

PACC's Concerns about the Brooklyn Atlantic Yards Development Plan, the Downtown Brooklyn Development Plan, and the City's Planning Process

Introduction

Pratt Area Community Council (PACC) is a community development corporation concerned primarily with the preservation and development of low and moderate income housing in Fort Greene, Clinton Hill, and Bedford Stuyvesant. PACC is further concerned with preserving and promoting the special quality of life virtues in these communities, including their racial, cultural, and economic diversity.

PACC submits that the public interest in Brooklyn includes not only economic development and the creation of jobs, but also the preservation of Brooklyn's essential character — the virtues of Brooklyn embodied by the communities that PACC serves.

PACC believes that the Brooklyn Yards Development Plan (BAYD) by itself, and especially in conjunction with the Downtown Brooklyn Development Plan (DP), could be transformative events in Brooklyn. They have the potential to bring more fundamental change to Brooklyn than any planning decision since the construction of the Brooklyn Bridge and the subway system. The processes of gentle evolution that have resulted in Brooklyn's special character could be forever changed, and not necessarily for the better.

PACC submits that such potentially transformative policies should not be adopted without extensive public input and comprehensive official study. Although the DP was vetted through the ULURP process, studied by the City Planning Commission, and analyzed with a Supplementary Environmental Impact Study (SEIS), the SEIS was seriously flawed, as will be detailed below. The State seems intent upon moving forward with the BAYDP without even the pretense of vetting through the ULURP process or serious environmental impact study.

PACC believes that the BAYDP must be carefully studied, and that approval would be inappropriate except in accordance with the following principles:

- The State should not transfer the Brooklyn Atlantic Yards to any private party unless that party's development plans are subjected to full ULURP review, study by the City Planning Commission, and a full environmental impact analysis and report.
- Before determining that the public interest would be served by transferring the Atlantic Yards to a private party for development, City and State officials must consider the full range of harms, as well as benefits, that the specific development plans would promote. These harms must be predicted by considering the effects of the BAYDP not only on its own, *but in conjunction with the DP*.
- In conducting an environmental study of the impact that the BAYDP and the DP *together* would have on contiguous neighborhoods, including Fort Greene, Clinton Hill, and Bedford Stuyvesant, the deficiencies in the City Planning Commission's SEIS for the DP must be addressed by identifying and predicting the full range of potential harms that the BAYDP and the DP *together* could promote.
- The full range of potential harms include: a decreased availability of affordable housing, increased displacement of low and moderate income residents, and decreased racial, economic, and cultural diversity in contiguous neighborhoods, including Fort Greene, Clinton Hill, and Bedford Stuyvesant, all resulting from the effect of these Plans in intensifying market forces.
- Before any decision is made to move forward with the BAYDP, State and City officials must develop strategies for mitigating predicted harms, especially regarding the availability of affordable housing and the displacement of low and moderate income residents.

Summary of PACC's Position

- PACC believes that the City Council made a serious error in approving the Downtown Brooklyn Development Plan because the City Planning Commission and its environmental impact analysis failed to consider the effects this Plan would have on affordable housing, on racial, cultural, and economic diversity, and on the displacement of low and moderate income residents, in the contiguous neighborhoods of Fort Greene, Clinton Hill, and Bedford Stuyvesant.
- PACC opposes moving forward with the Brooklyn Atlantic Yards Development Plan because this Plan has been developed without dialogue between the developers and community residents, and without full vetting through land use review procedures that include a rigorous environmental impact analysis.
- Although the Atlantic Yards is state-owned property, the potential impact of its development on contiguous neighborhoods and on the more broadly conceived character of Brooklyn, especially in conjunction with the Downtown Brooklyn Development Plan, necessitates the kind of careful study that ULURP-type processes and full environmental impact study can provide.
- The Governor and the MTA can, and should, place conditions on the transfer of the Atlantic Yards to the Empire State Development Corporation, including a condition that this public property not be sold or otherwise transferred to any private developer without submitting that developer's specific plans to rigorous land use review procedures, like those of the ULURP process, and to serious environmental impact analysis.
- If public bond financing is used for the proposed Brooklyn Atlantic Yards Development project, and if the Governor and the MTA failed to place the above ULURP and environmental impact analysis conditions on the transfer of the Atlantic Yards to the Empire State Development Corporation, the Public Authorities Control Board should make the use of bond funding contingent upon submission of that developer's specific plans to rigorous land use review procedures, like those of the ULURP process, and to serious environmental impact analysis..
- Given the deficiencies of the Supplemental Environmental Impact Statement for the Downtown Development Plan, and the absence of *any* environmental impact analysis of the Brooklyn Atlantic Yards Development Plan, PACC supports *additional serious* study of the effects that both of these Plans would have, individually and together, on the availability of affordable housing for low and moderate income residents, on the displacement of long-time residents, and on the economic, racial, and cultural diversity of Fort Greene, Clinton Hill, and Bedford-Stuyvesant.
- PACC opposes the exercise of eminent domain for the purpose of transferring property from one *private* owner to another *private* owner.
- PACC supports the development of community benefits agreements, based on the identification of the *full* range of harms that the Downtown Brooklyn Development Plan and the Brooklyn Atlantic Yards Development Plan would impose on contiguous neighborhoods, after meaningful dialogue involving city and state officials responsible for approving the plans, developers who have proposed the plans, and community residents who will be most affected by the Plans.
- PACC supports a mandated inclusion of affordable housing units in residential development that is the result of the Downtown Development Plan or the Brooklyn Atlantic Yards, preferably with an income mix of 50-30-20 – that is, fifty percent market rate units, thirty percent units for moderate income residents, and twenty percent units for low-income residents.

Fuller Statement of PACC's Position

Because PACC believes that the potential environmental consequences of the Brooklyn Atlantic Yards Development Plan (BAYDP) must be considered in conjunction with those of the Downtown Brooklyn Development Plan (DP), our concerns about the BAYDP begin with the deficiencies in the study and analysis preceding the City Council's approval of the DP.

PACC has the following concerns about the Downtown Brooklyn Development Plan and the processes through which the Plan has been considered:

1. Although the Downtown Brooklyn Development Plan (DP) contains elements providing for developing units of affordable housing, it does not articulate the preservation and development of low and moderate income housing as among its *priorities*. PACC urges that preservation and development of low and moderate-income housing be identified as a necessary condition for the approval of particular development projects. In particular, PACC submits that residential projects not be approved unless they provide for a 50-30-20 mix of housing options – that is, fifty percent market rate units, thirty percent units for moderate income residents, and twenty percent units for low-income residents.
2. Although the Secondary Environmental Impact Statement (SEIS) claims as a purpose for the DP “to reinforce the positive character of surrounding neighborhoods,” it fails to identify the aspects of the surrounding neighborhoods that it views as “positive,” and fails, therefore, to specify the preservation and promotion of racial, cultural, and economic *diversity* as among the DP's priorities. PACC urges that the preservation and promotion of racial, cultural, and economic diversity be expressly recognized as a priority for the DP.
3. Although the SEIS asserts that “the proposed actions would not result in significant adverse impacts [on socioeconomic conditions],”¹ it fails to consider the secondary effects of the DP on the housing market in Fort Greene, Clinton Hill, and Bedford Stuyvesant. To what extent will the infusion of concentrated economic activity that the DP contemplates increase the demand for housing in surrounding areas, and thereby trigger market pressures that will increase residential rents, and result in the displacement of low and moderate income residents? PACC urges that the secondary effects of the DP on the housing market in Fort Greene, Clinton Hill, and Bedford Stuyvesant be fully explored in the planning process.
4. Although, again, the SEIS asserts that “the proposed actions would not result in significant adverse impacts [on socioeconomic conditions],”² it fails to consider the secondary effects of the DP on the racial, cultural, and economic *diversity* of the surrounding neighborhoods of Fort Greene, Clinton Hill, and Bedford Stuyvesant. PACC urges that this issue be fully explored in the planning process.
5. Indeed, the SEIS recognizes a reason to be concerned that the DP might adversely affect the market for low and moderate income housing, and the racial, cultural, and economic diversity in Fort Greene, Clinton Hill, and Bedford Stuyvesant, by proclaiming that the DP would “reinforce existing trends towards residential and economic development in Downtown Brooklyn.”³ Existing economic trends in Fort Greene, Clinton Hill, and Bedford Stuyvesant have included gentrification, and the resulting displacement of low and moderate-income residents. PACC urges that the City Planning Commission, the City Council, and other responsible government officials seriously endeavor to predict the consequences of the DP for gentrification and displacement in Fort Greene, Clinton Hill, and Bedford Stuyvesant.
6. The SEIS fails to consider the tertiary effects of the DP. If displacements in the higher-market areas of Fort Greene, Clinton Hill, and Bedford Stuyvesant are exacerbated by the DP, where will these displaced people settle? And who will these migrations displace? PACC urges that the City Planning Commission, the City Council, and other responsible government officials seriously en-

¹ Secondary Environmental Impact Statement (SEIS), at p. 20.

² SEIS, at p. 20.

³ SEIS, at p. 20.

- deavor to predict the tertiary consequences of the DP for gentrification and displacement from Fort Greene, Clinton Hill, and Bedford Stuyvesant to other neighborhoods in Brooklyn.
7. Because the SEIS fails to consider whether and the extent to which the DP may displace low and moderate income residents in Fort Greene, Clinton Hill, and Bedford Stuyvesant and may adversely affect the racial, cultural, and economic diversity of these neighborhoods, the DP fails to address measures that might mitigate these potential consequences. PACC urges that the City Planning Commission, the City Council, and other responsible government officials seriously endeavor to develop plans and programs to mitigate the adverse consequences of the DP for affordable housing, diversity, and displacement, in Fort Greene, Clinton Hill, and Bedford Stuyvesant. Therefore, PACC supports a mandated inclusion of affordable housing units in residential development that is the result of the Downtown Development Plan.
 8. In short, before the Department of City Planning, and the City Council proceed to approve the DP, the SEIS must include as part of its definition of “the public interest,” and among the goals and priorities of the DP, the preservation and development of low and moderate income housing in Fort Greene, Clinton Hill, and Bedford Stuyvesant, and the preservation of racial, cultural, and economic diversity in these neighborhoods. It must predict the consequences of the DP for these concerns and values, and consider all practicable means for mitigating such consequences.
 9. PACC submits that all of these deficiencies in the SEIS must be addressed and resolved before any decision about the DP can responsibly be made.
 10. If the DP moves forward, developers and city officials should engage neighborhood residents in serious dialogue toward developing community benefits agreements toward mitigating, and compensating for, the harms that the DP would impose on contiguous communities. The community benefits that are contemplated should be just as fundamental and structural in relation to the character and welfare of contiguous communities as is the DP itself. Community benefits that should be considered include a pledged percentage of employment for neighborhood residents, job training and the use of local M&WO businesses during construction, the construction of new schools and the enhancement of existing schools in the contiguous neighborhoods that will feel the secondary and tertiary effects of the DP, improvements in public transportation, street improvements, and other financial commitments to existing commercial corridors.

PACC has the following concerns about the Brooklyn Atlantic Yards Development Plan and the processes through which the Plan has been developed:

1. The deficiencies in the City Planning Commission’s approach for defining the public interest, and for evaluating the consequences of the DP on affordable housing, and racial, cultural, and economic diversity in Fort Greene, Clinton Hill, and Bedford Stuyvesant, are overwhelmed by even greater failings with respect to Brooklyn Atlantic Yards Development Plan (BAYP). The SEIS for the DP does not address either the impact of the BAYP on its own, or the impact of the BAYP and the DP together. The secondary consequences of the economic forces unleashed by these two projects together will profoundly affect the housing market in Fort Greene, Clinton Hill, and Bedford Stuyvesant; might profoundly affect the availability of affordable housing in these communities; and might profoundly affect the diverse racial, cultural, and economic character of these neighborhoods.
2. Unlike the DP, the BAYP was developed without public input and comment. The process for developing a plan having such significant potential consequences for the character of surrounding communities must include dialogue with, and comment by, community residents and their elected representatives. As with other planning decisions having potential consequences far less significant than those that could result from the BAYP, community residents have a right to participate in the development of public policy before it is formed and begins to take on a momentum of its own, not simply to comment after its details have been developed. The failure to follow any procedures for involving the public in the formation of policy exacerbates the significance of the SEIP’s failure to consider the potential costs of the BAYP itself, and in conjunction with the DP.
3. Therefore, PACC urges that before the BAYP is approved, all the issues identified above that the SEIS failed to address with respect to the DP must be addressed with respect to the BAYP on its own, and in conjunction with the DP. PACC urges that the Governor and the MTA place conditions on the transfer of the Atlantic Yards from the MTA to the Empire State Development Corpo-

ration, including a condition that this public property not be sold or otherwise transferred to any private developer without submitting that developer's specific plans to the to the ULURP process and to full consideration by the City Planning Commission. The Commission's consideration must include preparation of an Environmental Impact analysis of Brooklyn Atlantic Yards Development Plan, that *identifies* the full range of potential harms that the BAYP could cause on its own, and in conjunction with the DP.

4. PACC further urges that once the potential harms of the BAYP are *identified* comprehensively and systematically, the City Planning Commission, the Mayor, the State Assembly, the Senate, and the Governor, should *evaluate* those harms in relation to the public interest, defined with the input of community residents.
5. If the BAYP moves forward, toward mitigating the anticipated secondary effects of the BAYP on the housing markets in contiguous neighborhoods, and the resulting displacement of low and moderate income families, PACC supports a mandated inclusion of affordable housing units in BAYP residential developments, preferably with an income mix of 50-30-20 – that is, fifty percent market rate units, thirty percent units for moderate income residents, and twenty percent units for low-income residents.
6. If the BAYP moves forward, the developers, city officials, and state officials should engage neighborhood residents in serious dialogue toward developing community benefits agreements that mitigate, and compensate for, the harms that the BAYP would impose on contiguous communities. The community benefits that are contemplated should be just as fundamental and structural in relation to the character and welfare of contiguous communities as are the DP and BAYP Plans themselves. Community benefits that should be considered include a pledged percentage of employment for neighborhood residents, job training and the use of local M&WO businesses during construction, the construction of new schools and the enhancement of existing schools in the contiguous neighborhoods that will feel the secondary and tertiary effects of the DP and BAYP, improvements in public transportation, street improvements, and other financial commitments to existing commercial corridors.
7. Except in compelling circumstances in which the public interest is clearly served, government should not condemn private property by providing for the transfer of that property from one *private* owner to another *private* owner. The plan to condemn private property for the BAYP is deeply flawed because the public interest in the BAYP has not been fully considered and, therefore, it is impossible to determine that the public interest would be *clearly* served by the condemnations in question. PACC submits that until the City Planning Commission and the City Council consider the secondary consequences of the FRCP on its own, and in conjunction with the DP, for the stock of affordable housing Fort Greene, Clinton Hill, and Bedford Stuyvesant, and for the distinctive character of these neighborhoods formed by decades of organic evolution, exercising the power of eminent domain cannot be deemed clearly to serve the public interest, and should not proceed.
8. Even if the public interest were clearly served by the BAYP and, therefore, the condemnation of private property for private development were supportable, no such condemnation would be appropriate unless the current owners were paid *fair* market value for their properties. Fair market value would not be limited to assessed valuation, comparable sales valuation, or other methods of valuation that are created to serve other purposes. PACC submits that the fair market valuation for these condemnations should account for the market value of comparable properties located near the BAYP *after completion* of the projects — which is an economic benefit that other adjacent property owners will capture, and part of the economic value that the BAYP captures through the condemnations.

Summary and Conclusion

A fundamental purpose of city planning is to predict, to evaluate, and to shape the relationship between public policy and market forces. Rigorous city planning procedures should not be bypassed for the most potentially significant city planning decisions. Policy choices between zoning for small-scale residential and business uses versus zoning for extremely large-scale residential and business uses, can fundamentally alter the economic character of an area, and with that, the human character of an area. Residents of Brooklyn -- whether life-long

or recent transplants -- appreciate its scale, its rhythm, and its tone. After the basic economic conditions were established with the building of the Brooklyn Bridge and the subway system, today's Brooklyn is the product of a slow, organic evolution. The Downtown Brooklyn Development Plan, and the Brooklyn Atlantic Yards Development Plan, individually and together, will fundamentally alter the dynamics of future change. The forces of evolution we have known will be transformed.

PACC does not oppose economic development. PACC recognizes that higher-density residential patterns can provide a viable approach to mitigating the affordable housing crisis in New York City. But not all economic development serves the public interest; not all economic development is pursued for the purpose of providing affordable housing; and not all economic development is preceded by a careful, complete, and serious consideration of the full range of its potential consequences, positive and negative.

PACC submits that before either of these Plans is finally approved, there must be much more serious prediction of the economic forces that the Plans will unleash, a much more comprehensive prediction of the changes in the character of contiguous neighborhoods that these unleashed economic forces will produce, a much more balanced evaluation of these changes in relation to the public interest, and a much more inclusive process by which the public interest is defined.