



Comments on the Draft Environmental Impact Statement of
the Atlantic Yards Arena and Redevelopment Project

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Introduction

The New York Metro Chapter of the American Planning Association is pleased to submit comments on the Draft Environmental Impact Statement for the proposed Atlantic Yards project in Downtown Brooklyn. The New York Metro Chapter is an educational, service and advocacy organization composed of over 1,200 planners in New York City and in the metropolitan area.

In the last months, members of our Atlantic Yards Task Force attended presentations given by the developer, Forest City Ratner, and reviewed presentations of alternative plans created by community and civic groups. Our committees also evaluated some sections of the 1,400- page DEIS, but we have not had the opportunity to engage in a comprehensive analysis of that extensive document in the short time allotted for the public comment period. We are offering some basic and essential comments on key planning, design, and process issues along with more specific comments on transportation and traffic issues, as disclosed in the DEIS.

As has been widely observed, this is one of the most important projects in New York City and one which will truly transform Brooklyn forever. The 22-acre project with its proposed 8.5 million square feet of residential, commercial and sports development, including nearly 7,000 units of housing in 16 high rise buildings and a 19,000 seat basketball arena, is certainly one of the largest in recent years and will clearly have long-lasting impacts on the borough, the city and the region.

As planners, we welcome grand visions and ambitious designs to bring higher purpose to underutilized portions of the city and help shape the future of New York. However, this proposal raises serious questions of good planning and design, public process,

appropriate scale and density, respect for surrounding neighborhood character, and adequate transportation and infrastructure -- all of which deserve careful study and modification.

Public Review and Public Participation

A key component of good planning is the assurance of an extensive, inclusive and mandatory public review and approval process. This mega-project is located in the most populous borough in our city; it deeply affects at least four Community Districts and several neighborhoods, and yet, this proposal will move forward without the legal approval and official participation of any Community Board or local councilmember, as usually required by the City Charter in its Uniform Land Use Review Procedure (ULURP). We recognize that the railyards are owned and controlled by the Metropolitan Transit Authority and that the New York State Empire State Development Corporation and the lesser-known Public Authorities Review Board all have a role in making this project go forward. Surely, the magnitude of this development and the interests of the City require a full public review process and one that is not left solely to State entities which do not have the same duties and obligations of city agencies, under the City Charter. The DEIS comment process is not as rigorous, or as inclusive, or as extensive as a full mandated public review process and the absence of the full process, together with the very short DEIS comment period, is a serious planning and procedural omission.

Community Benefits

We are aware that the developer has come to an agreement with some community groups and ACORN, a well-known advocacy organization, to provide a commitment and allocation for moderate and affordable housing in the development, and for employment of local residents and organizations. We are not commenting here on the adequacy or substance of this agreement. Such community benefits mechanisms have been employed successfully in many communities in the United States and are likely to become more frequent in New York City. Nevertheless, we urge that these arrangements become part of a major dialogue among city government officials, communities, developers and civic and professional groups, before they become a de facto component of negotiations in major development projects. These arrangements raise questions about the distinctions among amenities, mitigations, exactions, contractual obligations, enforcement, legal standing, and existing regulations, and should be widely discussed and debated.

Density and Scale

The area's location adjacent to a major transit hub suggests that it is appropriate for higher density. This is an enormous project and though some of the buildings and the sports arena are located at Atlantic and Flatbush Avenues in Brooklyn's bustling downtown, the

majority of the new buildings are adjacent to streets and neighborhoods that are low-rise and architecturally very different in character, activity and use than the proposed new skyscrapers. New buildings on Carlton and Vanderbilt Avenues, on Deane and Pacific Streets, on Sixth Avenue and elsewhere, will rise hundreds of feet higher than the tallest buildings on these streets in Prospect Heights and surrounding neighborhoods. The scale of the 16 buildings taken together will have an overwhelming, permanent visual and physical impact on these vital and distinguished neighborhoods.

Although there is a need for housing in this city and this project will eventually house perhaps as many as 15,000-18,000 residents, (possibly making it the densest census tract in the country, says Anne Schwartz, in Gotham Gazette) we urge a more extensive discussion and analysis of the impacts of such a large number of residents on the infrastructure, schools, and on the surrounding neighborhoods. Even in a dense city, the enormity of this project and its scale requires more intensive and extensive analysis of alternatives, of the value of downscaling, and of the issues of financing and responsibilities for the expansion of services and infrastructure. The DEIS itself, commissioned by the ESDC and paid for by the developer, describes many serious negative impacts of this project. The public needs to evaluate these impacts, together with any additional findings that may be disclosed in a forthcoming independent environmental impact review, commissioned by the City Council, the elected body which right now has no part in the project's approval.

The Public Realm

Frank Gehry is a great architect and his concept appears to be exciting and innovative. **But good planning should precede architecture.** There are serious questions that have been raised by The Municipal Art Society, New Yorkers for Parks, the Gotham Gazette, and the Pacific Plan, an independent study and alternative, about the adequacy and design of the open space and of the streets. APA New York Metro echoes and supports the concerns expressed by these analyses.

We are concerned about the demapping of public streets within the development. Streets are a public asset and a critical design element serving to define public and private areas and provide neighborhood integration and continuity through private spaces. Demapping public streets within the development requires more attention to ensure that the measure is not taken to further privatize the area, reduce its integration with adjacent areas, and reduce the likelihood of safe, active, lively public spaces within the development.

As planners, we have serious reservations about the way this proposed project works on the ground, in its street connections among the buildings, and to the existing streets of the surrounding neighborhoods. The proposed super blocks and internal pedestrian walkways are not as effective or as accessible, in terms of making this new project part of the city

rather than a city within the city. We appreciate the stated intentions of Forest City Ratner to create publicly accessible open space and green spaces. But our own analysis and review of other suggested design alternatives supports the need for a significant revision of the street designs and connections, as well as an enhancement of the open spaces proposed and a harder analysis of the impacts of this massive development on surrounding green spaces and parks. These spaces and pathways will be perceived, and are likely to actually serve, as backyards, internal courtyards and private areas for the new residents. We are also concerned about the negative effects of the proposed street and park plan on existing local streets such as Carlton Street, St. Felix Place, Dean Street and particularly Pacific Street and Vanderbilt Avenue.

As part of the proposed Nets arena, the developers intend to build an “urban room,” which is supposed to serve as a lobby and as a community space. Although this new space will provide new and desirable connections to the subway, it is important that this “room” be animated with public and retail uses, and become more of public amenity than a large lobby.

The Nets’ Basketball Arena

There are conflicting opinions about the suitability and desirability of the proposed basketball arena. But assuming that the idea is widely supported, we strongly recommend that such an arena avoid the blank walls and unwelcoming facades characteristic of Madison Square Garden and other sports facilities located on city streets. This structure should have fenestration, retail, and design elements that enhance its surroundings rather than cutting the building off from them.

Housing

More than 2,200 apartments of the projected 6,860 will have rents targeted to middle-, moderate-, and low-income families. We commend this goal, although we have grave concerns about the realistic enforcement and financing of this objective.

Eminent Domain, Economic Development, and Displacement

The APA New York Metro Chapter has written a policy paper (April 2006) on the use of eminent domain in the aftermath of the Kelo decision. Although we recognize and support the use of eminent domain as a vital and important tool in large-scale project developments which usually require the assemblage of large contiguous sites, we are equally concerned that this project permits the acquisition of property by Forest City Ratner for new private projects. There is a need to ensure a balance between economic revitalization and community viability and stability. The displacement of long-term private property owners is a serious matter. Since this is a long-term project we

recommend that every effort be made to allow existing uses to remain through a modification of the scale and scope of the project.

Transportation and Traffic

Below are specific comments from chapters 12 and 13 of the DEIS.

Chapter 12: Traffic and Parking

1. Pre-Game Peak Hour: Nets games are anticipated to start at 7:30PM. As travel demand will peak until 7:30PM and then ebb during the game, using 7:00PM – 8:00PM is not the correct peak hour. (Peak hour does not need to start on the hour, but can be any 60 minute period). The appropriate pre-game peak hour should be 6:30PM – 7:30PM, which would better account for arena-generated trips.

2. Page 12-4: "It is also anticipated that on days when a basketball game or other major event is scheduled at the arena, police and traffic control officers would be deployed at key intersections in the vicinity of the arena during the pre-game and post-game periods, as is currently the practice at other major event venues in the City. The project sponsor is committed to working with NYCDOT and NYPD to ensure that needed resources are available for these purposes."

Comment: Is this a financial commitment from the project sponsor to mitigate these impacts by paying for NYCDOT and NYPD staff time and materials? If not, these impacts would not be mitigated and impacts remain attributable to project-generated conditions.

3. Parking: The additional demand for on-street parking spaces during peak hours (especially basketball game-related peaks) should be met by increased on-street parking fees. These fees should be returned to the Study Area as a dedicated revenue source for local improvements, to compensate the community for the impacts generated by the significant increase in auto trips due to these events.

4. Reasonable Worst Case Scenario: While the commercial mixed-use variation would generate the most trips during the weekday peak periods, the residential mixed-use would generate the highest number of transit trips leaving the site during the AM peak period (the period already subject to the highest transit volumes).

This is supported by the DEIS (page 8), "During the weekday AM peak hour, traffic along the principal arterials serving the project site—Flatbush Avenue, Atlantic Avenue, and 4th Avenue—tends to be heavily peaked in the northbound and westbound directions, reflecting heavy commuter demand towards the Brooklyn and Manhattan

Bridges and the Brooklyn-Queens Expressway entrance ramps." In other words, AM trips are destined for Manhattan, which should be the basis for transit modeling. Therefore, transit conditions (especially peak loading) should be evaluated for the residential mixed-use scenario during the weekday peaks.

5. Traffic Analysis: Traffic was analyzed on an individual intersection basis. This does not account for vehicular queuing to upstream intersections. There are 40 intersections with at least one movement currently operating with a v/c ratio of 1.0 and above, the overall roadway network begins to fail as a system. The DEIS indicates the traffic network is already overtaxed. For example, on page 13, "Under 2006 existing conditions, there are a number of intersections with congested movements, operating at capacity with a v/c ratio of 1.00 or greater." On page 24, the DEIS initiates a conversation as to the limited effectiveness of an analysis based on individual intersections, but does not offer to complete a more appropriate network analysis:

"It should be noted that future queuing can occur when a movement operates substantially over capacity, and such queuing may potentially affect both upstream and downstream intersections along a corridor."

To comprehensively analyze the potential impacts on the roadway system, a network analysis of the intersections in the Study Area should be completed to determine network conditions and potential impacts.

6. Page 55: "Overall, excluding the reduction in police parking, a total of approximately 180 on-street parking spaces would be eliminated as a result of the proposed project. These would include approximately 99 spaces on or adjacent to the arena block, 77 spaces along Pacific Street adjacent to blocks 1121 and 1129, and four spaces along Pacific Street adjacent to Site 5 where a new parking lane."

The reduction of 180 on-street spaces will result in lost parking revenue to New York City. Will the Project Sponsor reimburse the City for lost parking revenue being shifted to off-street private garages?

Chapter 13: Transit and Pedestrians

Page 3: "Given the project site's location outside of the Manhattan Central Business District (CBD) and the anticipated directions of travel for project-generated trips in each peak period, it is anticipated that the majority of this new demand would not occur at the maximum load points in the peak direction of travel."

Subway trips generated by the residential component of the project will be traveling towards the Manhattan CBD in the AM peak hour, exactly when loads are already highest. While the total number of trips generated by the residential mixed-use variation

may be lower than under the commercial mixed-use variation, the residential variation will add more trips in the peak hour traveling in the peak direction. Therefore, subway line haul should be analyzed for the AM peak period, using the residential RWCS.

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