



CITY OF NEW YORK
Community Board No. 2

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Empire State Development Corporation
633 Third Avenue
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Attn.: Maria Mooney, Executive Secretary

To the Empire State Development Corporation:

I am writing to submit the comments of Brooklyn Community Board 2 on the General Project Plan (GPP) and Draft Environmental Impact Statement (DEIS) for what is now known as the "Atlantic Yards Land Use Improvement and Civic Project," for which the Empire State Development Corporation (ESDC) is the lead agency. The project is a mixed-use development to be constructed by affiliates of Forest City Ratner Companies (FCRC) on approximately 22-acres made up of the area above the roughly nine-acre Long Island Rail Road (LIRR) Vanderbilt Storage Yard and adjacent blocks in the Prospect Heights and Park Slope neighborhoods, in Brooklyn.

Tax Blocks 927, 1118, 1119, 1120 and 1121 – roughly two-thirds of the project site – are located in Brooklyn Community District 2. The balance of the arena site (Block 1127) is in Community District 6. The remainder of the project, on a portion of Block 1128 and all of Block 1129, is in Community District 8.

Following the release of the DEIS and GPP on July 18, 2006, members of Community Board 2 and its committees reviewed these extremely lengthy documents on a very short timetable and without technical assistance. The following comments are not exhaustive and the community board looks to the publicly-funded consultants working on behalf of the Council of Brooklyn Neighborhoods for a thorough analysis of the documents. The community board's submission closes with a list of modifications that it feels need to be made to the Atlantic Yards project.

Project Description

The proposed project is a mixed-use development on 22 acres on a newly-constructed deck over the Long Island Rail Road (LIRR) Vanderbilt Yard and adjacent blocks of Prospect Heights. The development contains an arena and 16 residential and commercial buildings set in a

publicly-accessible open space. The respective number of residential and commercial buildings, including possibly a hotel, will vary depending on which of two alternatives is constructed. Retail space and 3,800 parking spaces are included in the design.

Both of the alternatives are divided into two phases to be completed in 2010 and 2016, respectively. Phase I will encompass all of the buildings – including the arena, commercial space, hotel (if constructed) and the lesser portions of the residential and retail development and parking – on the property west of Sixth Avenue. The balance of the residences, retail space and parking as well as the open space is planned for Phase II, east of Sixth Avenue. A health center is included in first phase and an “intergenerational center” is planned for the second phase. The area east of Sixth Avenue will be used for Phase I construction staging and interim surface parking.

Community Board 2 finds the project descriptions in the GPP and DEIS incomplete. The project developer has made many statements and claims in the media and promotional material that are only mentioned in passing in the official documents. For example, the project description makes reference to 2,250 units of “affordable” housing, a commitment that the developer made in a separate arrangement referred to as the “community benefits agreement” (CBA). (For the record, Community Board 2 believes that the parties negotiating and signing the CBA are not representative of the entire community and the negotiations lacked transparency, making the term “community” benefits agreement a misnomer. Nonetheless, for the sake of general understanding the term “CBA” is used in this document.) Community Board 2 believes that the CBA should be made a legally binding part of the GPP in such a way that the public parties have the standing to enforce fulfillment of the promises made in the CBA.

The DEIS states that the overarching goal of the proposed project is to transform a blighted area into a mixed-use community. The community board disagrees with the determination that the project site is blighted. The neighborhood to the north of the project site is in the Atlantic Terminal Urban Renewal Area (ATURA). After changes to the urban renewal plan and accompanying delays, the area has been successfully redeveloped, much of it with affordable housing that is of a similar scale to the rowhouse blocks of the adjoining Fort Greene neighborhood. The LIRR Vanderbilt Yards, ATURA Site 6A, is the only site in the plan to remain undeveloped. The rail yards may not be attractive, but it is incorrect to characterize a functioning, integral part of the regional rail system as blighted. The area south of the project site, in Community District 8, has experienced considerable private investment in recent years and Community Board 2 believes that the neighborhood would have continued to improve without government intervention. The crime statistics in the DEIS are misrepresented and cannot be used honestly as evidence of blight.

Analysis Framework

On September 8, 2004, Community Board 2 unanimously (with one abstention) approved a motion calling for the Atlantic Yards project to go through the City’s Uniform Land Use Review Procedure (ULURP). The community board shared this opinion in a letter to Governor George E. Pataki, with copies to other officials. Although a decision was made to follow the procedures set forth in the Urban Development Corporation Act, the community board maintains its position that the public would have better served – and the project improved – if it had been reviewed using ULURP.

The DEIS states that the proposed project will require approvals from the City’s transportation, environmental protection and buildings departments and Art Commission, as well as the New

York State Department of Environmental Conservation. However, the document does not explain what requires approval. Community Board 2 believes that the DEIS and GPP are incomplete without an explanation of what determinations must be made by these agencies.

Community Board 2 notes that the stated economic benefits of the proposal are provided in far greater detail than the direct and indirect public costs. The developer has stated that the scale of the project is determined in large part by the cost of decking over the rail yard, the environmental clean-up of the project site and other expenditures. However, the type of financial information necessary for public evaluation of the veracity of this statement is not included in the GPP and DEIS. The community board believes that a financial overview of all aspects of the project should be included in the final documents.

Land Use, Zoning, and Public Policy

The DEIS states that the density of the proposed Atlantic Yards project is comparable to Downtown Brooklyn. If true, the statement is an admission that the project is too large. Although much of Downtown Brooklyn is zoned C5-4 and C6-4, the central business district is not built to its allowable density and it is unlikely that it will be anytime soon. Therefore, the overall density in Downtown Brooklyn is far less than the 10.0 floor-area ratio (FAR) that much of the zoning allows. The entire Atlantic Yards site has an FAR of 9.8 or 8.5, depending on whether the beds of the closed streets are included in the calculations, probably higher than downtown. Ron Shiffman, professor emeritus of planning at Pratt Institute (located in Community District 2) and a former city planning commissioner, has calculated that the density proposed for Atlantic Yards is twice that of the most dense census tract currently in New York City.

Furthermore, the higher-density C5-4 and C6-4 zones in Downtown Brooklyn are often buffered by lower density zoning districts. For example, the area south of the central business district steps down first to a C6-1 zone, with a commercial FAR of 6.0, and then an R6B district, which has a maximum building height of 50 feet. According to the DEIS, the FAR for Phase II is 8.5 or 7.7, again depending on whether the beds of the closed streets are included in the calculations. Many of the buildings opposite the project site are either in a mapped R6B district or built to that scale or even the height limit of R5B zone. The average height for proposed Buildings 4-10 is approximately 390 feet, far taller than the handful of mid-rise buildings constructed in ATURA. The contrast is even more stark to the south. The average height of Buildings 11-14 is almost 230 feet. There is no buffer between the proposed Buildings 4-14 and the mostly much shorter buildings across Atlantic and Vanderbilt avenues and Pacific and Dean streets. The DEIS states that Dean Street has historically served as a transition. However, the industrial buildings near the rail yard are or were for the most part squatter than and not nearly as tall as the buildings proposed for Atlantic Yards.

The DEIS states that the Atlantic Yards project may complement the goals of the Special Downtown Brooklyn District (SDBD). However, very few people would say that the project site is in Downtown Brooklyn. When the Williamsburgh Savings Bank tower was built over 75 years ago, it was imagined that it would someday be the southeast corner of downtown. It has stood alone for three-quarters of a century, testament to an idea that still has not been realized. Community Board 2 believes that the goals of the SDBD should be achieved in Downtown Brooklyn before pioneering new territory beyond even the most visionary concept of what constitutes downtown. The project needs to be scaled down, both in physical size and density.

Socioeconomic Conditions

Over the past 25 years Community District 2 has had an increasing and greater than average share of the development in Brooklyn. With the construction of MetroTech Center, Atlantic Center and the Atlantic Mall, Hoyt-Schermerhorn and the numerous housing development projects throughout the district, Community Board 2 has become extremely sensitive to the impact developers have on local residents and the community. Furthermore, the community board has witnessed over the same period a disproportionate impact on the plight of certain communities within the district. Given that there is a reported 78 percent rate of unemployment in the Fort Greene public housing development and a 66 percent unemployment rate within the Farragut public housing development, the need to comprehensively address historically underrepresented areas within Community District 2 is imperative.

In light of the increased commercial and residential development, Community Board 2 is requesting that developer and public parties ensure the rights and aspirations of all residents who reside within the community districts that contain the footprint of the Atlantic Yards development project. The CBA between the developer and certain parties addresses some of the socioeconomic concerns of Community Board 2. Almost all of the project proponents who testified at the public hearing and “community forums” held by ESDC on the Atlantic Yards project stated that they supported it because it is promised to create affordable housing and jobs. However, the job training and creation assurances in the CBA are not included in the GPP and DEIS.

Community Board 2 strongly recommends that the CBA be incorporated into the final analysis in order to ensure that every pre- and post-construction agreement is met. Community Board 2 proposes this stipulation on behalf of the residents of Community District 2 in order to ensure that the CBA becomes enforceable by the government entities that are subsidizing the development. Although the CBA is currently a separate agreement enforceable only by the developer and the organizations who signed it, the community board calls attention to the fact that the developer has used the CBA, and the community in part, to help get government approval for the development agreement.

The possibilities for this project to reinvigorate Community District 2 and its surrounding communities are enormous. However, failure in embracing these concerns and needs as a community could be detrimental to the most important part of this “environment” – the residents and workers of Community District 2.

Community Facilities and Services

Schools

The DEIS discloses that the project will have a severe impact on elementary and intermediate schools within a half-mile of the project. The DEIS proposes two mitigation measures; shifting the boundaries of school catchment areas within Community School Districts 13 and 15, in order to relocate existing students to schools with available capacity, and creating new satellite facilities in less crowded schools. Community Board 2 believes that these measures unfairly place the burden of this project impact on the backs of the existing student population and their families. The community board favors the option of an additional school being constructed at the developer’s expense with completion early in Phase II of the development. The Ward Bread Bakery complex might be adaptively reused for this purpose. The possible site proposed in the project plan, Building 5, is inappropriate because it is directly across Sixth Avenue from the arena.

Libraries

Based on the determination that Atlantic Yards will have a severe impact on elementary and intermediate schools, Community Board 2 takes exception to the DEIS finding that there will be no impact to the local libraries. Since schools and libraries serve the same youth population, both institutions will experience similar adverse impacts. There will be shortfalls in library resources including, but not limited to, technology, books, and physical space. The community board strongly suggests that the Clinton Hill and Walt Whitman branch libraries be given additional and upgraded resources to assist staff with educational programming. In addition, the committee recommends that the Pacific branch library be renovated and upgraded to support the larger local population anticipated in the DEIS.

Day-care Centers and After-School Programs

Other institutions serving youth populations including day-care centers and after-school programs ("Out of School Time" facilities) will also experience similar adverse impacts. It is noted that two day-care centers in the Community District 2 catchment will be closed in the near future. The closings are not based on need, but rather on budgetary constraints. In light of the fact that the developer plans to include 2,250 units of affordable housing in the Atlantic Yards project, it is likely that day-care demands from that residential population will severely tax existing resources. The projection of a need for only 100 additional day-care slots seems unrealistic and underestimated. At the very least, the figure is unsubstantiated by any data. Community Board 2 recommends that the capacity of the day-care facility proposed as part of the project be increased to adequately serve the growth in population resulting from the development.

In its review of the DEIS, Community Board 2 did not notice any consideration given to after-school programs. If there was no such analysis, the community board strongly recommends that the positive and/or negative impact on Out of School Time programs be included in the final environmental impact statement. Time between the end of a child's school day and the end of a parent/guardian's work day represents a period when many young people are without parental supervision and need to be in safe and supportive environments.

Open Space

Community District 2 is underserved for park and recreation space on a per capita basis and the proposed Atlantic Yards project will make matters worse. The project will increase the resident population of the district by ten percent yet creates no new public space. Furthermore, the shadows from the new buildings will negatively impact existing open spaces. During construction, noise will also have a significant negative impact on public parks, in particular the Dean Street Playground and the newly-constructed South Oxford Park.

One of the aspects of the project that is publicize most by the developer is the creation of roughly seven acres of publicly-accessible open space. However, the descriptions and illustrations in the DEIS and GPP show that the developer has essentially created a large backyard patio. The open space is fragmented, mostly hardscaped, and physically laid-out as accessory spaces to the residential buildings in the development. The design of the lay-out also gives the impression that the space is private. The buildings on the southern side of the development will self-shadow the open space. The design guidelines allow the open space to be closed to the public every night, as early as 8:00 p.m. during the winter. The open space does little to mitigate the influx of thousands of new residents into an area that is already underserved by truly public open space.

The active recreation space created as part of the project is very limited. The design guidelines (Figure 3.4) illustrate what appears to be a half-court basketball court, one tennis court, two or three small playgrounds and a pair of linear features that are not graphically understandable. It is a gross misrepresentation, because of the size and the more likely passive use, to consider the quarter-acre “main lawn” an active recreation space. That a quarter-acre of open space is called the “main lawn” borders on absurdity.

Community Board 2 questions the wisdom of routing a public bicycle path through property that is not in the public domain and subject to closure during certain times of the day. The design guidelines state that the public open space may close from 8:00 p.m. and 7:00 a.m. between October 1 and April 30, slightly later during the warmer months. Bike riders should not be limited to using a designated route only during certain times of the day, nor should they be forced to detour to alternate routes.

The DEIS points out the availability of open space in the relatively nearby Fort Greene, Prospect and (proposed) Brooklyn Bridge parks. If the developer is going to rely on these parks to serve the residents of Atlantic Yards, then the developer should contribute to the maintenance and programming costs for these parks. Community Board 2 also recommends that the developer upgrade the planned intergenerational center to a full-fledged recreation center. The capital cost should be borne by the developer with an independent operator, preferably the Department of Parks and Recreation, managing the facility at a cost comparable to city-owned facilities. On an interim basis, Community Board 2 recommends that part of the property cleared for Phase II be used for public recreation.

Cultural Resources

As proposed, the project will cause the unmitigatable destruction of the former LIRR stables at 700 Atlantic Avenue and the former Ward Bread Bakery complex at 800 Pacific Street. Community Board 2 has a strong commitment to the preservation of architecturally and culturally significant buildings and neighborhoods. Seven of the 16 historic districts in Brooklyn are located in Community District 2 and the Landmarks Preservation Commission (LPC) has begun study of a possible DUMBO historic district.

The adaptive reuse of the LIRR stables and Ward Bakery complex would not only preserve these handsome buildings but would also be consistent with the recommendation that the scale of the project be reduced, particularly near the adjoining low-rise neighborhoods. Community Board 2 points to the design of “Fred and Ginger” in Prague as evidence of the ability of Frank Gehry, the architect for Atlantic Yards, to interweave new buildings into an existing historic built fabric.

Urban Design and Visual Resources

The DEIS states that the creation of a “super-block” between Carlton and Vanderbilt avenues would allow the creation of a publicly-accessible open space that will enliven the project site and the surrounding area. Community Board 2 found little of value in the public plaza that would be created and suggests that lively streets would do more to enliven the area. The community board recommends that no public streets be closed as part of the project.

Some views of the Williamsburgh Savings Bank tower, one of the borough’s icons, would be lost if Atlantic Yards is constructed as proposed. The DEIS states that this is an unavoidable

significant adverse impact. Community Board 2 considers this prospect to be significant but does not agree that it is unavoidable. The community board believes that unobstructed sightlines from major view corridors to the building can be maintained by lowering the heights of some buildings and/or reconfiguring their layout. The urban design of the project will be made stronger if a respectful relationship can be established between the existing and probable future Brooklyn icons.

Shadows

The proposed building on ATURA Site 5 (the block bounded by Pacific Street and Flatbush, Fourth and Atlantic avenues) will block light from the stained glass windows of the Church of the Redeemer, including during religious services. The DEIS states that the project sponsors are working with the church, located at 561 Pacific Street (24-32 Fourth Avenue), to identify ways to mitigate this impact. Community Board 2 is pleased to learn of this dialogue but distressed that it is necessary.

The development will cast very long shadows over much of the surrounding neighborhood all year round. These shadows will have many injurious effects on the community, the most profound being the impact on public open spaces. As noted above, Community District 2 is underserved for park and recreation space on a per capita basis. Open spaces to be impacted include the grounds around the Atlantic Terminal Houses, the newly constructed South Oxford Park, Cuyler Gore Park, the Brooklyn Technical High School football field, Fowler Square, Fort Greene Park and Sixteen Sycamores Playground. In addition, the proposed buildings will cast shadows on the open space created as part of the project. The shadows will also have a negative impact on private open spaces.

Community Board 2 is also concerned about impacts that are not evaluated per the City and State environmental review procedures. It is concerned that the lack of sunshine will cause an increase in the fuel/heating costs of homeowners, in particular those with photovoltaic electric systems or solar hot water heating systems. The community board is also concerned about potential negative impacts on health, such as Seasonal Affective Disorder and other forms of depression, rickets, an increased frequency of upper respiratory infections and illness in general. To offset the impact of shadows sweeping across Boerum Hill and Fort Greene, Community Board 2 recommends that the developer plant at its own expense street trees in the area that will be shaded. The community board has prepared a census of potential planting sites.

Hazardous Materials

The DEIS discloses that hazardous material will be released into the atmosphere when excavation and demolition of buildings takes place. It further acknowledges that asbestos, lead-based paint and other hazardous materials would be detrimental to those in the surrounding communities who may breathe in these harmful particulates. The plans to mitigate adverse effects according to government-approved protocols to contain the escape of harmful materials into the environment were defined in detail.

According to residents of the community surrounding the Atlantic Mall, also constructed by the developer of Atlantic Yards, contractors failed to adequately contain hazardous material during the demolition phase of construction of that project. The community does not trust that adequate containment will take place with this project, which is much larger in size and scope.

Infrastructure, Energy and Solid Waste

Water Supply

The DEIS implication that the water supply demand created by the projected influx of thousands of new residents, workers, and visitors would be easily accommodated by the replacement and upgrading of local mains, along with voluntary conservation measures, is questionable. The fact that “voluntary conservation measures” were factored into the mitigation plan is of concern to Community Board 2 since conservation cannot be guaranteed. Therefore, the community board contends that other mitigations must be planned to ensure that the surrounding community would not be adversely affected. Community Board 2 notes that there are no contingency plans in place for extraordinary or catastrophic events such as heat waves, blackouts, floods, etc. Residents who met with the community board’s Health, Environmental and Social Services Committee of several neighborhoods cited water shortages and water pressure problems during the City’s recent heat wave.

Storm Water Runoff and Combined Sewer Overflows (CSOs)

During heavy rain downpours, the community downhill from the proposed project currently experiences storm drain overflows. Community Board 2 has raised this issue with the Department of Environmental Protection but no infrastructure improvements have occurred to date.

Solid Waste Management

Planning should include exploration of new and efficient waste disposal technologies, such as solar-powered trash compactors (“Big Belly”) similar to those piloted in the borough of Queens. These highly efficient machines can compress the volume of refuse to one-eighth its original size, thereby reducing the frequency of garbage pick-up along with truck exhaust emissions and fuel consumption. The use of the sun-powered compactors has reduced trash collection frequency by 70 percent in the pilot areas of Queens.

Traffic and Parking / Transit and Pedestrians

Traffic and transportation issues have probably been the greatest concern to Community Board 2 for almost a decade. That concern is shared by the New York City Department of Transportation, as evidenced by its completion of the Downtown Brooklyn Traffic Calming Project study. The agency is currently implementing the recommendations of the study and drafting a “transportation blueprint,” a long-range plan for transportation in and around the central business agreement. The “blueprint” is being overseen by the Downtown Brooklyn Transportation Coordinator, a position created and funded by the New York City Economic Development Corporation. A similar comprehensive approach to traffic needs to be made as part of the Atlantic Yards project, because of its many complex and only partially mitigated impacts on transportation. The following are some of the concerns of Community Board 2 in this regard.

The DEIS fails to analyze traffic adequately because the scope of intersections studied is too close to the project site. In fact, 40 intersections within a quarter mile of the project site were not even looked at. Of the 101 intersections within the same quarter mile, only 57 intersections (56%) were analyzed. It is not acceptable to plan for an additional 15,000 people and fail to analyze important intersections just two blocks away from the project, such as at Fulton Street and Clinton Avenue. In their comments on the draft scope of analysis for the Atlantic Yards project, Community Boards 2, 6 and 8, and others, stated that the study area for traffic impacts needed to be greatly expanded. Significant impacts are not limited to the streets surrounding

the Arena but occur as far away as Boerum Place and Atlantic and Flatbush avenues and Tillary Street.

The mitigation of impacts resulting from the Atlantic Yards project comprises 51 of the 65 pages of the Mitigation Chapter, confirming the complexity of the traffic problems that will be generated. The proposed changes – street closings, directional changes, altered pedestrian crossings, parking garage entrances, etc. – are very extensive and interdependent. A failure of one component, especially at the central intersection of Flatbush and Atlantic avenues, will result in a disintegration of the entire network. Community Board 2 believes that the traffic mitigations are not nearly comprehensive or nuanced enough to address the intricacy of the existing congested traffic network and the additional traffic burdens being placed upon it by the proposed development. It is for this reason that Community Board 2 recommended in its comments on the draft scope of analysis that a traffic model be prepared as part of the DEIS. The community board continues to recommend this methodology for the FEIS and post-approval monitoring.

The traffic impacts that are disclosed in the DEIS are extensive. Sixty-six percent of the intersections studied will have significant impacts during one or more of the peak hours that were analyzed. With the completion of the entire project in 2016, 73 percent of the intersections would have significant impacts. Since no projects within the Downtown Brooklyn Development Plan were considered in the analysis, the significant and unmitigatable impacts are probably greater than was reported in the DEIS. Furthermore, the intersections for which there is no mitigation are those along Flatbush and Atlantic avenues, the two major arterial roads leading to and past the proposed development. The DEIS also does not account for traffic that will undoubtedly divert onto other streets and result in traffic patterns that have not been analyzed.

The intersection of Flatbush, Atlantic and Fourth avenues has been congested for many years. The long-standing problems of two major avenues intersecting at an acute angle has been exacerbated recently with the revitalization of adjacent neighborhoods and the construction of new retail and commercial projects at the intersection. In particular, Community Board 2 is concerned about the likelihood of spillback traffic at Flatbush and Atlantic avenues. The skewed geometry results in short stacking lanes on Livingston, Pacific and Dean streets where they intersect with Flatbush Avenue. Congested intersections have a ripple effect, which will affect the residential communities near the project.

The project calls for closing several streets near the proposed arena. The New York City Department of Transportation has maintained that the permeability of the traffic network is an important feature to ensure mobility. The community board feels that the DEIS has failed to account for the traffic that will be diverted as a result of the proposed street closings and has minimized the impacts of disruption of the existing network. As one example, the DEIS does not explain what the effect of the proposed traffic mitigations will have on Fort Greene Place between Atlantic Avenue and Hanson Place, an already overcrowded and congested block due to the Atlantic Center and Atlantic Mall.

There is insufficient analysis regarding how traffic patterns will be affected by the locations of parking garage and service entrances. Some queuing will be inevitable, especially during the arena events.

Auto and taxi trips have been assigned to major corridors (p. 12-39) “based on their origin and destination as well as the most direct routes to major access points.” All things being equal,

vehicles probably do use the most direct route but not when the direct route is as highly congested as the DEIS predicts.

The DEIS does not consider any development resulting from the Downtown Brooklyn Development Plan until 2016 because “no plans for new development have been finalized.” Community Board 2 believes that the background growth rate should be adjusted for the 2010 build year to account for projects in the development pipeline, but not yet announced, that will occur in Downtown Brooklyn by the completion of Phase I. The community board considers this a serious and unacceptable flaw in the DEIS that must be addressed in the final environmental impact statement.

There is no reference in the proposed plan to the traffic mitigation measures (e.g.: leading pedestrian intervals, neckdowns, etc.) recommended in the Downtown Brooklyn Traffic Calming Project study. Community Board 2 requested this analysis in its comments on the draft scope of analysis and believes that it is still necessary in the FEIS.

The DEIS says nothing about current bicycle use. Although a New York City bike route is proposed to travel through the development, there was not one bicycle count used to analyze existing bicycle transportation. How can this project address bicycle transportation without getting data on existing bicycle conditions? Pedestrian and vehicular counts were gathered, but bicycle counts were discounted. How many bicycle commuters will the arena generate? How can bicycle storage for 400 bicycles be evaluated without proper data on current bicycle commuters and their parking requirements?

The DEIS states that the project would incorporate “a number of design features that would enhance overall safety, including the elimination of several roadway segments through the project site...” Community Board 2 disagrees with this strategy. De-mapped streets will lead to more congestion and therefore less safety. De-mapped streets will significantly increase traffic around the project site and thereby increase the number of automobile-related accidents. To substantiate the claim that eliminated roadways will enhance safety, the EIS needs to provide data to corroborate this claim. The community board believes that Fifth Avenue should not be closed and instead pass under the arena if necessary.

In addition, the DEIS states that “police and traffic control officers would be deployed at key intersections in the vicinity of the area...” to ensure safety during games. The use of publicly paid employees should not be included in any environmental impact statement as a method to reduce accidents. That is, the project should not plan to use publicly employed officers to mitigate unsafe streets, which the project itself will generate. Instead, the project should address the source of these unsafe streets: an arena in an already congested part of Brooklyn.

It is not reasonable to assume the 0.5 percent growth rate for the Atlantic Avenue subway station in the no build scenario. In fact, Table 13-3 shows that in 2005, turnstile entrance counts from pedestrians increased 12 percent (24,573 to 27,559), and 13 percent the previous year. The recorded rate of this station’s growth in ridership therefore is 24 times greater than the growth rate that the DEIS assumes. The assumed growth rate of 0.5 percent is clearly not accurate for all neighborhoods and should not be used for this project.

Considering the addition of some 15,000 residents as a result of this project, the DEIS does not provide sufficient data to substantiate the claim that “crowding on the platforms at the Atlantic Avenue/Pacific Street subway station complex is not expected to be problematic...” An additional study needs to confirm this claim with more rigorous analysis.

The elimination of the west crosswalk on Fourth Avenue at Atlantic Avenue will force pedestrians to the center island in Times Plaza. The impact of pedestrian crossings to/from this island, especially since many more pedestrians will walk there, requires further study.

Air Quality

Air pollution is a serious concern in Community District 2, where there is a disproportionate occurrence of asthma among the area's children and families. It should also be noted that Brooklyn has been cited as the second worst borough with respect to air quality. Particulate matter released into the air by the sawing, drilling, cutting, planing, welding, brazing, sanding and other construction methods will impact adversely on the quality of the air. Much of this pollution into the surrounding area will not be containable.

Noise

Community Board 2 is concerned that the three community parks as well as the Pacific branch of the Brooklyn Public Library, located at Fourth Avenue and Dean Street, will be overwhelmed by the level of noise generated during construction and arena events and that the adverse impact will not be mitigatable.

In addition, the community board is greatly concerned that the project developer and sponsor would suggest that significantly adverse levels of noise be mitigated by sealing the apartments of near-by residents with doubled-glazed windows and air conditioners. The existing residents should not have to bear the burden of the mitigation.

Construction Impacts

Community District 2 is experiencing a significant increase in the number of disease-bearing rats, which can be attributed to the large amount of construction currently underway. Community residents have reported that the rats are regularly seen scurrying in and around their homes. In light of the prospect of the massive demolition, excavation and construction associated with this project, it is anticipated that the underground habitats of Brooklyn's rodent population will be disturbed. Containment plans to mitigate the inevitable disturbance and escape of large numbers of rodents into neighboring communities needs to be specifically defined and coordinated with appropriate governmental agencies in advance.

Mitigation

Community Board 2 is pleased to read that many sustainable design measures are planned for incorporation into the Atlantic Yards project. These include storm water management and water conservation strategies. With a project of this magnitude, energy efficiency and environmentally conscious design is critical. The community board notes, however, that low-flow toilets have been required in New York City for at least ten years and their use in this project is no great claim. Community Board 2 recommends that all new construction be LEED (Leadership in Energy and Environmental Design) certified.

In its analysis above, Community Board 2 is critical of some of the mitigation proposed in the DEIS. The community board has suggested in its discussion additional steps that it believes need to be taken to make the project acceptable. These are summarized at the end of these comments. In addition, Community Board 2 recommends that ESDC form a City/State inter-

agency taskforce, including the three community boards with jurisdiction over the project site, to monitor the project, the implementation of mitigation measures and review issues as they arise.

Alternatives

The discussion of alternatives in the DEIS is a great disappointment to Community Board 2. The goals of the official state project seem to have been tailored to the proposed development. Therefore, alternative approaches to developing the area that deviate in any way from the proposal cannot fulfill goals. The only alternative that could be considered under this logic is a fraternal twin of the proposed project; the same yet different. The environmental review of engineering projects studies all alternatives objectively to find the option that achieves the most project benefits at an acceptable level of environmental impact. The DEIS for the Atlantic Yard project does not undertake this calculus. Recommendations for how the project can be refined follow.

Recommendations

- Improve the sewage and Combined Sewage Overflow service/architecture to cover the projected increase in the number of residents and workers.
- Provide adequate day-care slots for the increased number of residents and employees.
- Provide adequate tree plantings for a project of this size to mitigate the adverse impact of project-associated air-borne pollutants.
- Utilize Big Belly Compactors (or similar technology) to reduce the amount and number of collections of project-generated solid waste.
- Downsizing the height and bulk of the buildings in the development and implementing design guidelines which address the impact of shadows directly should occur
- The decline in the overall open space ratio for combined active and passive space which will occur with the arrival of close to 20,000 residents and workers (depending on the use of Variation 1 or Variation 2) must be mitigated.
- The project sponsors and the lead government agency must accept the obligation to improve the existing open space conditions for the public good.
- The sponsor plans no open space or recreation improvements until Phase II, so that “the open space ratio in the non-residential (quarter-mile) study area would be substantially lower than DCP recommendations...” Since the sponsor intends to use some of the open space for surface parking lots that will be operated for profit, CB2 recommends that the sponsor also provide interim open space and recreation that can be used between now and 2016.
- Publicly accessible open space should be open to the public during the same hours as a park operated by the city park.
- Pedestrian walkways and bicycle paths that go through the project must be accessible 24 hours daily.
- The density of the residential area should be no greater than Battery Park City at full build-out, which is 152 apartments per acre.
- Miss Brooklyn nor any building in the site should be any higher than 400 feet.
- No use of eminent domain as part of this project.
- No streets should be closed. (Can build over the streets if necessary).
- Sufficient limited affordable parking should be available for the people residing in the development.
- A residential parking permit program should be created and enforced in the neighborhoods effected.

- Necessary government permit parking should be limited to garage spaces or authorized limited on street parking and strictly enforced (with towing) with a no permit zone around the arena and the surrounding neighborhoods.
- The open space should be easily accessible physically and visually to the rest of the community
- Sufficient public schools should be on the site.
- Sufficient resources should be available to handle garbage and sewer.
- The open space above the Arena should be available to the public in some form.
- Steps to maintain and improve traffic and pedestrian circulation should be done (building skyways: separate traffic, pedestrians and cyclists)
- Renewable and environmental sustainable energy should be provided on site (i.e wind and solar energy) for the development and immediate area.
- Adequate fire and police protection should be provided.
- A wind effects study should be done on any planned construction to prevent unnecessary localized problems.
- Signage should respect the surrounding communities in character, quality of life and color (It shouldn't be Times Square.) and not cast light on to the surrounding area. The major illuminated signage should be turned off by 11 PM.
- Buildings should not be vacated and demolished until replacement design and financing are in place.

Thank you for the opportunity to comment on the General Project Plan and Draft Environmental Impact Statement for the proposed Atlantic Yards mixed-use development. Community Board 2 looks forward to reviewing the Final Environmental Impact Statement, which hopefully will incorporate the above recommendations.

Sincerely,

signed on original copy

Shirley A. McRae
Chairperson