



October 28, 2005

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

Dear Chairman Gargano:

In response to the Empire State Development Corporation's (ESDC) recent 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 Fifth Avenue Committee submits the following statement containing issues which must be addressed in the proposed scope of work for the project.

Fifth Avenue Committee, Inc. is a 27 year old non-profit community development corporation whose mission is to pursue social and economic justice in South Brooklyn principally by developing and managing affordable housing, promoting economic opportunities, organizing residents and workers, offering student-centered adult education and combating displacement caused by gentrification. In our 27 year history we've developed over 600 units of housing in 100 different buildings; currently have over 300 units of affordable housing in development and assist nearly 1000 individuals annually to obtain living wage employment through a range of employment training and placement programs.

FAC also created the Displacement Free Zone (DFZ) which literally created a zone in South Brooklyn protect long-time low-income residents in the neighborhood from eviction due to their rents rising as a result of gentrification. FAC has also organized residents in two rent-stabilized buildings in the proposed foot-print of the Atlantic Yards development, 810 and 812 Pacific Street. FAC's catchment area is South Brooklyn and encompasses Lower Park Slope, Gowanus, Prospect Heights, Red Hook, Sunset Park and Carroll Gardens; all communities that will be impacted by the proposed development.

As you know, there are significant development projects totaling more than \$19 billion slated for Downtown Brooklyn as well as parts of South Brooklyn which taken in their entirety have the potential to remake nearly a third of the borough racially and socio-economically, displace significant swaths of current residents and businesses, change the character of many neighborhoods, impact negatively on the quality of life for many residents by increasing traffic and causing other significant environmental impacts while also promising considerable economic development opportunities for the borough, employment opportunities for thousands of people and thousands of units of housing.

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The scale of the proposed Atlantic Yards development which accounts for \$3.5 billion of the total development slated for Downtown Brooklyn dwarfs by a significant magnitude all the other proposed and surrounding development including Ratner's own Atlantic Mall and Terminal across the street and, if it moves forward, will be the single largest development in Brooklyn's history. An EIS that is comprehensive and genuine would determine that the project as currently proposed is too large in both scale and density for the proposed area and require it to be scaled back as part of mitigation.

About half of the land that Bruce Ratner proposes to develop is over the MTA rail yards and is certainly underutilized space in need of development but not at the scale that is currently proposed. There are several other parcels of land that he is proposing to build on which are privately owned and would require the use of eminent domain for him to gain control over and would result in people being displaced from their homes. This is clearly an abuse of eminent domain and is unacceptable. Certainly, at its current scale the Brooklyn Atlantic Yards development would have significant ripple effects by further gentrifying and displacing residents in the surrounding neighborhoods.

The Environmental Impact Statement (EIS) must analyze, study and disclose the following to address many legitimate concerns:

Task 2. Analysis Framework

- The study area for various other tasks needs to be substantially expanded, especially 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), Noise (Task 14), Neighborhood Character (Task 15), and several other study areas should be added including terrorism/public safety and environmental justice.
- The Brooklyn Atlantic Yards project anticipates a ten year long construction time-table. The lengthy period of construction suggests that the project's impacts should be projected beyond the course of construction, at-least another 20 years further, to consider the full impact of the build-out scenario in the context of a built-out rezoned Downtown Brooklyn, a built-out and rezoned Park Slope, a built-out rezoned Fort Greene and with the likely addition of the Brooklyn Bridge Park during that time.

Task 3. Land Use, Zoning and Public Policy.

- The Brooklyn Atlantic Yards project is the single largest development in Brooklyn's history. The magnitude of this project is difficult to even imagine, since it would ultimately create 7,000 more units of housing – more than in many small towns – in an incredibly small area. The study area needs to be expanded to include surrounding neighborhoods, none of which will be spared impact

by this proposed development. Specifically, Prospect Heights, Fort Greene, Park Slope, Boerum Hill, Gowanus, and Downtown Brooklyn must all be included in the primary study area and secondary study areas should include Carroll Gardens, Crown Heights, Greenwood Heights and Sunset Park.

- There are 25 areas of the City which are currently targeted for rezoning and it is likely that the zoning environment is going to change during the planning and construction phase of the project. The EIS should anticipate the proposed rezonings including those of South South Slope which is currently in process, and Fort Greene which is being considered at this time. A full assessment of all the surrounding communities which can reasonably be expected to be rezoned should be included in the EIS along with their potential impact.
- The proposed development should promote linkages between the neighborhoods surrounding the development rather than create ‘super block’ development and by creating additional streets. South Elliott, South Oxford, Cumberland, Adelphi, and Clermont Streets should be extended over the rail yards to connect adjoining neighborhoods and to extend the current street grid into the new development. Additionally, no currently open streets should be closed and the current street grid should be maintained.
- The EIS need to address the overall density of the proposed project. The proposed FAR is 10.2, far exceeding any FAR in Brooklyn at this time and rivaling only certain small sections of Manhattan. How was this FAR determined? Why was it deemed appropriate for this site? Even with the public transit access at this site, an FAR of 10.2 is excessive.
- The 1.25 million square feet on top of the Atlantic Center should be included in this EIS as it is part of the overall development of the project.
- There are many unanswered questions as it relates to land use controls that would be implemented during the actual construction phase of the proposed development. As a developer, FAC knows that it is not uncommon for plans to change for a particular project based on shifting conditions and/or environment. What procedures will be put in place for review and community input into any proposed changes in land use during the development of the project?

Task 4. Socioeconomic Conditions.

- The likely costs, whether in terms of public subsidies, impact on people’s lives, on our environment or the fabric of our communities has to be weighed objectively against the potential benefits. What tools do we have to ensure that the public subsidies that Bruce Ratner would likely receive, either through the use of tax exempt bonds to help finance the project valued at over half a billion dollars, direct cash subsidies from the City and State totaling \$200 million, tax breaks of over \$75 million, the use of eminent domain to benefit private development or selling the air rights over publicly owned rail yards below market rate, will truly result in public benefits that can be shared by

all, but most especially those most likely impacted and in need? A full accounting of all financial implications for public investment in the project, including tax exemptions, sale of bonds, PILOT's, etc.. must be provided. The true costs of the project must include the cost of additional commute time for local residents as a result of traffic, and the additional cost to businesses due to delays resulting from the traffic. Additionally, both detailed financials for the development must be disclosed including the operating costs related to the full development.

- The likely residential and commercial secondary displacement that will result from this development must be studied and disclosed. The race and income of those impacted must be part of the evaluation and disclosure.

Task 5. Community Facilities and Services.

- A full and detailed analysis of fire and police protection as well as anti-terrorism measures must be performed. The proposed project both during construction and after completion, will limit the mobility of emergency vehicles throughout the area. The EIS must address response times for emergency services and the possible relocation of the 78th Precinct as well as determine what additional police, fire and EMS services need to be added to meet the need of the proposed 'community' that will be created. The EIS must also include an analysis of the impact on the increased population on need for day care, schools, after-school programs, and senior citizen services.

Task 6. Open Space.

- The proposed development reportedly has 6 acres of green public open spaces. The scale and density of the current development necessitates an even larger amount of green public open space which is truly accessible to the public. An EIS should disclose whether or not there will be any restrictions on the use of the open space.

Task 8. Urban Design and Visual Resources.

- The community including the general public as well as community based organizations such as Fifth Avenue Committee, should be included in the discussions involving the development of design guidelines. The Council of Brooklyn Neighborhoods (CBN) which FAC is a member of, has developed preliminary design guidelines which should be incorporated including related to height, bulk, uses and connections.

Task 9. Shadows.

- Taller buildings should not cast excessive shadows on historic buildings, including the Williamsburg Bank Building and public open spaces including community gardens.

Task 11. Infrastructure, Energy and Solid Waste.

- A development of this size and scope represents a significant opportunity to use green building materials and renewable throughout the project. A detailed analysis of using traditional building and energy methods vs. green building and renewable methods should be included in the EIS, specifically outlining both the energy and cost savings generated by using both renewable energy sources and green building materials.
- The sheer scale of this project should also involve an analysis by the NYS Public Service Commission and Con Edison.

Task 12. Traffic and Parking/Transit and Pedestrians.

- The proposed half-mile study area is woefully inadequate and must be expanded significantly to ensure that all the East River Crossings, access to the Gowanus Expressway and the Prospect Expressway, and the BQE. The radius should be 2 miles rather than the ½ mile proposed.
- There should be a detailed analysis that shows the various modes of transportation that are projected to be used to access the site including pedestrian traffic, public transportation and all forms of public transportation.
- Various traffic mitigation measures should be analyzed including neighborhood permit parking for residents and their guests and modeling of congestion pricing on parking. The need for traffic control agents should be determined. As it is, this area relies heavily on traffic control agents for much of the year during peak travel times.
- Pedestrians safety must be paramount. The intersections around Atlantic and Flatbush Avenues are very foreboding and dangerous for pedestrians as it is. Traffic calming devices should be analyzed as part of creating a more safe and pedestrian friendly environment.
- All transportation and traffic related costs associated with the development should be charged to the project sponsor as part of the cost of development. A true cost of development will also be developed as a result.
- On-going analysis of traffic impacts should be conducted through the construction phase of the project and for several years post construction to determine the full impact of the development on traffic flow in the region.

Task 13. Air Quality.

- Again, the scale of this project requires that the boundaries for the study area for air quality be expanded to match the 2 mile radius of traffic analysis. Asthma and other pulmonary illnesses are already a major issue in the area of South Brooklyn where this project is proposed. Poor air quality is a trigger for many of these illnesses and so an expanded study area is absolutely necessary.

Task 14. Noise.

- Noise from the increase in vehicular traffic should be included and should expand to the 2 mile radius for expected traffic impact.
- The impact of noise during construction as well as the built scenario must be fully studied. Construction brings with it its own unique noise impacts which need to be fully evaluated and mitigated.

Task 15. Neighborhood Character.

- The scope must project the racial and socio-economic mix of the development itself include an analysis of how the proposed project would impact the racial and socio-economic mix of the surrounding neighborhoods. There is tremendous racial and socio-economic diversity that currently exists that is a unique asset to this area of Brooklyn and must be maintained and enhanced rather than harmed in any way by the proposed project.
- Density is a defining characteristic of neighborhood character and the proposed 10.2 FAR is grossly inappropriate for this area. While this area can certainly sustain greater density than many of the surrounding brownstone communities due to its unique access to transportation, what is proposed is excessive.

Task 16. Construction Impacts.

- A decade long construction project will have impacts which are overarching and should be included in several tasks including #4, #5, #11, # 12, # 13 and #14.

Task 17. Public Health.

- The impact of the project on the existing public health network must be evaluated. Health conditions associated with increased noise, poor air quality and increased traffic must also be evaluated as a result of the impact of the proposed project.

Task 18. Mitigation.

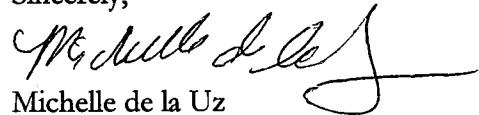
- It seems inconceivable that a project of this scale could be properly mitigated without drastically reviewing the overall scope, scale and density of the project.
- Whatever mitigation measures are required must be enforceable by the appropriate levels of government and the necessary funds to ensure mitigation measures are carried out must be provided by Forest City Ratner on an on-going basis.

Task 19. Alternatives.

- There are other alternatives that have been proposed for the Vanderbilt Yards including the Unity Plan and the Extell proposal which utilizes the Unity Plan as a guide. These alternatives along with build, no-build and various levels of projected development should be analyzed fully.

In closing, FAC hopes that whatever is ultimately developed over the MTA rail yards in Brooklyn is a true example of accountable development and represents a unified vision of what Brooklyn has to offer.

Sincerely,



Michelle de la Uz
Executive Director