



THE CITY OF NEW YORK **COMMUNITY BOARD SIX**

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October 28, 2005

Charles A. Gargano
Chairperson & CEO
Empire State Development Corporation
633 Third Avenue
New York, New York 10017

Dear Chairman Gargano:

In response to the Empire State Development Corporation's (ESDC) September 16, 2005 Combined Notice of Proposed Lead Agency Designation, Public Scoping and Intent to Prepare a Draft Environmental Impact Statement for the Atlantic Yards Arena and Redevelopment Project we submit to you the following statement containing the issues that must be addressed in the final scope of work for the project. We are hopeful that ESDC will see the merits in our suggestions and will amend the draft scope accordingly and take additional actions including but not limited to the following:

Review Process Cost-Sharing.

- The February 18, 2005 Memorandum of Understanding (MOU) entered into by State, City and project sponsor at Section 19 sets forth an understanding that the project sponsor would be responsible for all costs incurred by various "Public Parties" associated with the environmental review of the proposed action. Brooklyn Community Board 6, a City agency with jurisdiction, responsibilities and powers proscribed by City Charter, asserts that its costs should be included among those of other such parties. The Community Board is in fact the most local representative branch of government affected by the project and will be unable to fully comply with its requirements under the City Charter to provide adequate review and representation as a City agency on behalf of the affected community without such resources becoming available.

Project Planning Principles.

- Included among the project principles is the incorporation of urban design guidelines regarding various design elements known to be important to the affected community. The MOU at Section 4 similarly makes reference to the adoption of agreed upon design

guidelines. Brooklyn Community Board 6, a City agency with jurisdiction, responsibilities and powers proscribed by City Charter, asserts that it should be actively included among the list of “Public Parties” involved in determining the project’s design guidelines. A mechanism for formally including the Community Board in the discussions involving the development of design guidelines must be created.

Required Actions.

- Absent from the list of required actions necessary to implement the project is the forced realignment of municipal service districts as organized by Community District boundaries. The proposed combination of blocks necessary to construct the arena at the proposed location includes blocks 1118 (Brooklyn CD2), 1119 (Brooklyn CD2) and 1127 (Brooklyn CD6). These blocks would form an arena “superblock” over an existing municipal boundary which would force a realignment of municipal services delivered to these two Community Districts. All three Community Boards highlighted this matter when the Mayor conducted his decennial review of Community District boundaries based on the most recent Census figures pursuant to Section 2702 of the City Charter. Recommendations were made for how these lines could be redrawn. No further action was recommended by the City at that time. This matter must be addressed by some responsible party and should involve active discussion with all three Community Boards affected by the project.

Include Task to Study “Natural Resources.”

- Contrary to the project sponsor’s assertion, a full and detailed analysis must be performed for the project’s impacts on Natural Resources, most notably the Gowanus Canal which lies within ½ mile west of the project site. The project site is upgradient to the Gowanus Canal and will create a great deal of newly paved surface areas above sea levels that will increase the amount of stormwater run-off into the Gowanus Canal floodplain region. Increased stormwater run-off will likewise increase the number of combined sewer overflow (CSO) events occurring throughout the year thereby increasing the amount of untreated sanitary sewage discharges into the Gowanus Canal. Such affects must be disclosed, studied and mitigated to the fullest extent possible.

Include Task to Study “Waterfront Revitalization Program.”

- Contrary to the project sponsor’s assertion, a full and detailed analysis must be performed for the project’s impacts on the City’s Waterfront Revitalization Program, most notably the Sunset Park Significant Maritime and Industrial Area (SMIA) which includes the Gowanus Canal and lies within 1-mile southwest of the project site. Past efforts to identify this region as an important maritime and industrial area have recently been bolstered by the City’s development of an Industrial Business Zone policy and plans to further protect this region. Given the potential impacts that would be disclosed and identified in a Task that would study “Natural Resources,” as previously suggested, a mitigation plan should include not only the protection and improvement of any project-induced impacts on the natural resources, but on the maintenance and use of the Gowanus

Canal for maritime and industrial purposes as well. The goals of the Waterfront Revitalization Program that would potentially be impacted by the project include: the maintenance and reestablishment of physical and visual public access to and along the waterfront; the encouragement of water-dependent uses along the City's waterfront; the creation of a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities; the preservation of historic resources along the City's waterfront (the Gowanus Canal has recently been recommended for listing on the National Register of Historic Places by the U.S. Army Corps of Engineers), and; the protection of natural resources in environmentally sensitive areas along the shore.

Task 1. Project Description.

- No comment.

Task 2. Analysis Framework.

- As suggested elsewhere in this document, we believe that the study areas for various other tasks need to be substantially expanded, specifically for Land Use, Zoning and Public Policy (Task 3), Infrastructure, Energy and Solid Waste (Task 11), Traffic and Parking/Transit and Pedestrians (Task 12), Air Quality (Task 13) and Noise (Task 14).
- The decade-long timetable anticipated for construction suggests that project impacts should be projected beyond the course of construction, perhaps by as much as 20-40 years further, to consider the full impact of the build-out scenario in the context of a built-out Rezoned Downtown Brooklyn, Rezoned Park Slope, Rezoned South Park Slope, construction of the Brooklyn Bridge Park, etc.

Task 3. Land Use, Zoning, and Public Policy.

- Given the magnitude of the project, which effectively would create a new neighborhood in the borough of Brooklyn, the study area must be expanded correspondingly to consider the impact of land use, zoning and public policy respective to the adjacent neighborhoods. The primary study area for this section should include the neighborhoods of Prospect Heights, Fort Greene, Boerum Hill, Downtown Brooklyn, Gowanus and Park Slope. The secondary study area should include Cobble Hill, Carroll Gardens, Crown Heights, Brooklyn Heights and Clinton Hill.
- The scope must factor in a somewhat dynamic zoning environment as evidenced by recent City actions including the Downtown Brooklyn Rezoning, Park Slope Rezoning and South Park Slope Rezoning. It would not be unreasonable to assume that additional zoning actions may similarly be considered for portions of Flatbush Avenue, Atlantic Avenue and other nearby as yet undetermined locations.
- ESDC should address what land use controls will be in place during, and at the end of, the project construction period. Owing to the decade-long construction timetable, we need to know what controls will be in place should changes be proposed by the project sponsor during the construction period. How will such changes be reviewed? By whom? According to what procedures? Who will approve?

Task 4. Socioeconomic Conditions.

- The project sponsor proposes to provide information above that which is required by CEQR standards introducing a section entitled, “Economic and Fiscal Benefits.” The MOU at Section 3 requires that the project sponsor develop a Financing and Operating Plan for the project. Furthermore, at Sections 8, 9, 10 and 11 it outlines some possible financial implications for public investment in the project, including tax exemptions, infrastructure investments, sale of bonds, PILOT’s, etc. Taken together, the requirements of the MOU should be satisfied by providing a juxtaposing “Economic and Fiscal Costs” section in Task 4 which would provide a total cost profile for the project breaking down into public and private financing for both construction and operating costs. Construction project costs should also include, but not be limited to, loss of mobility to commuters, loss of access for local businesses, increasing demand on public safety resources (as experienced with the construction of Metrotech), cost of traffic control agents and other temporary traffic mitigation plans, loss or diversion of public transit access, and actual construction costs for the arena, housing units, commercial office space, retail space and other project elements. Beyond these construction costs, the operating period costs must similarly be disclosed to include, but not be limited to, the maintenance of the arena, housing units, commercial office space, retail space, open space including related amenities, other project elements, the need for additional emergency and uniformed municipal services, maintenance of new infrastructure needs, development and maintenance of new municipal facilities that may include schools, libraries, daycare centers, and other facilities, and the cost of relocating the Fire Department facility at 648 Pacific Street.

Task 5. Community Facilities and Services.

- Contrary to the project sponsor’s assertion, a full and detailed analysis of fire and police protection impacts must be performed. The project will result in the permanent loss of city streets, street and lane closures throughout the next decade, the removal of 2 bridges, the removal of excessive amounts of construction and demolition debris, the delivery of an excessive amount of building materials and the delivery and regular use of heavy construction machinery and equipment. Taken together, these impacts will prove a substantial impediment to mobility and access in an area that is already notoriously among the worst for baseline traffic conditions and pedestrian safety. Without question, the sheer size and duration of the project will directly affect the fire and police departments’ abilities to respond to emergency calls. Failure to analyze the project’s impacts on fire and police protection in detail will place our communities at an unacceptable and avoidable risk.
- Baseline traffic processing capacity at the Atlantic-4th-Flatbush Avenues nexus is already suboptimal. Unfortunately for our community, the 78th Precinct stationhouse located at 65 6th Avenue is on the east-side of Flatbush Avenue while almost the entire command catchment area lies to the west of Flatbush Avenue. The stationhouse is situated directly around the corner from the proposed arena “superblock.” At peak traffic times police responses from the stationhouse are delayed because of the wall of traffic at Flatbush

Avenue. We do not have to wait for the first game event at the arena to see that the precinct will be immobilized and gridlocked by the new streams of traffic attracted to the area. We expect response times to suffer. We had previously suggested that the 78th Precinct be relocated to a more strategic location to better serve its catchment area; Union Street and 4th Avenue would probably be the ideal location. Regretfully, the Police Department has been unresponsive to our requests for dialogue during the past 2 annual borough budget consultations. The EIS must study the relocation of the 78th Precinct to a more ideal and suitable location as a viable mitigation measure. Surely, our community deserves every consideration to ensure that public safety is not compromised in any way by the project.

- The project will become a major regional attraction located at one of the largest and most critical transit hubs in New York City, which has already been a target of prior terrorist activity. Post-9/11 security concerns have created new demands on scarce public resources. Even the City's CEQR standards have yet to be revised to account for these needed services. Viable mitigation measures to be taken include not only design elements for the project, but post-construction operational needs which should be studied, forecasted and disclosed as well.

Task 6. Open Space.

- The MOU at Section 15 requires the project sponsor or their successor "to develop and maintain in perpetuity a minimum of 6 acres of green public open spaces, within the Project Site, all in accordance with the Development Plan." It must be clarified whether this will be true public open space or publicly-accessible, privately-controlled open space, as is the case with Forest City Ratner Company's Metrotech project. If it is the latter, then the EIS must disclose whether there would be any restrictions on the use of the space that would differ from open space falling under public government jurisdiction.
- As previously recommended under "Project Planning Principles," a mechanism for formally including the Community Board in the discussions involving the development of design guidelines for the public open space elements must be created.

Task 7. Cultural Resources.

- The Pacific Branch Library at 25 4th Avenue is a Carnegie-designed building in the Brooklyn Public Library system that has yet to be landmarked; the nearby Park Slope Branch Library building, another Carnegie branch, was officially landmarked in 1998. We hope that the scope will be expanded to include the identification of this site as a cultural resource and that the City will take swift action to ensure the building's protected status. It is possible, for example, that the process of landmarking could be expedited and included as a discretionary approval for this project.
- The scope should include an analysis of how the arena will be used by and related to the study area's existing cultural organizations including but not limited to Brooklyn Information and Culture (BRIC), the Heart of Brooklyn, the Brooklyn Academy of Music (BAM) and the BAM Cultural District, and other local cultural groups.

Task 8. Urban Design and Visual Resources.

- As previously recommended under “Project Planning Principles,” a mechanism for formally including the Community Board in the discussions involving the development of design guidelines must be created.

Task 9. Shadows.

- The full extent of the cast shadows must be modeled and disclosed, particularly their specific impact on public spaces such as the Bears Gardens, the Pacific Branch Library gardens and the affected sidewalks which are the most common public spaces in the area.
- In addition to the impact of shadows, the impact of reflections must similarly be modeled and disclosed. The project sponsor has made it prominently known that they will be utilizing an experimental architectural form relying on irregular building surfaces for dramatic effect. Where they have been used elsewhere, reflections from the use of such irregular surfaces have resulted in unforeseen heat transfer, glare and precipitation run-off. To minimize any undue burdens and ill-effects from the use of this non-traditional architectural style, modeling must be performed for both natural and artificial sources of illumination and rain and snow events.

Task 10. Hazardous Materials.

- No comment.

Task 11. Infrastructure, Energy and Solid Waste.

- As previously recommended under “Include Task to Study Natural Resources,” a full and detailed analysis of the project’s impacts on Natural Resources would likely reveal that the amount of newly paved surface areas above sea levels will increase the amount of stormwater run-off into the local sewer system. This will increase the number of combined sewer overflow (CSO) events occurring throughout the year thereby increasing the amount of untreated sanitary sewage discharges into the Gowanus Canal. Viable mitigation measures such as industrial pre-treatment of sanitary sewage, installation and use of separate systems, septic systems, stormwater management through use of permeable surfaces and other stormwater capture systems, must be fully studied.
- Based on sheer magnitude alone, we suspect that there will be an irreversible and irretrievable commitment of energy resources to support the project. A detailed analysis of the energy requirements for the project’s construction and operation impacts must be disclosed, as well as the project sponsor’s ability to include viable mitigation measures that rely on alternate forms of energy and/or the use of on-site cogeneration facilities. Furthermore, we would like to see Con Edison’s evaluation of the project sponsor’s energy plans relative to their current demands, projected demands and future plans for providing energy to the region.

Task 12. Traffic and Parking/Transit and Pedestrians.

- Given the magnitude of the project, which effectively would create a new regional impact in the borough of Brooklyn, the study area must be expanded correspondingly to consider the impact of traffic respective to major approaches from adjacent regions. The primary study area for this section should be extended to include the following: beginning with the Williamsburg Bridge, it should trace a line along the northwestern Brooklyn coastline including the East River crossings to Hamilton Avenue/BQE to the Prospect Expressway to Caton Avenue to Bedford Avenue to Broadway returning to the Williamsburg Bridge. Roughly speaking, this area would vary in radius around the site but would not exceed 2-miles.
- Within the expanded study area the scope must include a modal split analysis to project traffic streams that would use the various bridge and highway approaches, primary thoroughfares, secondary thoroughfares, local streets, public transportation (bus, subway and train), for-hire vehicles (cars, vans and busses), private vehicles, bicycles and pedestrians.
- Beyond traffic projections, traffic modeling must also be performed to demonstrate in a clear and graspable manner the full affect of project-induced traffic impacts. Maximum public access to the traffic models must be provided during the review and environmental investigation phase of the project.
- Viable traffic mitigation measures to be included for study in the scope should include, but not be limited to, the effect of congestion pricing on parking, limiting the creation of new parking, 2-hour muni-meter parking for shoppers and other visitors to the area, neighborhood permit parking for residents and their guests, event transportation planning, event “ticket and transit” package deals, modal event parking (i.e., parking spaces to be purchased with event ticket), traffic control agents, and park and ride options for shuttling visitors to the site.
- In addition to the time of day variations proposed for traffic projections the scope must also include seasonal variations in traffic flow. For example, last winter shortly after the opening of the new Atlantic Terminal at Flatbush Avenue the local streets were near impossible to travel during the high point of the holiday shopping season. The Atlantic Terminal and the Atlantic Center are located across the street from the project site, and are both Forest City Ratner Company developments.
- The scope must include an analysis of how the project can attract bicycle traffic through integration with and connectivity to existing bicycle lanes and routes, the provision of safe, convenient and adequate supplies of secured bicycle parking, and the creation of a bicycle “park and ride” facility linked into the Atlantic Avenue transit hub.
- Pedestrian safety must be improved at the Atlantic-4th-Flatbush Avenues nexus and mitigation plans must be developed that would encourage safe pedestrian access to and throughout the project site. Viable mitigation measures to be included for study in the scope should include, but not be limited to, the use of traffic calming devices such as bollards, raised crosswalks, leading pedestrian intervals, neckdowns, turn lanes, shorter crosswalks and safer crossings. Information already exists in the form of the Department of Transportation’s Downtown Brooklyn Traffic Calming plans which, taken with the previous public feedback already included in that effort, can help inform the development of mitigation plans.

- Lastly, ESDC must hold the project sponsor accountable for all project-induced traffic impacts that occur during the construction and post-construction phases of the project. In so doing, the baseline EIS traffic figures must be periodically revisited on an as-needed basis to account for unforeseen traffic impacts during the decade-long construction timetable, to test whether executed mitigation measures have achieved their desired results, and to determine whether additional mitigations are warranted, particularly post-construction.

Task 13. Air Quality.

- The study area for air quality analysis should be expanded to match the proposed boundaries described in Task 12. The affect of mobile source air emissions from vehicular traffic, likely to be the greatest contributing source, will be experienced well beyond the proposed limits of the project area. Traffic traveling to and from the project site will bring attendant impacts and these effects must be studied and disclosed along the project approaches.

Task 14. Noise.

- The study area for noise analysis should be expanded to match the proposed boundaries described in Task 12. The affect of noise from vehicular traffic, likely to be the greatest contributing source, will be experienced well beyond the proposed limits of the project area. Traffic traveling to and from the project site will bring attendant impacts and these effects must be studied and disclosed along the project approaches.

Task 15. Neighborhood Character.

- The scope must include a detailed analysis of the impact of a project that will feature experimental architectural form relying on irregular building surfaces for dramatic effect and its impact on the surrounding neighborhoods which share a common mid- to late-19th century period development referred to in the vernacular as the Brownstone Belt. Pre-existing neighborhood contextual elements include the widespread use of rowhouse architectural forms, pedestrian-friendly street-level “Mom and Pop” retail establishments, period institutional buildings, tree-lined canopied residential streets, bluestone and tinted concrete sidewalks, and the use of historic lighting elements. The scope must consider how the project will respect, integrate with and in no way detract from the pre-existing characteristics that commonly define the surrounding neighborhoods.

Task 16. Construction Impacts.

- As suggested elsewhere in this document, various construction impacts need be studied and disclosed including but not limited to Socioeconomic Conditions (Task 4), Community Facilities and Services (Task 5), Infrastructure, Energy and Solid Waste (Task 11), Traffic and Parking/Transit and Pedestrians (Task 12), Air Quality (Task 13) and Noise (Task 14).

Task 17. Public Health.

- Construction and operational demands on the existing public health network of service providers in the study area must be studied including the affect of exposing sensitive receptors to extended construction and other stress-related events which may point to the need for additional mental health services for the community.

Task 18. Mitigation.

- Included in the MOU at Section 7 is a discussion of the Capital construction contributions to be made by the project sponsor, with potential future contributions in unspecified amounts to be made by various “Public Parties” for extraordinary infrastructure costs not related to the Arena component of the project. Brooklyn Community Board 6, a City agency with jurisdiction, responsibilities and powers proscribed by City Charter, asserts that it should be actively included among the list of “Public Parties” involved in mitigation planning, development, implementation and execution.
- ESDC must develop a mechanism to ensure that mitigation measures called for by the EIS are actually carried out, with a clear delineation of public and private responsibilities, dedications of funds, public authorizations, etc.

Task 19. Alternatives.

- In addition to the “build” and “no build” alternatives, a range of additional project alternatives should be studied including proposals that would scale the non-arena development portion of the project to 25%, 50% and 75% of the build option. Cost-benefit analyses for these various alternatives must be performed to enumerate the ranges of public and private investment versus their respective returns on investment to see to what degree a scaling down of the entire project, or some combination of components of the project, is economically feasible.

Task 20. Executive Summary.

No comment.

We acknowledge our responsibilities as the most local representative branch of government affected by the project. We are not looking to lay our problems at the feet of other agencies of government to solve for us. If given the opportunity and resources we are quite capable of representing our communities now, and as this project proceeds. We ask for ESDC to consider our ability to contribute toward this effort, the value we would bring to the process, and develop meaningful mechanisms to include us accordingly.

Thank you for the opportunity to comment.

Sincerely,

Jerry Armer
Chairperson

cc: Hon. George E. Pataki
Hon. Michael R. Bloomberg
Hon. Marty Markowitz
Hon. Letitia James
Hon. David Yassky
Hon. Bill de Blasio
Hon. Roger L. Green
Hon. Joan Millman
Hon. Velmanette Montgomery
Hon. Carl Andrews
Hon. Major R. Owens
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