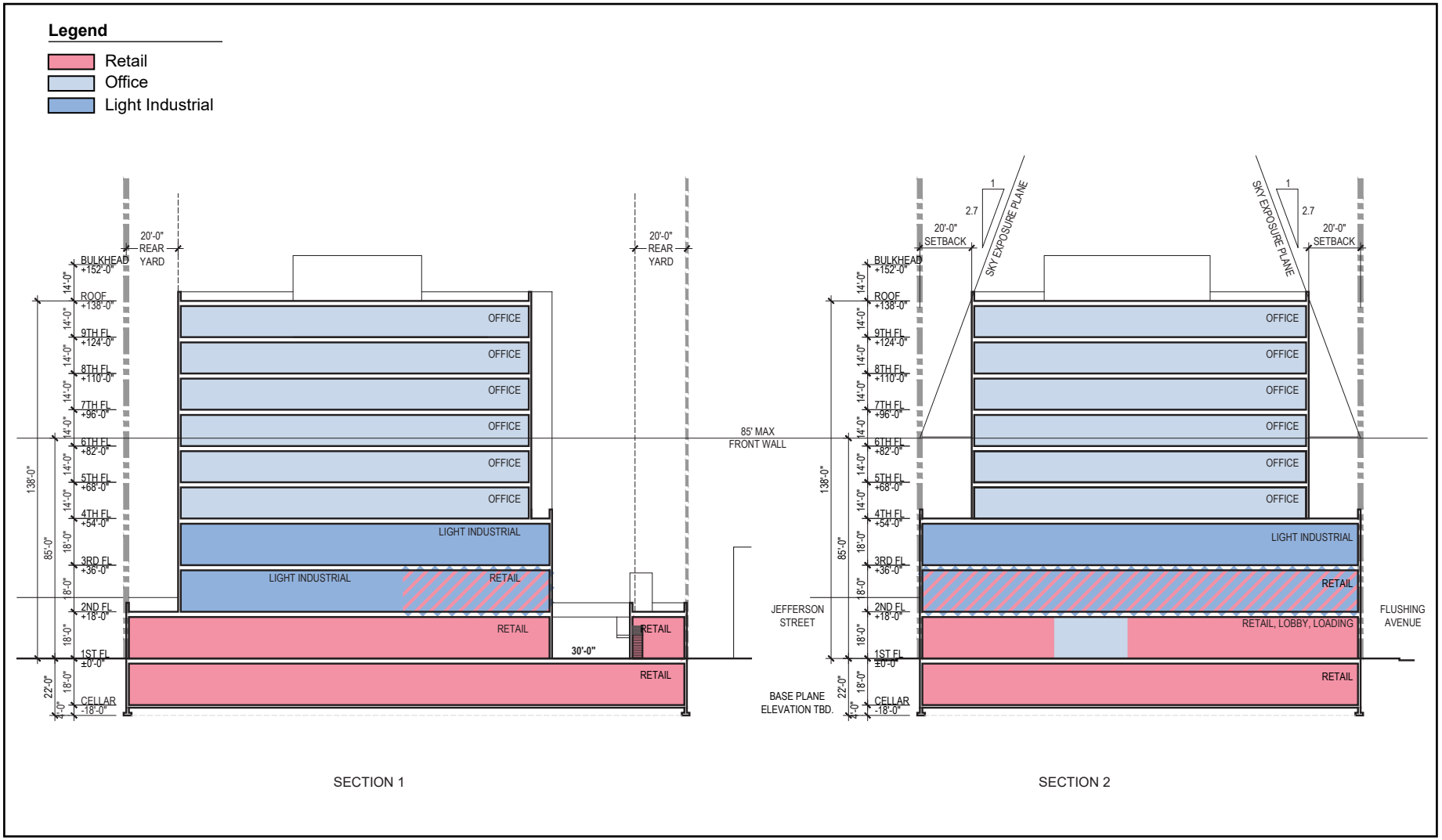
Accounting for the ULURP approval timeline and based on the Proposed Project's anticipated 22-month construction timeline, it is assumed that full build-out of the Proposed Project would occur by early 2025. Additionally, as noted above and described in greater detail below, two additional projected development

[2] While the future tenant(s) to utilize the proposed industrial space(s) are not known at this time, these spaces are intended to be occupied by uses similar to those identified in the approved applications for IBIA development projects located at 25 Kent Avenue (CEQR No: 16DCP065K; ULURP Nos: C 160124 ZSK; C 160125 ZSK; N 160126 ZRK), 103 North 13th Street (CEQR No: 18DCP182K, ULURP Nos: N 190083 ZRK; C 190084 ZSK; C 190085 ZSK), and 1 Wythe Avenue (CEQR No: 21DCP075K, ULURP Nos: 210272ZSK; N210273ZRK), all of which allocated a portion of their floor area to accommodate light industrial/manufacturing uses pursuant to IBIA regulations. For conservative analysis purposes, the analysis presented in Chapter 5, "Air Quality," assumes these light manufacturing uses to include Commercial Art & Woodworking, Jewelry Manufacturing, Printing, Commercial Art & Graphic Design, and Baking (refer to Table 5-14).

[3] In the *1160 Flushing Avenue Rezoning Environmental Assessment Statement (EAS)* released on May 23, 2022, the proposed 0.11-acre pedestrian alley to be introduced at Projected Development Site 1 was previously defined as a 'publicly accessible area' and was thus studied as such; particularly in Attachment F, "Open Space,", the 0.11-acre space was included in the quantitative open space analysis. The proposed pedestrian alley has since been refined to serve as a 'private open space' that will be open to the public during normal operating hours. As such, this EIS assesses the pedestrian alley as a private open space, and thus is no longer included in the quantitative open space analysis presented in Chapter 3, "Open Space."




*FOR ILLUSTRATIVE PURPOSES ONLY*

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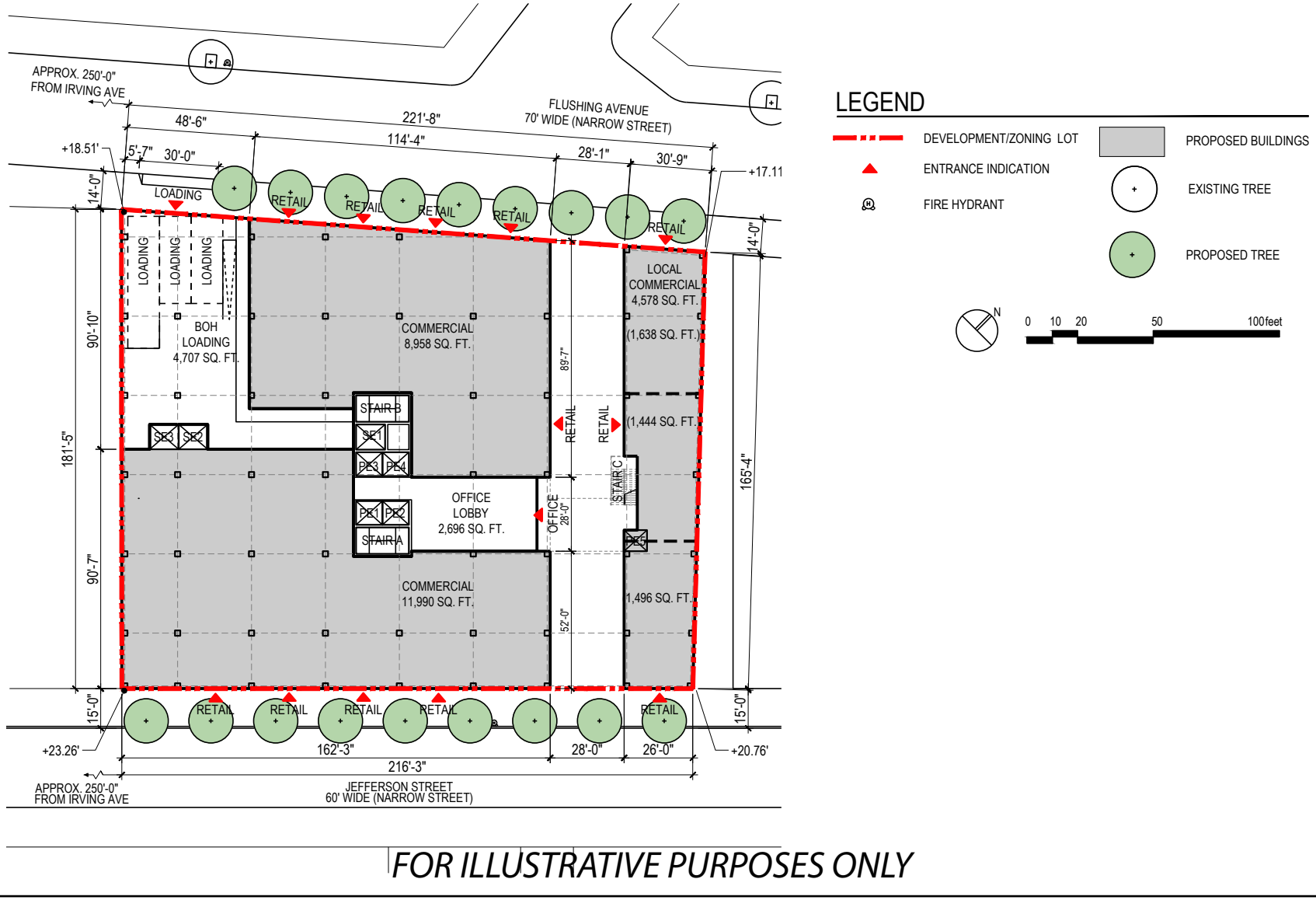



*FOR ILLUSTRATIVE PURPOSES ONLY*

sites (Lots 29 and Lot 40) have been identified in the Project Area that could be developed as a result of the Proposed Action. However, as described below, no formal redevelopment plans exist for the non-Applicant-owned sites. Nonetheless, the two sites meet the CEQR soft site criteria and, as such, are anticipated to be redeveloped by 2027. This analysis year reflects a reasonable estimate of the time needed for developers to demolish the existing structures on Lots 29 and 40, design the two projects, obtain design approvals, and construct the projects (a total of approximately five years). Accordingly, the EIS will use a 2027 analysis year. As all developments facilitated by the Proposed Action are expected to be operational in 2027, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses assess current conditions and forecast these conditions to the analysis year of 2027 for the purposes of determining potential impacts.

## Reasonable Worst-Case Development Scenario (RWCDS)

In order to assess the possible effects of the Proposed Action, a RWCDS for the Project Area was established for both Future No-Action and Future With-Action conditions. The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis of the impact category analyses.

### *Development Site Criteria*

Pursuant to the 2021 *CEQR Technical Manual*, several factors were considered in projecting the amount and timing of new development on the non-applicant owned lots within the Project Area. These include known development proposals, past development trends, and the development site criteria described below. The first step in establishing the RWCDS was to identify those sites where new development could reasonably occur.

According to the *CEQR Technical Manual* the following factors, commonly referred to as "soft site criteria," are generally considered when evaluating whether some amount of development would likely be constructed by the build year as a result of the Proposed Action:

- The uses and bulk allowed: Lots located in areas where changes in use would be permitted and/or contain buildings built to substantially less than the maximum allowable FAR under the existing zoning are considered "soft" enough such that there would likely be sufficient incentive to develop in the future, depending on other factors specific to the area (e.g., the amount and type of recent as-of-right development in the area, recent real estate trends, site specific conditions that make development difficult, and issues relating to site control or site assemblage that may affect redevelopment potential); and
- Size of the development site: Lots must be large enough to be considered "soft." Generally, lots with a small lot size are not considered likely to be redeveloped, even if currently built to substantially less than the maximum allowable FAR. A small lot is often defined for this purpose as 5,000 sf or less, but the lot size criteria is dependent on neighborhood specific trends, and

common development sizes in the study area should be examined prior to establishing these criteria.

However, the following uses and types of building that meet the soft site criteria are typically excluded from development scenarios because they are unlikely to be redeveloped as a result of a proposed project:

- Full block and newly constructed buildings with utility uses, as these uses are often difficult to relocate;
- Lots where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment, unless recently constructed or altered lots were built to less than or equal to half of the maximum allowable FAR under the proposed zoning;
- Lots whose location or irregular shape would preclude or greatly limit future as-of-right development. Generally, development on irregular lots does not produce marketable floor space;
- Long-standing institutional uses with no known development plans; or
- Residential building with six or more units constructed before 1974. These buildings are likely to be rent-stabilized and difficult to legally demolish due to tenant re-location requirements.

Projected Development Site 1

In the future with the Proposed Action, it is assumed that the proposed zoning map amendment would be approved, allowing the Applicant to redevelop Projected Development Site 1 (Block 3167, Lots 18 and 24). However, as the proposed M1-5 zoning district permits a maximum community facility FAR of 6.5, the reasonable worst-case development scenario for the Applicant's Development Site maximizes the permitted FAR with an additional 1.5 FAR of community facility (medical office) uses over the Proposed Project (5.0 FAR) for conservative analysis purposes. As such, for reasonable worst-case analysis purposes, it is assumed that Projected Development Site 1 would accommodate approximately 75,586 gsf (36,730 zsf) of retail uses, approximately 40,732 gsf (37,846 zsf) of light industrial uses, approximately 121,786 gsf (114,983 zsf) of commercial office uses, and approximately 59,973 gsf (56,975 zsf) of community facility (medical office) uses (the "RWCDS"). Similar to the Proposed Project, the RWCDS would require three loading bays, which would be accommodated by a single curb cut along Flushing Avenue, and would not contain any accessory parking spaces. In total, the RWCDS for Projected Development Site 1 would contain approximately 298,077 gsf (246,534 zsf) of new development (6.5 FAR).

Remainder of the Project Area

In addition to the Applicant's property, the Project Area also includes the entirety of three privately-owned tax lots that are not controlled by the Applicant (Lots 26, 29, and 40), and an approximately four foot portion of the privately-owned Lot 12.

Lot 29 has a total lot area of 18,530 sf and a built FAR of 1.05, which represents 105 percent of the existing permitted commercial FAR and 21 percent of the proposed M1-5 district's maximum permitted commercial FAR. Lot 40 has a total area of 7,450 sf and a built FAR of 0.97, which represents 97 percent of the existing permitted commercial FAR and 19 percent of the proposed M1-5 district's maximum permitted commercial FAR. As Lots 29 and 40 both meet several criteria for being considered "soft sites," for RWCDS purposes, it is assumed that both Lots 29 and 40 (or "Projected Development Site 2" and

"Projected Development Site 3," respectively) would each be redeveloped as a result of the Proposed Action.

As Lot 26 has an existing built FAR of 2.87, which represents 287 percent of the maximum permitted commercial/industrial uses under the existing M1-1 zoning (and therefore, is considered non-compliant under existing conditions) and 57.4 percent of the maximum permitted commercial/industrial uses under the proposed M1-5 zoning, it is unlikely that Lot 26 would be redeveloped in the future with the Proposed Action as the site does not meet CEQR's "soft-site" criteria. Therefore, Lot 26 is not considered a projected development site.

Additionally, as the proposed M1-5 zoning district would only extend four feet from the eastern edge of Lot 12, and thus, would not exceed 25 feet, the proposed M1-5 zoning district would not apply to Lot 12 (pursuant to ZR Section 77-211), it is unlikely that Lot 12 would be redeveloped as a result of the Proposed Action as the site does not meet CEQR "soft site" criteria. Therefore, Lot 12 is not considered a projected development site.

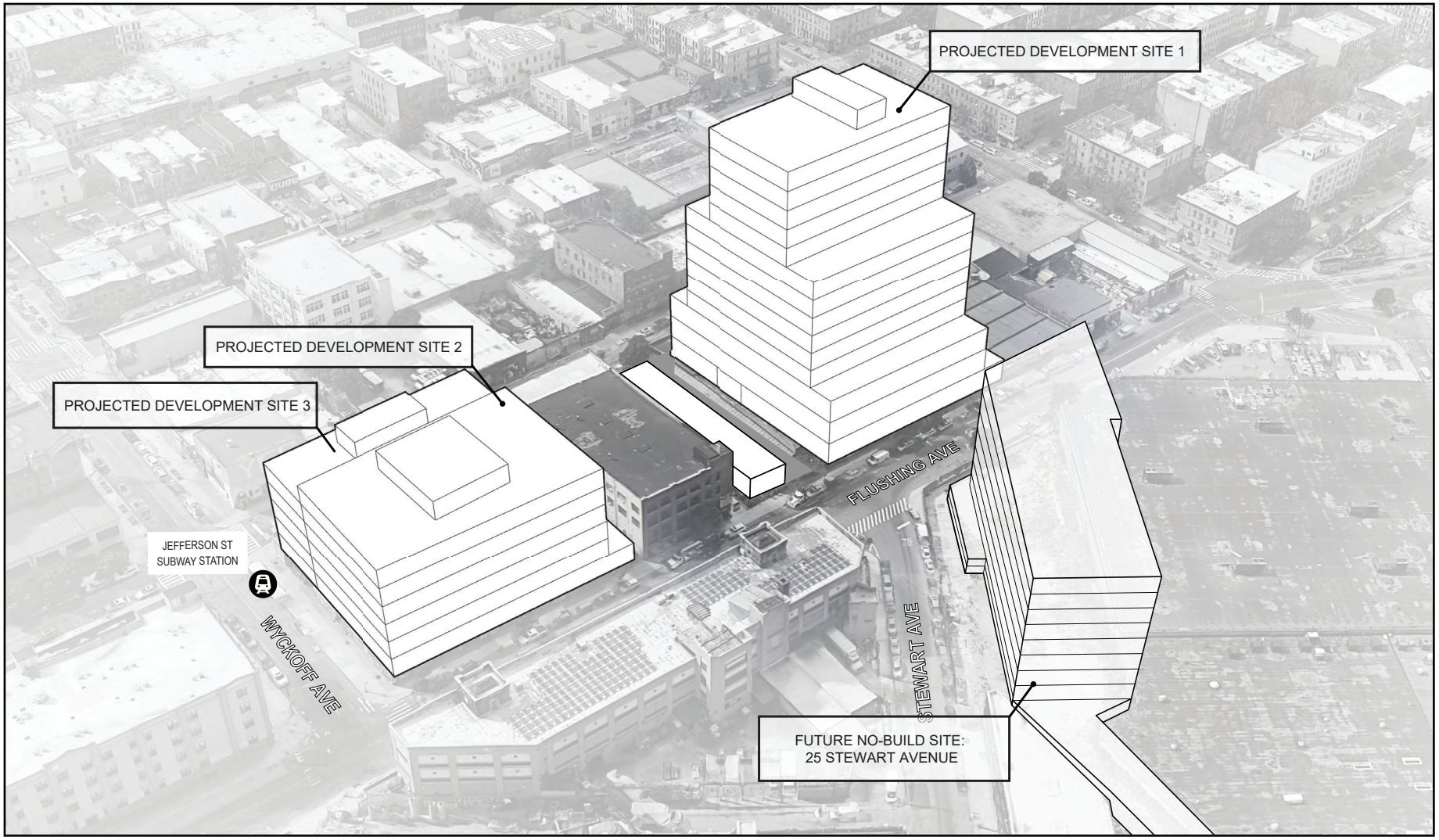
***The Future without the Proposed Action (No-Action)***

In the future without the Proposed Action, it is assumed that while no new construction would be planned for the Applicant-owned Projected Development Site 1, the currently vacant, approximately 30,388 sf former industrial building on Lots 18 and 24 would be converted and reoccupied with commercial retail uses in the No-Action condition. As a result, the Projected Development Site 1 would be occupied by approximately 31,907 gsf (30,388 zsf) of commercial retail uses on a 37,928-sf lot (0.80 FAR). No other changes to the remaining Project Area lots are anticipated in the future without the Proposed Action.

***The Future with the Proposed Action (With-Action)***

In the 2027 future with the Proposed Action (the With-Action scenario), the proposed zoning map amendment would be approved, allowing the Applicant to construct the Proposed Project (5.0 FAR) at Projected Development Site 1. However, as discussed above, it is conservatively assumed that the Proposed Action would result in the development of a new mixed-use building with a built FAR of up to 6.5.

In addition, it is assumed that Projected Development Site 2 (Lot 29) and Projected Development Site 3 (Lot 40) would each be redeveloped in the 2027 With-Action scenario. It is anticipated that Projected Development Site 2 would be redeveloped with a six-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses comprising approximately 79,821 gsf of office space and 16,730 gsf of retail space, and Projected Development Site 3 would be redeveloped with a five-story, 5.0 FAR predominantly commercial office building with ground-floor retail uses comprising approximately 32,547 gsf of office space and 6,250 gsf of retail space. As a result, the total With-Action development scenario for the Project Area would include approximately 234,154 gsf of commercial office uses, 98,566 gsf of retail uses, 40,732 gsf of light industrial uses, and 59,973 gsf of community facility (medical office) uses, thus representing the RWCDS for the Project Area under the Proposed Action (refer to **Figure 1-8**).




*FOR ILLUSTRATIVE PURPOSES ONLY*

**1160 Flushing Avenue Rezoning**

**Figure 1-8**
**Future 2027 With-Action Condition - RWCDS**

***Possible Effects of the Proposed Action***

**Table 1-1** below provides a comparison of the 2027 No-Action and With-Action scenarios for Projected Development Sites 1, 2, and 3 identified for analysis purposes. As shown in the table, the incremental (net) change that would result from the Proposed Action is the addition of 234,154 gsf of commercial office uses, 46,184 gsf of local retail uses, 59,973 gsf of community facility (medical office) uses, and 33,119 gsf of light industrial uses. Using standard ratios for estimating employment, **Table 1-1** estimates that the incremental change in workers that would result from the Proposed Action is the addition of 1,305 workers.

**TABLE 1-1**
**Comparison of 2027 RWCDS No-Action and With-Action Scenarios for Projected Development Sites 1, 2, and 3**

| Use | No-Action Scenario | With-Action Scenario | Increment |
|---|---|---|---|
| Commercial | 52,382 gsf | 332,720 gsf | **+280,338 gsf** |
| Office | -- | 234,154 gsf | **+234,154 gsf** |
| Retail | 52,382 gsf | 98,566 gsf | **+46,184 gsf** |
| Community Facility (Medical Office) | -- | 59,973 gsf | **+59,973 gsf** |
| Light Industrial | 7,613 gsf | 40,732 gsf | **+33,119 gsf** |
| **Population/Employment[1]** | **No-Action Scenario** | **With-Action Scenario** | **Increment** |
| Workers | 183 workers | 1,488 workers | **1,305 workers** |

**Notes:**
[1] Estimate of workers is based on standard rates and are as follows: 1 worker per 300 sf retail space; 4 workers per 1,000 sf of office space; 1 worker per 1,000 sf of light industrial spaces; and 3 workers per 1,000 sf of community facility (medical office) space.

## G. PUBLIC REVIEW PROCESS

The Proposed Action comprise a zoning map amendment, which is subject to public review under ULURP, Section 200 of the City Charter, as well as CEQR procedures. The ULURP and CEQR review processes are described below.

### Uniform Land Use Review Procedure (ULURP)

The City's ULURP process, mandated by Sections 197-c and 197-d of the New York City Charter, is designed to allow public review of ULURP applications at four levels: Community Board, Borough President, the CPC, and the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of approximately seven months.

The process begins with certification by DCP that the ULURP application is complete. The application is then referred to the relevant Community Board (in this case Queens Community Board (CB) 1). The Community Board has up to 60 days to review and discuss the proposal, hold a public hearing, and adopt an advisory resolution on the ULURP application. The Borough President then has up to 30 days to review the application. CPC then has up to 60 days, during which time a public hearing is held on the ULURP application. If approved by the CPC, the application is then forwarded to the City Council, which has 50 days to review the ULURP application, during which time a ULURP/CEQR public hearing is held. Comments made at the Draft EIS (DEIS) public hearing and subsequent comment period (the record for commenting

remains open for ten days after the hearing to receive written comments) are incorporated into a Final EIS (FEIS).

The FEIS must be completed at least ten days before CPC makes its decision on the application. The CPC may approve, approve with modifications or deny the application. If the ULURP application is approved, or approved with modifications, it moves forward to the City Council for review. The City Council has 50 days to review the application and during this time will hold a public hearing on the proposed action, through its Land Use Subcommittee. The Council may approve, approve with modifications or deny the application. If the Council proposes a modification to the proposed action, the ULURP review process stops for 15 days, providing time for a CPC determination on whether the proposed modification is within the scope of the environmental review and ULURP review. If it is, then the Council may proceed with the modification; if not, then the Council may only vote on the actions as approved by the CPC. Following the Council's vote, the Mayor has five days in which to veto the Council's actions. The City Council may override the mayoral veto within 10 days.

## City Environmental Quality Review (CEQR)

CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The City of New York established CEQR regulations in accordance with the New York State Environmental Quality Review Act (SEQRA). Pursuant to the SEQRA (Article 8 of the Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City has established rules for its own environmental quality review in Executive Order 91 of 1977, as amended, and 62 RCNY Chapter 5, the Rules of Procedure for CEQR. The environmental review process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to propose reasonable alternatives, and to identify, and when practicable mitigate, significant adverse environmental effects. CEQR rules guide environmental review, as follows:

- *Establish a Lead Agency*. Under CEQR, the "lead agency" is the public entity responsible for conducting environmental review. In accordance with CEQR rules (62 RCNY §5-03), DCP, acting on behalf of the CPC, is serving as the CEQR lead agency for environmental review and will coordinate the review of the Proposed Action, with the NYCIDA acting as an involved agency.

- *Environmental Review and Determination of Significance*. The lead agency determines whether the proposed action(s) may have a significant impact on the environmental. To do so, DCP, in this case, evaluated an Environmental Assessment Statement (EAS) dated May 23, 2022 for the Proposed Action. Based on information contained in the EAS, and as the Proposed Action is classified as a "Type I Action," DCP determined that the Proposed Action may have a significant adverse impact on the environment, as defined by statute, and issued a Positive Declaration on May 23, 2022, requiring that an EIS be prepared in conformance with all applicable laws and regulations.

- *Scoping.* Along with its issuance of a Positive Declaration, DCP issued a Draft Scope of Work for the EIS, dated May 23, 2022, marking the beginning of the comment period on the Draft Scope. "Scoping," or creating the scope of work, is the process of identifying the environmental impact analysis areas, the methodologies to be used, the key issues to be studied, and creating an opportunity for others to comment on the intended effort. CEQR requires a public scoping meeting as part of the process. A public scoping meeting was held on June 23, 2022, at 2:00 PM, online via Zoom. The public review period for agencies and the public to review and comment on

the Draft Scope of Work was open through 5:00 PM on July 5, 2022. Modifications to the Draft Scope of Work for the project's EIS were made as a result of public and interested agency input during the scoping process. A Final Scope of Work document for the Proposed Action was issued on February 10, 2023.

- *Draft Environmental Impact Statement (DEIS).* The DEIS was prepared in accordance with the Final Scope of Work, and followed the methodologies and criteria for determining significant adverse impacts in the *CEQR Technical Manual*. The lead agency reviewed all aspects of the document, calling on other City and state agencies to participate where the agency's expertise is relevant. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review. The DEIS was deemed complete and the Notice of Completion was issued on February 10, 2023.

- *Public Review.* Publication of the DEIS and issuance of the Notice of Completion signaled the start of the public review period. During this time, which must extend for a minimum of 30 days, the public hads 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. When the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. CPC held a joint ULURP/CEQR public hearing on May 24, 2023 at 10:00 AM, which was held with both in-person and remote options, to allow for broad public participation. The lead agency ~~must~~ published a notice of the hearing in AM Metro New York on May 8, 2023, and in the City Record and the Environmental Notice Bulletin on May 9, 2023~~at least fourteen (14) days before it takes place, and must accept written comments for at least ten (10) days following the close of the hearing~~. Written comments on the DEIS were accepted through June 5, 2023 by 5:00 PM. All substantive comments received at the hearing have become part of the CEQR record and ~~must~~ have been summarized and responded to in thise FEIS.

- *Final Environmental Impact Statement (FEIS).* After the close of the public comment period for the DEIS, the FEIS is prepared. The FEIS must incorporate relevant comments on the DEIS, either in a separate chapter or in changes to the body of the text, graphics and tables. Once the lead agency determines the FEIS is complete, it issues a Notice of Completion and circulates the FEIS. DCP issued a Notice of Completion and circulated the FEIS on June 16, 2023.

- *Findings.* To document that the responsible public decision-makers have 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 project, potential alternatives, and potential mitigation measures. The findings may not be adopted until ten (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"). This means that the CPC must wait at least ten days after the FEIS is complete to take action on a given application.