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Testimony Regarding the Atlantic Yards Draft Environmental Review (DEIS)

September 29, 2006- It is clear and unmistakable from the DEIS that the Empire State Development Corporation is not and could not be an honest broker on behalf of the public regarding this project. Unavoidable adverse impacts are ignored for the sake of questionable public benefits, draining precious public resources and radically changing the socioeconomic composition of this diverse community with a stroke of the pen.

Growth is good but growth has its limits. If this project were built, there would be far-reaching negative impacts on public health, air quality, infrastructure, waste management, noise abatement, environmental progress and much else. This project would strain to the point of choking our community facilities and resources.

This DEIS is flawed and deficient in scope. The recommended mitigations are inadequate. Findings are made without technical supporting documents on a wide range of issues, concluding affirmatively and erroneously that a proposed project of this size and scale (which would represent the *densest census tract in the country*) would not have adverse impacts on resources.

There is no meaningful or honest discussion of reduced alternatives that would continue to provide affordable housing, open space, job opportunities and other benefits. The cursory look at alternatives fails to consider public land in Coney Island. The reduced alternative would be consistent with ATURA, local zoning laws and land uses.

The discussion of displacement both direct and indirect, is also dismissive. The report fails to discuss the uniqueness of businesses and residents that will be directly displaced by this project such as the fine arts supply store, the cloth maker, the union hall that trains apprentices, the hat business, the museum exhibit company, the film makers, Freddy's bar, that has operated a sort of speak easy, our local cheers, since the 20's or the poor residents of color, the holocaust survivor, the parents of the little league team, individuals, that are not organized, not vocal, not new comers, they are mostly poor, people of color hard working people who want to stay in their homes.

With the completion of Phase I in 2010, in which 93 intersections were analyzed, a total of 69 would have significant adverse impacts with completion of the proposed project. In 2016, a total of 68 intersections would be significantly adversely impacted. And somehow you conclude all is well. Mitigations include simply shifting problems from one intersection approach to another creating massive gridlock in downtown Brooklyn and throughout Central Brooklyn.

This project will elevate ozone levels, carbon monoxide, carbon dioxide and other hazardous particles triggering asthma attacks. The DEIS points out that Brooklyn is presently not in compliance with federal clean air laws. We are adding to the misery of our children. Our children shouldn't have to beg to breathe.

As it relates to transit concerns, you estimate severe crush load conditions. The proposed mitigations are woefully inadequate, the report fails to discuss a wide range of topics including but not limited to public financing detailing a cost benefit analysis.

In regards to wastewater treatment, storm water and water quality, I pause to question the conclusion that this project would not increase combined sewer overflows to the East River and Gowanus Canal. The reliability of estimates cannot be verified until missing reports are provided. In the absence of data I challenge the assumptions, methodology and modeling results.

This project will also increase regional demand for electricity and natural gas. The DEIS however concludes no significant impact. This conclusion is in complete contradiction to the findings of 2004 report prepared by the NYC energy policy task force which identifies load growth as the greatest single challenge to the city energy infrastructure.

There is no discussion of adaptive reuses of the LIRR stables and/or Wards Bakery other than conclusions that they are not consistent with the goals of this proposed project. There is no discussion or rationale given for the height of building one at 620 feet tall. There is no need for a visual relationship between the Williamsburg Bank building and "Ms. Brooklyn." The Williamsburg Bank building is a loner - a visual resource, an historic and symbolic structure that must continue to reign supreme and rule the skies in Brooklyn. I question the height and scale and/or need for taller, denser undulating towers along Atlantic Avenue, creating a canyon effect and casting year-round shadows on a public housing complex, First Atlantic Terminal and Second Atlantic Terminal, Atlantic Commons, and Cumberland Gardens. All of these housing facilities are comprised of low and moderate-income people, almost all people of color. They will feel the effects of this project more than anyone- the constant traffic, the air pollution and subsequent asthma, the wind effects from large buildings, the overcrowded subways, the increased fire and police response times, and numerous other adverse impacts.

The four residential buildings proposed fronting Dean Street between Carlton and Vanderbilt remain inconsistent with the character of the community and must be eliminated and/or reduced to reflect the heights of the townhouses.

The DEIS fails to reflect community needs as indicated in this document prepared by the City of New York. The DEIS fails to reflect enrollment trends in districts 15, and 13. As documented in utilization profiles those districts are currently at capacity or near capacity. Where are the schools and community facilities? I quote from the DEIS:

"Overall, Brooklyn's public high schools were operating at a 149 percent utilization rate, with 93,4241 enrolled students and a shortfall of 30,656 seats." (Section 5-15)

There is already a significant shortfall of space in our public high schools. I am dismayed that the document suggests we add more students to the overburdened high schools.

Of our public elementary system, the DEIS states:

"The approximately 1,873 elementary school students (1,670 in CSD 13 and 203 in CSD 15) that would be introduced into the __-mile study area by the proposed project's housing component by 2016 would cause total enrollment at the schools within the __ mile study area to rise to 5,635, if all students were to attend these schools, with a deficit of 1,372 seats (132 percent capacity)." (Section 5-23)

Again, a deficit of seats would occur if the children in this proposed project went to our public elementary schools.

The conclusion of the DEIS section on schools states that when built, this project will be a burden. From the conclusion of the DEIS:

"Under either variation in 2016, there would be a projected shortfall in elementary and intermediate school seats for schools located within __ mile of the project site...While the CEQR Technical Manual assesses capacity by CSD, the elementary school shortfall in the __-mile study area would be substantial enough to create a significant adverse impact to elementary and intermediate schools in the vicinity of the project site."

Clearly, our public school system will suffer if this massive number of new residents is added to the system with no plans for new school facilities.

I have been trying, along with many colleagues in City, State and Federal government, to obtain a confidential copy of a safety report supposedly conducted by the NYPD. Despite repeated requests in writing, nothing has been shown to me or my colleagues who represent the footprint area and environs. I attach a copy of the letter, which has still received no response.

And lastly let me say, how could you honestly conclude that this community is blighted when you conveniently carve out of the footprint a luxury complex where co-ops are selling for one million dollars and more. This project has as its backbone the idea of eminent domain for private use. The General Project Plan Blight Study says that public action must be taken or the "blight" conditions will remain. This is a lark and completely illogical since private people are developing properties directly adjacent to the project and in the proposed project site itself, private development was occurring since the late 90s through rezoning and rehabbing and that evolution would have continued and been completed by now had this project never come along.

The open space is inadequate and some of the open spaces feel and look private – creating a private enclave similar in description and in visuals to Metrotech. The open space ratio is well below the recommended minimum of 2.5 acres per thousand residents. Currently, I believe the open space ratio of the Atlantic Yards plan is .36 acres per thousand residents, a number which is wholly unacceptable. It is the public policy and intent of local zoning laws to provide sufficient open space to protect residential areas to provide for access of light and air to promote the most desirable use of land in accord with a well-considered plan.

The proposed project is not a transit-oriented development but a traffic-oriented development. And the proposed project is not a well-considered plan. In fact, this poorly conceived plan is not original. It was first conceived in 1974. It failed then and it will fail now under the weight of its scale and size, determined, destined and by the power of the people.