

## **INTRODUCTION**

This document summarizes and responds to comments on the Draft Environmental Impact Statement (“DEIS”), issued on July 18, 2006, for the Atlantic Yards Arena and Redevelopment Project. Oral and written comments were received during the public hearing held by the Empire State Development Corporation (ESDC) on August 23, 2006 and the two community forums held on September 12, 2006 and September 18, 2006. Written comments were accepted from issuance of the Draft EIS through the public comment period which ended September 29, 2006.

Section B lists the elected officials, organizations, and individuals that provided relevant comments on the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. A number of commenters submitted general comments about the proposed project. These comments were given due consideration but are not itemized below.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others had suggested editorial changes. Where relevant and appropriate these edits, as well as other substantive changes to the Draft EIS, have been incorporated into the FEIS.

Subsequent to the issuance of the Final Environmental Impact Statement on November 15, 2006, it was found that a number of substantive comments on the DEIS were inadvertently omitted from that document. This corrected and amended FEIS includes and responds to those additional comments as well.

## **LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

### **ELECTED OFFICIALS**

1. Honorable James Brennan, Member of Assembly, 44th Assembly District, oral comments and written submission dated September 1, 2006
2. Reverend Karim Camara, Member of Assembly, 43rd District and First Baptist Church of Crown Heights, Executive Pastor, oral comments and undated written submission
3. Honorable Martin Connor, Member of Assembly, 25th Assembly District, oral comments and written submissions dated August 14, 2006 and September 18, 2006

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4. Honorable Steven Cymbrowitz, Member of Assembly, 45th Assembly District, written submission dated August 23, 2006
5. Honorable Bill de Blasio, City Council, 39th District, oral comments and written submissions dated August 23, 2006 and September 29, 2006
6. Honorable Erik Martin Dilan, City Council, 37th District, undated written submission
7. Honorable Lewis Fidler, City Council, 46th District, oral comments
8. Honorable Martin J. Golden, 22nd Senate District and New York City Council, oral comments and written submission dated August 23, 2006
9. Honorable Roger L. Green, Member of Assembly, 57th Assembly District, oral comments
10. Honorable Letitia James, City Council, 35th District, oral comments and written submissions dated December 19, 2005 and September 29, 2006
11. Honorable Carl Kruger, State Senator, 27th Senate District, oral comments
12. Honorable Marty Markowitz, Brooklyn Borough President, oral comments and written submission dated September 28, 2006
13. Honorable Joan M. Millman, Member of Assembly, 52nd Assembly District, oral comments and written submissions dated August 2, 2006 and August 23, 2006
14. Honorable Velmanette Montgomery, State Senator, written submissions dated August 8, 2006 and September 27, 2006
15. Honorable Mike Nelson, New York City Council, 48th District, oral comments
16. Honorable Kevin Parker, 21st Senate District, oral comments
17. Speaker, Christine Quinn, New York City Council, written submission dated August 3, 2006
18. Domenic Recchia, New York City Council, 47th District, oral comments and written submission dated August 23, 2006
19. Diana Reyna, Councilmember, 34th District, undated written submission
20. William Saunders, Councilmember, 57th District, written submission dated Sept 28, 2006
21. Jo Anne Simon, State Committeewoman, 52nd Assembly District, oral comments, undated written submission, and dated submission dated August 25, 2006
22. Kendall Stewart, New York City Council, 45th District, oral comments and undated written submission
23. Honorable David Yassky, City Council, 33rd District, oral comments and two written submissions dated August 8, 2006 and August 23, 2006

## **COMMUNITY BOARDS**

24. Brooklyn Community Board 2: Shirley McRae, Chair, oral comments, undated Draft written submission, co-signor on written submissions dated July 24, 2006 and August 9, 2006, and written submissions dated August 28, 2006 and September 29, 2006; Health, Environment, and Social Services Committee, written submission dated August 14, 2006; Parks and Recreation Committee, undated written submission; John Dew, Traffic, Transportation, and Safety Committee, Chair, oral comments; Kenn Lowy, Traffic,

- Transportation, and Safety Committee, oral comments and undated written submission; Vaidila Kungys, oral comments
25. Brooklyn Community Board 6, Jerry Armer, Chair, oral comments, co-signor on written submissions dated July 24, 2006 and August 9, 2006, undated written submission and written submission dated September 29, 2006; Jeff Strabone, undated written submission; Craig R. Hammerman, District manager, written submission dated September 29, 2006; Elly Spicer, oral comments
26. Brooklyn Community Board 8, Robert Matthews, Chair, oral comments, written submission dated September 29, 2006 with attachments, and co-signor on written submissions dated July 24, 2006 and August 9, 2006; Holly Ferguson, Transportation and Fire Committee, oral comments; Parks and Recreation Committee, Robert Witherwax and Glinda Andrews, Chairs, undated written submission; Dr. Fred Monderson, Transportation and Fire Committee, Chairman, oral comments and written submission dated August 15, 2006; Transit Committee, undated written submission; Ede Fox, Environment/Sanitation Committee, Chair, written submission dated September 14, 2006; Bill Batson, Fire Safety Committee, Co-Chair, written submission dated September 29, 2006

#### **ORGANIZATIONS**

27. 32-34 Fifth Avenue Owners Corporation, Martha Wilson, President, written submission dated September 23, 2006
28. ACORN, Pat Boone, President, oral comments and undated written submission; Marie Pierre, oral comments and undated written submission; Debbie Tiamfook, oral comments and undated written submission; Felix Aponte, oral comments; multiple undated written submissions
29. Architectural and Ornamental Iron Workers, Local Union No. 580, Dennis A. Lusardi, written submission dated September 28, 2006
30. Atlantic Terminal Houses, Celeste Staton, President, written submission dated September 29, 2006
31. Atlantic Avenue Betterment Association, Sandy Balboza, oral comments and written submission dated August 23, 2006; co-signer on joint written submission dated July 28, 2006
32. Atlantic Avenue Local Development Corporation, Ian L. Kelley, Board President, oral comments and written submission dated August 23, 2006
33. Atlantic Yards Community Benefits Agreement Executive Board, Delia Hunley-Adossa, Chairperson, oral comments and written submission dated August 23, 2006
34. Bensonhurst Council of Jewish Organizations, Inc., Shirley Fineman, Executive Director, written submission dated September 26, 2006
35. Bergen Beach Youth Organization, Paul Curiale, oral comments
36. Bishop Ford Central Catholic High School, Eileen Egan, Department of Athletics, written submission dated August 22, 2006
37. Boreum Hill Association, Sue Wolfe, oral comments, undated written submission, and written submissions dated August 1, 2006, August 23, 2006, and September 29, 2006; Genevieve Christy, oral comments; Howard Kolins undated written submission; Jo

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- Anne Simon, Atlantic Yards Task Force, Chair, written submission dated August 23, 2006
38. Brooklyn Academy of Music, Peter Gee, CFO and Vice President for Operations, written submission dated August 23, 2006
39. Brooklyn Bear's Community Gardens, Jon Crow, Coordinator, undated written submission and co-signer on joint written submission dated July 28, 2006
40. Brooklyn Bridge Park Defense Fund, Judi Francis, President, written submission dated September 29, 2006
41. Brooklyn Chamber of Commerce, Ken Adams, President, oral comments
42. Brooklyn Heights Association, Donald G. Fraser, Board of Governors, written submission dated August 23, 2006
43. Brooklyn's Other Museum of Brooklyn, Scott Witter, Curator, oral comments and written submission dated September 29, 2006
44. Brooklyn Queens Land Trust, Agnes E. Green, President, written submission dated August 14, 2006
45. Brooklyn Vision Foundation, Inc., Helosie Gruneberg, President, written submission dated September 29, 2006 and co-signer on joint written submission dated July 28, 2006
46. BUILD, Khalid Edwards, oral comments; Marie Louis, oral comments; Laura McArthur, oral comments; Bill Wright, oral comments; Anthony Wright, oral comments; James Caldwell, oral comments
47. Cambridge Place Action Coalition, Michael McLeod, written submission dated September 25, 2006
48. Carlton Avenue Association, Richard Goldstein and Robert Keith, Co-Presidents, written submission dated September 26, 2006; Lillian Cozzarelli, written submission dated September 26, 2006; David Christini and Dionne Hostern, written submission dated September 27, 2006; Sara Epstein, written submission dated September 28, 2006; Rachael Urquhart, written submission dated September 27, 2006
49. Carpenters Union, John William Holt, Local 926 Executive Delegate, oral comments
50. Center for Community Planning and Development, Dr. Tom Angotti, Director, oral comments and written submission dated August 23, 2006
51. Central Brooklyn Housing Council, Inc., Dennis Watson, Chairman, oral comments and undated written submission; Ofori Peyton and Earl Attim Ferguson, undated written submissions
52. Clem Labine's Traditional Building, Clem Labine, , written submission dated September 25, 2006
53. Clermont Green Avenue Block Association, Daniel McCalla, Acting Chair Transportation Committee, oral comments and written submission dated August 23, 2006
54. Community Consulting Services, Carolyn S. Konheim, Chair, written submissions dated July 26, 2006, August 22, 2006, and September 28, 2006; and two written submissions dated August 23, 2006; Bryan Ketcham, written submission dated September 21, 2006

55. Council of Brooklyn Neighborhoods, Therese Urban, Co-chair oral comments and written submission dated August 4, 2006; written submission dated August 18, 2006; Genevieve Christy, written submission dated August 23, 2006; Candace Carponter, co-chair, oral comments and written submissions dated September 7, 2006 and September 18, 2006; written submission dated October 2, 2006; Candace Carponter and Therese Urban, written submissions dated August 23, 2006, September 29, 2006, and October 2, 2006
56. Crown Heights North Association, Valerie Bowers, Board Member, written submission dated August 23, 2006
57. Dean Street Block Association, Peter Krashes, co-signer on joint written submission dated July 28, 2006, undated written submission and written submission dated October 8, 2006 with multiple form letters attached; Serena Mulhnder, oral comments; Rhona Hetsrony, undated written submission and written submission dated September 26, 2006; David Kazanjian, undated written submission and written submission dated September 12, 2006; Anurag Heda, oral comments and written submissions dated August 23, 2006
58. Develop Don't Destroy Brooklyn, Shabnam Merchant, oral comments; Daniel Goldstein, oral comments; Jeff Baker, Lawyer, oral comments and written submission dated September 29, 2006; Barnacle Planning Studio, undated written submission; Blight Study comments and enclosed photographs; Paul Rothblatt, undated written submission
59. District 15 Community Education Council, Mary Powell-Thomas, oral comments and written submissions dated September 18, 2006 and September 29, 2006
60. Downtown Brooklyn Advisory and Oversight Committee, Bill Howell, Chairman, oral comments and written submissions dated August 23, 2006 and September 18, 2006; Alexander Rivera, Ombudsman, oral comments and written submission dated August 23, 2006
61. Downtown Brooklyn Council, Michael Burke, Director, written submission dated August 23, 2006
62. Downtown Brooklyn Neighborhood Alliance, Reverend Dr. Herbert Daughtry, President, oral comments and written submission dated August 23, 2006; Karen Daughtry, Jerry King, Yvonne Rubie, oral comments; Omar Wilks, oral comments and undated written submission; M'Balia Rubie, oral comments
63. Eastern Parkway/Classon Street Coalition, Constance Lesold, oral comments
64. East Pacific Block Association, James Vogel, oral comments and co-signer on joint written submission dated July 28, 2006
65. Family Support & Resources, Victoria O.F. Amoo, written submission dated August 23, 2006
66. Fans for Fairplay, Scott Turner, oral comments
67. FCRC, Pamela Lippe, Sustainability Consultant, oral comments and undated written submission; Sam Schwartz, Transportation Consultant, oral comments; James P. Stuckey, written submissions dated August 23, 2006 and September 28, 2006
68. Fifth Avenue Committee, Michelle De La Uz, Executive Director, oral comments and written submission dated September 29, 2006

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69. Fort Greene Association, Phillip Kellogg, Chair and Joan Reutershan, Atlantic Yards Committee, written submission dated September 29, 2006; Ruth Leonard Goldstein, undated written submission
70. Fort Greene Park Conservancy, Inc., Michael Utevsky, oral comments and undated written submission; written submission dated August 23, 2006 and undated written submission
71. Friends of South Oxford Park, Elaine Greensteiner, oral comments; Andrew Marshall, Chairman, and Michelle Ifill-Williams, Board member, written submission dated August 23, 2006
72. FROGG (Friends and Residents of Greater Gowanus), Enid Braun, oral comments, co-signer on joint written submission dated July 28, 2006, and two undated written submissions; Marilyn Oliva, oral comments and written submission dated August 23, 2006; Marlene Donnelly, written submission dated September 20, 2006
73. Gideon Property Group, Inc., Princess E. Hamilton, President, oral comments and written submission dated August 23, 2006
74. Global Exhibition Services, Inc., Drew Tressler, Vice President, written submission dated September 27, 2006
75. Golden Development and Construction Corp., Anthony Clouden, President, oral comments and written submission dated August 22, 2006
76. Hoyt Street Association, Margaret Cusack, President, written submission dated August 15, 2006
77. Indian Day Carnival Association, William Howard, oral comments
78. Ironworkers District Council, Eddie Jorge, oral comments
79. Jackie Robinson Center for Physical Culture, Paul F. Chandler, undated written submission
80. Jamaica Business Resource Center, Timothy H. Marshall, President and CEO, undated written submission
81. Jewish Community Council of Greater Coney Island, Rabbi Moshe Wiener, executive director, written submission dated September 26, 2006
82. Lefferts Place Civic Association, David Conrad, written submissions dated August 4, 2006 and September 28, 2006
83. Local 361 Ironworkers, Joe Farrell, President, oral comments
84. Manhattan Youth, Bob Townley, Executive Director, written submission dated August 19, 2006
85. Mason Tenders' District Council of Greater New York Political Action Committee, Michael J. McGuire, Director, written submission dated August 23, 2006
86. My Brooklyn Keepers, Umar Jordan, oral comments and undated written submission
87. The Municipal Art Society of New York, Kent Barwick, undated written submission; written submission dated July 31, 2006, and two written submissions dated September 29, 2006; Vanessa Gruen, oral comments; Margaret Hayden, undated submission

88. National Resources Defense Council, Stephanie Tyree, representing Eric Goldstein, oral comments; Stephanie Tyree and Eric A. Goldstein, written submission dated September 29, 2006
89. New American Chamber of Commerce, Gloria Waldron, Executive Director, oral comments and undated written submission
90. Newswalk Condominium, Robert France, Board President, written submission dated September 28, 2006
91. New York Association of Real Estate Managers, Stephen Ebaz, Vice President, oral comments
92. New York Building Congress, Richard T. Anderson, President, written submission dated August 23, 2006
93. New York City District Council of Carpenters, Martin T. Daly, Director of Training, undated written submission
94. New Yorkers for Parks, Christian DiPalermo, Executive Director, written submission dated September 28, 2006
95. New York Metro American Planning Association, Ethel Sheffer, President, undated written submission
96. New York Preservation Alliance, Cathy Wassylenko, written submission dated August 23, 2006
97. New York State Association of Minority Contractors, Elenora Bernard, President, written submission dated August 23, 2006; Len Britton, Executive Director, oral comments; Barbara Monica Foster, Chairperson, oral comments
98. Nontraditional Employment for Women, Anne Rascon, written submission dated August 23, 2006
99. NY Public Interest Research Group, Gene Russianoff, Senior Attorney, co-signer on joint written submission dated July 28, 2006
100. One Stop Promotions, Alan Weisberg, Owner, undated written submission
101. Pacific 400 Block Association, Jo Anne Simon, oral comments and co-signer on joint written submission dated July 28, 2006
102. Park Slope Civic Council, Lumi Rolley, Louise Finney, Lauri Schindler, and Keyle Johnson, oral comments; Lydia Denworth, President, undated written submission; Bob Braun, Trustee, oral comments and written submission dated September 18, 2006
103. Park Slope Neighbors, Eric McClure, Atlantic Yards Campaign Coordinator, oral comments, co-signer on joint written submission dated July 28, 2006, and written submission dated July 26, 2006; and Kirstyn Lapante, oral comments
104. Partnership for New York City, Kathryn Wylde, President and CEO, written submission dated August 23, 2006
105. Pratt Area Community Council, Deb Howard, Executive Director, oral comments; written submission dated September 29, 2006
106. Pratt Institute, Brent Porter, oral comments and written submission dated August 14, 2006

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107. Prospect Heights Action Coalition, Patti Hagan, Founder, oral comments, undated written submission, and written submission dated August 23, 2006; Schellie Hagan, oral comments and written submissions dated September 18, 2006 and September 29, 2006; undated written submission with CD attachment
108. Prospect Heights Neighborhood Development Council, Gib Veconi, Chairman, oral comments, written submission dated September 29, 2006, and undated written submission
109. Public Housing Communities, Charlene Nimmons, Executive Director, oral comments and written submission dated August 23, 2006
110. Prospect Place Block Association, Steve Espinola, Representative, Atlantic Yards Task Force, oral comments and written submission dated September 29, 2006
111. Regional Plan Association, Robert Yaro, President, oral comments and written submission dated August 22, 2006
112. Riverkeeper, Inc, through Environmental Law Clinic, Reed Super, Edward Lloyd, Adrian Barnes, David Brian, Michael Plumb, written submission dated September 29, 2006
113. Relocation and Modernization Committee of Fort Greene Projects, Ed Carter, President and Chairman, oral comments
114. Sacred Heart Church of Faith Inc., Elder Grover Reed, Senior Pastor, written submission dated August 22, 2006
115. Shorefront Jewish Community Council, Malya Gross, Site Director, written submission dated September 25, 2006
116. The Sierra Club, New York City Group, Timothy J.W. Logan, Chair, oral comments and written submission dated August 5, 2006; Lucy Koteen, oral comments and written submission August 23, 2006; Olive Freud, oral comments; Edgar Freud, oral comments; Diane Buxbaum, written submission dated September 28, 2006
117. Smalls Electrical Construction, Inc., Jeffrey Smalls, President and CEO, written submission dated September 12, 2006
118. Society for the Architecture of the City, Christabel Gough, oral comments and written submission dated August 23, 2006
119. Society for Clinton Hill, Sharon Barnes, Landmarks and Zoning Committee, Director and Chairperson, written submission dated September 25, 2006 and co-signer on joint written submissions dated July 28, 2006; James Barnes, Officer, oral comments and undated written submission
120. South Brooklyn Legal Services, John C. Gray, written submission dated September 28, 2006
121. South Oxford Street Block Association, Abby Weissman, undated written submission and written submissions dated August 2, 2006, September 2, 2006, and September 29, 2006
122. The South Portland Avenue Block Association, Peter Vitakis and Martin Goldstein, Co-Chairs, co-signer on joint written submission dated September 29, 2006
123. SUNY Downstate Medical Center, John C. LaRosa, President, undated written submission



- 124. The Temple of Restoration (Swedish Baptist Church), Angelo Barbosa, Senior Pastor, written submission dated September 25, 2006
- 125. Time's Up, Geoff Zink, member, written submission dated September 29, 2006
- 126. Tri-State Transportation Campaign, Jon Orcutt, co-signer on joint written submission dated July 28, 2006, written submission dated September 28, 2006, and undated written submission
- 127. Transportation Alternatives, Paul White, Executive Director, co-signer on joint written submission dated July 28, 2006
- 128. Unbreachable Security, Andrew McKenna, undated written submission
- 129. Underserved Teens, At-Risk Teens, and Teens in the NYC Foster Care System, DeShaun L. Taylor, B.B.A., Special Advisor on Child Welfare, written submission dated August 23, 2006
- 130. United Federation of Teachers, Randi Weingarten, President, written submission dated August 23, 2006
- 131. Xaverian High School, Robert Oliva, Development Associate, representing President Dr. Salvatore Ferrera, undated written submission

**INTERESTED PUBLIC**

- 132. Saadia Z. Adossa, resident of First Atlantic Terminal Housing Corporation and member of Brooklyn Endeavor Experience, Inc., written submission dated August 23, 2006
- 133. Akosua Albritton, member of Community Board 8, written submission dated July 24, 2006
- 134. Nathaniel Altman, Brooklyn resident, written submission dated August 29, 2006
- 135. Mark Anders, Brooklyn resident, written submission dated September 29, 2006
- 136. Brook Anderson, Brooklyn resident, undated written submission
- 137. Charlotte Angel and Kyle Boyd, Brooklyn residents, written submission dated August 14, 2006
- 138. Anonymous, Madison Square Garden employee, written submission dated August 23, 2006
- 139. Susan Anthony, Brooklyn resident, written submission dated September 25, 2006
- 140. Sheila Antman, Brooklyn resident, written submission dated September 20, 2006
- 141. Diane Aronsen, Brooklyn resident, oral comments
- 142. Liliana Aristizabal, Newswalk resident, written submission dated August 23, 2006 and September 28, 2006
- 143. Malcolm Armstrong, Brooklyn resident, oral comments and undated written submission
- 144. Stephen Armstrong, Brooklyn resident, written submission dated July 25, 2006
- 145. Sabine Aronowsky, Brooklyn Community Access TV, two written submissions dated September 29, 2006, with four DVDs enclosed
- 146. Ben Austin, Brooklyn resident, written submission dated September 28, 2006
- 147. Ken Baer, Brooklyn resident, oral comments and two undated written submissions
- 148. Ahhalie Bahadur, Brooklyn resident, oral comments

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149. Jonathan Barkey, oral comments
150. Marilyn Barnes, Brooklyn resident, written submission dated September 26, 2006
151. Jill Baroff, Brooklyn resident, written submission dated September 19, 2006
152. Tal Barzilai, oral comments and written submission dated September 29, 2006
153. Ellen Baxt, Brooklyn resident, written submission dated September 26, 2006
154. Kathleen Becker, Brooklyn resident, written submission dated September 8, 2006
155. Belle Benfield, Brooklyn resident, written submission dated September 29, 2006
156. Kristen Benson, Brooklyn resident, written submission dated August 5, 2006
157. Peter Bergold and Sarah Hartman, Brooklyn resident, written submission dated September 19, 2006
158. Boruch Berman, Brooklyn resident, oral comments
159. Doug Beube, Brooklyn resident, written submission dated August 30, 2006
160. Yanis Bibelnieks, Brooklyn resident, written submission dated September 25, 2006
161. Mimi Bluestone, Brooklyn resident, written submission dated August 24, 2006
162. Stella Bond, oral comments
163. Marlene Botter, Brooklyn resident, undated written submission
164. Cynthia L. Boyce, Brooklyn resident, written submission dated September 29, 2006
165. Susan Boyle, Brooklyn resident, written submission dated September 25, 2006 (Boyle)
166. Samy Brahimi, Brooklyn resident, written submission dated September 28, 2006
167. Bob Brown, oral comments
168. Cara Brownell, Brooklyn resident, written submission dated September 28, 2006
169. Natalie Burrows, Brooklyn resident, written submission dated September 24, 2006
170. Sylvon Campbell, oral comments
171. Darnell Canada, Brooklyn resident, oral comments
172. Jennifer and Thomas Cannizzaro, Brooklyn residents, written submission dated September 11, 2006
173. Richard Capozzi, Tomoko Furuya-Capozzi, and Sal Raffone, Brooklyn residents, written submission dated September 22, 2006
174. Diana Carroll, Brooklyn resident, undated written submission
175. Carol Carson, Brooklyn resident, written submission dated September 26, 2006
176. Mary Cash, Brooklyn resident, written submission dated September 5, 2006
177. Kevin Cassidy, Brooklyn resident, written submission dated July 24, 2006
178. Charu Chaturvedi, written submission dated September 16, 2006
179. Thierry Chauvaud, Brooklyn resident, written submission dated September 8, 2006
180. Genevieve Christy, Brooklyn resident, written submission dated August 23, 2006 and three written submissions dated September 28, 2006
181. Samantha Cocco-Klein, Brooklyn resident, written submission dated September 13, 2006

182. Peter Coe, Brooklyn resident, written submission dated September 29, 2006
183. Nancy Cogen, Brooklyn resident, written submission dated August 20, 2006
184. John Coleman, written submission dated August 23, 2006
185. Patrick Colgan, Brooklyn resident, written submission dated September 27, 2006
186. Alison Cornyn, Brooklyn resident, written submission dated September 29, 2006
187. Blanche Crepeau, Brooklyn resident, written submission dated September 19, 2006
188. Sarah Crichton, Brooklyn resident, written submission dated August 14, 2006
189. Andrea Cross, written submission dated September 29, 2006
190. Frank Cusack, Brooklyn resident, written submission dated August 15, 2006
191. Susan Daitch, Brooklyn resident, written submission dated September 10, 2006
192. Debra Dawkins, Brooklyn resident, oral comments
193. Frank DeBlasie, Brooklyn resident, written submission dated September 27, 2006
194. Ralph DeBlasie, Brooklyn resident, written submission dated September 27, 2006
195. Suzanne Debrango, Brooklyn resident, written submission dated September 29, 2006
196. Marta A. Decatrel, written submission dated September 26, 2006
197. Kate Deimling, Brooklyn resident, written submission dated August 3, 2006
198. Adam Deixel, Brooklyn resident, written submission dated August 15, 2006
199. Ana Delgado, Brooklyn resident, written submission dated September 28, 2006
200. Isabel Del Rosal, Brooklyn resident, written submission dated September 25, 2006
201. Alison Denning, Brooklyn resident, written submission dated September 29, 2006
202. Daisy Deomampo, Brooklyn resident, written submission dated September 22, 2006
203. Stephen de Seve, Brooklyn resident, written submission dated September 29, 2006
204. Linda Devereaux, Brooklyn resident, written submission dated September 16, 2006
205. Ken Diamondstone, oral comments
206. Audrey Doyle, Brooklyn resident, oral comments and written submission dated September 29, 2006
207. Donna Schneiderman Drach, Brooklyn resident, written submission dated August 2, 2006
208. Christiana Drapkin, Brooklyn resident, written submission dated September 28, 2006
209. Elendra Dumas, Brooklyn resident, written submission dated September 25, 2006
210. Alison Duncan, Green Party Candidate for Lieutenant Governor, undated written submission, oral comments by Ann Link
211. Steve Dupont, written submission dated September 15, 2006
212. Margaret Eckert-Norton, Brooklyn resident, written submission dated September 29, 2006
213. Sean Elder, Brooklyn resident, written submission dated September 29, 2006
214. Darryl E-Smythe, written submission dated September 29, 2006
215. Paula Ezeigwe, Brooklyn resident, written submission dated August 23, 2006

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- 216. Eni Falci and Vincent Falci, Brooklyn residents, written submission dated September 22, 2006
- 217. Carmine Fasano, Brooklyn resident, written submission dated September 16, 2006
- 218. Steve Faust, oral comments
- 219. Elizabeth Few, Brooklyn resident, undated written submission
- 220. Frances Fidier, written submission dated August 25, 2006
- 221. June Fields, Brooklyn resident, written submission dated June 20, 2006
- 222. Ellen Fishman, oral comments
- 223. Ben Flammang, written submission dated September 6, 2006
- 224. Nancy Fox, AICP, Brooklyn resident, written submission dated September 29, 2006
- 225. Darryl O. Franklin and Josie Fusco, FFAIR Professional Development, undated written submission
- 226. Clara Freeman, Brooklyn resident, written submission dated September 18, 2006
- 227. Ellen Freudenheim, Brooklyn resident, written submission dated August 29, 2006
- 228. Alan Friend, Brooklyn resident, written submission dated September 26, 2006
- 229. Rosalie Friend, Brooklyn resident, written submission dated September 4, 2006
- 230. Robert Frumkin, Brooklyn resident, written submission dated August 30, 2006
- 231. Angela Fung, Brooklyn resident, written submission dated September 29, 2006
- 232. Stephen Furnstahl, Brooklyn resident, oral comments and written submissions dated August 23, 2006, and September 27, 2006, and September 29, 2006
- 233. Kate Galassi, Brooklyn resident, oral comments, undated written submission, and written submission dated September 28, 2006
- 234. Deborah Garvin, oral comments
- 235. Marna Garwood, Brooklyn resident, written submission dated September 18, 2006
- 236. Jennifer Gellmann, Brooklyn resident, written submission dated September 28, 2006
- 237. Karen D. Gerber, Brooklyn resident, written submission dated August 21, 2006
- 238. William Gillen, Brooklyn resident, oral comments and written submissions dated September 18, 2006 and September 27, 2006
- 239. Barbara Gloyat, Brooklyn resident, written submission dated September 26, 2006
- 240. Anne Goforth, Brooklyn resident, written submission dated August 16, 2006
- 241. Martin Goldstein, Brooklyn resident, written submission dated September 29, 2006
- 242. Emily Goodman, Brooklyn resident, undated written submission and written submission dated September 21, 2006
- 243. Sybil Graziano, Brooklyn resident, written submission dated September 9, 2006
- 244. Jeff and Melissa Green, Brooklyn residents, written submission dated August 1, 2006
- 245. Devorah Greenspan, Brooklyn resident, written submission dated August 29, 2006
- 246. Lennox Grumble, Brooklyn resident, undated written submission
- 247. Georgia Guida, Brooklyn resident, written submission dated September 24, 2006

- 248. Wendy Guida, Brooklyn resident, written submission dated September 24, 2006
- 249. Kate Guiney, oral comments
- 250. Eileen Gunn, Brooklyn resident, written submission dated August 2, 2006
- 251. Joseph F. Gutleber, Brooklyn resident, written submission dated September 29, 2006
- 252. Sheldon Gutman, written submission dated August 13, 2006
- 253. Charles Hagen and Laura Newman, Brooklyn residents, written submission dated September 20, 2006
- 254. Douglas Hamilton, R.A., Brooklyn resident, written submission dated September 23, 2006
- 255. Lisa Hamilton, Brooklyn resident, written submission dated August 23, 2006
- 256. Kathleen Hansen, Brooklyn resident, written submission dated September 1, 2006
- 257. Piper Harrell, Brooklyn resident, written submission dated September 29, 2006
- 258. William Harris, Brooklyn resident, written submission dated August 28, 2006
- 259. Janet E. Hassett, Brooklyn resident, written submission dated September 8, 2006
- 260. Sharad Heda, written submission dated September 17, 2006
- 261. Ann Hedda, Brooklyn resident, oral comments
- 262. Michael Heimbinder and Susan Heimbinder, Brooklyn resident, written submission dated September 18, 2006
- 263. Lloyd Hezekiah, Brooklyn resident, oral comments and written submission dated August 23, 2006
- 264. Laura Hines, written submission dated September 26, 2006
- 265. Ben Hirsch, Brooklyn resident, written submission dated August 24, 2006
- 266. DK Holland, Brooklyn resident, written submission dated September 3, 2006
- 267. Sheri Holman, Brooklyn resident, written submission dated September 29, 2006
- 268. Gregory Homatas, Brooklyn resident, written submission dated August 11, 2006
- 269. Horace, Brooklyn resident, undated written submission
- 270. Stephanie Hyacinth, Brooklyn resident, written submission dated September 30, 2006
- 271. Peggy Ann Iadicicco, oral comments
- 272. Michelle Ifill-Williams, Brooklyn resident, oral comments and undated written submission
- 273. Brenda Iijima, Brooklyn resident, written submission dated September 4, 2006
- 274. Toshi Iijima, Brooklyn resident, written submission dated September 4, 2006
- 275. James C. Irons, Brooklyn resident, written submission dated August 19, 2006
- 276. Cecilia Irvine, Brooklyn resident, written submission dated September 29, 2006
- 277. David Ivanoff, Brooklyn resident, written submission dated August 23, 2006
- 278. Donald Ivanoff, Brooklyn resident, written submission dated August 23, 2006
- 279. Parul Jajoo, written submission dated September 6, 2006
- 280. Dan Jederlinic, oral comments

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281. David Johnson and Donna Mele, Brooklyn resident, undated written submission
282. Wendy Johnson, Brooklyn resident, written submission dated September 19, 2006
283. Stephanie Jones, Brooklyn resident, written submission dated September 29, 2006
284. Ruth Katcher, Brooklyn resident, written submission dated September 29, 2006
285. Anthony P. Katchuba, Brooklyn resident, undated written submission and written submission dated September 29, 2006
286. Trudy Katzer, Brooklyn resident, written submission dated August 15, 2006
287. Robert Keith, Brooklyn resident, written submission dated September 18, 2006
288. Maryam Khan, Brooklyn resident, written submission dated September 6, 2006
289. Elizabeth de Vyver Kissam, Brooklyn resident, written submission dated September 20, 2006
290. Mary Elizabeth Kissam, Brooklyn resident, written submission dated September 21, 2006
291. Anton V. Kisselgoff, Brooklyn resident, written submission dated September 17, 2006
292. Anne Kner, Brooklyn resident, written submission dated August 8, 2006
293. Richard Kohn, Brooklyn resident, written submission dated September 25, 2006
294. Lucy Koteen, Brooklyn resident, written submission dated August 2, 2006
295. George Kowalczyk, Brooklyn resident, written submission dated August 25, 2006
296. Peter Krashes, Brooklyn resident, written submission dated September 27, 2006
297. Carolyn Krol, Brooklyn resident, written submission dated September 25, 2006
298. Cary Krumholtz, oral comments
299. Vaidila Kungys, Brooklyn resident, written submissions dated August 3, 2006 and September 14, 2006
300. Jonathan Lachance, Brooklyn resident, written submission dated July 23, 2006
301. Jennifer Ladner, Brooklyn resident, undated written submission
302. Constance LeSold, Brooklyn resident, oral comments
303. David Latham, Brooklyn resident, written submission dated August 24, 2006
304. David Lee, Brooklyn resident, written submission dated September 26, 2006
305. Karyn C. Lee, AIA, Brooklyn resident, written submission dated September 17, 2006
306. Jean Michel Legrou, Brooklyn resident, written submission dated September 16, 2006
307. Karen Levine, Brooklyn resident, written submission dated September 29, 2006
308. Ted and Betsy Lewin, Brooklyn residents, written submission dated August 22, 2006
309. Keith A. Lewis, Brooklyn resident, written submission dated August 23, 2006
310. Barbara Lindsay, Brooklyn resident, written submission dated September 7, 2006
311. Jennifer Lindstrom, Brooklyn resident, written submission dated July 28, 2006
312. Cheryl Lorenz, Brooklyn resident, written submission dated September 25, 2006
313. Linda Love, written submission dated August 21, 2006
314. Jessica Ludwig, Brooklyn resident, written submission dated September 29, 2006

- 315. Jewel Luthers, Brooklyn resident, undated written submission
- 316. Travis Macy, Brooklyn resident, written submission dated August 7, 2006
- 317. Montgomery Maguire, Brooklyn resident, written submission dated September 29, 2006
- 318. Carl Makower and Gail Yap, Brooklyn resident, written submission dated September 28, 2006
- 319. Marta Maletz, Brooklyn resident, undated written submission
- 320. Deepa Mallik, written submission dated September 18, 2006
- 321. William S. Marks, Brooklyn resident, written submission dated August 9, 2006
- 322. Guy Martin, Brooklyn resident, written submission dated September 29, 2006
- 323. Max-Carlos Martinez, Brooklyn resident, written submission dated September 26, 2006
- 324. Hannah Mason, Brooklyn resident, written submission dated August 10, 2006 and September 28, 2006
- 325. Luke Mason, Brooklyn resident, written submission dated September 29, 2006
- 326. Gloria Mattera, Brooklyn resident, written submission dated September 29, 2006
- 327. G. Mayron-King and S. King, Brooklyn residents, written submission dated September 10, 2006
- 328. Janice McGuire, written submissions dated September 3, 2006 and September 4, 2006
- 329. Tsahara Meer, oral comments
- 330. Shabnam Merchant, Brooklyn resident, three written submissions dated September 29, 2006
- 331. Jeff Mermelstein, oral comments and written submission dated September 10, 2006
- 332. Ellie Miller and Chris Walley, Brooklyn resident, written submission dated September 27, 2006
- 333. James H. Moore, Brooklyn resident, undated written submission and written submission dated September 25, 2006
- 334. Melissa Morrone, written submission dated September 29, 2006
- 335. Beth Morrow, Brooklyn resident, written submission dated September 7, 2006
- 336. Salahudin Moulta-Ali, Brooklyn resident, undated written submission
- 337. Brian Mulhern, written submission dated September 26, 2006
- 338. Mary Mulhern, written submission dated September 26, 2006
- 339. Thomas Mulhern, written submission dated September 26, 2006
- 340. Cory Munson, Brooklyn resident, written submission dated September 29, 2006
- 341. Thomas M. Murphy, Brooklyn resident, written submission dated September 26, 2006
- 342. Joseph Napoli, Brooklyn resident, written submissions dated September 8, 2006 and September 28, 2006
- 343. Kimberly Neuhaus, Brooklyn resident, written submissions dated September 28, 2006 and September 29, 2006
- 344. John Nevin, Brooklyn resident, written submissions dated September 25, 2006 and September 27, 2006

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- 345. Jeff Newell, written submission dated September 29, 2006
- 346. Richard Norton, Brooklyn resident, written submission dated August 24, 2006
- 347. Judy O'Brien, Brooklyn resident, undated written submission
- 348. Norman Oder, oral comments and written submission dated August 23, 2006
- 349. Robert W. Ohlerking, Brooklyn resident, written submission dated August 26, 2006
- 350. Bianca Maria Orlando, Brooklyn resident, written submissions dated September 2, 2006 and September 29, 2006
- 351. Ana and Dar Patel, Brooklyn resident, written submission dated September 26, 2006
- 352. Sara Paulson-Yarovoy, Brooklyn resident, written submission dated September 28, 2006
- 353. Michael Pavy, Brooklyn resident, oral comments and undated written submission
- 354. Kathleen Perkins, Brooklyn resident, written submission dated September 29, 2006
- 355. Kate Perry, Brooklyn resident, written submission dated September 29, 2006
- 356. Dorothy Peters, Brooklyn resident, written submission dated September 22, 2006
- 357. Nancy Peterson, Brooklyn resident, written submission dated September 29, 2006
- 358. Claire Petrie, Brooklyn resident, written submissions dated August 20, 2006; August 21, 2006; August 28, 2006; and September 10, 2006
- 359. Kathleen Phelps, Brooklyn resident, written submission dated September 11, 2006
- 360. Howard Pitsch, Brooklyn resident, written submission dated September 2, 2006
- 361. Gilbert Poderson, Brooklyn resident, written submission dated September 28, 2006
- 362. Joel Potischman, Brooklyn resident, written submissions dated August 9, 2006 and September 29, 2006
- 363. Eleanor Preiss, Brooklyn resident, undated written submission
- 364. Robert Puca, Brooklyn resident, oral comments and written submissions dated September 17, 2006 and September 27, 2006
- 365. Julia Rabinowitz, Brooklyn resident, written submission dated September 24, 2006
- 366. Sal Raffone, Brooklyn resident, two undated written submissions
- 367. Sean Redmond, Brooklyn resident, written submission dated September 29, 2006
- 368. Valerie Reiss, Brooklyn resident, written submission dated September 29, 2006
- 369. Joan Reutershan, Brooklyn resident, written submission dated September 28, 2006
- 370. Julie Rhinehart, Brooklyn resident, undated written submission
- 371. Jeremy Rinzler, Brooklyn resident, undated written submission
- 372. Christine Robbins, Brooklyn resident, written submission dated September 26, 2006
- 373. Mary Howell Rockhill, written submission date September 29, 2006
- 374. Thomas Rooney, Brooklyn resident, written submission dated September 29, 2006
- 375. Sarah Rosenthal, Brooklyn resident, oral comments
- 376. Alan Rosner, Brooklyn resident, oral comments, written submissions dated July 6, 2006, August 23, 2006, and September 15, 2006; five undated written submissions
- 377. Yvonne Rubie, Brooklyn resident, written submission dated August 23, 2006



- 378. Nat Rubin, oral comments
- 379. Karen Rush, Brooklyn resident, written submission dated August 22, 2006
- 380. Marie Sacco, Brooklyn resident, written submission dated September 27, 2006
- 381. Dwayne Sampson, Brooklyn resident, oral comments and written submission dated August 23, 2006
- 382. Tom Schloegel, Brooklyn resident, written submission dated September 29, 2006
- 383. Christine Schmidt, Brooklyn resident, written submission dated September 26, 2006
- 384. Nancy E. Schuh, Brooklyn resident, undated written submission
- 385. Warren Schultz, Brooklyn resident, written submission dated September 4, 2006
- 386. Adam J. Schwartz and Mrs. Rebecca Haverstick, written submission dated August 22, 2006
- 387. Caroline Schweyer, Brooklyn resident, written submission dated September 29, 2006
- 388. Patricia Scherf Smith, Brooklyn resident, written submission dated August 14, 2006
- 389. Ann Schneider and Kurt Richwerger, Brooklyn residents, written submission dated September 13, 2006
- 390. Abimibola Shabi, Brooklyn resident, written submission dated September 25, 2006
- 391. Grace Shannon, Brooklyn resident, oral comments and written submission dated September 28, 2006
- 392. Kirsten Shaw, Brooklyn resident, written submissions dated September 27, 2006 and September 28, 2006
- 393. Tokumbo Shobowale, written submission dated September 29, 2006
- 394. A.J. Sigman and Cheryl Sterling, Brooklyn residents, written submission dated September 26, 2006
- 395. Lucy Sikes, Brooklyn resident, written submissions dated September 4, 2006 and September 16, 2006
- 396. Douglas Silversten, written submission dated September 6, 2006
- 397. Patricia Simpson, Brooklyn resident, written submission dated September 11, 2006
- 398. Janet Skinner, oral comments and undated written submission
- 399. Carol Smith, Brooklyn resident, undated written submission
- 400. Delia Smith, oral comments
- 401. Astrid Solomon, Brooklyn resident, oral comments and written submission dated September 16, 2006
- 402. Lee Solomon, Brooklyn resident, undated written submissions and written submission dated September 29, 2006
- 403. Leonard Solomon, Brooklyn resident, written submission dated September 16, 2006
- 404. Ellen Spilka, written submission dated September 29, 2006
- 405. Eliot Spitzer, candidate for New York State Governor, written submission dated July 25, 2006
- 406. Monica Abels Stabin, Brooklyn resident, written submission dated September 28, 2006

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- 407. William Stanford, oral comments
- 408. Meredith Staton, Brooklyn resident, oral comments
- 409. Emily Stern, Brooklyn resident, written submission dated September 29, 2006
- 410. Derek Stroup, Brooklyn resident, written submission dated September 29, 2006
- 411. Kate Suisman, written submission dated September 29, 2006
- 412. Steven Sullivan, Brooklyn resident, oral comments and written submissions dated August 23, 2006 and September 18, 2006
- 413. Susan S. Sullivan, Brooklyn resident, written submissions dated July 19, 2006 and September 14, 2006
- 414. Rod Suter, Brooklyn resident, written submission dated September 29, 2006
- 415. Bryce Taylor, Brooklyn resident, written submission dated September 29, 2006
- 416. Deshaun Taylor, Brooklyn resident, oral comments and written submission dated August 23, 2006
- 417. Christopher Thomas, Brooklyn resident, written submission dated September 27, 2006
- 418. Frampton Tolbert, Brooklyn resident, written submission dated August 24, 2006
- 419. Vinette W. Tummings, Brooklyn resident, written submission dated August 23, 2006
- 420. Nestor Ulep, Brooklyn resident, written submission dated September 25, 2006
- 421. Xenia Urban, Brooklyn resident, oral comments and written submission dated August 22, 2006
- 422. Michael D. Utevsky, Brooklyn resident, written submission dated September 14, 2006
- 423. Geoffrey T. Van Dyke, written submission dated September 18, 2006
- 424. Michael Vicomisky, oral comments
- 425. Peter Vitakis, Brooklyn resident, oral comments and written submission dated September 27, 2006
- 426. Michal Vojtisek, written submission dated August 5, 2006
- 427. Peter von Ziegesar, Brooklyn resident, written submission dated September 20, 2006
- 428. Mike Waggoner, Brooklyn resident, oral comments
- 429. Michael Wagner, Brooklyn resident, undated written submission
- 430. Reinaldo Watkins, Brooklyn resident, oral comments
- 431. Sandy Wavrick, Brooklyn resident, written submission dated September 29, 2006
- 432. Boaz Weinstein, Brooklyn resident, written submission dated August 15, 2006
- 433. Henry Weinstein, Brooklyn resident, oral comments and undated written submission
- 434. Charles Wells, Brooklyn resident, undated written submission
- 435. Iris Wells-Lindsey, Brooklyn resident, undated written submission and written submission dated August 22, 2006
- 436. Pamela Wheaton, Brooklyn resident, written submission dated September 26, 2006
- 437. Chris Whitehead, Brooklyn resident, written submission dated September 29, 2006
- 438. Daniel P. Wiener, Brooklyn resident, written submission dated September 7, 2006

- 439. Carol Wierzbicki, written submission dated September 6, 2006
- 440. Sarah Wikenczy, Brooklyn resident, written submissions dated August 14, 2006 and September 29, 2006
- 441. Elizabeth Williams and Christopher Schultz, Brooklyn residents, written submission dated September 26, 2006
- 442. Ayanna Wilson, Brooklyn resident, undated written submission
- 443. Ann Winters, Brooklyn resident, written submission dated September 29, 2006
- 444. Mark Wolfe, Brooklyn resident, written submission dated September 7, 2006
- 445. Elizabeth A. Woodruff, Brooklyn resident, written submission dated September 26, 2006
- 446. Jennifer Yao, Brooklyn resident, written submission dated August 22, 2006
- 447. Jon Yasgur, Brooklyn resident, written submission dated September 25, 2006
- 448. Lynn Yellen, Brooklyn resident, written submission dated September 3, 2006
- 449. Ege Yildirim, Brooklyn resident, written submission dated September 29, 2006
- 450. Amos Yogev, Brooklyn resident, written submission dated September 16, 2006
- 451. Christopher S. Young, written submission dated September 29, 2006
- 452. Lauren Young, Brooklyn resident, written submissions dated September 28, 2006 and September 29, 2006
- 453. Kathryn Zarczynski, Brooklyn resident, written submission dated September 29, 2006
- 454. Sal Zarzana, oral comments and written submission dated September 28, 2006
- 455. Lee Zimmerman, Brooklyn resident, written submissions dated August 5, 2006 and September 29, 2006
- 456. Paul Zimmerman, Brooklyn resident, written submission dated September 29, 2006
- 457. William Zucker, Brooklyn resident, written submissions dated August 19, 2006 and August 23, 2006
- 458. Bob Zuckerman, Brooklyn resident, written submission dated September 29, 2006

**PETITIONS AND FORM LETTERS**

- 459. Form 1: Concerned Americans For Racial Equality, Gerry Hopkins, Executive Director, written submission dated September 29, 2006; Caribbean American Weekly, Brian Figeroux, Legal Advisor, written submission dated September 29, 2006; The Immigrant's Journal, Veronique Gbado, Vice President, written submission dated September 29, 2006
- 460. Form 2: Merchant House residents, 618-626 Dean Street, multiple form letters submissions, various dates.
- 461. Form 3: Dean Street residents, undated written submission with multiple signatures; multiple form letters
- 462. Form 4: Letters to ESDC Board, multiple form letters, various dates
- 463. Form 5: Various Brooklyn residents, multiple form letters, various dates
- 464. Form 6: Various Brooklyn residents, multiple form letters dated August 20, 2006

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- 465. Form 7: Various Brooklyn residents, multiple form letters, various dates
- 466. Form 8: Community Bible Institute & Seminary, multiple undated submissions
- 467. Form 9: Various Brooklyn residents, multiple form letters dated September 29, 2006
- 468. Jane Landry-Reyes, oral comments and written submission dated August 23, 2006, representing 11 Brooklyn residents; Henry Weinstein, representing Pacific Carlton Development Corp., written submission dated August 23, 2006; Henry Weinstein, representing, H.P.H.W. Realty, written submission dated August 23, 2006; Henry Weinstein, representing 535 Carlton Avenue Realty Inc, written submission dated August 23, 2006; Donald O'Finn representing Chatterdon's Bar & Grill, written submission dated August 23, 2006; Kate Suisman, representing He Zihong, written submission dated August 23, 2006; Lisa Steiner, representing Matt and Chloe, LLC, written submission dated August 23, 2006; South Brooklyn Legal Services, representing tenants from 479 Dean Street, 481 Dean Street, and 812 Pacific Street, written submission dated August 23, 2006; Ioana Sarbu, representing The Gelin Group, LLC, written submission dated August 23, 2006; George S. Locker, representing four (4) Brooklyn residents, written submission dated September 25, 2006; Daniel Goldstein, representing Peter Williams, written submission dated August 23, 2006; Jerry Campbell, representing Oliver Stewart, written submission dated August 23, 2006; John Gelin, representing The Gelin Group, LLC, written submission dated August 23, 2006; Jerry Campbell, representing self, written submission dated August 23, 2006
- 469. Brooklyn Residents Petition, various dates

### **ADDITIONAL COMMENTORS**

- 470. Gowanus Community Stakeholder Group, Michael Cairl, written submission dated September 18, 2006
- 471. South Brooklyn Local Development Corporation, Bette Stoltz, Executive Director, written submission dated September 6, 2006
- 472. New York City Audubon, E.J. McAdams, Executive Director, written submission dated September 28, 2006
- 473. David Ackerman and Alisa Ackerman, Brooklyn residents, written submission dated September 27, 2006
- 474. Chelsea Albucher, Brooklyn resident, written submission dated September 27, 2006
- 475. Caroline Allison, Brooklyn resident, written submission dated September 25, 2006
- 476. Elisabeth Baker, Brooklyn resident, written submission dated September 28, 2006
- 477. C. Bartholomew, Brooklyn resident, written submission dated September 27, 2006
- 478. Cathleen Bell, Brooklyn resident, written submission dated September 28, 2006
- 479. Joanne Belonsky, Brooklyn resident, written submission dated September 29, 2006
- 480. Steven W. Bennett, Brooklyn resident, written submission dated September 26, 2006
- 481. Tom Boast, Brooklyn resident, written submission dated September 28, 2006
- 482. Arden Buchanan, Brooklyn resident, written submission dated September 29, 2006

- 483. Steven L. Cantor, undated written submission
- 484. Ann Chitwood, Brooklyn resident, undated written submission
- 485. Kendall Christiansen, Brooklyn resident, written submission dated September 28, 2006
- 486. Maxwell Ciardullo, Brooklyn resident, written submission dated September 29, 2006
- 487. Hilda Cohen, Brooklyn resident, written submission dated September 28, 2006
- 488. Devora Cohn, Brooklyn resident, written submission dated September 27, 2006
- 489. Jonathan Cohn, AIA, Brooklyn resident, written submission dated September 28, 2006
- 490. Alisa Colley, Brooklyn resident, written submission dated September 28, 2006
- 491. Sean Cooney, Brooklyn resident, written submission dated September 27, 2006
- 492. Adrian DeLucca, Brooklyn resident, written submission dated September 29, 2006
- 493. Nancy B. Doyle, Brooklyn resident, written submission dated September 29, 2006
- 494. Steve Ettlinger, written submissions dated September 28, 2006, and September 29, 2006
- 495. Daphne Eviatar, Brooklyn resident, written submission dated September 28, 2006
- 496. Betty G. Feibush, Brooklyn resident, written submission dated September 26, 2006
- 497. Roberta Ferdschneider, Brooklyn resident, undated written submission
- 498. Nancy Finton, Brooklyn resident, written submission dated September 28, 2006
- 499. Pam Fleming, Brooklyn resident, written submission dated September 29, 2006
- 500. D. Ford, Brooklyn resident, undated written submission
- 501. Laura Ford, Brooklyn resident, undated written submission
- 502. David Frackman, Brooklyn resident, written submission dated September 28, 2006
- 503. Ellen Freeberg, Brooklyn resident, undated written submission
- 504. Hillary Gardner, Brooklyn resident, written submission dated September 29, 2006
- 505. Margot Gibson, Brooklyn resident, undated written submission
- 506. Eleanor T. Glasscock, Cumberland Gardens Senior Residence, written submission dated August 23, 2006
- 507. Margaret Gorman, Brooklyn resident, written submission dated September 29, 2006
- 508. Amy Greer, Brooklyn resident, written submission dated September 28, 2006
- 509. Marion Gropen, Brooklyn resident, written submission dated September 28, 2006
- 510. Sarah Guarraoui, Brooklyn resident, written submission dated September 29, 2006
- 511. Lisa Guernsey, Brooklyn resident, written submission dated September 29, 2006
- 512. WNH, Brooklyn resident, undated written submission
- 513. Steven Hart Ph.D., Brooklyn resident, written submission dated July 18, 2006
- 514. Donna Henes, Brooklyn resident, written submission dated September 26, 2006

## **Atlantic Yards Arena and Redevelopment Project EIS**

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- 515. Sabine Hoffman, written submission dated September 26, 2006
- 516. Annika Holtan, Brooklyn resident, undated written submission
- 517. Janna Hyten, Brooklyn resident, written submission dated September 28, 2006
- 518. Brian Ingle, Brooklyn resident, written submission dated September 27, 2006
- 519. Selma Jackson, 4W Circle of Art & Enterprise, Inc., written submission dated September 28, 2006
- 520. Hakeem Jeffries, candidate for Assembly, 57th Assembly District, written submission dated September 29, 2006
- 521. Stewart Johnson, Brooklyn resident, written submission dated September 28, 2006
- 522. Stephanie Jones, Brooklyn resident, written submission dated September 27, 2006
- 523. Pamela Katz, Brooklyn resident, undated written submission
- 524. Deborah Kaufmann, Brooklyn resident, written submission dated September 28, 2006
- 525. Melanie Kozol, Brooklyn resident, written submission dated September 28, 2006
- 526. Daniel M. Krainin, Brooklyn resident, written submission dated September 27, 2006
- 527. Albert Larew, Brooklyn resident, written submission dated September 19, 2006
- 528. Diane LaViano, Brooklyn resident, written submission dated September 23, 2006
- 529. Donna Lazarus, Brooklyn resident, written submission dated September 26, 2006
- 530. Hali Lee, Brooklyn resident, written submission dated September 20, 2006
- 531. Sarah M. Lowe, written submission dated August 14, 2006
- 532. Lawrence A. Lupkin, undated written submission
- 533. Sarah Manges, Brooklyn resident, written submission dated September 27, 2006
- 534. JR Marquez, undated written submission
- 535. Antonia Martinelli, Brooklyn resident, written submission dated September 28, 2006
- 536. Kate Matlack, Brooklyn resident, written submission dated September 26, 2006
- 537. Eva Melas, written submission dated August 14, 2006
- 538. L. Medley, written submission dated September 26, 2006
- 539. Nell Mermin, Brooklyn resident, written submission dated September 29, 2006
- 540. Susan Metz, Brooklyn resident, undated written submission
- 541. Carol Milano, Brooklyn resident, undated written submission
- 542. Liza Murphy, Brooklyn resident, written submission dated September 28, 2006
- 543. Sarah Murphy, Brooklyn resident, undated written submission
- 544. Christine Nollen and Douglas Davis, Brooklyn residents, written submission dated September 28, 2006
- 545. Ed Owens, undated written submission

- 546. Chris Piazza, undated written submission
- 547. Heather Paul, written submission dated September 28, 2006
- 548. John Philp and Lisa Ilario, Brooklyn residents, undated written submission
- 549. Louis Piller, Rockwell Property Management Company, written submission dated September 27, 2006
- 550. Deborah Polinsky, Brooklyn resident, written submission dated September 27, 2006
- 551. Pamela Potischman, written submission dated August 17, 2006
- 552. Barbara Rogers, Brooklyn resident, written submission dated August 8, 2006
- 553. Arthur L. Rose, Brooklyn resident, undated written submission
- 554. Jessica Ross, Brooklyn resident, written submission dated September 27, 2006
- 555. Erin Sawaya, Brooklyn resident, written submission dated September 26, 2006
- 556. Andrea Schaffer, Brooklyn resident, written submission dated September 27, 2006
- 557. Ellen Schleifer and Jordan Katz, Brooklyn residents, undated written submission
- 558. Kayla Schwarz, Brooklyn resident, written submission dated September 27, 2006
- 559. Victoria Sell, Brooklyn resident, written submission dated September 28, 2006
- 560. Dharmesh Sethi, Brooklyn resident, written submission dated September 27, 2006
- 561. Megan Sheehan, Brooklyn resident, undated written submission
- 562. Linda Siegel, Brooklyn resident, undated written submission
- 563. Nancy Sinauer and Steven Walcott, Brooklyn residents, written submission dated September 28, 2006
- 564. Katie Smalheer, Brooklyn resident, undated written submission
- 565. John Soraci, Brooklyn resident, undated written submission
- 566. Iris Spellings, written submission dated August 22, 2006
- 567. Rebecca Stockdill, written submission dated September 28, 2006
- 568. Lorie E. Stoopack, undated submission
- 569. Sharon Tepper, Brooklyn resident, written submission dated September 28, 2006
- 570. Delmaur Thompson, Brooklyn resident, written submission dated September 29, 2006
- 571. Doug Warren and Jessica Warren, Brooklyn residents, undated written submission
- 572. John Weidenbusch, Brooklyn resident, written submission dated September 27, 2006
- 573. Jennifer Weighart-Chin, Brooklyn resident, written submission dated September 28, 2006
- 574. Sarah M. Wenk, Brooklyn resident, written submission dated September 21, 2006
- 575. Margery Westcott, Brooklyn resident, written submission dated September 29, 2006
- 576. Kassie Wilner, Brooklyn resident, written submission dated September 28, 2006

- 577. Barbara Witter, Brooklyn resident, written submission dated September 18, 2006
- 578. Jason Wizelman, written submission dated September 28, 2006
- 579. John Woo, Brooklyn resident, written submission dated September 27, 2006
- 580. Phyllis Wrynn, Brooklyn resident, undated written submission
- 581. Sybil Young, Brooklyn resident, written submission dated September 28, 2006
- 582. R Z, Brooklyn resident, undated written submission
- 583. Kathleen Hayek, written submission dated September 28, 2006
- 584. Sarah James, written submission dated September 28, 2006
- 585. Zahra Farukh-Pais, written submission dated September 27, 2006
- 586. Anurag Heda, written submission dated August 23, 2006, undated, and September 6, 2006
- 587. Glenn Decker, written submission dated August 17, 2006
- 588. Paul Sheridan, written submission dated August 3, 2006
- 589. John Baumann, written submission dated August 14, 2006
- 590. Judy Mann, written submission dated September 29, 2006
- 591. William Thompson, Comptroller of the City of New York, written submission dated August 17, 2006

## **COMMENT AND RESPONSES**

### **PROJECT REVIEW PROCESS AND PUBLIC PARTICIPATION**

- Comment 1:** The time given for public comments is not nearly enough for members of the public and their elected representatives to understand the impacts detailed in the environmental review. We urge ESDC to hold a second public hearing (not “community forum”) in October, and accept written comments until at least November. (31, 39, 44, 45, 57, 64, 72, 82, 99, 101, 103, 119, 121, 126, 127, 139, 203, 244, 460)
- ESDC should extend the review period by an additional 60 days to allow for meaningful community review and comment, as SEQRA legislation intends. (9, 14, 24, 25, 26, 45, 58, 82, 103, 105, 108, 121, 137, 159, 188, 198, 190, 207, 240, 285, 286, 302, 303, 321, 328, 363, 388, 440, 432, 433)
- ESDC should extend the review period by 90 days. (531, 532, 534, 535, 537, 546, 551, 552, 566, 568, 587, 588, 589)
- The public hearing that is currently scheduled for August 23 should be delayed for 30 days to allow the community time for public comment. (13, 17, 455)



While I support the Atlantic Yards project, it is vital that there is adequate opportunity for public review of this project. The public hearing should be postponed for at least 30 days. (590)

While I support the development of Atlantic Yards, the project should be subject to a full and thorough public review. Scheduling the DEIS release and review during the period when many are away on vacation and community boards are typically in recess, gives the unfortunate impression that ESDC wishes to minimize public review. I am requesting that the review period be extended another 60 days. (591)

The Community Boards do not believe that 66 days is sufficient time to review an extremely lengthy DEIS as well as the GPP, blight study, sewer infrastructure impact report, Phase 2 Environmental Site Assessment Report, and Stage 1A Archaeological Documentary Study. The comment period should be extended. (24, 25, 26)

The public should be provided with at least two to three more months to review the DEIS. (44, 45, 244, 299)

ESDC should postpone the first public hearing until after Labor Day and significantly increase the amount of time for the public to review the DEIS and submit comments. The project clearly has great promise for the city. But in order to work for New York, New Yorkers must have the opportunity to shape it. (87, 237)

Please extend the hearing period. (23, 32, 56, 68, 71, 87, 102, 116, 137, 136, 142, 156, 159, 272, 294, 303, 324, 366, 480, 499, 505)

Please postpone the second hearing until early October or schedule a third hearing for that time. (3)

The scoping process was subject to a comment period that was longer than the period scheduled for public input on the DEIS. (23)

CBN's request for a meaningful opportunity to be heard had fallen on deaf ears. Despite the Council Speaker Christine Quinn, Eliot Spitzer, Senator Hillary Clinton, Assemblyman Roger Green and many more, you, the ESDC, have steadfastly denied our request for more than two months to respond to a document that Forest City Ratner has had two years to prepare. More prevalent, it does not appear that ESDC is interested in really hearing or considering what the public has to say. (55)

The City Council, along with the State Assembly, provided funds from the recently executed 2007 budget to support an independent analysis of the DEIS. An extension would allow both time for meaningful public input and for the study to be completed. (17)

ESDC failed to provide the minimum time for public comment as required by the UDC Act. ESDC held public hearings on this project pursuant to Sec. 16 of the UDC Act and has stated its intention to override the local laws and rules of New York City for the development of the project. Therefore, ESDC is required to hold the public hearing open for a minimum of 30 days following the public hearing. While the September hearings were indistinguishable from the August hearing, ESDC unilaterally designated those as “Community Forums” and deemed the public hearing closed on August 23. Since the community forums were on the record and it was made clear that comments made at that time on all aspects of the project would be considered and responded to in the FEIS, there was no difference between the events. It is illegal for ESDC to close the comment period on September 29th. Instead the comment period should have been kept open until October 18th. (58)

While the comment period violates the requirements of the UDC Act, it also violated SEQRA by not providing sufficient opportunity for the public to meaningfully comment. This is a demonstration of arrogance toward the public and reinforces the obvious fact that as far as ESDC is concerned, the outcome is pre-ordained. (58)

Scheduling the public hearing during the community boards’ summer hiatus and when many people are on vacation was wrong. (13, 17, 25, 26, 31, 37, 39, 44, 50, 57, 64, 72, 82, 87, 99, 101, 102, 103, 105, 119, 121, 126, 127, 133, 137, 159, 244, 294, 302, 324, 363, 404, 486, 520)

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. (95)

30 days is insufficient time to respond on the many serious impacts this project will have on the community and beyond. (76, 297, 307, 323, 437, 443, 460, 559, 585)

**Response 1:**

In projects such as this one, where the General Project Plan (GPP) involves the proposed override of local laws, ordinances, codes, charters or regulations, the Urban Development Corporation (UDC) Act provides that a public hearing is to be held on thirty (30) days notice following GPP adoption. Additionally, the public has thirty (30) days following the public hearing within which to present written comments, for a total comment period of sixty (60) days. In addition, SEQRA

requires the period of not less than 30 days be provided for the submission of comments on a DEIS. The proposed project's public review process complied with all applicable legal requirements.

A DEIS was prepared for the proposed project, and a notice of completion for the DEIS was issued and the DEIS was distributed on July 18, 2006. A public hearing was held on the DEIS on August 23, 2006. In addition to the required public hearing, ESDC held two community forums on September 12, 2006 and September 18, 2006 to provide additional opportunities for the interested public to present oral comments. The period for submission of written comments extended from July 18, 2006 through September 29, 2006. All comments received at the hearing and at the two community forums and all comments submitted in writing to ESDC were considered in the preparation of the FEIS.

Moreover, ESDC staff scheduled three Community Advisory Committee (CAC) meetings, whose members include the three local affected community boards, during the review period in an attempt to provide more detailed information and respond to concerns raised on the various aspects of the proposed project.

**Comment 2:**

Under SEQRA, ESDC is obligated to conduct a fair and impartial public hearing on the DEIS; the August 23rd hearing was biased. The hearing treated the environmental process as inconsequential. ESDC permitted the developer's associates (labor unions and ACORN) admission to the hearing ahead of those who had been waiting for hours to enter the building. Community Board chairs should have been granted advance access to the hearing. The hearing officer unfairly granted project supporters more time to speak; those who addressed the DEIS were given short shrift. (21, 24, 55)

**Response 2:**

ESDC and the hearing officer conducted the hearing in a fair and impartial manner. It did not provide preferential treatment to organizations supporting the proposed project or their members. In fact, ESDC requested speakers at sign-in to indicate their position in order to schedule the speakers in a balanced pro/con sequence. The only preferential treatment ESDC provided at the hearing was to elected officials, which is a long-standing ESDC policy and was announced at the start of the hearing.

ESDC hired 10 security guards, who were provided with a limited list of ESDC officials, its consultants, elected officials, and project sponsors' representatives to be allowed early entry into the auditorium. No one else (including labor unions and ACORN members) was sanctioned by ESDC to bypass the line.

ESDC held the hearing open for 3 hours beyond the advertised closing time to try to accommodate as many speakers as possible. In addition, two community forums (September 12 and September 18) were added to provide additional opportunities for the public to provide oral comments on the DEIS. ESDC also accepted written comments (with no length limit) until September 29, 2006.

**Comment 3:**

At no point during the last three years did the public have the chance to work directly with ESDC to help shape the proposed project. The scoping session, the public hearing, and the two community forums represent a total of less than 20 hours in which ESDC sought input. They were not interactive sessions. There was no opportunity for meaningful exchange. (25)

Why have three community boards, the Department of City Planning, and the City Council been excluded from the process? (273, 554)

Please listen to the voices of the three nearby Community Boards—8, 2, and 6—and require Forest City Ratner to make appropriate changes. (471)

The project was conceived by the developer and public officials behind closed doors and, despite considerable outreach by the developer, none of the fundamentals of the project have been shaped by public input. The project should not proceed unless a mechanism to ensure an ongoing public process incorporating public input and allowing it to shape the project over its lifespan can be established. (87, 203, 449)

The process was originally closed off to the public, especially those who lived in the so-called planned footprint and opposed it since day one. (152)

The state and city should commit to public involvement. (330)

No meaningful input has been solicited from the community. The process has been disturbingly opaque and deceptive. It has not been open. (175, 316, 317, 327, 334, 398, 428, 473, 475, 479, 486, 507, 541, 581)

FCR has made an end-run around the community and local representatives in order to build a monolithic development for which they will profit and the community will suffer. Why is there no oversight? (213, 584)

**Response 3:**

The public was provided several opportunities to comment on the proposed project. After ESDC issued a draft Scope of Work for the proposed project on September 16, 2005, it held a public scoping meeting on October 18, 2005 and then accepted written comments on

the Scope of Work through October 28, 2005. The final Scope of Work, issued on March 31, 2006, reflected comments made during scoping.

Following completion of the DEIS, a public hearing was held on August 23, 2006. Two community forums were held subsequently on September 12th and September 18th in order to provide the public with additional opportunities to comment on the DEIS. The period for submission of written comments extended from July 18, 2006 through September 29, 2006. In total, ESDC received approximately 1,895 submissions (oral and written) during the public review period. Additionally, Community Boards 2, 6, and 8—the boards in which the project site is located—all held their own hearings on the DEIS and subsequently submitted their own comments to ESDC during the comment period.

In addition, the proposed project would follow urban design goals and principles as outlined in the GPP's Design Guidelines, which were developed in consultation with the New York City Department of City Planning (DCP). In a letter dated September 27, 2006, the New York City Planning Commission (CPC) stated that it believes that the proposed project builds on the City's ongoing efforts to continue the growth of Downtown Brooklyn by utilizing the area's excellent transportation infrastructure to provide new entertainment, commercial, and residential uses. The letter acknowledged that ESDC and the project sponsors have consulted with the New York City Department of City Planning (DCP) during the course of the design of the proposed project, which resulted in several major urban design and amenity improvements. The CPC made a number of recommendations with respect to the modification of the project program that was the subject of the DEIS. The project program has been modified to reflect those recommendations, which were included in this FEIS.

**Comment 4:** The sponsor appears to have chosen to abide by only certain SEQRA regulations, although allowed to use only SEQRA. The appearance of cherry-picking procedures best suited to the quickest, least accommodating public review of this enormous development is completely unacceptable and taints the entire review process. (55)

**Response 4:** ESDC, not the project sponsor, prepared the DEIS in accordance with all SEQRA requirements.

**Comment 5:** The legal nature of the "Public Forum" announced for September is unclear: it is unknown whether any testimony given at the Forum will carry the same legal weight as that presented in the August Public Hearing. (37, 82, 121, 159, 207, 244)

The communities are dismayed and taken aback that a second forum is planned for primary election day when many people expect to be engaged in the election process, including our elected officials and candidates who ought to be engaged in this forum. (14, 105, 108, 116, 520)

Scheduling a hearing the night of the democratic primary suggests that ESDC does not respect our city's democratic process. (110, 407)

**Response 5:**

ESDC held a public hearing on the proposed project pursuant to the requirements of the UDC Act, SEQRA and the Eminent Domain Procedure Law ("EDPL"). That hearing was held on August 23, 2006. To allow the community additional opportunities to comment on the proposed project, ESDC held two additional community forums. All comments received at the hearing and at the two community forums and all comments submitted in writing to ESDC were presented to the Directors for consideration by cover letter dated on or about November 1, 2006, and were considered in the preparation of the FEIS.

**Comment 6:**

This process, which "develops" but also takes into consideration amenities and community needs is a victory for rational planning. (84)

**Response 6:**

Comment noted.

**Comment 7:**

Commitments made by the project sponsors should be legally binding. (23, 143)

Promises made will be null and void as soon as the current governor and current mayor leave office. (349)

What mechanisms are being set in place to assure compliance with applicable codes and that commitments made for various improvements are, in fact, part of the revised designs? (483)

**Response 7:**

ESDC would require the project sponsors to enter into contractual obligations to implement the environmental impact avoidance and mitigation measures to be executed by the project sponsors. During construction of the proposed project, ESDC expects to retain the services of appropriate professionals to monitor and ensure compliance with the same.

**Comment 8:**

I see in the Draft EIS an outline of what we have to do, but we have to ensure that actions are taken, that government budgets reflect the needs, for example, for new schools to accommodate the kids who will be living in this area, and particularly for increased public transportation,

to take full advantage of the transportation hub that exists. And to ensure that congestion is not untenable. (5)

**Response 8:** Comment noted.

**Comment 9:** Although this is a State project, ULURP would have provided the public with four opportunities to testify about this project and given us enough time to thoroughly review all of these documents. Projects that are reviewed through the ULURP process are often included iteratively through the multi-hearing process. Bypassing ULURP means that no local official will have a vote for the development of this project. (24, 31, 43, 69, 95, 105, 111, 116, 120, 122, 160, 206, 210, 234, 273, 289, 290, 303, 307, 455, 479, 480, 538, 540, 565)

All three affected Community Boards petitioned the Mayor, the Governor, and ESDC to subject relevant portions of the project to ULURP. For the more than half of the project area that was not on State-owned project, the City could have chosen to follow the traditional path of proceeding with a ULURP review of the proposed actions. Instead, the City and State arbitrarily decided not to subject any aspect of the project to ULURP, denying an opportunity to engage the public, the agency, and the project sponsor in a meaningful way. (25)

ESDC should start the process over to include ULURP and avoid litigation. (147, 234, 356, 428)

The fact that ESDC has chosen not to have this project go through a city review ULURP process thus bypassing our local elected officials means that it is imperative that the state review process be as legitimate as possible in addressing the environmental impacts raised by the community through regular public meetings, funding to the local community to have experts review the DEIS, and allow sufficient time for response to the DEIS. (105, 145)

The process should adhere to ULURP to allow for maximum input by residents, community boards, City Planning Commission, and elected officials (330)

The development plan was not carefully formulated and the NYC approval process and almost all forms of public review and comment were bypassed. (120)

**Response 9:** The proposed project is a land use improvement and civic project under the UDC Act. Additionally, much of the project site is owned by the MTA, a State authority.

**Comment 10:** There is a lack of supporting information for the DEIS. There are examples where supporting documentation, raw data and studies used for the DEIS were not made public. We have requested the missing data but even if we get it promptly, there will not be enough time for a full study of the information. (50, 55, 58)

State law requires after filing a Freedom of Information Law request that you get a response within five business days. ESDC should follow the law. (55, 58, 348)

The Sponsoring Agency was only partially responsive to CBN requests for backup data, but failed to provide all data requested. As a result of the various process problems, a Supplemental DEIS should be issued and presented for review before any decisions are made about the project. (55, 68)

The fact that the DEIS was incomplete means that final versions of the DEIS have still not been provided for review. (203)

**Response 10:** All DEIS analyses were conducted in accordance with the methodologies outlined in the *CEQR Technical Manual*. The DEIS analyses described methodologies in detail and provided ample supporting data. Technical supporting documents were either provided as appendices to the DEIS or made available to the public upon request.

**Comment 11:** Please clarify the powers and responsibilities of the Atlantic Yards Community Advisory Committee. (24, 25, 26)

**Response 11:** The Community Advisory Committee (CAC) was established to advise and make recommendations to ESDC with respect to the proposed project. To date, the CAC has met with the ESDC staff on a number of occasions to discuss and provide input on various aspects of the proposed project.

**Comment 12:** Community Boards should be reimbursed for costs and expenses related to the review of EIS. (24, 25, 26)

Not only were the Community Boards denied access to independent resources, but they were denied the same opportunity to access the professional services and expertise that were available to other agencies paid for by the project sponsors. As such, we were impeded and challenged to fulfill our mandates as City agencies as the City Charter intended. (25)

**Response 12:** It is not ESDC's policy or practice to provide funding to Community Boards or the consultants advising them for the purpose of reviewing projects that it proposes.



- Comment 13:** The public process has divided the community. (148, 412)
- It is regrettable that the publicity agents for Ratner have tried to drive a stake between members of the Brooklyn community. (335)
- Response 13:** The fact that the public process has elicited differing opinions should be expected due to the importance of the proposed project.
- Comment 14:** The state worked exclusively with Forest City Ratner while the MTA entered into a truncated bidding process only after a memorandum of understanding had been signed by FCRC, the state, and the city. Although the developer held numerous public meetings, most of the decisions regarding the site had already been made. (57, 69, 90, 111, 122, 147, 172, 206, 307, 340, 413, 468, 541)
- The West Side Hudson Rail Yards have been appraised at more than \$1.1 billion while the 22-acre Atlantic Rail Yards are being sold to Bruce Ratner for a measly \$100 million (and there were other higher bidders). This smacks of a corrupt insider deal. (121, 214, 409)
- FCR wasn't even the highest bidder for the site and Extell outbid FCR's bid by three times their offer. (152, 160, 356)
- ESDC's misguided efforts to favor a particular developer are arbitrary and capricious and legally defective. (433)
- The state and city should foster competition and maximize public benefit by bidding the rail yards through Request of Proposals (RFP) or Request for Expressions of Interest (RFEI) process developed with extensive community participation, and by bidding the rail yards out as multiple parcels if it maximizes the benefit to the MTA. (330)
- MTA had already committed to going with the FCR proposal and was proceeding to contract. Rather than putting SEQRA at the front of the process to assure environmental integrity, ESDC has placed it at the end of the process, violating both the letter and the spirit of SEQRA. (58)
- Please ask MTA to provide the public with the expected NPV (10-year) from the sale of Vanderbilt Yards to FCRC, the assumed weighted average cost of capital, the expected future cost of debt, and the risk-adjusted benefit or loss from the FCRC offer relative to the Extell offer. Please provide the same information from ESDC on the expected return. (57)
- Why is the MTA contemplating selling the railyards for \$100 million less than the appraised value of the property? (511)
- Response 14:** The MTA carefully considered all alternatives in response to its May 24, 2005 request for proposals soliciting interest in the sale or lease of

the air space above the Vanderbilt Yards. On July 6, 2005, MTA received proposals from Forest City Ratner Companies and the Extell Development Company. After considering both proposals, the MTA Board decided on September 14, 2005 to reject the Extell proposal and to authorize continuing negotiations with Forest City Ratner Companies regarding its proposal.

ESDC had no involvement in the bidding process for the MTA parcel, the designation of Forest City or the determination of the purchase price for the land rights. MTA's business arrangements in relation to the disposition of the Vanderbilt Yards are beyond the scope of this environmental review.

**Comment 15:** ESDC has never solicited proposals from other developers. The project was initiated by Ratner and Ratner presented the project to ESDC. It was beyond a doubt that Ratner would be the primary beneficiary before the plans for the project were formulated or a substantial commitment of public funds was made. (468)

This project did not originate from any government or ESDC inspired exercise to identify an area that is blighted, or that needed an arena for professional sports. This proposal germinated as a goal of FCR who envisioned the massive mixed-use development with an arena. FCR knew the plan far exceeded what would otherwise be permitted or even conceived of by New York City under existing laws and thus sought out the State to use its powers to override local wishes, procedures, and laws to effectuate its goals. This is a classic instance of using the constitutional power of a taking for a public purpose as a subterfuge for one private party taking another's property for its own gain. (58)

**Response 15:** Although Forest City initiated consideration of the proposed project, it was independently reviewed by ESDC, and ESDC determined that the economic, fiscal and other benefits justified proceeding with the public review processes. Many large land use projects are presented to ESDC in a similar fashion.

**Comment 16:** State and city agencies should ensure a thorough environmental review. An EIS that concludes that negative impacts "cannot be mitigated" is not acceptable. (330)

**Response 16:** SEQRA requires that the lead agency certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the

maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable. SEQRA requires that unmitigated impacts be disclosed. ESDC has conducted a thorough environmental review.

**Comment 17:**

If the land were developed in a more organic way, meaning individual developers bid on parcels and build when the market supports it, it would happen in a more natural and tolerable way. Through public subsidies and single source development, an artificial economic environment is being created, which contradicts reason and economic sense. (119)

MTA should platform over the rail yard, subdivide it into many lots, and sell them off to the highest bidder. That would allow small developers or individual investors to buy single lots while larger developers could buy up multiple lots if they so chose. (415)

**Response 17:**

The overarching goal of the proposed project is to transform a blighted area into a vibrant mixed-use community. Notwithstanding City policies to encourage redevelopment in this area for the past twenty years, the project site remains underutilized. As indicated in Chapter 3, "Land Use, Zoning and Public Policy," the lack of development on the project site is due in part to infrastructure costs associated with platforming over the rail yard. The presence of a single developer willing to locate a mixed-use development on the project site presents an opportunity to develop this long underutilized site.

**Comment 18:**

CB8 would like to meet with the developers and planners creating the park spaces to provide direction, feedback, and support. (26)

**Response 18:**

The proposed open space would be under the jurisdiction of a conservancy or other not-for-profit entity established by the project sponsors, which would be responsible for maintenance, operation and security. The conservancy or other not-for-profit entity will be governed by a board, which will include representatives of the project sponsors, civic group(s) active in park matters, representatives of the surrounding properties on the project site, and, on an *ex officio* basis, DPR and local community boards. Thus, it is expected that CB8 would have opportunities for on-going input on the development of the proposed project. The FEIS has been revised to reflect details on the governance of the proposed project's open space.

**Comment 19:**

There should be a mechanism where we can easily make mid-course corrections in the sixth year, the eighth year, the tenth year or even the

twelfth year. And this way we can keep the project on track and be able to satisfy most of those that are concerned. (26)

There should be continuous dialogue between the community and the developer. (60)

**Response 19:** If significant changes to the project are deemed appropriate by ESDC, the General Project Plan would need to be modified in accordance with the requirements of the UDC Act and additional environmental review to reassess the impacts on environmental conditions would be required. ESDC expects to continue to meet and solicit input from the CAC during the course of the development.

**Comment 20:** There is concern about how the proposed “Design Guidelines” will be implemented, and, as we believe is likely, modified over the life-cycle of the project. It might be less important to set down in stone how the project should be built—particularly in Phase II—than it is to ensure a mechanism to guarantee good design occurs on the site. A subsidiary of ESDC should be created to manage the project going forward. The subsidiary could:

- Include local representation;
- Supervise any redesign of the project based on public input, notably Phase II of the project on which construction will not begin until 2010 at the earliest;
- Supervise the implementation of the design guidelines through both design and construction, as the Battery Park City Authority has done with notable success at Battery Park City;
- Act as an interface between the developer and the public during the decade long construction period; and
- Ensure that public benefits promised by the project, including publicly accessible open space, affordable housing, and other benefits, are delivered. (87)

**Response 20:** Comment noted.

**Comment 21:** The Pacific Street branch of the Brooklyn Public Library has been closed since August and, as a result, the public has not had access for appropriate review of the EIS and supporting documents. (116)

**Response 21:** The Pacific Street branch of the Brooklyn Public Library is not the only venue where the proposed project’s DEIS and General Project Plan and their supporting documents were made available for public review. The complete set of documents was also available for public inspection and

review at four other Brooklyn library branches (Grand Army Plaza, 496 Franklin Avenue, 380 Washington Avenue, and 93 St. Edwards Street). The documents were also available at ESDC, the Brooklyn Borough President's Office, and the offices of Brooklyn Community Boards 2, 6, and 8. The DEIS was also posted on the ESDC website. The Pacific Street library was reopened on November 7, 2006.

**Comment 22:** The plan is so large because it was designed by a developer, not a City or State agency. The developer picked the goals and the DEIS speaks to these goals. (361)

**Response 22:** The proposed project entails a large development because there are multiple purposes that ESDC is seeking to attain, including the economic benefits generated by the arena, the creation of substantial housing, the elimination of blight, and the improvements to infrastructure. Please see Chapter 1, "Project Description," for details of the proposed project's goals.

**Comment 23:** ESDC never prepared an Environmental Assessment Form under SEQRA and never circulated a request to other involved agencies seeking their input on which agency should serve as lead for the environmental review. ESDC violated the mandate of SEQRA that an agency begin the SEQRA process as early as possible in its consideration of the action to evaluate the environmental impacts before it is so far into the review that meaningful consideration is precluded. By the time ESDC stated its intent to be Lead Agency, the project had been under active consideration by ESDC for at least 20 months. (58)

**Response 23:** ESDC has complied with all the requirements of SEQRA. The environmental review of the proposed project commenced with ESDC's issuance of its Notice of Intent to serve as the lead agency and preparation of an Environmental Assessment Form on September 16, 2005.

ESDC's Notice of Intent was distributed to all agencies that might be required to take discretionary actions with respect to the proposed project. No other agencies had requested lead agency status.

**Comment 24:** The *CEQR Technical Manual* requires evidence of coordination with appropriate City agencies and regulatory bodies. There is scant evidence of such coordination in the DEIS, and where there are references to contacts with the City, no substantive backup material provided. For example, no backup data is provided to justify the assertion that Police and Fire response times will not be affected by the project; this was requested but not provided. (55)

**Response 24:** As detailed in Chapter 2, “Analytical Framework,” the lead agency consulted with a number of city and state agencies as part of the environmental review process.

**Comment 25:** Lack of adequate mitigations and other deficiencies should be fully addressed prior to publication of a Final EIS. There should be a supplemental round of public notice and comment on a Draft Final EIS prior to official acceptance and publication of a Final EIS. (88)

Because the DEIS didn’t account for 47 percent of known development, we are calling for a supplemental DEIS. (31)

A supplemental EIS is required to deal with several critical issues: an alternate location for the arena which has been proposed for Queens or Coney Island; a realistic consideration of the alternate plans; a thorough review of the safety and security issues as they relate to whether the project is built to current standards for terrorism threats. (119)

**Response 25:** A supplemental EIS is not necessary. The FEIS has been revised to reflect the modified build program, the refinement of mitigation measures, and in response to public and agency comments. The DEIS presented a complete analysis of existing conditions and all potential significant adverse impacts that can be reasonably anticipated, described mitigation measures, and described and evaluated reasonable alternatives. No new information or other changes have arisen that would substantively change the DEIS’s conclusions.

**Comment 26:** What process will be followed to make the determination of what constitutes “to the extent possible?” (107)

**Response 26:** Prior to making a decision to fund or approve an action and no less than ten days after issuance of an FEIS, the lead agency must make a written findings statement. SEQRA requires that these findings (1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS; (2) weigh and balance relevant environmental impacts with social, economic and other considerations; (3) provide a rationale for the agency’s decision; (4) certify that the requirements of SEQRA’s regulations have been met; and (5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

- Comment 27:** The City and State should be held accountable for ensuring that sufficient infrastructure is in place not only to accommodate the growth but to do so with limited impact on the quality of life of existing residents and neighborhoods. (111)
- Response 27:** Comment noted.
- Comment 28:** It is hard to avoid the conclusion that pressures to move the project along are compromising the process. The Scope and DEIS have been compromised and their low quality is the direct result of pressures to issue them too quickly. (180)
- Response 28:** The proposed project's environmental review process complied with all applicable legal requirements. The Final Scope reflected public input received during the scoping process, and the DEIS thoroughly examined environmental impacts from the proposed project.
- Comment 29:** Since the Atlantic Yards site is located at a primary city and state transportation hub, long term planning within a regional framework should be a high priority. Planners should be looking 50-75 years out as the megalopolis fills in the outer city and adjoining regions. The current proposal appears to ignore future transportation needs, which could include a high speed rail system and a bus terminal. (394)
- Response 29:** The review required under SEQRA focuses on the proposed action and a reasonable range of alternatives; it does not replace long-term planning, which will proceed independent of the SEQRA process.
- Comment 30:** It is not true that the project has to be big because of the infrastructure costs. Many of the infrastructure costs result from the proposed scale of the project, not the other way around. Don't close the streets and you won't have to relocate sewers and utilities. (489)
- Response 30:** The DEIS does not justify the scale of the project on the basis of infrastructure cost. While it is true that some of the infrastructure costs are due to relocating sewers and utilities as a result of closing the streets on the project site, many of the infrastructure costs are not related to the scale of the proposed project. First, the upgrading and platforming over the rail yard would involve substantial costs regardless of the size of the development. The rail yard improvements include expanding rail yard capacity, providing direct rail access to the rail yard from Atlantic Terminal through a new West Portal, building a new drill track to allow for the switching of 10-car trains, installing new toilet manifolds for unrestricted servicing, and adding signal, interlocking, and switching systems. Second, the proposed project would include a new subway

entrance that would provide a direct below-grade subway connection to the arena, improving subway and pedestrian safety by eliminating the need for pedestrians approaching the subway station from the south to cross Atlantic Avenue. Third, infrastructure costs also include the sustainable design features, such as detention and retention basins that are part of a comprehensive stormwater management system. An infrastructure plan for water main and sewer pipe improvements is being reviewed by the New York City's Department of Environmental Protection (DEP). Construction of the proposed improvements must comply with the final approved plan. These sewer and water main improvements would be within City streets and then operated and maintained by DEP. The street closures associated with the proposed project are necessary to provide a footprint for the arena and eight acres of open space and are not due to the scale of the proposed project.

**Comment 31:** Large venue crowds do not support the surrounding community; they do not shop in local stores or eat in local establishments. They arrive to attend the event, and then leave to go home. And the congestion this crowd causes on the surrounding streets degrades the surrounding areas. (489)

**Response 31:** The project sponsors anticipate entering into arrangements with area garage operators, developing cross-marketing opportunities with area businesses, and developing other practicable game day measures that would be available to event promoters. As part of arena operations, the project sponsors would provide the NYPD with a schedule of events and coordinate with NYPD for appropriate support from the police or traffic control officers during arena events.

## **CHAPTER 1: PROJECT DESCRIPTION, PURPOSE AND NEED**

### *PROPOSED PROJECT PROGRAM*

**Comment 1-1:** 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. (95)

There is concern about scale but support for jobs and housing. (3, 31, 69, 157, 161, 224, 238, 335, 385, 447, 448)

While opposed to Atlantic Yards for its scale and shortsightedness, it could be a genuine opportunity for affordable housing and public services even at a much reduced scale. (335)



Reducing project doesn't necessarily mean losing affordable housing and jobs. (375, 438)

The only way to mitigate adverse impacts of the project is to reduce its scale. (57, 231, 441, 456, 460)

Many of the unavoidable adverse impacts are not unavoidable. They can be ameliorated by incorporating the recommendations of the Municipal Arts Society and by reducing the density of the project. (421)

**Response 1-1:**

The DEIS analyzed a reasonable range of alternatives, including two reduced density alternatives. In particular, as discussed in Chapter 20, "Alternatives," the DEIS analyzed a reduced density alternative (the Reduced Density—Arena Alternative) with a comparable mix of uses but about half of the housing units of the proposed project. The Reduced Density—Arena Alternative would result in similar significant adverse environmental impacts as the proposed project but would not meet the project's housing, open space, and other goals as effectively as the proposed project. For potential impacts on services, please see Chapter 5, "Community Facilities"; for potential impacts on infrastructure, see Chapter 11, "Infrastructure." City services would be provided and adjusted in the ordinary course of agency administration; the financing of these services is outside the scope of this EIS.

Since issuance of the DEIS, the project has been modified, resulting in a reduction of 430 condominium units in the residential mixed-use variation and 465 condominium units in the commercial mixed-use variation, and a reduction in office space. However, the total number of rental units (4,500) and affordable rental units (2,250) remains the same as in the DEIS.

**Comment 1-2:**

The density, design, and mix of uses create a new anchor for the Downtown Brooklyn business district. (104)

**Response 1-2:**

Comments noted.

**Comment 1-3:**

ESDC should reduce the project by at least three million square feet or 34 percent, while at the same time preserving the affordable housing aspect of the project. (1, 24)

The project should be scaled back by 50 percent. (116, 227, 550, 578)

The project should be scaled back by 40 percent. (303, 393)

The arena should not be built and the rest should be reduced by 40 percent. (238, 258, 385)

The project should be reduced radically. The design looks terrible and where is the open space? Cut this project in half. Better to have no development than to subsidize this horrible project. (69, 108, 169, 177, 230, 237, 259, 387, 438, 519)

The project should be scaled down and open space increased. (222, 230)

The master plan at its current scale proposes a “social experiment” in density of housing that potentially could blight the area of Prospect Heights. No one has ever mushroomed a population in the space and time proposed by the Atlantic Yards development in the United States. How irresponsible to play with people’s communities and lives so cavalierly? (216)

Even with the 8 percent reduction in project size announced in September, the residential density would be without precedent in NYC and its impact within the project’s confines, as well as on the surrounding neighborhood must be examined. (232)

The proposed number of apartments and building heights should be cut by 50 percent. (242)

The scale of the project needs to be reduced. (31, 68, 82, 108, 139, 141, 150, 157, 186, 189, 209, 216, 234, 257, 284, 285, 290, 299, 300, 308, 313, 334, 375, 382, 391, 398, 410, 417, 436, 438, 439, 464, 465, 471, 477, 490, 497, 510, 516, 564, 574)

The project should be scaled back to perhaps 10-20 percent of the proposed units. (146)

The density of the residential area should be no greater than Battery Park City at full build out which is 152 apartments per acre - this plan is 311. (37)

The scale of the development should be decreased, relate to, and not overwhelm, its neighbors. (48, 57, 260, 344, 355, 369, 427, 460, 499, 504, 507, 521, 530, 561, 563, 575, 576)

The Project Plan should be scaled down to the reality of the infrastructure services available. (535)

What is the appropriate size for a development here? An FAR of 6 was the intent of the ambitious, progressive, optimistic, and relatively public process of upzoning Brooklyn. Building under 5 million square feet would be doing the right thing for Brooklyn. (489)

**Response 1-3:**

Since issuance of the DEIS, the project has been modified in response to recommendations by the City Planning Commission (CPC). The proposed project has been reduced by approximately 427,000 gross square feet (gsf) (430 units) in the residential mixed-use variation and

by approximately 458,000 gsf (465 units) in the commercial mixed-use variation. The number of affordable units has not been reduced. In addition, the amount of commercial office space has been reduced by approximately 270,000 gsf in the residential mixed-use variation and approximately 223,000 gsf in the commercial mixed-use variation. The amount of publicly accessible open space has been increased to 8 acres. The FEIS has been revised to include these modifications to the proposed project. The arena is the vital civic component of the land use improvement and civic project as defined by the UDC Act and would offer the opportunity to bring a much-desired major-league sports team back to Brooklyn.

The proposed project would follow urban design goals and principles as outlined in the Design Guidelines, developed in consultation with the New York City Department of City Planning (DCP). The Design Guidelines provide an overall framework for creating a cohesive development with a variety of scales, programmatic uses, and architectural elements. The location of the project site, with a new connection to Brooklyn's largest transit hub, makes it suitable for high-density development. This transit-oriented development is a distinctly beneficial aspect of the proposed project. As discussed in Chapter 3, "Land Use, Zoning, and Public Policy," the density and FAR of the proposed project would be consistent with, but generally less than, the densities and FARs employed throughout the city for areas surrounding concentrations of mass transit, including the 10-12 FAR district directly north of the project site on Atlantic Avenue.

**Comment 1-4:** The project's size will generate increased economic opportunities for the community. More commercial and retail space means more business and employment opportunities for local residents. Reducing the scale of the project means reducing opportunities for the community. (220)

**Response 1-4:** Comment noted.

**Comment 1-5:** The current consensus among urban planners and economists alike is that stadiums are never the growth and revenue generators that boosters purport. More often than not they lose money. (64, 141, 160, 169, 300, 448)

Studies of stadiums and arenas across the nation verify the tax impact on local communities without the promised recompense. These facilities are not economically profitable and siphon away a community's resources. (169, 511)

**Response 1-5:** As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” experience has shown that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses, both as proposed elements of a larger master plan or as a catalyst for urban development. Estimated economic benefits of the entire proposed project, including the arena, are presented in Chapter 4, “Socioeconomic Conditions,” which stated that the proposed project would generate between \$69.7 million and \$140.4 million annually, depending on the program variation, in non-property tax revenues for the city, state, and MTA.

**Comment 1-6:** The Williamsburgh Savings Bank should remain the tallest building in Brooklyn which means that Miss Brooklyn and Site 5 should be reduced in height. (3, 5, 12, 23, 134, 145, 148, 214, 270, 355, 547)

The building [B6] that faces the Newwalk building should be reduced. (12)

The tallest buildings should be reduced by half and the other buildings should be reduced by one third. (23)

Neither “Miss Brooklyn” nor any building in the site should be higher than 400 feet. (37)

The 4th Avenue corridor near the project site was recently rezoned, following a long yet open public process. The building scale of any Atlantic Yards development should compliment, not overwhelm, this decision. Thus, the development buildings should be limited to roughly 15 stories in height. (451)

**Response 1-6:** As discussed in Chapter 1, “Project Description,” the site of the proposed project is well-suited for dense development, located at Brooklyn’s largest transit hub and at the intersection of Flatbush and Atlantic Avenues. The proposed project would concentrate its density, height, and commercial uses at the western end of the project site to reflect the higher-density commercial uses associated with Downtown Brooklyn to the north and to capitalize on the excellent access to mass transit. The residential uses on the eastern end of the project site would reflect the residential nature of the adjoining neighborhoods to the north and south. As discussed in Chapter 8, “Urban Design and Visual Resources,” the bulk and height of Building 1, would relate to the Williamsburgh Savings Bank Building in form, the relationship between the two buildings would change with one or the other building being more prominent depending on the particular vantage point. The heights and proportions of the proposed project’s buildings would vary in order to relate specifically to existing off-site structures, including the

Williamsburg Savings Bank Building, the Atlantic Terminal/Bank of New York Tower, the Atlantic Terminal Houses, 470 Vanderbilt Avenue, and the former Daily News Building (Newswalk) at 700 Pacific Street, creating an overall skyline that would be compatible with the existing context.

Design Guidelines were developed in coordination with DCP to allow some flexibility while setting a clear framework for the proposed project's overall design. Since issuance of the DEIS, the project has been modified in response to recommendations by CPC, resulting in the reduction in program size and building heights for Buildings 3 and 6 and Site 5. Building 3 has decreased by approximately 209 feet, from 428 to 219 feet. Building 6 has decreased by approximately 115 feet, from 334 feet to 219 feet. The building on Site 5 has decreased by 103 feet, from 350 feet to 247 feet.

**Comment 1-7:** Williamsburgh Savings Bank Building should not be the sole icon in Brooklyn. (331)

There should be no height restrictions on the buildings. (353)

**Response 1-7:** Comments noted.

**Comment 1-8:** There hasn't been much in the way of clear visuals in the media or presented by the developer to show what the project looks like. Most of the pictures are taken far away or so close that you can't see the context of the neighborhood. (149)

The images and renderings in the DEIS are not done to scale, and one only learns that by checking footnotes or other minor detail. The renderings in the DEIS must be more accurate and transparent. If they are not to scale, then that should be clearly stated. If the actual project were to be built closer to what is shown in the DEIS pictures, we would assume that the impacts about which we have so much concern would be less. (119)

**Response 1-8:** The proposed project was illustrated in numerous figures as shown in Chapter 1, "Project Description," and Chapter 8, "Urban Design and Visual Resources." These figures include photographs, renderings, and photomontages that accurately illustrate the proposed project from a range of vantage points and scales. Since issuance of the DEIS, the architectural and program elements of the proposed project have been revised to reflect the reduced program. Additional figures, renderings, and illustrations have been added to the FEIS.

**Comment 1-9:** The arena should be moved to the Brooklyn waterfront and ferries provided. (43, 514)

The arena should be in the Brooklyn Navy Yard or in Coney Island. (30, 119, 122, 214, 232, 369, 398, 427, 452, 530)

Pages 1-9 through 1-12 reference a 1974 study by the City of New York and uses it as a justification for the decision to locate Brooklyn's first professional sports venue in almost 50 years on the Prospect Heights site. This major source of information is a preliminary study three decades out of date. The DEIS does not include a comprehensive comparison of potential arena sites in Brooklyn and does not engage in a convincing site survey and feasibility analysis for any site. Based on the siting criteria proposed in the DEIS and the 1984 locational analysis (*The Brooklyn Sports Study Phase I: Locational Analysis*), we find that the preferred location for an arena remains Coney Island. ESDC must examine Coney Island and other potential Brooklyn arena locations as viable alternatives to a Prospect Heights arena. (58, 69)

There is no evidence or argument made in the DEIS as to why an arena should be located at FCRC/ESDC's chosen Prospect Heights location or why a proposed Brooklyn arena must be developed in conjunction with a major residential development. ESDC has made a gross error by ignoring the results of the 1984 and 1994 studies that found Coney Island to be the best site in the borough for a multi-use area. (58)

Coney Island would be easier to access for New Jersey fans. Its subway station is newly renovated, and as a terminus, it is more suited to handling crowds after and before an event, than Atlantic Avenue is. (69)

**Response 1-9:** As discussed in the DEIS, the project sponsors considered several Brooklyn sites as the sponsor/team owner is committed to Brooklyn as the home for the Nets. Consideration of sites for the arena and related development began with the alternative sites set forth in the 1974 Brooklyn Sports Complex report, which included the Brooklyn Navy Yard and a number of other waterfront sites. The 1974 study remains relevant as it is the most comprehensive study and the physical configurations of the candidate sites have not changed (although some are no longer available for arena use). This report, as well as subsequent reports, indicate the City's continued interest in the siting of an arena use within Brooklyn. All of these waterfront sites were removed from consideration as either too small for the arena and related development or no longer available. The Brooklyn Navy Yard is a critical component of the Mayor's industrial business retention policy and is the subject of a 10-year capital improvement and expansion plan. In fact, in October 2006 the City broke ground on the largest expansion program of the Yard since World War II to accommodate approximately 402,000

additional square feet of industrial space and a 60,000-square-foot supermarket.

Two studies published after the 1974 Brooklyn Sports Complex report—a 1984 study authored by the Pratt Institute Center for Community and Environmental Development (*The Brooklyn Sports Study: Phase I Locational Analysis*) and a 1994 study commissioned by the Brooklyn Sports Foundation and Temporary State Commission on Brooklyn Recreational Facilities (*Brooklyn Sportsplex Development Plan*)—identified Coney Island as a recommended location for future Brooklyn sports facilities. However, when compared to the proposed project site, the two locations in Coney Island are deficient for a variety of reasons. First, Coney Island is less transit-accessible and geographically central than the proposed project site, and could result in a higher share of automobile trips through Coney Island’s limited number of access corridors. Travel time would be expected to be greater to the Coney Island site by both auto and transit for most arena patrons. The convergence of multiple transit lines at the project site would make the proposed project’s arena readily accessible from a variety of origin points without having to transfer lines or transportation modes. In contrast, Coney Island is located at the southernmost tip of Brooklyn, and there are only 4 subway lines and 6 bus routes located in the vicinity of the potential arena sites identified in prior planning studies. As discussed in Chapter 13, “Transit and Pedestrians,” there would be adequate capacity at the Atlantic Terminal transit hub to accommodate demand from the proposed project. The anticipated programming of the proposed arena makes geographic centrality and transit accessibility vitally important; the proposed arena should be located on a site that is readily accessible to a broad visitor population. Second, constructing below grade level on waterfront sites poses challenges because of the very shallow water table. Thus, if the proposed project’s arena were constructed in one of the Coney Island sites, its enclosed, below-grade loading and servicing areas and the arena parking facilities would likely need to be located above grade, possibly on multi-levels, which would require an expansion of the arena footprint. Third, the Coney Island sites identified in prior planning studies are not large enough in size or central enough in their location to successfully support a comprehensive mixed-use development. As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” experience has shown that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses. The proposed project site provides enough land area to accommodate commercial, residential, community facility, and open space uses in addition to the arena.

Chapter 1, “Project Description,” of the FEIS has been revised to include additional details from the 1984 and 1994 studies.

**Comment 1-10:** A sports arena and development over the train yard are favorable for Brooklyn, but the projects should be separate. (572)

**Response 1-10:** As described in Chapter 1, “Project Description,” the overarching goal of the proposed project is to transform a blighted area into a vibrant mixed-use community. The proposed project provides for a range of uses that meet various needs of Brooklyn, including affordable housing, transportation enhancements, civic improvements, and economic development. The proposed project accomplishes these goals on a relatively small site with superior access to transit. The mix of uses would benefit from the central location within the Borough of Brooklyn. As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” experience has shown that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses, both as proposed elements of a larger master plan or as a catalyst for urban development.

**Comment 1-11:** The project should be located in Queens. (119, 407)

**Response 1-11:** The purpose of this proposed project is to revitalize the blighted project site. Moreover, the sponsor/team owner is committed to Brooklyn as the future home for the Nets.

**Comment 1-12:** Housing should be built all along Atlantic Avenue all the way to the Queens border, which is now populated with empty and underutilized spaces and substandard buildings—a truly blighted area. (341)

**Response 1-12:** As discussed in “Project Purpose and Need” in Chapter 1, “Project Description,” one of the purposes of the proposed project is to eliminate blighted conditions on the project site, including dilapidated and structurally unsound buildings, debris-filled vacant lots, and underutilized properties. As per the GPP, residential buildings would be constructed along Atlantic Avenue within the boundaries of the project site. Off-site redevelopment along Atlantic Avenue is outside the scope of this EIS.

**Comment 1-13:** A design review process, similar to Battery Park City, should be implemented to ensure design excellence during build-out. As currently written, the design guidelines can only succeed if there are no deviations in the program and Frank Gehry designs every building. (111)



**Response 1-13:** Design Guidelines were developed in coordination with DCP to allow some flexibility while setting a clear framework for the proposed project's overall design. The Design Guidelines will be the basis of ESDC's review of development as it proceeds.

**Comment 1-14:** Commercial space should be eliminated from the project. (23)

**Response 1-14:** To allow the proposed project to respond to market forces and to address needs for housing and commercial office space, the project would permit some flexibility in the development program for portions of the site within or close to the Special Downtown Brooklyn District. According to the latest forecasts from the New York Metropolitan Transportation Council (NYMTC), the agency responsible for coordinating such forecasts throughout the region, Brooklyn is predicted to add 60,000 jobs between 2005 and 2015, translating into a strong need for space to accommodate growth. The net employment growth in Brooklyn, which the forecasts represent, is likely to be predominantly in the office and retail sectors (see Chapter 1, "Project Description"). As discussed in the EIS, the project site is an appropriate location to accommodate a portion of the demand for office space in New York City.

**Comment 1-15:** The project fails to adhere to five basic planning principles: respect surrounding neighborhoods; retain public streets; create a real public park; promote lively streets; and not choke the surrounding area with traffic. (37, 87, 239, 328, 422, 445)

**Response 1-15:** The proposed project would be implemented pursuant to a GPP and would further longstanding City goals for this area. Moreover, the proposed project includes design guidelines that were developed in consultation with DCP to address these considerations. These overrides would permit a higher-density development more reflective of, and consistent with, zoning policy envisioned for Downtown Brooklyn and would be appropriate because the project site is located adjacent to the borough's largest transit hub, in close proximity to other high-density commercial uses, and at the intersection of three of the borough's major commercial thoroughfares.

A thorough assessment of the proposed project's effects on each of the areas mentioned in the comment can be found in the EIS. As explained in Chapter 16, "Neighborhood Character," the proposed project would not result in significant adverse impacts on the character of the surrounding neighborhoods. The closures of 5th Avenue between Atlantic and Flatbush Avenues and Pacific Street between 5th and 6th Avenues are necessary to create the space to accommodate the arena

footprint. The closure of Pacific Street between Carlton and Vanderbilt Avenues to vehicular traffic would allow for the creation of the proposed project's open space. Pedestrian access along Pacific Street would be maintained and preserved as a pedestrian thoroughfare east of the arena block. As explained in Chapter 6, "Open Space and Recreational Facilities," the proposed project's eight acres of open space would be operated by a non-profit organization and would be publicly accessible during the hours when parks are usually open to the public. As explained in Chapter 8, "Urban Design and Visual Resources," the proposed project has been designed with street level retail to activate the streetscape. The traffic impacts of the proposed project are analyzed in Chapter 12, "Traffic and Parking." As explained in Chapter 19, "Mitigation," a comprehensive package of mitigation measures has been developed to mitigate traffic impacts although significant traffic impacts would continue to exist at a number of intersections during peak hours.

**Comment 1-16:** The EIS faithfully notes all the expected problems: shadows, noise, traffic—pedestrian and vehicular—and so forth. With 6,000 residential units, 3,800 parking spaces, a new stadium, and commercial enterprises the EIS, after analyzing everything, finds no adverse impact. What nonsense! (116)

**Response 1-16:** The statement above is incorrect. The DEIS identifies a number of significant impacts in the subject areas noted by the commenter (see "Executive Summary"). Mitigation measures, where feasible and appropriate, are discussed in Chapter 19, "Mitigation."

**Comment 1-17:** The benefits of the project far outweigh the bad. (35, 60)

**Response 1-17:** Comment noted.

**Comment 1-18:** The arena was only included to distract from the residential component. (412)

The arena component is like a Trojan horse whereby FCRC attempted to accomplish a major land grab. (413)

The arena project should be separated from the Atlantic Yards project. (43)

**Response 1-18:** The proposed project is both a land use improvement and civic project, as defined by the UDC Act (see Chapter 1, "Project Description"). The overarching goal of the proposed project is to transform a blighted area into a vibrant mixed-use community. Moreover, as discussed in Chapter 3, "Land Use, Zoning, and Public Policy," experience has also shown

that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses.

**Comment 1-19:** Instead of using tax dollars for this project it should be used for an upscale shopping mall, like Time Warner Center, or a performing arts center to complement BAM. (439)

**Response 1-19:** Comment noted. Commercial retail and cultural uses are already present in the immediate area; the arena use, and the proposed project, as a whole, would complement these uses.

**Comment 1-20:** EIS should address impacts of on surrounding neighborhoods before, during, and after events. (108, 138, 281, 492)

**Response 1-20:** Impacts to surrounding neighborhoods were analyzed in all chapters of the DEIS. Development on the project site would increase pedestrian activity along the adjacent commercial areas abutting Atlantic and Flatbush Avenues to the north, south, and west. The main arena entrances would be located along Atlantic and Flatbush Avenue, focusing arena activity away from the adjacent residential neighborhoods. The sidewalks in these areas would be improved and expanded to accommodate the pedestrian volumes anticipated in the periods immediately before, during, and immediately after arena events.

The DEIS conducted an analysis of pedestrian conditions on sidewalks and crosswalks in Chapter 13, "Transit and Pedestrians," at locations where significant adverse impacts are expected to occur. While it is true that arena events would draw a large number of patrons, because of the project's location above a transit hub and the project's direct subway entrance through the Urban Room, it is anticipated that a substantial number of patrons will use mass transit to the arena. In general, the greatest number of new pedestrians would typically be present during the periods immediately preceding arena events. Although the proposed Urban Room's subway entrance would relieve some at-grade pedestrian traffic, substantial numbers of new pedestrians would still use crosswalks on Atlantic Avenue to access destinations on both sides of this street. All analyzed sidewalks and corner areas would operate at acceptable levels of service in all analyzed peak hours. The sidewalks adjacent to the arena block would be wide enough to accommodate the anticipated large volumes of patrons expected for arena events; and publicly accessible amenities, such as the Urban Room with its below-grade connection to the subway, and public plazas along Atlantic and Flatbush Avenues, would be situated around the outside of the arena creating a friendly and interactive pedestrian experience. Thus, although the character of the streets and sidewalks would change through sizable

intensification of pedestrian activity, pedestrian congestion would not occur. Pedestrian volume on Dean Street would increase notably, especially prior to and immediately following arena events, as a large portion of the arena parking would be located along Dean Street between Carlton and Vanderbilt Avenues. There would be no planned activities or sidewalk vending associated with the arena use on Dean Street. In general, any crowd noise surrounding the arena would be expected to be masked by noise from vehicles on adjacent streets and would not be a major noise source.

**Comment 1-21:**

The arena should be built first, then everything else gradually. (146)

Benefits of the project (new school, affordable housing, and parks/open space) should be phased-in sequentially so that more are included in Phase I of construction and within each segment of Phase II construction. (25, 195)

Many of the benefits such as publicly accessible open space, the linking of neighborhoods, and affordable housing will not benefit Dean Street residents until the final build-out of the project. (48, 57, 460)

PHNDC objects to the phasing of most claimed benefits of the proposed project (including most of its affordable housing and all of its public open spaces) in the second phase of its construction. (108)

**Response 1-21:**

The proposed project is a single, integrated plan that has been analyzed for EIS purposes in two phases, 2010 and 2016. The 2010 analysis year was selected because a key component of the proposed project, the proposed arena, is expected to be completed by fall 2009 for opening day of the Nets' National Basketball Association (NBA) season, with the remaining development on the arena block and Site 5 completed by the next year. In addition to development on the arena block and Site 5, Phase I would include construction of the improved LIRR rail yard, which would need to be completed before a platform could be constructed over it to support proposed buildings along Atlantic Avenue.

The arena block and Site 5, located at the crossroads of Flatbush, Atlantic, and 4th Avenues, are not considered a potential location for a school. As discussed in Chapter 19, "Mitigation," if requested by DOE, the project sponsors would make a space available for a school in the base of one of the residential buildings east of 6th Avenue in time for construction to be completed prior to the anticipated impact on primary and intermediate schools. The project sponsors and DOE have identified Building 5, located on the southeast corner of Atlantic and 6th Avenues, as a possible site for the school. The project sponsors have committed

that 50 percent of the 4,500 rental units would be administered under an affordable housing program and that at least 30 percent of the residential units built on the arena block in Phase I would be affordable housing units. Providing new publicly accessible open space on the project site by the end of Phase I would not be practical because the areas that could potentially be used as open space are needed for construction staging, worker parking, and materials storage in order to minimize construction impacts on the surrounding neighborhood. Open space would be added incrementally between 2010 and 2016 as development on the project site progresses eastward and each successive building is constructed.

**Comment 1-22:** Even Robert Moses said that the crossroads of Flatbush and Atlantic Avenues was the wrong site for an arena. (174, 312)

**Response 1-22:** The City, as evidenced in its 1974 Brooklyn Sports Complex report, considered this area as a potential site for a proposed sports complex with a minimum 15,000 seats. This site was considered because of its convenient access to mass transit and central location in the borough.

**Comment 1-23:** The City of New York has allocated \$100 million of capital money to the Atlantic Yards project, but the specific use of these funds has not been disclosed. The funds were never earmarked for transit-oriented development, and the proposal includes only vague references to sustainable energy and green building measures, with no specific evidence. (55)

**Response 1-23:** As described in Chapter 4, “Socioeconomics,” the City funds allocated to this project would be used for land costs and infrastructure improvements. The infrastructure improvements would include replacement and upgrades of utility lines that serve an area much larger than the project site. The DEIS refers specifically to the measures that the project sponsors have committed to and other measures that were being considered (see Chapter 1, “Project Description,” and Chapter 11, “Infrastructure”). Since issuance of the DEIS, the project sponsors commitment to sustainable design measures have been further refined. The proposed project would incorporate measures to achieve Leadership in Energy and Environmental Design (LEED) certification for the arena and all 16 buildings on the project site, with a goal of a LEED Silver certification.

**Comment 1-24:** The project should include a rail park for recreation to complement the existing transit museum. (245)

**Response 1-24:** Comment noted.

**Comment 1-25:** What is the methodology used to determine what exactly “might go outside the city if the proposed project were not developed?” (107)

**Response 1-25:** The EIS analyzes the potential environmental impacts of the proposed project within the relevant study areas in accordance with the methodologies of the *CEQR Technical Manual*, where applicable. If the proposed project were not built, it is possible that the demand forecast for New York City and Brooklyn could be absorbed in locations outside of the city.

**Comment 1-26:** Many of the “amenities” are not really public benefits, but are included either to serve the revenue-producing renters who will be moving in, or barely attempt to make up for the community harm this project will inflict. (451)

**Response 1-26:** As described in detail in Chapter 1 of the DEIS, the proposed project includes a number of public benefits, including: the elimination of blighted conditions on the project site, provision of both market rate and much needed mixed-income affordable housing, an improved and expanded LIRR rail yard, a new transit entrance, eight acres of high-quality publicly accessible open space, and the creation of jobs and economic activity.

**Comment 1-27:** It is troublesome that affordable housing is not being built first. (37, 108, 195, 349, 555)

There should be a guarantee of affordable housing in Phase I of the project. (303, 384, 412, 422, 554)

Guarantees should be made that the affordable housing will not all be left to the end, but that it built proportionally along with the market rate housing. (37)

The commitment to build affordable housing should be legally binding and the State should ensure that it gets built in a timely manner. (143, 345, 420, 511, 543, 544)

The 2,250 affordable rental units that are promised will never materialize. Not only are there a mere 400 planned for the first phase of this project, but the developer is not contractually obligated to provide the other 1,850 units. (204, 357, 384, 409, 453)

There are grave concerns about the enforcement and financing of the affordable housing component of the project. (95, 357, 384, 409)

Because the project is not accountable to local government, the housing and jobs proposed are not guaranteed. (69, 210, 232, 238)

A significant percentage of the affordable units should be constructed on the Atlantic Yards site. (384)

It is unbelievable that the City and State governments are helping the developer acquire a huge parcel of private and public land through eminent domain, and yet have no legal contractual obligations to fulfill the affordable housing part of the bargain. (119)

**Response 1-27:** The project sponsors have committed that 50 percent of the 4,500 rental units would be administered under an affordable housing program and that at least 30 percent of the residential units on the arena block, to be developed in Phase I, would be affordable housing units.

**Comment 1-28:** There are many loopholes in this sweetheart deal: promises of jobs, income, and truly affordable housing have been scaled back, and some of the so-called “affordable” units will be located “offsite” in less desirable neighborhoods. (384, 439)

There is ambiguity in the area of affordable housing units (what will exact rental and sales prices be?) and the number of well-paying permanent jobs. (169)

Affordable housing should be built using the Mitchell-Lama model. (238)

**Response 1-28:** As stated in the DEIS, 4,500 of the 6,430 housing units introduced by the proposed project would be rental units, and half of those (2,250 units) would be administered under an affordable housing program. All residential units would be located on the project site. The program currently anticipated would be reserved for households earning between 30 percent and 160 percent of the area median income (AMI) for the New York City metropolitan area. The AMI is set annually for metropolitan areas and non-metropolitan counties by the U.S. Department of Housing and Urban Development, and varies according to family size. As of April 7, 2006 AMI for the New York City metropolitan area was \$70,900 for a family of four.

Rent for all rental units introduced under the proposed project would be rent stabilized, and rent for the affordable units would be targeted at 30 percent of household income. Table 4-16 shows the distribution of the affordable housing units across household income bands, assuming a household size of 4 persons per household. If the household size were lower, the minimum and maximum incomes for each income band would be lower.

The income bands outlined in Table 4-16 are based on the income tiers used in the Mixed-Income Program administered by the New York City

Housing Development Corporation (HDC). Under that program, low income units can be rented to those earning at or below 50 percent of AMI and middle-income units can be rented to those earning at or below 175 percent of AMI.

The affordable program would be subject to adjustment to accommodate the requirements of any city, state, or federal affordable housing program utilized for this housing. Notwithstanding such adjustments, income bands and distribution of units across income bands would be subject to approval by the City, the number of affordable units would not be less than 2,250.

**Comment 1-29:** DEIS should quantify senior housing and disabled preference. (162, 205)

**Response 1-29:** As discussed in the DEIS, ten (10) percent (450) of the total rental units would be reserved for senior residents. Although there would be no housing preference for the disabled, the proposed project's residential buildings would comply with all relevant Americans With Disabilities Act (ADA) access requirements.

**Comment 1-30:** This project should be the model for all future housing developments in New York City. As opposed to the standard 80-20 housing formula, which creates housing only for the extremely wealthy and the extremely poor, this project is actually slated to be 50-50, creating truly affordable housing for the poor. (28, 85, 336)

**Response 1-30:** Comment noted.

**Comment 1-31:** Rental housing is not the "highest and best use" of this property because of the extraordinary costs of building a complicated mixed-use project in this location. (254, 489)

**Response 1-31:** The proposed project as a whole provides significant public benefits as outlined in Chapter 1, "Project Description." The residential uses, particularly the rental units, are a substantial part of these public benefits, and 50 percent of these units would provide much needed affordable housing.

**Comment 1-32:** By rehabilitating the Ward Bakery Building, FCRC can provide comparable new apartments for current residents, allowing them to remain in the neighborhood and avoid eminent domain. This also bypasses the farcical proposition of "interim" housing and the vague promise of an apartment in the finished project. (254)



- Response 1-32:** As discussed in Chapter 7, “Cultural Resources,” the potential reuse of the former Ward Bread Bakery as part of the proposed project has been studied, but it has been determined that the adaptive reuse of this building for residential use is not practicable.
- Comment 1-33:** There should be a public process for the development of the eastern end/second phase of this project. In the rush to create a signature arena building, the planning and construction of this end of the project could end up leaving us with nothing more than a terrible wasteland. (37, 572)
- It is extremely doubtful that both the architecture and open space will ever be implemented without substantial revisions. Many unforeseen events could make the current plan unworkable. The GPP currently fails to provide sufficient guarantees to the public that the project will live up to its promises. (111)
- The option of putting in a huge surface parking lot on the eastern end of the project site is something that should have its own EIS. This parking lot could last for decades and would no doubt become a magnet for drivers from all over the larger area to come and park there and use local public transportation which is already stressed beyond its capacity. (119)
- Response 1-33:** The GPP governs development on the entire project site, which does not envision having large permanent surface parking lot on the project site. Should the project program change in a magnitude necessary to warrant a modification of the GPP, the proposed project would require additional environmental review to reassess the impacts on environmental conditions. During construction, the surface parking on the eastern end of the project site would be for construction workers, in order to minimize the potential for construction worker parking impacts on the surrounding area. Following the opening of the arena, the interim parking facility would be accessory to the project uses.
- Comment 1-34:** The DEIS evaluation of the entire project is fatally flawed, because it measures the project proposal only against itself. It argues that to become a vibrant mixed-use area, the site needs exactly and only what the developer proposed: an arena and 16 high-rise buildings. (69, 505)
- Though the purpose of the DEIS is to disclose potential negative environmental impacts of the project, the DEIS reads like promotional material for the development. It is not a balanced analysis of the project impacts. The DEIS focuses on the presumed benefits and goals of the project rather than on the costs or problems. (324)

**Response 1-34:** The DEIS compares the potential environmental impacts of the proposed project to the No Build scenario, not against itself. The EIS also describes the proposed project's intended goals and purposes. For those areas where significant adverse impacts were disclosed, the DEIS examined reasonable alternatives to address, reduce or avoid the impacts while still meeting the established project goals. The DEIS examined program alternatives in Chapter 20, "Alternatives," and compared how the each alternative program addressed the significant adverse impact measures against that of the proposed project and also how well each alternative met the established goals. This information provides the decision-makers with the information to determine the merits of the proposed project and its impacts. Contrary to the commentor's statement, the DEIS is objective and identifies and describes the full range of significant adverse impacts that would result from the proposed project.

**Comment 1-35:** The principal goal of the project is to create a "vibrant, mixed-use, mixed-income community," but the plan fails to take into account the vibrant, mixed-use community that already exists here. (206)

**Response 1-35:** Although the project site sits at a major crossroads, adjacent to a major transportation hub, close to Downtown Brooklyn, and at the junction of several thriving neighborhoods, it contains virtually none of the land use patterns or vitality of its neighbors. In fact, its depressed rail yard and dilapidated, vacant, and underutilized properties have perpetuated the current visual and physical barrier between the redeveloped areas to the north of Atlantic Avenue and the neighborhoods to the south. The overarching goal of the proposed project is to transform this blighted area—the project site—into a vibrant mixed-use community.

**Comment 1-36:** The proposed project presents a comprehensive development strategy that will help the City maximize and enhance its existing mass transit infrastructure. The proposed project is well-situated, if not ideal, for accommodating increased density given its location adjacent to Atlantic Terminal, the third largest transportation hub in New York City. (92)

**Response 1-36:** Comment noted.

**Comment 1-37:** The proposed Nets stadium is not conducive for this area of Brooklyn. Many stadiums are located in areas not closely populated by residential houses. If built, we will be exposed to not just traffic congestion and more pollution, but the stadium lights that will glare in our homes at night, producing continuous daylight for us who live in the neighborhood. (30, 530)

The proposed arena would overwhelm the other uses; event venues have a detrimental effect on residential areas and on vibrant mixed-use communities. (489)

**Response 1-37:** As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” experience has also shown that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses, coexisting within mixed-use (Verizon Center in Washington D.C) and residential (Wrigley Field in Chicago) neighborhoods, as proposed elements of a larger master plan (San Diego’s PETCO Park and San Francisco’s AT&T Park) or as a catalyst for urban development (Coors Field in Denver). The arena itself would be framed by four mixed-use (including residential) buildings, designed to avoid and minimize operational effects to the extent feasible on adjacent and on-site residential uses and provide activity on the arena block even when the arena is not hosting events. As discussed in Chapter 8, “Urban Design and Visual Resources,” the primary entrances and signage associated with the arena would be located along Atlantic and Flatbush Avenue corridors, oriented away from the residential neighborhoods to the south and toward Downtown Brooklyn.

**Comment 1-38:** RPA supports construction of the signature western block of the project largely as proposed. This block is an excellent example of city-making that will bring tremendous benefits to the area. (111)

**Response 1-38:** Comment noted.

**Comment 1-39:** The DEIS should include information on how often the arena will be in use. (45)

**Response 1-39:** The arena is expected to host approximately 225 events per year (see Chapter 1, “Project Description”).

**Comment 1-40:** Brooklyn’s Long Island Rail Road Station at Atlantic Terminal must be completed before there is any further development here. (43)

**Response 1-40:** The proposed project would move forward independent of unrelated work at the LIRR Atlantic Terminal, which is expected to be completed in fall 2007.

**Comment 1-41:** Statements that local high schools would be allowed to play games at the arena don’t fly. How many Manhattan high schools get to play their games there [Madison Square Garden]? The answer is none, except if it is for state championships. The arena will be required to be used at least 200 times a year, which will mean having events almost every day. In

reality, with the conversion from a concert to a basketball game there will never be time for schools to use it even if their games will not be long. (152)

Kids are not going to get to use the facilities. With all the events likely to occur, when are the kids going to get to play basketball? The Nets will be unaffordable. The community benefits agreement allows for up to sixty tickets, most of them in nose bleed seats, per 18,000 seat capacity game. It's insulting that jobs, hoops and basketball are somehow going to make us really want this thing. (66)

**Response 1-41:**

The arena is expected to host approximately 225 events per year (see Chapter 1, "Project Description"). A minimum of 10 events per year would be made available for use by the community that could include academic events such as high school and collegiate competitions and graduations. Additionally, the project sponsors would set aside for community use (and free of charge) for every Nets home game one box and four seats in the lower bowl. Fifty seats would be set aside for community use for every home Nets game in the upper bowl. Discount ticket prices would be made available to senior citizens. The project sponsors, as part of its community outreach, would also provide tickets to the valedictorians at each of the Brooklyn high schools on New York State's Underperforming Schools List (currently, 88) to attend a game of their choice the next season, which would total approximately 350 tickets a year. Chapter 1, "Project Description," of the FEIS has been modified to include additional information on types and operations of arena events.

**Comment 1-42:**

By separating the arena and Urban Room, the latter won't be overwhelmed by its function as a private lobby for the arena (Exhibit A) (87).

**Response 1-42:**

The Urban Room would consist of a large, at least 10,000-square-foot publicly accessible atrium that would serve as a dramatic gateway to the arena and provide a place for people to congregate. The Urban Room would serve multiple purposes depending on the time of day and the activities taking place. On weekday mornings, the Urban Room would serve as the principal access to mass transit for the neighborhoods south of Atlantic Avenue. On evenings and weekends (and when there are no arena events), the Urban Room would be activated by the restaurant on the second level mezzanine and the hotel uses. This glass-enclosed space is expected not only to serve as an entrance to Building 1, the arena (its ticket booths would be located here), and a new subway entrance, but would include programming that would also serve to make the space a destination, including small concerts, cultural events, art

shows, and readings that would be open to the public. The FEIS has been revised to include an expanded discussion of the Urban Room programming.

**Comment 1-43:** All of a sudden Atlantic/Flatbush is referred to as “Downtown Brooklyn.” Downtown Brooklyn is the Fulton Mall and the court area. (214)

**Response 1-43:** Downtown Brooklyn is not limited to the Fulton Mall and the court area. As defined by DCP, Downtown Brooklyn is the city’s third largest central business district and is generally bounded by Tillary Street to the north, Ashland Place to the east, Atlantic Center and Schermerhorn Street to the south, and Court Street to the west. It is a diverse area with a high concentration of major office buildings, regional stores, residential buildings, government offices and a number of major academic and cultural institutions. All four corners of the Atlantic Avenue and Flatbush Avenue intersection, including the portion south of Atlantic Avenue (and on the project site), are included in the Special Downtown Brooklyn District identified in the *New York City Zoning Resolution*.

*PURPOSE AND NEED*

**Comment 1-44:** The community needs the 20,000 arena seats for community events. (77)

The arena will provide a venue for local college graduations. (277, 278)

The Nets and the arena will greatly contribute to the city’s sports and entertainment industry. (36, 67, 104, 128, 146)

The new arena would host a wide range of community events. (29, 131)

Having a professional sports team again will restore the cultural identity of Brooklyn that has been lost since the Dodgers left for the west coast. (220)

**Response 1-44:** Comments noted.

**Comment 1-45:** The arena would provide competition to Madison Square Garden and ultimately reduce ticket prices. (91)

The development will encourage tourism in Brooklyn. (353)

The addition of affordable housing will encourage diversity. (51, 215, 275)

The project will increase the desirability of Downtown Brooklyn. (277)

The project will further the economic vitality of our Borough. It will provide affordable housing and jobs, construction jobs, and retail jobs for the people of Brooklyn. (2, 4, 6, 8, 19, 22, 29, 34, 60, 61, 65, 75, 78, 81, 83, 92, 100, 104, 277, 280, 310, 442, 462, 466)

The project will ensure that at least 30 percent of contracts and 45 percent of all construction jobs be held by women and minorities. (33, 60, 61, 62, 80, 97, 98, 109, 117, 377)

The training programs and future career opportunities that the project will bring will ultimately add to the economic base. (8, 29, 33, 73, 97, 109, 115)

I see the Atlantic Yards Project as an opportunity for thousands of residents of Brooklyn and New York City to have opportunities in the building trades, apprenticeship opportunities for young adults, and permanent jobs. This project will afford thousands of career opportunities through union apprenticeship programs. (11, 49, 93, 97, 185, 193, 194, 200)

Many of the areas to be developed are blighted and crime-ridden. The proposed project will bring more police patrols. (114)

**Response 1-45:** Comments noted.

**Comment 1-46:** The project provides environmental justice. (132)

**Response 1-46:** Comment noted.

**Comment 1-47:** The project will provide billions of dollars of State and City tax revenue that will go towards health care, education and affordable housing. (8, 15, 16, 41, 80, 85, 353, 360)

**Response 1-47:** Comment noted.

**Comment 1-48:** The Brooklyn Academy of Music (BAM) is excited about the new potential audiences, donors, subscribers, and amenities that will result from the project. The affordable housing component of the project will ensure that BAM audiences continue to be representative of a wide range of people with diverse cultural interests. (38)

The development will complement the existing cultural assets in the area, such as The Brooklyn Academy of Music. (220)

**Response 1-48:** Comments noted.

**Comment 1-49:** The Community Benefits Agreement is an historic and unprecedented voluntary and legally binding agreement between the project sponsor

and the community. The CBA will provide job training, jobs, affordable housing, small business and minority/women-owned enterprise development and other community amenities and facilities benefiting local residents. (2, 5, 28, 33, 46, 51, 62, 85, 89, 97, 109, 171, 184, 215, 336, 377, 381, 408, 416, 430, 459)

At least 34,500 sq. ft. will be available for existing Community based businesses. The developer is under no obligation to set this space aside. This demonstrates the developer's recognition that community stakeholders want to participate in the economic renaissance of Brooklyn. (309)

Under the CBA, the Good Neighbor program will perform services or provide funds for capital improvement projects and community programs that affect the lives of thousands in our communities. (109)

The Community Benefits Agreement must be adhered to in a scrupulous way. (1, 5)

The CBA is touted as having the force of law, but if the plan is approved as it stands without it being written into the plan itself, the CBA is just a piece of paper. And there's no way that it can be enforced unless the State will put into the plan in writing that the developer has to live up to all of these promises that he's making. (20, 64, 206)

The CBA should be legally binding. (143, 164, 303, 412, 505, 540)

The CBA is a blatant and cynical way to manipulate public opinion, does nothing to mitigate the damage threatened by the project, and is against public policy. It should be struck down. (422)

The CBA should become part of a major dialogue among city officials, communities, developers, and civic and professional groups, before they become a de facto component of negotiations in major development projects. (95, 328)

CBA negotiations should be reopened to increase the benefits to residents, to broaden the reach to more stakeholders, and to improve the realistic enforceability provisions. (164)

The CBA should be incorporated into the final analysis to ensure that each agreement is met. We recognize that the CBA is a separate agreement but the developer has used it to help get government approval for the development agreement. (24)

The Community Benefits Agreement specifically disavows any financial obligation by Forest City Ratner to pay for health care facilities, community centers, or day care facilities. (58)

## **Atlantic Yards Arena and Redevelopment Project EIS**

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- Response 1-49:** The CBA is an agreement between the project sponsors and certain community-based organizations and is separate from the GPP. The DEIS included elements of the CBA to the extent that they relate to the program elements that are part of the GPP.
- Comment 1-50:** The proposed project supports the mission of the Jackie Robinson Center for Physical Culture which is to maximize the potential, abilities, and talents of every child, especially those in Brooklyn by providing resources and services that support their academic, physical, cultural, and social development. (79)
- The proposed project will expose children to a professional sports and entertainment arena that will give our kids the opportunity to learn, first-hand, about sports-related professions on and off the field and entertainment careers on stage and back stage. (79)
- Response 1-50:** Comment noted.
- Comment 1-51:** The project will unite the borough. (18, 430)
- Response 1-51:** Comment noted.
- Comment 1-52:** The project sets a good precedent for how developers could be partners with the community. (62, 225)
- Response 1-52:** Comment noted.
- Comment 1-53:** The project's regional and neighborhood benefits justify the public parks and negative impacts. However, more should be done to maximize the public benefits and more fully integrate the project into its surroundings. (111)
- Response 1-53:** As stated in the DEIS, the GPP's design guidelines, developed in consultation with DCP, provide an overall framework for creating a cohesive development with a variety of scales, programmatic uses, and architectural elements. The proposed project would concentrate density near the intersection of Atlantic and Flatbush Avenues and the Atlantic Terminal transit hub—referencing its scale to the higher-density uses of Downtown Brooklyn to the north and west, stepping down in scale as the project meets lower-density uses along Dean Street to the south and east. The proposed open space would connect the surrounding neighborhoods from north to south by continuing the existing street grid system into the open space as pedestrian corridors. The proposed project would have an active and transparent streetscape through the introduction of local retail and significant glazing requirements



throughout the project site, with a focus on the Atlantic Avenue corridor. In addition to the publicly accessible open space (and a dedicated southbound bicycle path), the proposed project would include other public benefits, including rail yard improvements, a new below-grade subway entrance, a health care center, and an intergenerational facility.

**Comment 1-54:** The arena will encourage drugs, prostitution, and crime in the area. (155, 270, 419)

What actions have been taken to assure that drugs and prostitution will not be tolerated? (45, 349)

How can we be assured that fights and stabbings will not occur at the arena as currently happens at the Nassau Coliseum? (349)

With the sheer size of the buildings, Ratner will be creating more “project”-style housing, resulting in the very same unhealthy, crime-ridden conditions low-income residents are trying to escape. (439)

There are no plans to respond to problems that are historically associated with the presence of an arena, increased crime, prostitution, drug dealing, littering, late-hour noise and confusion. (45, 163, 142, 201, 351, 373, 461)

**Response 1-54:** The project site would be policed by both the New York City Police Department (NYPD) and private security services.

**Comment 1-55:** The purpose of the project is to bestow a private benefit on FCRC, its affiliate Forest City Ratner Enterprises, and the latter’s shareholders. (468)

**Response 1-55:** The proposed project is a land use improvement and civic project under the UDC Act. As stated in the DEIS, the overarching goal of the proposed project is to transform a blighted area into a vibrant mixed-use community. The proposed project aims to provide a state-of-the-art arena, necessary affordable and market-rate housing, first-class office space, publicly accessible open space, local retail and community services, a hotel (under one variation of the project program), a new subway entrance, and an improved rail yard.

**Comment 1-56:** With approximately 2.5 million in population, Brooklyn needs to be on par with other big cities in the country. The Atlantic Yards project combined with other planned development will transform Downtown Brooklyn into a thriving business, cultural, and residential district that will rival major US cities. (309, 459)

**Response 1-56:** Comment noted.

**Comment 1-57:** In the Purpose and Need statement, it is claimed that the overriding goal of the project is to construct a vibrant mixed-use community, not a higher-density commercial area. There is a range of ways of achieving vibrant mixed-use communities and the areas surrounding the site are great examples of vibrant neighborhoods, continually developing and supporting residential and commercial activity integrated into the communities. The increased congestion on sidewalks and streets, pollution, noise, and on overall degraded environment are not just unfortunate side effects of this project, but detract from the very goals that the project is intended to achieve. If the arena is, in fact, part of the purpose and need of the project, say so, and show clearly how it furthers public policy. (489)

**Response 1-57:** As discussed in Chapter 1, “Project Description,” of the DEIS, one of the purposes of the project is to create a first-class sports and entertainment venue to meet the needs and demands of the New York City area—primarily Brooklyn., which, with a population of approximately 2.4 million is equivalent in size to the fourth largest city in the United States. In addition to promoting the prominence of Brooklyn and New York City as a market for a national professional sports team, the arena would be a valuable facility for college and local academic institutions, which currently lack adequate athletic facilities. The inclusion of the arena within the proposed project furthers the overarching goal of transforming a blighted area into a vibrant mixed-use community.

**Comment 1-58:** While the DEIS states that no big box retail would be constructed as part of this project, it is unclear what criteria are used. Scale itself does not determine the nature of the retail offered. How are they going to protect the character of Prospect Heights retail from the influence of arena patrons; retail catering to arena patrons will not be the same sort of retail that serves our neighborhood 24/7. (586)

**Response 1-58:** Retail uses associated with the proposed project, which are expected to be the same for both variations, would be located on the ground floor, possibly extending to the second floor, in a number of the proposed buildings. As discussed in the DEIS, the retail spaces would not have footprints large enough to house “big box” retail. The proposed project would increase street-level activity on the project site by creating at-grade active and passive open space and providing complementary uses (including local retail and community facility uses) on the ground floors of the residential buildings along both the adjacent streets and proposed

open space (see Figure 1-22 of the FEIS). The street-level uses of the buildings lining Atlantic, Vanderbilt, and 6th Avenues would be predominantly local retail to strengthen and continue the Atlantic Avenue retail corridor to the west and promote street-level activity. These retail spaces are expected to contain restaurants, delis, boutiques, and local services.

**Comment 1-59:** The DEIS claims that by providing below-grade access to residents south of Atlantic Avenue by providing subway access through the Urban Room, the project fits in with the transportation-related goals of the Special Downtown Brooklyn District. The Urban Room needs to be publicly accessible 24 hours a day and should have the quality of a non-commercial public space. (586)

**Response 1-59:** The new below-grade subway connection at Flatbush at Atlantic Avenues would be available 24 hours a day from the street. While some areas of the Urban Room would not be accessible at all times, this space would include programming that would serve as a destination, including small concerts, cultural events, art shows, and readings that would be open to the public free of charge.

## **CHAPTER 2: PROCEDURAL AND ANALYTICAL FRAMEWORK**

**Comment 2-1:** The claim that the project area would remain more or less as it is without the development (Future Without the Project alternative) ignores alternative plans, including the Extell Plan, which indicate interest and a market for such development on the most problematic site, the rail yards. (55, 108)

**Response 2-1:** As outlined in the final scope and in Chapter 2, “Procedural and Analytical Framework,” although some of the more intact buildings vacated through buyouts by the project sponsors could be reoccupied by 2010, the DEIS conservatively assumed, where appropriate, that the conditions currently present on the project site would remain the same in the future without the proposed project. According to the *CEQR Technical Manual*, the No Build condition provides a baseline against which the incremental changes generated by a project can be evaluated; the No Build condition does not contain any part of a proposed project. The reasonable worst-case scenario impact assessment discloses the greater (and more conservative) level of project-related impacts by assuming only limited development on the project site as part of the future No Build baseline. This assumption generally results in a greater difference in development between the future with and without the proposed project. The alternative plans proposed for the project site

were not considered as part of the No Build baseline since those development plans would require their own discretionary approvals.

**Comment 2-2:**

The DEIS No Build list does not include a substantial number of projects currently being built or planned. How would that affect the analyses? (54, 55, 166, 222, 266, 363, 402, 453, 574)

The DEIS does not account for 47 percent of the known development approved for Downtown Brooklyn. (31, 68, 222)

There's about 24 million square feet of new development expected in Downtown Brooklyn for completion by 2016. Unfortunately the DEIS leaves out 13 million square feet of it. (180)

The EIS should take into account all current and future development projects proposed for Downtown Brooklyn, whether through specific building proposals or made possible by rezoning plans. (330)

The DEIS does not fully or accurately incorporate into its analysis all the new and future approved development in the area, thus rendering much, if not all, analysis totally inaccurate and misleading. (324)

Since no projects within the Downtown Brooklyn Development Plan were considered in the analysis, the significant and unmitigable impacts are probably greater than what 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. (24)

**Response 2-2:**

All reasonably anticipated development projects within  $\frac{3}{4}$  mile of the project site were listed (Table 2-1) and illustrated (Figure 2-1) in Chapter 2 of the DEIS, "Procedural and Analytical Framework." Consistent with CEQR practice, projects that are considered speculative were not included in this list. As discussed in Chapter 2, "Procedural and Analytical Framework," analyses of the future without the proposed project for some technical areas, including traffic, add a background growth factor, as a further conservative measure, to account for a general increase in activity unrelated to the reasonably anticipated future projects. The traffic analysis considered potential No Build sites based on their size. In consultation with NYCDOT, the minimum development densities identified as potentially requiring a traffic analysis in Table 3O-1 in the *CEQR Technical Manual* were used as thresholds. For Downtown Brooklyn, these thresholds are: Residential: 200 dwelling units (D.U.); Office: 100,000 gsf; Retail: 20,000 gsf; and Community Facility: 25,000 gsf. Developments below these thresholds were typically not included in the analyses as discrete No Build sites. A 0.5 percent per year background growth rate applied to the entire

existing baseline network for the 2006 through 2010/2016 periods accounts for travel demand from these smaller developments, those as-of-right developments not reflected in the land use No Build site list, and general background growth. The traffic analysis also included a number of other projects outside of the  $\frac{3}{4}$ -mile study area to predict future baseline conditions; a complete list of these projects is included in Appendix C of the FEIS.

**Comment 2-3:** The No Build list presented in Table 2-1 is incomplete and does not include the following projects: 60-82 Washington Street: 254 residential units; New York Marriott Brooklyn Expansion: 280-room annex; and projects associated with the Fort Greene rezoning. Table 2-1 is also incomplete in that it provides no tally of additional population added to the primary and secondary study area by 2016. At a conservative estimate of two persons per household, development to be completed by 2016 will add over 5,000 new residents to the study area. (87)

**Response 2-3:** The 60-82 Washington Street and the New York Marriott expansion projects are not located within  $\frac{3}{4}$  mile of the project site and are therefore not included in Table 2-1 or illustrated in Figure 2-1. However, the Marriott Expansion has been included in the traffic analysis, which has a larger study area; a complete list of projects included in the traffic analysis is located in Appendix C of the FEIS. The 60-82 Washington Street project was not included in the analysis because of its location far from the project site. The Fort Greene rezoning is at a preliminary concept stage, has not been developed into a detailed proposal, and has not commenced its environmental review; therefore, it is not assessed in this FEIS.

**Comment 2-4:** The analysis is flawed as it extends the No Build geography to include all of Red Hook, Brooklyn Bridge Park, Fleet Street, Willoughby, Schermerhorn, and Livingston Streets. Applying the inevitable growth of all of North Brooklyn to justify turning Prospect Heights into the densest neighborhood in the entire United States of America begs a review. (57)

**Response 2-4:** The study area for analysis is based on the *CEQR Technical Manual* methodology, which states that “the appropriate study area [for land use] is related to the type and size of action being proposed and the location and neighborhood context of the area that could be affected by the action,” and “typically, secondary impacts can occur within a radius of  $\frac{1}{4}$ - to  $\frac{1}{2}$ -mile from the site of a proposed action.” However, a number of comments on the Draft Scope of Analysis requested that the study area be expanded to adequately reflect the size of the proposed project

and its potential to influence/affect a larger area. In recognition of the presence of the various neighborhoods in the surrounding area, the lead agency decided to expand the boundary of the primary study area for various technical analyses—including land use and socioeconomics—from  $\frac{1}{4}$  to  $\frac{1}{2}$  mile from the project site and extend the secondary study area to include areas from approximately  $\frac{1}{2}$  mile to  $\frac{3}{4}$  mile from the boundaries of the project site. Areas outside of the secondary study area are not expected to be substantially impacted as a result of the proposed project. Red Hook, Brooklyn Bridge Park, Fleet Street, and North Brooklyn are not located within the secondary study area, which is generally bounded by Myrtle Avenue to the north, Bedford Avenue to the east, 3rd Street to the south, and Boerum Place to the west (see Figure 2-1).

**Comment 2-5:** The dates for analysis are inadequate. Community responses to the Draft Scope proposed looking 20-40 years ahead to assess potential impacts. While such lengthy time horizons may not be feasible for every measure, they are essential to assess major project impacts. The most glaring error is that the DEIS fails to measure project impacts beyond the day the project is completed. A longer time frame is also needed to take into account the probability (and likelihood) of delays in development, and changes to the phasing. (55, 505)

**Response 2-5:** In accordance with established *CEQR Technical Manual* methodology, the DEIS analyzed the proposed project's effects for the 2010 and 2016 analysis years, which is when the proposed project's Phase I and full Build program, respectively, would be in full operation. Analysis of its impacts in the 2016 build year discloses the long-term impacts of the project. Further unrelated changes in Brooklyn outside the project site may occur after 2016, but impacts from such changes are not ascribed to the project, in accordance with the analysis methodology set forth in the *CEQR Technical Manual*. Should the project phasing and/or program change in a magnitude necessary to warrant a modification of the General Project Plan (GPP), the proposed project would require additional environmental review to reassess the impacts on environmental conditions.

**Comment 2-6:** The DEIS does not specify which agencies have been determined to be involved agencies. Nor does the document specify when and how each agency's determination will be made available to the public and decision-makers. (37, 87)

**Response 2-6:** Chapter 2, "Procedural and Analytical Framework," of the DEIS provides a listing of involved and interested City and State agencies.

Determinations with respect to the proposed project would need to be made by the specific agencies pursuant to their particular procedures and regulations.

**Comment 2-7:**

As called for in the *CEQR Technical Manual*, the DEIS should involve coordination with appropriate City agencies. There is scant evidence of such coordination in the DEIS, and where there are references to contacts with the City, no substantive backup material is provided. (37, 55)

The DEIS references other approvals that are required from the New York City Department of Transportation, the Department of Environmental Protection, the Department of Buildings, the Art Commission, and the New York State Department of Environmental Conservation. The document does not specify which actions will determine whether these approvals are appropriate. (37, 87)

**Response 2-7:**

A number of City and State agencies have been consulted as part of this proposed project, including the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), the New York City Landmarks Preservation Commission (LPC), the New York City Department of City Planning (DCP), the New York City Department of Transportation (DOT), and the New York City Department of Environmental Protection (DEP). Agency correspondences related to the proposed project are included in Appendix B of the FEIS.

**Comment 2-8:**

While the DEIS is not required to address the Atlantic Yards proposal in relation to the cumulative impact of all new development proposals in the development area, avoiding this subject paints a skewed picture of the numbers of new workers and residents whose needs will be added to the existing infrastructure, and results in an inadequate assessment of the proposal's impact. Merely listing development sites in terms of square footage or number of units, as the DEIS does, is inadequate. A true assessment of the capacity of the area's physical and social infrastructure to absorb the proposal's impacts cannot be made without an accurate projection of the number of residents and workers who are going to be added to the area before Phase I construction. (37, 87)

**Response 2-8:**

The assertion that the DEIS only lists development sites in the study area and does not analyze the potential effects and demands of these projects is inaccurate. Development anticipated to be completed in the future without the proposed project is taken into account and added to the No Build (baseline) condition, the condition to which the potential effects of the proposed project are compared. The DEIS analyzed these No Build projects in their proper context, including estimating the

number of new residents and workers in the future without the proposed project for analyses of socioeconomic, community facilities, open space, and infrastructure, and estimating the number of trips associated with these projects for the traffic analysis (please see respective chapters).

### **CHAPTER 3: LAND USE, ZONING, AND PUBLIC POLICY**

**Comment 3-1:** ATURA objectives say that "the project should harmonize in scale, configuration and materials to the prevailing neighborhood pattern - the new construction should reinforce the existing urban pattern." The existing pattern is small, not big like this project. (107, 239)

**Response 3-1:** The design objectives of the tenth amendment to ATURA state the following: "It is the intent of this Plan that, to the extent deemed feasible by HPD (the New York City Department of Housing Preservation and Development), (i) the Area (ATURA) should be developed in a manner compatible with or beneficial to the surrounding community, (ii) the project should harmonize in scale, configuration and materials to the prevailing neighborhood pattern, and (iii) in areas with exceptionally strong or uniform street character, the new construction should reinforce the existing urban pattern." As discussed in Chapter 1, "Project Description," and Chapter 8, "Urban Design and Visual Resources," the proposed project would follow urban design goals and principles as outlined in the Design Guidelines—developed in consultation with the City—which provides an overall framework for creating a cohesive development (in an area lacking a coherent character) with a variety of scales, programmatic uses, and architectural elements. Some of the major elements of these design goals and principles include: concentrating density near the Atlantic Avenue and Flatbush Avenue adjacent to the subway transit hub; stepping down in scale as the project meets Dean Street; using the open space to connect the surrounding neighborhoods from north to south by continuing the existing street grid system into the open space as pedestrian corridors; and creating an active, transparent streetscape through the introduction of local streetfront retail. Comparable in scale to the higher-density uses associated with Downtown Brooklyn immediately to the north—ATURA includes sites with permitted floor area ratios (FARs) ranging from 4 to 12—the proposed project would: enhance the vitality of the Atlantic Terminal area by removing blighted conditions on the project site; provide public amenities such as an arena, publicly accessible open space, and improved railroad and subway facilities; and create a strong streetscape character where one currently does not exist. Thus, the



project's design would be consistent with the intent of the ATURA Plan.

**Comment 3-2:** The disruptions from the loading dock entrance to be located along Dean Street, the displaced cars from street closures, and the construction interim parking lots on Blocks 1120, 1121, and 1129 will certainly redirect and channel more cars and people—and their resulting effects—onto Dean Street and surrounding local blocks. (461)

**Response 3-2:** As discussed in Chapter 1, “Project Description,” and Chapter 3, “Land Use, Zoning, and Public Policy,” the entrance to the enclosed, below-grade loading areas for the arena and Building 1 would be located on Dean Street just west of 6th Avenue. The entrance to the loading area is sited at this location for a number of reasons. Curb cuts are not typically located along major streets, eliminating both Atlantic and Flatbush Avenues (and two sides of the arena block) as possibilities. Sections of the renovated rail yard would occupy the below-grade space along 6th Avenue north of Pacific Street, making the placement of the loading entrance problematic at this location, thus eliminating a third side of the arena block. The loading area has been designed to avoid and minimize the operational effects on adjacent and on-site uses to the extent feasible. All security screening and loading dock activities would take place internally; this area would have adequate truck maneuvering space to allow for head-in and head-out operations and sufficient internal reservoir space that there would be no anticipated on-street queuing of delivery vehicles. Thus, potential impacts as a result of loading dock operations would be limited to properties directly adjacent to and facing the loading dock, including three residential buildings on Dean Street east of Flatbush Avenue and a residential building on the southwest corner of the intersection of Dean Street and 6th Avenue. Other nearby residential and commercial uses would not be directly affected as they are not facing the loading docks or are separated from the loading docks by intervening buildings. The DEIS identifies a localized adverse impact on these residences as a result of arena (loading dock) operations.

As discussed in Chapter 16, “Neighborhood Character,” the proposed project would substantially change the character of Dean Street along this corridor. Although the proposed project would result in significant traffic and noise impacts along the Dean Street corridor, these effects would be localized to this mixed-use corridor and would not extend beyond this localized area and would therefore not be considered a significant adverse impact on the overall neighborhood character of Prospect Heights. Redirection of traffic as a result of the proposed project street closures would be limited the street network immediately adjacent

to the project site. Pacific Street is discontinuous in this area and only carries limited volumes of local traffic so its closure would not result in sizeable traffic diversions. 6th Avenue would be widened to accommodate two-way traffic to partially compensate for the loss of 5th Avenue between Atlantic and Flatbush Avenues (see Chapter 12, “Traffic and Parking”).

**Comment 3-3:** The project is inconsistent with the *New York City Zoning Resolution*. (246, 269, 315, 468, 554)

**Response 3-3:** As discussed in both Chapter 2, “Procedural and Analytical Framework,” and Chapter 3, “Land Use, Zoning, and Public Policy,” the proposed project would override zoning regulations as they relate to bulk, density, and use for the entire project site. In addition, these overrides would permit arena use in a residential, commercial, and manufacturing districts located closer than 200 feet to a residential zone and without obtaining a special permit from the City Planning Commission (CPC). The proposed project would be implemented pursuant to a General Project Plan (GPP) which includes design guidelines that were developed in consultation with City Planning—to address these elements. These overrides would permit a higher-density development more reflective of, and consistent with, zoning policy envisioned for Downtown Brooklyn and would be appropriate because the project site is located adjacent to the borough’s largest transit hub, in close proximity to other high-density commercial uses, and at the intersection of three of the borough’s major commercial thoroughfares. In its comments in a letter dated September 27, 2006 to ESDC, CPC stated that it (CPC) believes that the proposed project builds on the City’s ongoing efforts to continue the growth of Downtown Brooklyn by utilizing the area’s excellent transportation infrastructure to provide new entertainment, commercial, and residential uses. The letter acknowledged that ESDC and the project sponsors have consulted with the New York City Department of City Planning (DCP) during the course of the design of the proposed project, which resulted in several major urban design and amenity improvements. CPC also stated that it supports the proposed project and the exercise of ESDC’s statutory authority. In addition, the City, as stated in a letter from the Deputy Mayor for Economic Development and Rebuilding to ESDC dated July 17, 2006, “concurs with ESDC that the proposed project will yield considerable long-term benefits to the State and City of New York” and supports ESDC’s statutory powers to facilitate the proposed project. This correspondence has been included in the appendices of the FEIS.

**Comment 3-4:** Ambiguous phases such as “urban room” and the counting of lost and demapped city streets used in the calculations of FAR are confusing at best. (151)

The DEIS justifies the project’s density by comparing it to the Downtown Brooklyn rezoning. We believe a more appropriate standard for comparison would be the recent DCP rezoning of the district immediately north of the project site on Atlantic Avenue, which permits a maximum FAR of 6 on the Atlantic Avenue corridor. This rezoned area is still closer to public transportation than the eastern end of the project, whose FAR would be significantly higher. (108)

**Response 3-4:** As defined in Chapter 1, “Project Description,” the “Urban Room” would consist of a large, at least 10,000-square-foot publicly accessible atrium, located at the southeast corner of Flatbush Avenue and Atlantic Avenue at the base of Building 1, that would provide a place for people to congregate. This glass-enclosed space would be a pedestrian pass through, as well as a new access point to the underground subway connection, provide a sitting area with café kiosks, and would include arena ticket booths.

The project’s overall density would be more concentrated on the western end of the project site (the arena block and Site 5), where the overall density would equate to a floor area ratio (FAR) of 8.6 (10.3 FAR not including the area of the streetbeds incorporated into the project site), comparable to the 10 to 12 FAR permitted in the area directly adjacent and north of the project site. The FAR on the project site east of 6th Avenue would be 7.4 (8.2 without the streetbeds incorporated into the project site). The total FAR of the proposed project would be 7.8 (9.0 without the streetbeds incorporated into the project site).

As discussed in Chapter 1, “Project Description,” the building envelopes generally step down in height and size from the Atlantic Avenue frontage between 6th Avenue and Vanderbilt Avenue and would have a different character along the southern edge of the project site along Dean Street, and the placement of buildings along this street would give this street a lower-density character in keeping with the neighborhoods to the south. The density of the proposed project’s Phase II development would be concentrated along Atlantic Avenue; Block 1129, which is adjacent to Dean Street between Carlton and Vanderbilt Avenues, would have an effective FAR of 5.9.

**Comment 3-5:** The proposed arena is not compatible with residential uses. This is recognized in the *New York City Zoning Resolution*, which does not allow arenas within 200 feet of residential districts. The compatibility of

stadiums in San Diego, San Francisco and Washington, DC with their surrounding neighborhoods is asserted but not proven. The compatibility of these facilities with the surrounding neighborhoods has been hotly contested in those cities. Furthermore, they are not comparable to the proposed Nets arena because they are all in cities that rely much less on public mass transit and do not have central Brooklyn's lively street life and pedestrian culture. Therefore, their impact may very well be less significant than the impact of an arena in Brooklyn's dense residential environment. (37, 55, 406)

No other such arena in the country is located at a residential neighborhood. It is unsound urban planning to insert such a disruptive element into a residential neighborhood, much less three such neighborhoods. (232, 586)

The DEIS states that the arena is compatible with commercial, retail, entertainment, and cultural uses, particularly with Downtown Brooklyn and the Brooklyn Academy of Music (BAM) Cultural District to the north. The DEIS does not analyze the arena's compatibility with the existing residential community. (304)

Objections to the arena might be more substantively based on its impacts on traffic, noise, etc., rather than on its *de facto* violation of the Zoning Resolution. (102, 103)

In regard to the "compatibility of new land uses," it is hard to see how the proposed land uses are inherently beneficial. The arena is a use that is prohibited by the *Zoning Resolution* from being located within 200 feet of a residential use. Therefore, based on a key principle of zoning—preventing improper adjacencies of incompatible uses—a fair assumption would be that the *Zoning Resolution* has prohibited this juxtaposition to prevent the adverse effect of the proximity of an arena use on the residential use. Therefore, it appears clearly illegitimate to claim that there would be a beneficial result of the combination. (102, 103)

Stadiums work best in the suburbs and not in vibrant brownstone communities. This development would ruin and depress a vibrant area and make it unappealing for all people no matter what race or class. (174, 301, Belonsky)

Large sports facilities simply do not belong in the middle of residential or commercial urban areas. (553)

The arena, which causes huge traffic surges, congestion, noise and air pollution, is in fact the antithesis of a vibrant mixed-use community. That is why it would be necessary to override current zoning that does not provide for arenas in residential areas. Enormous event venues are

blighting influences in and of themselves. If anyone doubts this, a visit to the areas surrounding Madison Square Garden, Shea Stadium, Yankee Stadium, or Continental Airlines Arena in the Meadowlands is in order. Show us one event venue of this scale that even coexists with a vibrant mixed-use community, let alone supports one. (489)

**Response 3-5:**

As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” the restriction on arena use is predicated on the assumption that operations of such facilities are incompatible with districts limited primarily to residential use. Unlike Madison Square Garden, the arena itself would be framed by four mixed-use (including residential) buildings, designed to avoid and minimize operational effects to the extent feasible on adjacent and on-site residential uses and provide activity on the arena block even when the arena is not hosting events. The primary entrances and signage associated with the arena would be located along Atlantic and Flatbush Avenue corridors, oriented away from the residential neighborhoods to the south and toward Downtown Brooklyn. The proposed project components would be compatible with the cultural, entertainment, academic, and high-density commercial uses already located in Downtown Brooklyn.

A prime example of an arena that is compatible with its commercial and residential neighbors is the Verizon Center (formerly the MCI Center) in Washington D.C.’s Chinatown. Opened in 1997, the Verizon Center has proven to be compatible with commercial and mixed-use redevelopment in this downtown neighborhood. Washington’s Comprehensive Plan, the District’s official public policy statement on land use, transportation, housing, the environment, public facilities, urban design, and similar issues, proposes the introduction of high-density residential uses to the mix of uses immediately adjacent to the Verizon Center. Another example of a sports facility that coexists within a residential neighborhood is Wrigley Field in Chicago, a 40,000-seat (outdoor) baseball stadium that is home to the Chicago Cubs. Wrigley Field has become a vital part of the neighborhood. There is a thriving neighborhood surrounding Wrigley Field including housing across the street along with a variety of commercial uses. The FEIS has been revised to include discussions of both Verizon Center and Wrigley Field.

As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” experience has also shown that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses, both as proposed elements of a larger master plan or as a catalyst for urban development, including San Diego’s PETCO Park and San Francisco’s AT&T Park. While development associated with these

projects have not been fully realized, it is important to note that each plan has a sizable residential component. Coors Field in Denver has also been shown to be compatible with residential use. Before the 1995 opening of the baseball stadium, the Lower Downtown Denver neighborhood had 270 residential units; ten years later, 2,100 new residential units had been constructed.

The proposed project's potential impacts to traffic and noise are discussed in their respective chapters.

**Comment 3-6:**

The Vanderbilt Rail Yards RFP issued by the MTA did not propose any specific zoning for the Yards, instead asking the developer to assume that "the Site could be rezoned or could have the current zoning overridden to attain higher FAR reasonable." The Developer and the Rezoning Authority should work together to establish a Special Zoning District that would: mandate a height and bulk of buildings consistent with the host communities; encourage a diversity of uses; create incentives for affordable housing development; create incentives for sustainable, "green" development; set aside land for open space and new streets; and establish design guidelines that will give the overall development the shape and quality that our community deserves. (330)

**Response 3-6:**

The proposed project would follow urban design goals and principles as outlined in the Design Guidelines of the GPP, which provides an overall framework for creating a cohesive development with a variety of scales, programmatic uses, and architectural elements. The GPP was developed in consultation with the City. The proposed project would not include a change to the City's zoning map but would override zoning regulations as they relate to bulk, density, and use for the entire project site (see Chapter 1, "Project Description," for a full list of required actions). The GPP would permit a development more reflective of, and consistent with, zoning policy envisioned for Downtown Brooklyn, and would permit the development of the proposed project as an extension to the downtown area. The extension of the policies supporting the siting of higher-density uses comparable to those found in Downtown Brooklyn to the project site would be appropriate because the project site is located adjacent to the borough's largest transit hub, in close proximity to other high-density commercial uses, and at the intersection of three of the borough's major commercial thoroughfares.

**Comment 3-7:**

The DEIS states that land use in the surrounding area will remain stable due to existing zoning regulations. However, recent and upcoming rezonings in Brooklyn and Queens are indicative of the City's focus on efficient utilization of land as a scarce resource. (37, 87)

- Response 3-7:** Land use patterns in nearby neighborhoods are expected to remain stable as these areas are primarily protected by existing zoning and the fact that these areas are already built out in a manner consistent with existing zoning. Local historic district designations also further protect many of these properties located within their respective districts since alterations or new development within historic districts must be reviewed and approved by the New York City Landmarks Preservation Commission (LPC) or its staff. Recent rezoning actions have resulted in residential uses being permitted in areas where these uses were once prohibited and higher-density uses along major corridors and near transit hubs. The proposed project is consistent with these trends.
- Comment 3-8:** The DEIS points to buildings in the immediate area that have been converted to residential use, indicating the area is already experiencing change, albeit at a slower pace, and more in keeping with preservation of usable building stock. (87)
- Response 3-8:** Some of the areas adjacent to the project have experienced change. As stated in the DEIS, several industrial sites in the area, particularly along Dean and Pacific Streets, including the 10-story former Daily News Building (Newswalk) at 700 Pacific Street, were converted to residential use beginning in the late 1990s. However, the project site has not experienced much of this change; blighted conditions remain on the project site, including dilapidated and structurally unsound buildings, debris-filled vacant lots, and underutilized properties. As discussed in Chapter 7, “Cultural Resources,” the characteristics of historic buildings on the project site do not allow them to be practicably converted to residential use due to their condition and layout.
- Comment 3-9:** The DEIS falsely claims that the project is consistent with the City’s redevelopment policies, in particular the Atlantic Terminal Urban Renewal Area (ATURA) plan. Since 1974, after a proposal to build a new facility for Baruch College over the rail yards failed, the ATURA plan has not included the rail yards as a potential development site to be acquired. The ATURA plan does not call for residential development on the rail yards or for rezoning of the rail yards to permit residential development. Since its inception in 1968, the ATURA plan has been confined to the rail yards, and New York City has never since proposed expanding its boundaries. The area of Pacific and Dean Streets was not included in ATURA because it was not considered “blighted”. Even in the 1990’s, when the City’s Department for Housing, Preservation and Development began to run out of vacant developable sites for building affordable housing, it did not consider expanding the scope of ATURA. (10, 37, 55)

The City modified ATURA to permit development by the project sponsor on two ATURA sites. Therefore, the City could also have modified ATURA to include development of the rail yards and expansion of ATURA boundaries beyond the rail yards. There was never a public proposal to change ATURA to facilitate expansion. (37, 55)

While the DEIS describes ATURA, it provides no discussion about why the proposed project must override the plan specifications. (37, 87)

The DEIS states that the project promotes the objectives of ATURA, yet it states that it requires an override of ATURA as it relates to zoning conformance. The DEIS does not explain why it is necessary to override the provisions of ATURA in order to achieve ATURA objectives. (102, 103)

The ATURA Plan never included the rail yards, which an examination of the Downtown Brooklyn Plan's maps would evidence. The rail yards have always been "undesignated" areas. Therefore, the DEIS' claims that the proposal is consistent with ATURA's goals are disingenuous. It cannot be used to underpin the takings proposed. (37)

**Response 3-9:**

The rail yard is within the boundaries of ATURA and has been since its adoption in 1968. As stated in its original plan in 1968, ATURA, which comprises approximately 104 acres of land, was intended to encourage development and employment opportunities in the area, to create new housing of high quality and/or rehabilitated housing of upgraded quality, to facilitate the removal of structurally substandard buildings and eliminate negative environmental conditions, and to provide community facilities, parks, retail shopping, and parking. Between 1968 and 2004, ten different amendments to the original plan were adopted. In general, the amendments changed land use designations, shifted uses, and altered the list of structures to be acquired and demolished to allow for redevelopment. The third amendment (1975) changed the proposed location of Baruch College—which was to be built over the rail yard—to a site north of Atlantic Avenue as the high cost of platforming over the rail yard became evident, but the campus was never built in ATURA and that second site intended for Baruch College is now occupied by the Atlantic Center commercial complex and a series of low-rise rowhouses. The fourth amendment (1976) removed the rail yard (Blocks 1118 [part], 1119, 1120, and 1121) from the list of properties to be acquired ("Q parcels") and the eighth amendment (1985) required that these properties be kept at a high level of maintenance and provided that properties in substandard condition would be subject to acquisition through condemnation. The tenth and most recent amendment (issued in April 2004) eliminated all Q designations from the Plan text and maps



and extended the duration of ATURA so that it would remain in effect for 40 years from the date of the amendment's approval.

The proposed project would not result in and is not proposing an expansion of ATURA or a rezoning. The proposed project is consistent with the broader goals of ATURA as listed above, and more specifically, the proposed development on ATURA Site 5 and 6A are consistent with the type of development intended for these two sites, residential/commercial and commercial, respectively, as shown in the ATURA Land Use Plan. The fact that the Baruch College proposal did not move forward under the ATURA plan does not mean that a different rail development would be inconsistent. The proposed ATURA overrides are necessary to permit development of a use and scale that is suitable for the project's location at the largest transit hub in Brooklyn and in an area adjacent to Downtown Brooklyn.

**Comment 3-10:**

The DEIS assumes an increasing need for commercial space, an assumption based on the 2001 Group of 35 report, coordinated by Senator Schumer. However, the data in this report was gathered and analyzed prior to September 11, 2001. In addition, this report has not been widely publicized, nor has it received the public support required for it to be considered citywide policy. (37, 87)

**Response 3-10:**

The Group of 35 report was not the only source predicting the need for commercial space. Although it is difficult to predict the exact amount of future growth with precision, studies show that Brooklyn will continue to grow in terms of both new residents and new jobs. According to the latest forecasts from the New York Metropolitan Transportation Council (NYMTC), the agency responsible for coordinating such forecasts throughout the region, Brooklyn is expected to add 60,000 jobs, 90,000 residents, and 40,000 households between 2005 and 2015; from 2002 to 2030, Brooklyn is expected to add approximately 162,000 jobs, 330,000 residents, and 120,000 households (see Chapter 1, "Project Description"). Using a general rule of 1 employee per 250 square feet (sf) of floor area, Brooklyn's predicted employment increase of 60,000 from 2005 to 2015 will create the need for 15 million sf of additional development; the demand from 2002 to 2030 would translate to a demand for 40.5 million sf. In its Atlantic Yards statement, the Regional Plan Association (RPA) also predicts substantial growth in the tri-state (New York-New Jersey-Connecticut) region: 4 million additional residents and 3 million additional jobs by 2030, adding that much of this growth should be accommodated around the region's transportation hubs, including Atlantic Terminal. As discussed in Chapter 2, "Procedural and Analytical Framework," the EIS analyzes two program variations—residential mixed-use and commercial mixed-

use—in order to allow the project to meet potential future greater demand for residential or office space in Downtown Brooklyn. Reference to the Group 35 report was removed the section discussing citywide programs and policies affecting development in Chapter 3, “Land Use, Zoning, and Public Policy,” of the FEIS; recommendations of this report remain in Chapter 1, “Project Description.”

**Comment 3-11:** None of the public policy documents created by the affected community boards, including but not limited to Community District Needs Statements, annual budget priorities, and adopted resolutions pertaining to the Atlantic Yards development and rezoning proposals such as the Downtown Brooklyn Rezoning, were analyzed. (37, 87)

**Response 3-11:** In conducting its analysis of land use, zoning, and public policy, the DEIS analyzed public policy documents of the City as outlined in the *CEQR Technical Manual*, including the *New York City Zoning Resolution*, urban renewal plans, City Maps, the New York City Landmarks Law, and reports prepared by DCP, CPC, the New York City Economic Development Corporation (EDC), HPD, and the New York Metropolitan Transportation Council (NYMTC).

**Comment 3-12:** The DEIS fails to disclose significant and adverse impacts. The Atlantic Yards project meets all five of the threshold criteria listed in the *CEQR Technical Manual* for a significant adverse impact. The DEIS incorrectly states that the impacts will be significant but not adverse. CEQR criteria for a significant adverse impact are: 1) the changes would not be compatible with other uses in the area; 2) the use changes would not be compatible with public land use policy; 3) the new development would increase density in the area, and such density does not conform to public policy and plans for the area; 4) the new development would increase density in the area, and such density can be shown to overtax the capacity of the study area to support it; and 5) the use changes would accelerate existing and anticipated trends in development for the area that lead to adverse socioeconomic impacts. (37, 55)

**Response 3-12:** As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” the effects of the proposed project would be significant; however, they would not be adverse for various reasons. The proposed project would be compatible with other uses in the study area. The proposed project’s residential, commercial, open space, and community facility uses are compatible with uses on all sides; the arena use, while not permitted in residential districts, is permitted in most commercial districts that allow residential use. The DEIS identified a localized adverse impact due to

arena operations on a very limited portion of Dean Street just south of the arena block; however, development on the arena block has been designed to minimize these effects. Second, while the proposed project would not comply with existing zoning, the proposed zoning overrides would permit uses and densities that support the City policies for housing and commercial development in Brooklyn and promote the City policy of transit-oriented development. The existing manufacturing zoning on most of the project site would not permit the uses and densities appropriate for an area at the largest transit hub in Brooklyn and adjacent to Downtown Brooklyn; the loss of this underutilized manufacturing district would not conflict with the City's industrial retention policy.

The probable impacts of the proposed project as they relate to community facilities and services, infrastructure, traffic and parking, and transit and pedestrians, are discussed in their respective chapters. The proposed project would not result in any socioeconomic impacts (see Chapter 4, "Socioeconomic Conditions").

**Comment 3-13:**

The DEIS is incorrect in stating that the zoning and historic district regulations will protect surrounding areas from the pressures of increased density. The statement that zoning will protect surrounding neighborhoods from higher density development is not supported by any analysis, does not follow the overwhelming evidence of land use changes after large-scale residential developments, and is counterintuitive. Zoning can be changed at any time, and developer-initiated zoning changes are quite common. The trend over the last two decades has been towards greater upzoning in the neighborhoods around Downtown Brooklyn. Even when downzonings have helped protect brownstone neighborhoods, as they have in parts of Fort Greene and Park Slope, they are always accompanied by upzonings, particularly on wide avenues.

But even more significant is the certainty that the Atlantic Yards project will result in a dramatic increase in land values and rents in this area, forcing out existing (industrial) tenants; this pattern is well known and compatible with the orthodox city planning theory that says zoning should facilitate the "highest and best use" of the land. This is the policy the City has followed in Brooklyn's industrially-zoned waterfront neighborhood and New York City's mixed-used zoning might be applied in the industrially-zoned area near the project, but it does not preserve industrial uses. If the industrial uses east of the project are not preserved, as is likely, the project will have an adverse impact on the mixed-use character of the neighborhood.

The statement that mapped historic districts will protect neighborhoods isn't necessarily true. Property owners in historic districts are not prohibited from demolishing and rebuilding their properties at a higher density. They are only required to receive approval from the appropriate landmark authorities and in almost every case only the exterior of buildings is subject to review. Finally, the neighborhoods that are most vulnerable to redevelopment are the same ones not protected by either contextual zoning or historic districts. These include portions of Clinton Hill and Prospect Heights to the east of the project, and the South Slope and Gowanus to the south of the project. (37, 55)

The DEIS claims that no rezoning precedents would be set by the project, as its land use and density provisions apply only to the project itself, and most of the surrounding area is protected by lower-density zoning and historic district designations. The high densities proposed by the project along Atlantic Avenue suggest a "spine" of high-density development along that major artery, and could indeed inspire up-zoning along Atlantic Avenue east of Vanderbilt Avenue, an area which is largely zoned for manufacturing and mostly lies outside existing historic districts. This would not be inconsistent with recent rezoning along 4th Avenue in Park Slope. In addition, such high-density zoning could certainly be cited as precedent in future decisions to override local zoning, as evidenced by this project itself. (102, 103)

The DEIS states that land use in the surrounding area will remain stable due to existing zoning regulations. However, recent and upcoming rezonings in Brooklyn and Queens are indicative of the City's focus on efficient utilization of land as a scarce resource. (37, 87)

The possibility of redevelopment on the project site under a rezoning should not be discounted. (299)

**Response 3-13:**

As discussed in Chapter 3, "Land Use, Zoning, and Public Policy," there are established neighborhoods located in all directions from the project site, including Fort Greene and Clinton Hill to the north, Prospect Heights and Park Slope to the south and east, Boerum Hill to the west, and Downtown Brooklyn to the north and northwest; and, with the exception of Downtown Brooklyn, historic districts are mapped over large portions of these neighborhoods. Land use patterns in nearby neighborhoods are expected to remain stable as these areas are primarily protected by existing zoning and the fact that these areas are already built out in a manner consistent with existing zoning, unlike the project site. Local historic district designations also further protect many of these properties located within their respective districts since any alterations or new development within historic districts must be reviewed and approved by the New York City Landmarks Preservation

Commission (LPC). As stated in the DEIS, redevelopment on the project site could result in redevelopment pressures in existing manufacturing zoning districts in the areas primarily to the east of Vanderbilt Avenue along Atlantic Avenue within the primary study area. However, any such change is speculative and would require discretionary approvals and environmental review. The potential loss of industrial uses in the study area would not substantially change the mixed-use character of this area. Moreover, there are few active industrial uses on the project site, and no realistic prospect for significant new manufacturing uses at this location.

Future growth in adjacent areas—especially high-density uses—would most likely be captured by Downtown Brooklyn, which was recently rezoned to attract such growth. South Slope and Gowanus are located some distance from the project site (not within the primary or secondary study areas) and are not expected to be substantially impacted as a result of the proposed project. As stated in the DEIS, absent profound, and unlikely, zoning changes, the presence of greater density on the project site would not be expected to spur substantial changes in the established neighborhoods elsewhere in the study area.

**Comment 3-14:**

The Project is not Transit-Oriented Development as claimed in the DEIS. The DEIS claims that the project is an example of transit-oriented development, a policy that New York City has endorsed. However, the description of this policy in the DEIS is vague and undefined and can therefore be taken to mean ANY development, no matter how large or poorly conceived, that may be built over transit hubs. In a city with ubiquitous public transit, “transit-oriented development” could be used to justify building anywhere. In each of the two major instances that New York City government has used this policy, the meaning was more specifically outlined.

The neighborhoods in the development area already enjoy one of the characteristics the advocates of transit-oriented development seek to achieve: density coupled with mass transit and walkability. This is not a product of the proposed project; it already exists. The proposed project, furthermore, does nothing to further improve urbanity, walkability or transit use. On the contrary, it is designed in such a way that it will threaten these neighborhood features. The most glaring evidence is the inclusion in the project of 3,800 parking spaces, provisions for arena parking in the surrounding area, and the lack of any serious efforts to reduce traffic in the area. The proposed project has walkable design and high density. The train station, regional node, and mixed uses, however, are already there; the project does not create or enhance them. The project does not improve the existing support transit system nor propose

additional surface transit. The project does not promote the use of bicycles, scooters, and rollerblades, except for the provision of as-yet-undefined bicycle parking. (37, 55, 108)

The justification for transit-oriented development is more applicable to the western part of the site than it is to the portion east of 6th Avenue. It should also be pointed out that “transit-oriented development” is a loosely defined term, and that proximity to transit alone may not be sufficient to define a development as “transit-oriented.” The intention of the developer to provide a total of 3,800 on-site parking spaces belies the “transit-oriented” description of the proposed project. (102, 103)

The interim accessory surface parking proposed during Phase I would not improve the project’s relationship to the land use of surrounding areas, which the DEIS claims the project achieves. The project’s proposal to “override parking regulations to allow for accessory parking to be provided on zoning lots within the project site without regard to requirements regarding restrictions on location of accessory off-street parking spaces” also appears to contradict the declared advantage of locating this “transit-oriented development” at a major transportation hub. (102, 103)

Locating density near transit is a good idea, but like all good ideas, it has its limits in real world applications. (489)

**Response 3-14:**

As outlined in United States Environmental Protection Agency’s (EPA) *Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality* (January 2001), the premise of transit-oriented development is that locating residential development and employment near transit stations increases the market for transit services and yields greater ridership than is achieved at stations (or bus stops) surrounded by low-density development. The proposed project does incorporate a number of transit-oriented development design components, including: high-density development within 10-minute walk ( $\frac{1}{4}$  to  $\frac{1}{2}$  mile) of a transit station; a regional node containing a mix of uses (including civic), and a transportation network designed to support non-vehicular modes of transportation. The fact the transit hub is already there is irrelevant; the EPA report listed above states that increasing development around existing stations is, for some areas, the most effective way of promoting this type of development and improving transit access (as opposed to extending transit service). As far back as 1983, the Regional Plan Association (RPA) has advocated dense development at this location, stating that the area immediately adjacent to the transit hub should be built to high density, appropriate to the excellent transportation in Downtown Brooklyn. In its Atlantic Yards statement, RPA also states

that the only effective way to accommodate the anticipated growth expected for the tri-state (New York-New Jersey-Connecticut) region is to focus growth around the region's transportation hubs and identifies Atlantic Terminal as one of the largest.

The statement that the proposed project does not improve the existing transit system is incorrect. The proposed project includes a number of transit improvements, including an upgraded rail yard with additional storage capacity and a direct link to the LIRR Atlantic Terminal and a new subway entrance which would improve transit access from the south side of Atlantic Avenue (see Chapter 13, "Transit and Pedestrians").

The statement that the proposed project does not promote the use of bicycles is also false. In addition to the bicycle station currently planned on the arena block, a dedicated bicycle path—part of the City's Bicycle Network Development Program and part of the larger citywide network of bicycle lanes and paths—would also be included through the proposed project's open space component (see Chapter 1, "Project Description").

In addition, the *New York City Zoning Resolution* reflects the City's policy of encouraging high density development in areas with significant mass transit access, such as Grand Central Terminal, Times Square, Penn Station, and the Fulton Street Transit Center. The maximum FARs permitted in these areas range from 10 up to 21.6 (with bonus). This policy of transit-oriented zoning density is not limited to Manhattan; higher-density uses are permitted in the areas adjacent to the transit hubs in both Long Island City and Downtown Jamaica, the latter of which is currently undergoing a City-initiated rezoning process. All of these examples are similar to the Atlantic Terminal area because they represent places where a significant number of transit lines and modes are converging from different directions and proximate to central business districts. The density of the proposed project is consistent with, but generally less than, the densities employed throughout the city for areas surrounding concentrations of mass transit. Thus, the proposed project would further the City's policy of promoting transit-oriented development by locating these high-density uses adjacent to the Atlantic Terminal transportation hub.

**Comment 3-15:**

The DEIS assertion that the project site has "virtually none of the land use patterns or vitality of its neighbors" is not strongly supported by data. The land use patterns surrounding the project site in Prospect Heights has many of the land use patterns of the surrounding successful neighborhoods of Park Slope and Fort Greene. (304)

**Response 3-15:** The DEIS correctly states that the project site has virtually none of the land use patterns or vitality of its neighbors. More than one-third of the project site is occupied by the below-grade rail yard, which has long been a blighting influence in—and limited to—this immediate area. Land uses and building types vary across the project site but also include vacant residential, commercial, and industrial buildings, and vacant lots. The uses on the project site contrast sharply to the higher density commercial development associated with Downtown Brooklyn to the north and northwest and the predominantly residential uses to the north, south, and west (see Figures 3-2 and 3-3 in the FEIS).

**Comment 3-16:** If the proposed project changes the height restrictions for one building on a particular block (in this case, Block 1128), then the height restrictions should change for the entire block. The entire block must be upzoned otherwise the lead agency would be guilty of gerrymandering. (304)

**Response 3-16:** The GPP only governs development on the project site, not on adjacent properties, even if the project site shares a block with other uses. The City has been active participant the development of the GPP's design guidelines. It is fairly common for blocks throughout the city to have more than one zoning designation and would therefore have more than one maximum building height.

**Comment 3-17:** The DEIS acknowledges only a “localized adverse impact to the few residences adjacent to its loading dock operations” on Dean Street. The entire perimeter of the arena will adversely impact the surrounding neighborhoods, however, because the arena is designed in such as way as to create a solid barrier not integrated with surrounding uses. From the sketch plans available to the public, there appear to be no ground-floor retail or service uses planned on the perimeter; the only ones planned are in the Urban Room, which is an indoor space connected to arena functions. In sum, the arena is designed in such a way that it will become an enclave that turns its back to the surrounding neighborhoods. This problem is not about the design of this particular facility; sports facilities almost always function as insular buildings. The DEIS acknowledges only adverse impacts to the residents who live adjacent to the arena loading area but fails to include analysis of important impacts associated with an arena, like traffic congestion (and its impact on residences as well as on loading and unloading for existing businesses), pedestrian noise (and its impact on residential uses extending far from the project), auto as well as truck and bus routes, and the likelihood of neighborhood retail being displaced. (37, 55, 108)



**Response 3-17:** The DEIS analyzed each of the environmental issues identified in the comment. In addition, the characterization of the arena and its perimeter is incorrect. As discussed in Chapter 1, “Project Description” (and clearly illustrated in Figures 1-3, 1-4, and 1-6 through 1-9), the streetscape along the arena block would be highly transparent and lined with local retail, including potential restaurant uses, continuing the strong Atlantic Avenue and Flatbush Avenue retail corridors to the west and south, respectively, on to the project site. Public seating areas would also be situated around the outside of the arena along Atlantic and Flatbush Avenues. This ground-level presence is intended to enliven the streetscape for residents, workers, and visitors even when the arena is not hosting an event.

Unlike most arena facilities where activity is hidden from the outside, the proposed project would seek to provide visual connection to the indoor activity on the most public faces of the building—along Atlantic and Flatbush Avenues and the Urban Room, in some sense expanding this activity onto the streetscape as well. The arena is designed to allow passersby to see into the bowl to see the scoreboard from the Urban Room and Flatbush Avenue (see Chapter 8, “Urban Design and Visual Resources” for further details).

**Comment 3-18:** The proposed land use changes are incompatible with the policies and practice of zoning promoted for the area by the New York City Department of City Planning over the last decade in the area. New York City’s 2004 Downtown Development Plan, which resulted in upzoning in downtown Brooklyn, incorporated only Blocks 927 and 1118, of the Atlantic Yards project area, not all of it. (37, 55, 108)

The DEIS cites the Special Downtown Brooklyn District, the goals of which include “to create and provide a transition between the Downtown commercial core and the [surrounding] lower-scale residential communities,” and “to encourage the design of new development that is in character with the area.” The DEIS states that the proposed project would fulfill a number of goals of the Special Downtown Brooklyn District, yet proposes overriding local zoning as well as certain specific provisions (street wall controls) of the Special Downtown Brooklyn District. It does not explain why it is necessary to override provisions of the District if the intent is to fulfill its goals. (102, 103)

**Response 3-18:** As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” Blocks 927 and 1118 are located within the Special Downtown Brooklyn District. Although these two blocks are located within the Special Downtown Brooklyn District, the City chose not to rezone or

revise special district regulations on these blocks as it had done with other areas within the special district due to anticipated redevelopment on the project site related to the proposed project. The proposed development of this portion of the project site would fulfill a number of Special Downtown Brooklyn District goals: strengthening the business core of Downtown Brooklyn by improving working and living environments; fostering development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate; and improving the quality of new development in Downtown Brooklyn by providing public amenities such as improved subway access in appropriate locations. The potential development envelope for Site 5 was derived from underlying zoning and Special Downtown Brooklyn District's controls but allows for slightly greater flexibility in the location and articulation of the street wall to accommodate sidewalk widening and design features intended to foster pedestrian streetscape activation. The portion of the project located on Block 1118 does not have Special District street wall controls, and while the potential development envelope does differ from underlying zoning, it is reflective of the scale and density of development that would be appropriate at the transit hub and its integrated relationship to the arena block elements.

**Comment 3-19:** The proposed project's plan for development along Atlantic Avenue is inconsistent with New York City's zoning policy along that roadway. Atlantic Avenue has been treated as low-rise transitional zone between downtown and adjacent residential neighborhoods. The Atlantic Avenue Special District specifically limits building heights to four stories. Consistent with this, recently constructed City-sponsored affordable housing on Atlantic Avenue adjacent to the project site is made up entirely of three-story row buildings. (37, 55)

**Response 3-19:** The boundaries of the Atlantic Avenue Subdistrict do not extend east of 4th Avenue and are therefore not mapped on any portion of the project site or the recently constructed City-sponsored affordable housing on Atlantic Avenue adjacent to the project site identified in this comment. The boundaries of the Atlantic Avenue Subdistrict, which limit bulk and restrict permitted uses, purposefully exclude the areas immediately adjacent to the Atlantic Terminal transit hub, where higher-density uses are most appropriate.

**Comment 3-20:** The DEIS correctly identifies the rail yards as a barrier, but the project would result in an even greater barrier. In the DEIS this (rail yard) is used as an indicator of blight. However, the project is designed in such a way that it will create an even greater barrier. Publicly opened streets

will be closed. The arena will provide a significant obstacle to pedestrian and vehicular circulation. The residential superblocks are planned as insular high-rises with interior open spaces that will be accessible mainly to residents. Changes in elevation of the residential complex will separate it further from surrounding neighborhoods. In sum, the one-block-wide barrier of the rail yards will be expanded to the three-block-wide barrier of the Atlantic Yards project. (37, 55, 102, 103, 202)

The DEIS presupposes that the proposed project will not prove to be a physical barrier. However, the project's interior (open space) is private, under the control of private security, and is to be closed to the public for extended periods each day. Further the design featured in the site plan allows for the easy closure of the development site at any time to facilitate that closure. (107, 505)

If the presence of the rail yard, a depression in the ground not visible from anywhere but direct proximity, has had such a strong historical negative effect on the surrounding neighborhoods, then wouldn't it be fair to assume that the looming presence of a wall of new "uncharacteristically dense development" would have an even more negative impact, physically dividing the same surrounding neighborhoods? The project makes no significant planning gestures towards joining the adjacent neighborhoods. (102, 103)

**Response 3-20:**

The existing streetscape is characterized by the below-grade rail yard, industrial buildings in various states of disrepair, some residential buildings, and vacant buildings and lots, and street-level activity is virtually non-existent. As discussed in Chapter 1, "Project Description," Pacific Street between Flatbush Avenue and 6th Avenue and 5th Avenue between Flatbush and Atlantic Avenues would be closed to vehicular traffic in order to provide a large contiguous footprint necessary to accommodate the arena (one of the primary civic components of the proposed project), the Urban Room, and a direct below-grade connection from the arena block to the Atlantic Terminal subway station. Although development on the arena block would result in street closures—5th Avenue between Atlantic and Flatbush Avenues and Pacific Street between 5th and 6th Avenues—the conversion of 6th Avenue between Atlantic and Flatbush Avenues from one-way southbound to two-way operation would accommodate some of the diverted traffic resulting from the closure of 5th Avenue (see Chapter 12, "Traffic and Parking").

The characterization of the residential development, which is described as insular high-rises with restrictive interior open spaces located at an elevation different than the surrounding neighborhoods, is incorrect.

The proposed open space would be at grade, not at a different elevation than the surrounding uses; in fact, the platform over the rail yard would raise the elevation of the below-grade portion of the project site to the level of the surrounding area. Portions of the planned open space would extend the pedestrian experience of the Fort Greene street network southward, fostering additional connections between Prospect Heights and the neighborhoods to the north: Fort Greene and Clinton Hill, and improvement over the current condition where the only way to currently cross the rail yard is on the 6th Avenue and Carlton Avenue bridges, flanked on either side by the below-grade rail yard. The numerous entrances to the proposed open space, which would be aligned with and act as extensions of the streets to the north, namely South Oxford Street, Cumberland Street, and Clermont Avenue, extending the activity associated with these neighborhood streets southward, would be a minimum of 60 feet wide, the width of the average local street, with an axis leading to a visible interior focal destination and/or through the block to the opposite street. Although Pacific Street between Carlton and Vanderbilt Avenues would be closed to vehicular traffic, it (Pacific Street) would be incorporated into the proposed open space and would be available for non-vehicular forms of transportation. A dedicated bicycle path—part of the City’s Bicycle Network Development Program and part of the larger citywide network of bicycle lanes and paths—would also be included as another open space amenity that would further link the project site to the surrounding area.

The depiction that the rail yard as only one block wide is also incorrect; the existing rail yard is approximately three blocks wide as well, extending from 5th Avenue to Vanderbilt Avenue. In the north-south direction, the project site is no more than two blocks wide; on the easternmost block, there would be improved pedestrian connectivity due to the proposed platform over the rail yard and the series of pedestrian pathways.

The characterization of the proposed project’s open space as private open space that allows for the easy closure is also false. The proposed project’s publicly accessible open space would operate similar to other city parks. City parks under the jurisdiction of DPR, some of which include bicycle paths—notably Prospect and Central Parks—are not open to the public 24 hours a day. Not all parks are open from 6 AM to 1 AM. Many close at sunset. The proposed open space was designed without fences or gates. For further details, see Chapter 6, “Open Space and Recreational Facilities.”

**Comment 3-21:**

The DEIS justifies the high density of land use in part by claiming that the project is an extension of Downtown Brooklyn, and that the most

relevant zoning comparison is to that of Downtown Brooklyn. While this argument may be plausible for the buildings adjacent to the Flatbush/Atlantic/4th Avenue intersection, which is in fact adjacent to “Downtown Brooklyn,” it is also important to note that the project site sits largely within Prospect Heights, and is bordered on the north by Fort Greene and on the south by Park Slope; all of these neighborhoods are largely defined by low-rise architecture. (In any case, the extent of higher-density zoning of “Downtown Brooklyn” was established by a public agency through a public, city-governed process. The project sponsors simply assume that this unique density can be repeated at the project site, without appropriate public input or review by the City Council. (102, 103)

While some of the proposed “mix of uses” may be more compatible with the predominantly residential and commercial uses in the adjacent areas, the similarities lie only in the uses—not the density. The negative aspects of the intense density will overpower the positive aspect of appropriate usage. (102, 103)

The developer’s intention to further develop the Atlantic Center Mall site would increase the density in the immediate vicinity of the project site to extreme conditions. (102, 103)

**Response 3-21:**

As discussed in Chapter 1, “Project Description,” implementation of the proposed project would be pursuant to the GPP and several other actions by the New York State Urban Development Corporation (UDC), a public benefit corporation of New York State, doing business as the Empire State Development Corporation (ESDC), a state (public) agency. The proposed project is both a land use improvement and civic project as defined by the UDC Act. Accordingly, ESDC has determined that the project approvals will follow the procedures set forth in the UDC Act, rather than the City’s Uniform Land Use Review Procedure (ULURP), for consideration and approval of a UDC project. A number of city and state agencies have been consulted as part of this proposed project, including the New York State Office of Parks, Recreation and Historic Preservation (ORPHP), LPC, DCP, the New York City Department of Transportation (DOT), and the New York City Department of Environmental Protection (DEP).

As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” the *New York City Zoning Resolution* reflects the City’s policy of encouraging high density development in areas with significant mass transit access, such as Grand Central Terminal, Times Square, Penn Station, the Fulton Street Transit Center, Long Island City, Downtown Brooklyn, and the proposed rezoning of Downtown Jamaica. All of these examples are similar to the Atlantic Terminal area because they

represent places where a significant number of transit lines and modes are converging from different directions and proximate to central business districts. The density of the proposed project is consistent with, but generally less than, the densities employed throughout the city for areas surrounding concentrations of mass transit. Thus, the proposed project would further the City's policy of promoting transit-oriented development by locating these high-density uses adjacent to the Atlantic Terminal transportation hub.

**Comment 3-22:** The DEIS claims that without the proposed project, current zoning (largely for manufacturing use, due to the rail yard) would remain unchanged, and thus, desirable redevelopment of this portion of the site could not take place. There is no reason to assume that New York City would not or could not rezone these parcels to encourage such redevelopment. Such rezoning would involve professional planners whose job is to advance the public interest, rather than a reliance on private interests to establish de facto zoning. Such rezoning should be inclusionary. (102, 103)

**Response 3-22:** While the City, if it desired, could rezone the project site, it has not. Given the attempts over the life of ATURA to encourage development, the challenges of developing over the rail yard have resulted in the project site remaining underutilized and blighted, rendering any rezoning of the rail yard parcels unable to affect desired change. Although the proposed project would be implemented via the affirmation of a GPP as proposed by ESDC, development of this GPP and its design guidelines have been developed in consultation with the City, including DCP and EDC. The proposed project is inclusionary as it would provide below-market-rate housing for low-, moderate-, and middle-income households.

**Comment 3-23:** A full revision of the NYC Building Code is scheduled for a vote at the end of 2006. If that is done, and the PACB approves this project prior to the City Council's approval of the revised codes, what version of the NYC Building Code will AY actually follow? (107)

**Response 3-23:** The proposed project would comply with all applicable building codes.

**Comment 3-24:** The degree of density in this transit-oriented development has not been justified in the DEIS, especially for those parts of the footprint most distant from public transit. (48, 108, 260, 460, 586)

**Response 3-24:** The entire project site is close to the largest transit hub in Brooklyn. At its furthest point, the site is within a ten-minute walk to the new subway

station entrance that would be constructed to the Atlantic Avenue/Pacific Street subway station complex and the LIRR Atlantic Terminal.

**Comment 3-25:** As-of-right developments must take precedence over the Atlantic Yards proposal with regard to the impact on the communities and zoning districts involved. It is clear that the communities of Fort Greene and Clinton Hill have recognized that the current R6 zoning criteria creates excessive density and oversized buildings, and have therefore been demanding the downzoning for the district despite the fact that it would reduce their development rights and value of their properties. One can only conclude that the massive Atlantic Yards development will be an undue burden on these neighborhoods. (394)

**Response 3-25:** While it is adjacent to Fort Greene and Clinton Hill, the project site is not a part of either neighborhood. The project site is located at the Atlantic Terminal transit hub and along Atlantic Avenue, a wide thoroughfare. The proposed project's high-density would not set a zoning precedent and would not preclude possible downzonings in Fort Greene and Clinton Hill. Impacts of the proposed project on surrounding neighborhoods were thoroughly analyzed in the DEIS.

**Comment 3-26:** Aspects of the *New York City Zoning Resolution* concerning height and setback, floor area, signage, and parking requirements and allowances were created to insure safety and well being for the residents of New York. Developers, or any other persons, should not be allowed to use their relationship with local political figures to exclude themselves from the regulations that previous local lawmakers saw as imperative to protecting their constituents. (345)

**Response 3-26:** The DEIS analyzed the compatibility of the proposed project with the *Zoning Resolution* in detail in Chapter 3, "Land Use, Zoning, and Public Policy." The DEIS concluded that the proposed project would not result in significant adverse impacts on land use, zoning, or public policy. It should be noted that the proposed project would be developed pursuant to a GPP with Design Guidelines, developed in consultation with DCP. CPC issued a letter in support of the proposed project which described their agreement with the proposed density and design elements of the proposed project.

**Comment 3-27:** While the DEIS notes adverse impacts on the M-1 zone along Atlantic Avenue, it does not address the M-1 zone that is the project site's most immediate neighbor to the south between Carlton and Vanderbilt or C4-4A zone adjacent to the Newwalk building. The changes in land use within the project site will trigger rapid conversion of manufacturing to

higher density residential sites within Prospect Heights M1 zones. These changes may be achieved even in the absence of rezoning and BSA variances. Since both Prospect Heights residential and manufacturing districts are under built relative to current zoning, changes in density may occur simply by building up to the maximum allowable FAR. In addition, the change of land uses provided by the project will impact the M1 zone in other ways, such as encouraging parking lots and garages which can be built as-of-right. (108, 586)

**Response 3-27:** As stated in Chapter 3, “Land Use, Zoning, and Public Policy,” of the DEIS, redevelopment on the project site could result in redevelopment pressures in existing manufacturing zoning districts in the primary study area (primarily to the east of Vanderbilt Avenue along Atlantic Avenue). Residential conversions of manufacturing districts require some sort of discretionary action on the part of a government entity, and thus a separate environmental review process, as residential uses are not permitted in these areas as-of-right. As-of-right development in M1 districts, including small parking garages and lots, would be consistent with zoning. Large parking facilities containing more than 150 spaces would require a special permit. The M1-1 district places significant bulk limitations on any development. Permitted commercial and manufacturing uses in M1-1 districts are limited to an FAR of 1, precluding intensive development. Community facility uses, which require special permits in almost all instances, are permitted a maximum FAR of 2.4, which limits the bulk of buildings for these uses.

**Comment 3-28:** The DEIS should have included study of soft sites in Prospect Heights, which would have identified that a significant portion of sites are built under the maximum allowable FAR. (108)

Prospect Heights is not currently protected by enforceable historic district designation, making the residential areas vulnerable to over-development. (586)

**Response 3-28:** The development pressures referred to in the comment would exist with or without the proposed project. In addition, the predominant zoning of Prospect Heights in the vicinity of the project site is R6B. This zoning allows for 2 FAR residential development and limits the height of any building to a maximum of 50 feet. This is typical of the brownstone development found throughout this neighborhood. In addition to the zoning, there is a C4-4A district along Pacific Street just south of the project site; this is the location of the Newwalk development and does not have significant redevelopment potential. There are R7A districts with commercial overlays mapped along Vanderbilt and Flatbush Avenues (to a depth of 100 feet) which allow for taller buildings up to



75 feet in height. However, properties along these two avenues are generally occupied by existing buildings, and while there is some potential for additional development, its potential is limited.

**Comment 3-29:** The land use maps in the DEIS incorrectly identify the residential buildings at 586, 588, 590, and 638 Dean Street (between Carlton and Vanderbilt Avenues) as industrial uses. The DEIS land use maps also exclude the creative sector uses in the buildings at 610, 636, and 646 Dean Street. (108)

**Response 3-29:** The FEIS land use maps have been revised to show the buildings at 586, 588, 590, and 638 Dean Street as residential uses. New York City Department of Finance records indicate that the structures at 610, 636, and 646 Dean Street are occupied by industrial uses. (The DEIS incorrectly showed 610 Dean Street as a residential use; it has been revised to industrial in the FEIS.)

## CHAPTER 4: SOCIOECONOMIC CONDITIONS

### *DIRECT RESIDENTIAL DISPLACEMENT*

**Comment 4-1:** This development will displace several Brooklynite homes and businesses, some through governmental use of eminent domain. (411, 469)

Many people will be displaced. (237)

**Response 4-1:** As described under the direct residential displacement analysis in the DEIS, the proposed project would directly displace 171 residential units housing an estimated 410 residents. This direct displacement figure conservatively includes all housing units on the project site, regardless of their current occupancy status or the terms upon which they were vacated. Although the *CEQR Technical Manual* defines direct residential displacement as the *involuntary* displacement of residents, the DEIS considers direct displacement to include owner-occupied units that were sold to the project sponsors, rental units for which the renters voluntarily agreed to vacate their apartments, and housing units that were vacant upon acquisition by the project sponsors as units subject to direct displacement. It should be noted that as of October 1, 2006, only 61 of the 171 housing units on the project site were occupied.

As described in the direct business displacement portion of the DEIS, the proposed project would displace 27 businesses and two institutions. Similar to the direct residential displacement analysis, the direct business and institutional displacement analysis includes businesses currently located on the project site as well as businesses that have left

the site pursuant to agreements with the project sponsors. As of October 1, 2006, 11 of the businesses had left the project site pursuant to agreements with the project sponsors, leaving 16 active businesses and two active institutional uses on the site.

Should the proposed project be approved, any residents, businesses, and institutional uses on the project site would be subject to direct displacement through eminent domain and would be provided with relocation assistance through ESDC, as described on page 4-8 of the DEIS.

**Comment 4-2:**

Of the 410 residents that would be displaced by the project, the majority of the tenants at 810 and 812 Pacific Street are very low income, with many tenants on fixed incomes below \$20,000 a year annually. These families will not qualify for the lowest income units in this project. The Atlantic Yards Project, while proposing to add significantly to the overall number of affordable rental units in the area, will essentially serve low and moderate income families at higher incomes than are currently being served in existing rent-stabilized properties. (68)

The project will displace many low-income tenants without providing adequate relocation assistance. No feasible method exists to accomplish the relocation of families and individuals from the project area into decent, safe, and sanitary dwellings in the project area or in other areas not generally less desirable. Nor does the project plan offer relocation to families and individuals at rents within the financial means of those families and individuals and reasonably accessible to their places of employment. (120)

The project will displace many low-income tenants without providing adequate relocation resources. It will be difficult for displaced residents to find replacement housing at the same rent in the same area. (237, 468, 506)

**Response 4-2:**

In accordance with *CEQR Technical Manual* guidelines, the direct residential displacement analysis presented in the DEIS examines whether the number and type of people being displaced by the proposed project would be enough to alter neighborhood character or lead to indirect displacement of remaining residents. As stated on page 4-12 of the DEIS, the 410 residents considered to be displaced by the proposed project represent only 0.3 percent of the total population in the ¾-mile study area, and their displacement would not be considered a significant adverse impact under CEQR methodology.

The proposed project would not displace a disproportionate number of low-income tenants. As shown in Table 4-3 of the DEIS, as of the 2000 Census, approximately 9 percent of the population in the project area block groups (the Census block groups in which the project site is located) were below poverty level. Assuming that nine percent of the 410 residents conservatively considered to be directly displaced are below the poverty line, the project would displace 37 residents (approximately 15 households) who are below the poverty line. As indicated in the response to Comment 4-1, as of October 1, 2006, only 61 of the 171 housing units on the project site were occupied. If 9 percent of the estimated 146 residents living in these housing units are below the poverty line, the project would displace 13 residents (approximately 5 households).

As described on page 4-8 of the DEIS and expanded upon in the FEIS, the project sponsors have extended relocation offers to the on-site rental tenants either through compensation or offers for comparable off-site housing with the opportunity to move back into the proposed development at rent levels comparable to their current rents. The proposed project includes 2,250 affordable housing units—units that would be reserved for households earning between 30 percent and 160 percent of the area median income (AMI) for the New York City metropolitan area. These units would be rent stabilized, and rent for the units would be targeted at 30 percent of household income. The project sponsors have offered to relocate all tenants currently located on the project site, regardless of income, into the new affordable, rent-stabilized units at rent levels comparable to their current rents. As described on page 4-8 of the DEIS, should the proposed project be approved, any residents considered by ESDC to be directly displaced (existing residential occupants within the project site who are legally occupying a residential dwelling unit) would be provided with relocation assistance. It is anticipated that the relocation program would be implemented by ESDC, with assistance from a professional relocation consultant. The relocation program would include, at a minimum: referrals to alternative housing, real estate brokerage services, and moving services, as well as reimbursement of expenses and a one-time relocation assistance payment of \$5,000 to each vacating occupant or family to assist in meeting additional expenses encountered in establishing new living quarters. All costs related to the residential relocation program would be borne by the project sponsors.

**Comment 4-3:**

Although approximately 300 people will be displaced, the greater good should prevail. (85)

**Response 4-3:** As noted above, the direct displacement figure presented in the DEIS conservatively includes 410 residents, although it is estimated that there were only 146 residents on the project site as of October 1, 2006.

**Comment 4-4:** The direct residential displacement analysis is based on an economic analysis of the blocks when they were fully occupied, which provides a skewed analysis of the socioeconomic profile of those who remain to be displaced. The DEIS concludes that the socioeconomic impacts of the project are not significant in part because the project blocks tend to have a higher income level than the study area. If the analysis had focused on the likely demographics of those who remain, it would have reached a different result. (120)

**Response 4-4:** As stated on page 4-9 of the DEIS, specific demographic, income, and housing characteristics of the households subject to direct displacement cannot be obtained through the U.S. Census Bureau or other public sources of information. Therefore, the analysis was performed using the most current block group-level data available from the U.S. Census Bureau and is unaffected by the fact that some individuals have recently left the project site. According to the *CEQR Technical Manual*, a direct residential displacement impact can occur if the numbers and types of people being displaced by a project would be enough to alter neighborhood character and perhaps lead to indirect displacement of remaining residents. In general, if the population to be displaced represents less than 5 percent of the study area population, there is no potential for a significant adverse impact (see page 3B-8 of the *CEQR Technical Manual*). The 410 residents conservatively considered in the DEIS to be directly displaced represent only 0.3 percent of the population in the  $\frac{3}{4}$ -mile study area. The estimated 146 residents remaining on the project site as of October 1, 2006 represent only 0.1 percent of the  $\frac{3}{4}$ -mile study area population. Displacement of this magnitude would not have the potential to cause a significant adverse impact.

**Comment 4-5:** The direct residential displacement analysis fails to include the impacts of displacing the 93 families (400 residents) residing in a homeless shelter in the project's footprint. (120)

Direct displacement analysis should include the number of homeless families and individuals residing in institutions or multi-family housing earmarked for homeless housing. The FEIS should disclose statistics related to the ethnic characteristics of this population and direct and indirect costs of relocating families. (12)

**Response 4-5:** As described on page 4-13 of the DEIS, Pacific Dean Residence is a privately operated facility that provides temporary housing for homeless families through contract with the New York City Department of Homeless Services (DHS). Families living in the Pacific Dean Residence were not included in the direct residential displacement analysis because they are not permanent residents. As described in the DEIS, if this facility were to be displaced, its occupants would be relocated to other existing interim facilities. DHS has indicated that the capacity at Pacific Dean Residence can be replaced, if needed, but that the need for temporary shelter space in the City is expected to decrease in the future. In June 2004, the City implemented *Uniting for Solutions Beyond Shelter*, a five-year action plan to end chronic homelessness, which includes a commitment to reduce the family shelter population by two-thirds by 2009. As part of this effort, the City is closing or resizing shelters as it places families in permanent housing. DHS has indicated that the City's need for shelter capacity would continue to decrease in the upcoming years. Therefore, it is likely that the capacity at Pacific Dean Residence would not need to be replaced were it to be closed. Ethnic data on the transient population of the Pacific Dean Residence are not available. In light of the small number of persons who use the shelter, it is not expected that the relocation of such individuals to other facilities would alter the socio-demographic characteristics of the study area.

**Comment 4-6:** The DEIS must disclose the protections afforded area residents facing direct displacement. The *CEQR Technical Manual* states that "[d]irect residential displacement is not in and of itself an impact under CEQR." That is because "[w]here a public agency is undertaking the action or where tenants are protected by rent control, rent stabilization, or other public programs, relocation benefits are available, and no significant adverse impact would occur." Therefore, in order to assure that a project will not have a significant adverse impact because of the availability of assistance, or because residents threatened with displacement are protected by rent regulations, the DEIS must disclose "[r]egulations that protect tenants' continued occupancy and the availability of housing subsidies." (120)

The relocation assistance described in the DEIS does not guarantee that residents will be provided a comparable apartment in the area, an apartment in the development, or compensation calculated to make up for the failure to guarantee a comparable affordable dwelling. These provisions are inadequate under existing law. (120)

**Response 4-6:** As indicated on page 4-8 of the DEIS and described in response to Comment 4-2, ESDC would provide relocation assistance to all directly

displaced households, in accordance with all applicable laws and regulations. In addition, the project sponsors have extended relocation offers to the on-site rental tenants through compensation and offers for comparable off-site housing with the opportunity to move back into the proposed development at rent levels comparable to their current rents. The FEIS has been revised to clarify the relocation offers that have been extended by the project sponsors. As stated above, the 410 residents considered to be directly displaced represent 0.3 percent of the ¾-mile study area population, and their displacement would not represent a significant adverse impact.

**Comment 4-7:**

The DEIS does not contain an accurate analysis of the protections being afforded area residents facing displacement. The DEIS states that the project sponsors have extended relocation offers to the on-site tenants either through compensation or offers for comparable off-site housing with the opportunity to move back into the proposed development at rent levels comparable to their current rents. This statement does not reflect the standard agreement that tenants in the footprint have been offered, which provides that a) the sponsor will pay the difference in rent between the relocation apartment and the original apartment for only three years; b) if the project is not built for any reason, the agreement is void; and c) the agreement is void if the tenant/resident publicly opposes the project. (120)

**Response 4-7:**

As stated on page 4-8 of the DEIS and described in response to Comment 4-2, ESDC would provide relocation assistance to all directly displaced households, in accordance with all applicable laws and regulations. In addition, the project sponsors have extended relocation offers to on-site rental tenants either through compensation or offers for comparable off-site housing with the opportunity to move back into the proposed development at rent levels comparable to their current rents. Under the offer, the sponsors would pay certain moving costs and brokerage fees involved in seeking an interim relocation unit that is comparable to the tenant's existing unit and near the tenant's current location, and in relocating the tenant to a new comparable unit in the proposed development. The sponsors have also agreed to pay the difference, if any, in rent between the tenant's current rent and the rent for the comparable interim unit until such time as the tenant is relocated into a new unit in the proposed development. This agreement would terminate only if the project were abandoned or the tenant breached its obligations.

*DIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT*

**Comment 4-8:** The DEIS does not define “substantial economic value” and fails to provide an analysis of the actual amount of tax revenues, jobs provided or other economic values generated by the existing businesses. (87)

**Response 4-8:** As described on page 4-15 of DEIS, in accordance with *CEQR Technical Manual* guidelines, consideration of a business’s value is based on: (1) its products and services; (2) its locational needs, particularly whether those needs can be satisfied at other locations; and (3) potential effects on businesses or consumers of losing the displaced businesses, products, or services. Based on these criteria, the DEIS concludes that displacement of the 29 business and institutional uses located on the project site would not result in a significant adverse impact.

**Comment 4-9:** The DEIS provides no information on the amount of small and locally owned businesses that will be affected by the project. Locally owned businesses often have a direct impact on neighborhood character. There is no account of the social function that locally-owned businesses play and how this function would be impacted if such businesses were directly or indirectly displaced. (87, 108, 411)

**Response 4-9:** As stated on page 4-17 of the DEIS, none of the individual businesses subject to direct displacement defines the character of the study area. The project site contains a variety of businesses, including light manufacturing, warehousing, retail, and auto-related businesses, and total employment at the 29 displaced businesses and institutions represents less than 1 percent of the 2005 employment in the  $\frac{3}{4}$ -mile study area. The magnitude of the displacement would not be enough to produce changes in neighborhood character. Similarly, as described under the detailed analysis for indirect business and institutional displacement, it is anticipated that indirect business displacement would be limited to a small number of businesses and institutions located within  $\frac{1}{4}$ -mile of the project site. None of the businesses or institutions identified as potentially vulnerable to displacement are unique to the study area and the magnitude of the displacement would not be enough to produce changes in neighborhood character.

**Comment 4-10:** The ESDC’s and Forest City projects such as MetroTech and Atlantic Center have done nothing to help local businesses and in fact have hurt them. In the case of MetroTech, 1,500 factory jobs were eliminated when property was seized for the project. (144)

**Response 4-10:** Although not the subject of this EIS, MetroTech and Atlantic Center brought approximately 26,000 jobs to Brooklyn and have played an important role in the revitalization of the Downtown Brooklyn area.

**Comment 4-11:** The DEIS does not outline the space needs of the businesses facing direct displacement, and it is unclear whether or not the available vacant commercial space would meet their needs. (55)

The displaced businesses and residents are part of the successful social fabric of Brooklyn; it is unlikely that in the current escalating rental market, these businesses can continue to be a part of Brooklyn if displaced from their current locations. (201)

**Response 4-11:** As described on page 4-13 of the DEIS, the 27 directly displaced businesses are engaged in a variety of activities including retail, auto repair, moving and storage, wholesale and light manufacturing. As described on page 4-15 of the DEIS, based on a survey of all retail concentrations located within the  $\frac{3}{4}$ -mile study area conducted by AKRF, Inc., there were approximately 390 vacant storefronts located in the  $\frac{3}{4}$ -mile study area in January 2006, and based on data from the Society of Industrial and Office Realtors (SIOR) there were approximately 8.5 million square feet of vacant industrial space in Brooklyn and Queens in 2005. The availability of vacant industrial space in Brooklyn and vacant retail space within the study area indicates that the displaced businesses would have an opportunity to relocate within Brooklyn or one of the other boroughs, and perhaps even within the study area. As also described in the DEIS, the 29 businesses and institutional uses that would be displaced by the proposed project represent less than 1 percent of the 2005 employment in the  $\frac{3}{4}$ -mile study area and even their permanent displacement would not represent a significant adverse impact.

As described on page 4-15 of the DEIS, should the proposed project be approved, businesses considered by ESDC to be directly displaced would be provided with commercial relocation assistance. ESDC would locate and show available space to the displaced occupant and provide information about private brokers located throughout the City. In addition, payment would be made for the reasonable costs of the physical move, including the cost of transporting personal property to the replacement site, labor and material, insurance, and storage as necessary. Payment would also be made for other reasonable costs commonly associated with relocation, including the cost of relettering or replacing signs, replacing stationery, and reinstalling telephone lines or other existing communications. These re-establishment costs would



be capped at \$20,000 per business. All costs related to the commercial relocation program would be borne by the project sponsors.

**Comment 4-12:** Currently there is a heavily used gas station, SKJ Mobil, at the corner of Dean and Flatbush. This is slated for demolition by the proposed plan. Please consider the negative impact its loss will have on the surrounding neighborhoods as well as the immediate neighborhood. At present it is open 24 hours per day, offering refuge and safety for pedestrians and motorists alike. It provides an essential service for both fuel and repairs, sometimes on an emergency basis. (494)

**Response 4-12:** As described in the DEIS, none of the businesses that would be directly displaced by the proposed project, including the gas station mentioned in the comment, offer products or services that cannot be found elsewhere in Brooklyn or New York City. There are other gas stations located within the study area, including several on 3rd and 4th Avenues. The displacement of the Mobil station on the project site would not negatively affect consumers such that the displacement would result in a significant adverse impact under SEQRA.

#### *INDIRECT RESIDENTIAL DISPLACEMENT*

**Comment 4-13:** The mixed income housing agreement in the CBA will tackle the gentrification that is taking place throughout Brooklyn. (28, 381)

**Response 4-13:** Comment noted.

**Comment 4-14:** The affordable housing is not terribly affordable and there are a very small number of units that are available to people who would need affordable housing. (21, 329, 501, 554, 555)

The DEIS figures show that low, moderate and middle-income families are defined as making up to \$113,000 a year. That does not seem to be a particularly low or moderate income bracket. In fact, we've learned from the DEIS that only 13 percent of the housing, that's 900 units, will be available to families making up to \$35,000 a year. (57, 364, 384)

While FCR is waving the banner of 50 percent affordable housing, in fact only 13 percent of its residential units are for families below the median income in Brooklyn. The project is overwhelmingly about market housing. (57, 146, 180, 202, 356)

Of the proposed subsidized housing for the project, 84 percent will not be affordable for families making less than \$56,000 a year. (58)

The DEIS gives the impression that this is an affordable housing project, even though 70 percent of the housing units will be market-rate. (152, 262, 282, 284, 313, 527)

The Atlantic Yards project, while proposing to add significantly to the overall number of affordable rental units in the area, will essentially serve low- and moderate-income families at a higher income than are currently living in the area that is proposed for redevelopment. (68)

People don't understand that when affordable housing is built, it's based on area median income. Area median income includes Westchester and Nassau, which means that if you do 50 percent of that, you're getting just to the Brooklyn median income. If you really want to get to low income people, you have to go to 30 percent of that area median income and below. (68)

Eighty-four percent of the housing to be created is for people making more than \$50,000 per year. This is not responsive to the average income levels in our community. (119)

The project does not provide a significant amount of affordable housing to low- and very low-income individuals and families. (468)

The affordable housing section was found to be around \$2,000 a month, which is hardly affordable at all. (152)

Low income does not mean income of \$50,000 per year; it means \$10,000 or less. Few true low-income people will be considered for the low-income housing. (437)

There is not very much affordable housing in the project and it is for the very poor, with the rest at market rate, which only the rich can afford. (576)

**Response 4-14:**

As described in Chapter 1, the proposed project would introduce 4,500 rental units, half of which would be administered under an affordable housing program. As is standard practice for affordable housing projects in New York City, the income tiers for the proposed project's affordable housing would be based on the area median income (AMI) for the New York City metropolitan area, which is set annually by the U.S. Department of Housing and Urban Development (HUD). The proposed project currently anticipates a range of incomes in the affordable units, with 225 units reserved for households earning 30-40 percent of AMI, 675 units reserved for households earning 41-50 percent of AMI, 450 units reserved for households earning 60-100 percent of AMI, 450 units for households earning 101-140 percent of AMI, and 450 units for households earning 141-160 percent of AMI. For a family of four, the minimum and maximum incomes for the lowest income tier would be

\$21,270 and \$28,360, respectively, and the minimum and maximum incomes for the highest income tier would be approximately \$99,260 and \$113,440, respectively. The income bands used for the proposed project's affordable housing units are based on the Mixed-Income Program administered by the New York City Housing Development Corporation (HDC). Under that program, low income units can be rented to those earning at or below 50 percent of AMI, and middle-income units can be rented to those earning at or below 175 percent of AMI. Table 4-16 in the FEIS summarizes the income tiers described above and further information is provided in Chapter 1, "Project Description."

**Comment 4-15:** The incomes of 24 percent of the population in Prospect Heights is below 30 percent of Area Median Income, and it is these households, predominantly renters, within the footprint or just east of the site that will bear the brunt of primary and secondary displacement. The claim that gentrification has already occurred and will continue to occur naturally and therefore this project has minimal effect is not born out by the numbers. If there is already so much displacement, why are there still so many low-income residents throughout Prospect Heights? (105, 384)

**Response 4-15:** As described on page 4-43 of the DEIS, the  $\frac{3}{4}$ -mile study area contains many low-income households that are living in rent regulated housing including rent controlled and stabilized units as well as public housing complexes, Section 8 housing, Mitchell-Lama developments, and other HPD-owned housing. Because of the rent protected status of the housing units in which they live, these households are not vulnerable to indirect displacement pressures and thus have remained in the area despite increases in residential property values and household incomes in the study area.

**Comment 4-16:** The DEIS cites affordable housing as a project objective but doesn't mention that the plan offers no units at all to the one-quarter of the study area residents whose incomes are less than \$20,000 per year. Its affordable housing program would, therefore, make the area significantly less diverse than it is now. Housing affordability levels should be recalculated according to Brooklyn's AMI. (108, 384)

The proposed project would significantly erode the existing socioeconomic diversity of the surrounding neighborhoods, displace current low-income residents and likely add to conditions of homelessness in New York City. (108)

It's estimated that the lowest income tier is going to be reduced by four percent in the study area and households earning more than \$100,000 a year are going to increase by 30 percent if the project is built. And this is deemed to be not a significant impact in the DEIS, frankly because of the affordable housing units. These affordable housing units apply to only the lowest five percent that are reserved for the very lowest income people. That's only 225 apartments. (120, 356)

The project would result in a significant demographic shift in the study area. Based on Census data and the income levels of the anticipated residents of the project, the project would increase by 53 percent the proportion of households earning more than \$113,440, which currently represent only 11 percent of the study area but would make up 64 percent of the affordable housing in the project. Failure to accurately portray the demographic shift signals noncompliance with the *CEQR Technical Manual*. (68, 120)

The project would permanently change the economically and culturally diverse character of the community. (554, 560, 585)

Nearly 70 percent of the housing will be high-end, luxury units; that's 4,610 units, bringing a staggering 12,000 or so very wealthy new residents into the neighborhood in just a few years. (57, 560, 585)

Twenty-five percent of the population of the study area earns less than the lowest rung on the income ladder for the affordable housing being offered by the project. The housing should match the existing diversity of the neighborhood. (48, 163, 155, 390, 461, 460)

The project does not provide a significant amount of affordable housing to low and very low income individuals and families and will lead to a decrease in the number of low-income households in the area and a large increase in households in the highest income tier. (120)

Gentrification would be an immediate and direct result of this project. Of the 8,400 apartments, 6,000 would be market rate condominiums priced in the high hundreds of thousands of dollars, or even millions of dollars. The 2,400 "affordable housing" units promised by Ratner would be limited to incomes of "less than \$112,000." This far exceeds Brooklyn's average individual annual income of \$35,000. (160, 206, 345, 465)

With the project, a neighborhood that was once full of small local businesses, various trades, artists, and families with diverse incomes will become a homogenous enclave for wealthy individuals and large commercial chains. Those who earn lower incomes will be forced to relocate. (48, 556)

The project does not provide a significant amount of affordable housing and will lead to a decrease in the number of low-income households in the area. (428, 468)

There will be 225 apartments for those making below \$28,000 a year. How many more than that are or will be displaced? (379, 397)

The DEIS fails to acknowledge that the income mix of the projected project residents would be vastly different than the current income mix of the population residing in the project study area. Nearly 2/3 of residents of the proposed project would have annual household incomes in excess of \$113,000 while half of current residents of the 3/4-mile area around the project site have household incomes below \$36,000. (102, 384)

The DEIS states that tenure, affordability, and apartment size of the new AY project would be the same as that in the 3/4-mile study area but offers no evidence to support this statement. Currently, about half our population of residents are earning less than \$50,000. In the proposed new city, only about 16 percent will fit this description. That is a significant change in neighborhood character. (119)

**Response 4-16:**

As described on page 4-43 of the DEIS, the 3/4-mile study area contains many low-income households that are living in rent regulated housing, including rent controlled and stabilized units as well as public housing complexes, Section 8 housing, Mitchell-Lama developments, and other HPD-owned housing. Because of the rent protected status of the housing units in which they live, these households are not vulnerable to indirect displacement pressures and would continue to exist within the study area. In addition, as indicated above, the affordable units in the proposed project would allow for a range of incomes, with the lowest income band reserved for households with incomes that are 30 to 40 percent of the area median income (AMI) for the New York City metropolitan area. The actual income range would vary according to family size. For a family of four, the minimum income required to qualify for one of the low-income housing units (reserved for households earning between 30 percent and 50 percent of AMI) would be approximately \$21,270. For a smaller household, the minimum would be less. Under the City's existing affordable housing programs, the income levels are keyed to the metropolitan area AMI.

The DEIS states that the characteristics of the housing introduced by the proposed project indicates that the new population would not be markedly different in its socioeconomic profile than the existing population. This discussion has been expanded in the FEIS to provide additional detail. Table 4-16 in the FEIS shows the income brackets for each of the income bands included in the proposed project's affordable

housing plan. As discussed on page 4-56 of the FEIS, the proportion of households in each income band would not be substantially different in 2016 with the proposed project compared to 2016 without the proposed project. Such relatively small shifts in the distribution of households across income bands would not be enough to substantially alter the socioeconomic character of the study area and would not result in a significant adverse indirect residential displacement impact. Data on the racial and ethnic characteristics of the future residents within the proposed project are unknown, but there is no basis to conclude that future residents would not reflect the diversity characteristic of the surrounding neighborhoods.

**Comment 4-17:** The project doesn't guarantee that people of low income are going to get an affordable replacement apartment in the neighborhood. (120, 174)

**Response 4-17:** As indicated under the detailed analysis for indirect residential displacement, the proposed project is not expected to lead to indirect residential displacement in the areas identified as containing potentially at-risk population.

**Comment 4-18:** There are no rent controls to protect current residents from the inevitable effects of gentrification. (210)

**Response 4-18:** As stated on page 4-43 of the DEIS, it is estimated that 60 percent of housing units in the ¾-mile study area are potentially afforded protection under either rent control or rent stabilization. Additionally, the proposed project would introduce 4,500 rental units that would be administered as rent-stabilized units.

**Comment 4-19:** Many poor residents are not organized, not vocal, not newcomers yet want to stay in their homes. Because they are insignificant in number, the State renders them disposable. (10)

**Response 4-19:** The public was provided several opportunities to comment on the proposed project. A public hearing was held on August 23, 2006. Two community forums were held subsequently on September 12th and September 18th in order to provide the public with additional opportunities to comment on the DEIS. The public comment period for submission of written statements extended from July 18, 2006 through September 29, 2006. In total, ESDC received approximately 1,895 comments (oral and written) on the DEIS. In addition, Community Boards 2, 6, and 8, the boards in which the project site is located, all held their own hearings on the DEIS. The project sponsors hosted two affordable housing information sessions during the Summer of 2006. According to the project sponsors, approximately 2,700 individuals

attended the first affordable housing information session, and approximately 900 individuals attended the second session.

**Comment 4-20:** Page 4-3 of the DEIS says “the number of at-risk households in the study area has been decreasing and will probably continue to do so in the future independent of the proposed project.” In other words, even without FCR’s development, the area has been measurably gentrified in recent years, driving out low income people as well as people of color, and so FCR’s impact on such at risk populations would be no greater than future development without FCR. Because it takes recent gentrification trends for granted, the DEIS does not see FCR’s impact as “adverse.” (57, 68, 102, 119)

The DEIS reasons, but does not prove, that the current real estate trends would lead to higher real estate costs in the area with or without the project. The FEIS should provide the projected, no action real estate values and the projected real estate values with the project to determine if it will cause increased indirect displacement. (12)

**Response 4-20:** The Existing Conditions section of the detailed indirect residential displacement analysis describes upward trends in income and real estate values from 1980 to the present. Based on these trends and the types of residential projects currently planned for the study area (primarily market-rate), it is likely that the study area will continue to experience increases in income and property values in the future with or without the proposed project. There is, however, no objective methodology for a quantitative analysis of the projected appreciation of real estate values in the study area in the No Build condition because future real estate values depend on numerous factors, including overall real estate trends in Brooklyn and New York City and regional economic conditions. The DEIS’s conclusion that the project would not result in a significant adverse indirect residential displacement impact is based on several factors, including the ongoing increases in income and property values, but also the location of the Census tracts identified as containing at-risk households and the presence of intervening established neighborhoods and commercial corridors, the potential for the new housing units to relieve rather than increase market pressure in the study area, and similarities between the proposed project housing mix and the existing housing mix.

**Comment 4-21:** Gentrification is already happening in the project area. (46)

**Response 4-21:** As noted in the DEIS under the detailed analysis of indirect residential displacement, the study area has experienced substantial increases in average household income and housing values in recent years.

**Comment 4-22:** The FEIS should establish a baseline displacement rate that reflects how the community has changed significantly in the five years since the last census. (12)

**Response 4-22:** The detailed analysis of indirect residential displacement presents population and housing data from the 2000 Census, and supplements that information with real estate data from 2000 through 2005 for certain Census tracts and neighborhoods in which there could be an at-risk population. These data give some indication as to how the income levels in the study area may have changed since the 2000 Census and indicate that the at-risk population has likely decreased since the 2000 Census. The Census data continue to serve as the most up-to-date and reliable source of information for population and socio-demographic data in the study area.

**Comment 4-23:** There is concern that this project is going to displace the remaining low-income black families who live here. The DEIS itself notes there are 2,929 units “at risk.” (389)

The project will destroy housing for 3,000 low-income residents and provide only 225 low-income units. (567)

**Response 4-23:** While the indirect residential displacement analysis presented in the DEIS does identify 10 Census tracts containing 2,929 households that are potentially vulnerable to indirect displacement pressures, as described on page 4-57 of the DEIS, it is unlikely that the proposed project would actually lead to significant residential displacement in these tracts. Because Census data do not indicate the race of individual households, it is not possible to determine the race of the 2,929 households that are potentially vulnerable to indirect displacement pressures.

Half of the proposed project’s rental units (2,250) would be administered under an affordable housing program that would allow for a range of incomes, with the lowest income band reserved for households with incomes that are 30 to 40 percent of the area median income (AMI) for the New York City metropolitan area.

The project is not expected to destroy housing for 3,000 low-income residents. Rather, the DEIS analysis identified approximately 3,000 residential units that are potentially vulnerable to indirect displacement pressure based on the Census tracts in which the units are located. The DEIS notes that because of the distance between the project site and the Census tracts and other factors, the project is not expected to result in significant indirect displacement. In addition, due to data limitations, the income of the households within those units is not known—thus, the



commentor is mistaken in assuming that all of the households in these units are low-income households.

**Comment 4-24:** The DEIS fails to make a direct comparison between current household incomes in the study area and household incomes in the proposed project. Instead, it compares the percentage of household income currently being contributed to rent by renter households in the study area to the percentage of household income that will be spent on housing in the development's affordable units. This is not a relevant comparison. (120)

The DEIS states that the housing introduced by the proposed project would be similar in tenure, size, and affordability to the housing mix in the ¾-mile study area. This topic is not framed adequately. The issue is not the proportion of owners and renters per se but the diversity of the income range of residents. (55)

The socioeconomics of new residents would not match that of the existing community (57)

**Response 4-24:** The DEIS indicates that the characteristics of the housing introduced by the proposed project indicates that the new population would not be markedly different in its socioeconomic profile than the existing population. This discussion has been expanded in the FEIS to provide additional detail. Table 4-16 in the FEIS shows the income brackets for each of the income bands included in the proposed project's affordable housing plan. Table 4-17 compares the distribution of households across income bands in 2000, 2016 without the proposed project, and 2016 with the proposed project. As described in the FEIS, the proportion of households in each income band would not be substantially different in 2016 with the proposed project compared with 2016 without the proposed project. Such relatively small shifts in the distribution of households across income bands would not be enough to substantially alter the socioeconomic character of the study area.

**Comment 4-25:** The DEIS identifies that 19.4 percent of households in the study area were living below the poverty level in 1999. Despite this figure, none of the rental units in the proposed development would be available to those families, rendering it likely that the development will impact the demographic make-up of the area, yet the DEIS does not mention the impact of the project on those low-income households. (120)

**Response 4-25:** As described on page 4-56 of the FEIS, the proportion of low income households in the study area would not be substantially different in

2016 with the proposed project compared to 2016 without the proposed project.

**Comment 4-26:** The statement that rents in Brooklyn have declined is inconsistent with other information sources cited in the DEIS, such as Corcoran. (55)

**Response 4-26:** According to the U.S. Census Bureau's American Community Survey, the median gross rent in Brooklyn decreased by approximately 3 percent in constant dollar terms between 2000 and 2004, the most recent year for which data are available (see page 4-53 of the DEIS). The Corcoran data described in the chapter reflects residential rental rates and sales prices for particular neighborhoods within Brooklyn, some of which have experienced substantial increases in residential property value over the past several years.

**Comment 4-27:** The DEIS analysis ends in 2016, the year the project is to be completed. Yet the greatest impacts are likely to be realized only after 2016, when the project is fully occupied. This represents a flaw in the analysis. (55, 102, 108)

**Response 4-27:** The analyses of indirect residential displacement and indirect business displacement assume that the project is fully occupied in 2016. Both analyses examine generally the potential for upward pressure on real estate values in the future with the proposed project and are not pegged to the 2016 build year.

**Comment 4-28:** Median statistics obscure the wide range of incomes near the project site. (55, 102)

The analysis of income and race uses averages and medians, which tends to understate or overstate trends. By inadequately focusing on racial and income divisions, the DEIS ignores the very real scenario of increasingly segregated areas as a result of the proposed project. (384)

The DEIS analysis of neighborhood income levels uses medians and averages and thus fails to accurately show the distributions on either side of middle. Analysis using these numbers can provide inaccurate definitions in neighborhoods that have a broad range of incomes, such as the communities surrounding the project site. The FEIS should include an analysis of income distribution in order to determine accurately whether households have incomes close to the median or whether there are sizable segments with incomes much lower or much higher than the median. (12)

**Response 4-28:** The DEIS presents median household income data in order to provide a picture of overall trends in study area incomes. The detailed indirect

residential displacement analysis is based on average incomes because it compares incomes for renters in small buildings with incomes for renters in Brooklyn. Data showing income by building size are presented by the Census Bureau in terms of aggregate household income. The Census Bureau does not provide tables showing building size by income bracket. The DEIS does not present race and ethnicity data in terms of medians or averages. Table 4-6 in the DEIS shows the racial and ethnic breakdown of the population in each neighborhood subarea in terms of percent of total population. Table 4-7 in the DEIS shows the racial and ethnic breakdown of all Census block groups in the  $\frac{3}{4}$ -mile study area in terms of number and percent of total population.

**Comment 4-29:** Data is used at the Census tract level where block-level data is available. All analyses should be done at the same level of resolution, preferably block-level. There is no Census information at the tract level that is not also available at the block group level. (55, 102)

**Response 4-29:** As described in the DEIS, the boundaries used for the analysis of indirect residential displacement are based on Census tracts, or on block groups where a Census tract was not entirely within the study area or subarea boundaries. Income, housing value, and rental rate data are not available at the block level.

**Comment 4-30:** The DEIS fails to distinguish between potential impacts at different distances from the project site. In fact, the DEIS analysis claims that since a larger proportion of the at-risk population lives beyond a half-mile of the site, they are less vulnerable to project-induced displacement. Most blocks within a quarter-mile of the project contain very few rent-protected buildings. It is unlikely that brownstone blocks in Fort Greene and Prospect Heights will be protected since the buildings comprising them have only two to four rental units per building. Therefore, the DEIS underestimates the at-risk population within  $\frac{1}{4}$  mile of the project site. (55, 108, 384)

**Response 4-30:** As described under the detailed analysis for indirect residential displacement, households that are potentially at risk of indirect displacement were identified by comparing the average household income for renters in small (unregulated) buildings with the average household income for all Brooklyn renters. This comparison was made for each Census tract in the  $\frac{3}{4}$ -mile study area. If the average for small buildings was lower than the borough-wide average for all renters, the Census tract was identified as having a potentially at-risk population. In total, 10 Census tracts in the  $\frac{3}{4}$ -mile study area were identified as containing at-risk households.

Although many of the buildings in Fort Greene and Prospect Heights are small buildings with few residential units, many are occupied by renters with household incomes that exceed the average household income for renters in Brooklyn. Those households were not considered at risk of displacement because their household incomes would allow them to sustain potential increases in rent.

**Comment 4-31:** There is no guarantee that the affordable housing will be located at Atlantic Yards or that the households benefiting from the affordable housing will be African-American. The DEIS does not analyze the potential for the project to exacerbate residential racial segregation in the area or to perpetuate gentrification. (55, 160)

**Response 4-31:** As stipulated in the GPP, the proposed project includes 2,250 affordable housing units located on the project site. It is not possible to know the racial profile of future residents of the proposed project.

**Comment 4-32:** Local papers and realtors should have been consulted in order to develop a more accurate portrayal of the residential real estate market. (55)

The DEIS relies upon real estate listings from *The New York Times* to gauge historical prices in the study area (page 4-37). This may serve to overstate trends in historical pricing, since *The Time's* listings may not be representative of all real estate inventory. (102)

Analysis of real estate trends should utilize census data, discussions with local real estate firms, discussions with local non-profit housing corporations and recent sales research to determine trends in rent sales prices, vacancy and tenure. (12)

**Response 4-32:** Discussions about residential real estate values were based on U.S. Census Bureau data, supplemented with information from several sources including *The New York Times*, local real estate agencies, and organizations such as Corcoran Realty and the Real Estate Board of New York (REBNY); and a detailed rental rate research conducted by a senior vice president at Corcoran who has been a real estate agent in Brooklyn for 20 years and has worked for a variety of real estate agencies, including Eva M. Daniels, Brooklyn Properties, Brooklyn Landmark Realty, and Corcoran. These sources are cited throughout the detailed indirect residential displacement analysis section of the DEIS.

**Comment 4-33:** The FEIS needs to address whether local tax assessments on property values and on affordable and middle class housing in all surrounding communities would be affected. If such pressures, in combination with

insurance availability and affordability issues, create pressures that reduce available affordable housing, it would wipe out any predicted benefits of the affordable housing included in the project. (107)

**Response 4-33:** The EIS analysis concludes that the proposed project would not result in a significant adverse indirect residential displacement impact. As stated on page 4-3, overall, the proposed project has limited potential to affect real estate values (or tax assessments) in the 10 Census tracts identified as containing at-risk population, and the project is not expected to lead to indirect residential displacement in these tracts.

**Comment 4-34:** The DEIS states on page 4-36 that “Median home values in 1980 and 1990 cannot be accurately compared with those in 2000 because the home values of all units in multi-unit buildings were excluded from the 1980 and 1990 Census estimates.” Couldn’t other sources such as the New York City property-tax roles have been consulted to obtain this information? While assessed values do not necessarily reflect market values, the year-to-year changes in assessed values could be applied to current market values in order to deduce historical pricing information (102)

**Response 4-34:** Housing value data was gathered in accordance with guidelines presented in the *CEQR Technical Manual*. The manual indicates that: “The U.S. Census provides information on median housing value and median contract rent. . . . To understand current trends, this information can be supplemented by discussions with real estate brokers and examination of current apartment listings. . . . Housing sales are recorded and available through various real estate publications” (*CEQR Technical Manual*, p. 3B-10). Data from the U.S. Census Bureau was supplemented with information from local real estate organizations in order to develop an accurate picture of real estate trends in the study area. Although the DEIS does not present trends in median home value based on Census data, the data presented in the DEIS are sufficient for use in the indirect residential displacement analysis, which focuses on renter-occupied households rather than owner-occupied households. Even if median home value data were available for 1980 and 1990, they would not change the results of the indirect residential displacement analysis.

**Comment 4-35:** Table 4-14 indicates zero population growth in Bedford-Stuyvesant, Gowanus and Park Slope between 2000 and 2016. There is a significant amount of building happening in our neighborhood. It does not seem possible that these areas would experience no population growth. (102)

**Response 4-35:** As indicated on page 4-47 of the DEIS, the projected population and housing changes in the future without the proposed project are based on projects known to be planned for the study area. These projects are listed in Table 2-1 in Chapter 2. As described on page 4-28 of the DEIS, the  $\frac{3}{4}$ -mile study area was divided into neighborhood subareas based on Census tracts and block groups in order to allow for a more thorough socioeconomic analysis. Although each subarea is named for the neighborhood in which it is located, the boundaries used for the EIS analysis do not necessarily conform to the generally accepted boundaries of each neighborhood. In some cases, Census boundaries can provide only a rough approximation of the actual boundary between neighborhoods and in other cases (such as for Bedford-Stuyvesant), the boundaries of a neighborhood extend well beyond the  $\frac{3}{4}$ -mile study area, such that the neighborhood subarea captures only a portion of the actual neighborhood for which it is named. This means that there may be growth occurring in, for example, the broader Bedford-Stuyvesant neighborhood that would not be captured in the Bedford-Stuyvesant subarea statistics. In addition, if additional growth were considered in the socioeconomic analysis, it would not change the conclusions of the indirect displacement analysis. Applying a general population growth rate would result in a less conservative socioeconomic analysis because it would inflate the study area population in the future without the proposed project, thereby lessening the relative increase in population caused by the proposed project.

**Comment 4-36:** The analysis fails to consider the very strong likelihood of privatization of public housing as well as middle income co-ops. The ongoing loss of rent stabilization protections tends to increase around major new market rate projects. (384)

**Response 4-36:** There is no reason to expect that the project would result in the privatization of public housing.

*INDIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT*

**Comment 4-37:** Increasingly, business owners across Brooklyn report that the lack of affordable housing has them concerned about their ability to retain their current workers and/or attract new workers. Clearly, the development of affordable housing in Brooklyn is fundamental to our borough's continued economic development. (41, 46, 360)

**Response 4-37:** Comment noted.

**Comment 4-38:** Local businesses and unique shops have been vital in Brooklyn's revitalization and continue to be a known key component of Brooklyn's economy and drawing visitors and tourists. If Brooklyn becomes a crowded version of any strip mall in the suburbs, the ESDC will have participated in wrecking her economy and unique character. (144)

**Response 4-38:** As indicated on page 4-22 of the DEIS, the retail space planned under the proposed project is intended to house neighborhood retail that would primarily support the local residential and worker population. It would not include destination or big box retail which might draw customers from a larger trade area.

**Comment 4-39:** If displaced businesses fill up existing vacancies, this will lead to higher rents due to market saturation, and more business displacement. (55)

**Response 4-39:** A retail survey conducted in January 2006 identified 389 vacant storefronts located within the ¾-mile study area (see Table 4-19). The proposed project would directly displace 29 business and institutional uses (of which 18 were active as of October 1, 2006) and could have the potential to indirectly displace a small number of business and institutional uses located along certain corridors within ¼ mile of the project site. Because the number of business and institutional uses subject to direct or indirect displacement is small compared to the number of vacant storefronts in the ¾-mile study area, their relocation within the study area would not have the potential to increase market pressure or rental rates.

**Comment 4-40:** The DEIS argues on page 4-26 that the "proposed project would not impose any type of change that would diminish investment in the study area." It is possible that the presence of a sports facility could itself be a "blighting influence," to the degree that it could create disincentive for certain types of investment, such as housing. (102)

**Response 4-40:** As described in Chapter 3, experience has shown that arenas and other sports facilities thrive in combination with a strong mix of commercial and residential land uses, and that arenas and residential uses can successfully coexist in close proximity to one another. Two prime examples of arenas that are compatible with their commercial and residential neighbors are the Verizon Center (formerly the MCI Center) in Washington, DC's Chinatown and Wrigley Field in Chicago. In general, land use compatibility issues with respect to arenas and adjacent residential districts are focused on loading dock (operations), crowd and noise controls, and signage. As described in Chapter 3, "Land Use, Zoning, and Public Policy," and Chapter 8, "Urban Design and Visual Resources," the proposed arena has been designed specifically to avoid

and minimize the operational effects on adjacent residential uses to the extent feasible. Although the DEIS does conclude that the proposed project would result in a localized adverse land use impact on the few residences located directly across from the proposed arena's loading entrance, overall, the arena is not expected to have any detrimental effect on the study area.

**Comment 4-41:** The DEIS concludes that new and existing businesses would benefit from the increase in their customer base caused by an increase in population and visitors. However, it fails to provide an account of what the already existing trade area is for the businesses that will be directly and indirectly displaced by the project. (87)

**Response 4-41:** As described under the detailed business displacement analysis in the DEIS, businesses located within ¼ mile of the project site provide a variety of goods and services (e.g., apparel, furniture and grocery stores, and hair salons, laundromats, and auto-related). These businesses are likely to have different trade areas depending on the types of goods or services they provide. However, as stated in the DEIS, most of the existing retail in the ¼-mile study area, regardless of current trade area, would benefit from the larger customer base that would be created by the proposed project.

**Comment 4-42:** The DEIS does not acknowledge that the surrounding M-1 zone in Prospect Heights is particularly vulnerable to changes in land use and zoning that would permit the development of big box retail. The large lots within the M-1 zone would be able to accommodate large scale residential and retail development. This would encourage the displacement of existing residential and commercial tenants who cannot afford higher rents. Zoning regulations would not offer protections since some new land uses, such as parking garages, could be built as of right, and developers can easily seek changes through variances. (57, 108)

**Response 4-42:** The M1-1 district is a low-density zone that prohibits new residential use and permits 1 FAR for commercial and manufacturing uses, and 2.4 FAR for certain community facility uses. The low permitted FAR typically produces low-scale developments. According to the New York City Zoning Resolution, most retail uses in M1 zones are limited to 10,000 square feet in size. Larger stores with no limitation on floor area, such as department stores, furniture stores, food stores, clothing stores, and television, radio and household appliance stores, are permitted only by special permit of the City Planning Commission. Therefore, big box stores would generally not be permitted to locate in the study area's M1 zones without approval of the City Planning Commission. Any such



proposal would be reviewed through New York City's Uniform Land Use Review Procedure (ULURP) and would be subject to SEQRA and CEQR. In addition, because such stores generally require facilities of at least 100,000 square feet, they would require lots of at least that size. The study area contains very few, if any lots of this size.

**Comment 4-43:**

The DEIS does not consider the economic value of the businesses that could be indirectly displaced to the existing residents of the community. These businesses define the character of the neighborhood because they serve the local community. They may not have substantial economic value to the city overall, but they do have economic value to the residents of Prospect Heights. Everyone in Prospect Heights will pay a premium if everyday goods and services are not easily available or affordable in the neighborhood. (57, 108)

**Response 4-43:**

As indicated in the DEIS, the potential for indirect business and institutional displacement due to the proposed project would be limited to a small number of businesses and institutions located primarily along Vanderbilt Avenue, Flatbush Avenue, and 4th Avenue within ¼ mile of the project site. These businesses represent a small proportion of businesses in the ¼-mile study area, and an even smaller proportion of businesses in the ¾-mile study area. Displacement of such magnitude would not be enough to affect overall neighborhood character. Furthermore, the goods and services offered by the businesses identified as potentially vulnerable to indirect displacement can be found elsewhere in the study area. The indirect displacement of these businesses would not be expected to result in hardship to residents of the study area.

**Comment 4-44:**

Since the project will override city zoning to permit an arena 200 feet within a residential area, the DEIS should have studied the socioeconomic conditions around arenas in other cities. What businesses and services exist around other arenas and how would the creation of new businesses impact the socioeconomic conditions of a residential neighborhood? (57, 108)

**Response 4-44:**

The DEIS acknowledges that some portion of arena visitors would purchase goods and services at businesses surrounding the arena and that the arena could increase demand for certain types of goods and services (e.g., restaurants) in the surrounding area. As indicated in the DEIS, in general, existing retail businesses in the ¼-mile area would benefit from the larger customer base that would be created by the arena visitors as well as the new employees and residents on the project site. In addition, it is anticipated that indirect business displacement would

be limited to a small number of businesses located along three corridors. Therefore, although some changes to the retail profile could occur as a result of the proposed project, these changes would not alter overall neighborhood character, and would not result in a significant adverse impact.

**Comment 4-45:** If there is significant retail developed as part of the site plan, its impact must be considered on surrounding retail areas, i.e., Boerum Hill, Atlantic Avenue, 5th Avenue, and downtown Brooklyn. The new retail may adversely impact sales of smaller shops in these surrounding areas, which would be devastating. (569)

**Response 4-45:** The proposed project is not expected to adversely impact sales of smaller shops in the study area. The project would introduce approximately 247,000 square feet of ground-floor retail space intended to house neighborhood retail that would primarily support the local residential and worker population. As indicated in Chapter 4, "Socioeconomic Conditions," under the detailed analysis of indirect business displacement, in general, existing retail businesses would benefit from the larger customer base that would be created by the residential, worker, and visitor population introduced by the proposed project. The new residential population alone would bring substantial new spending power to the study area and would generate a substantial amount of retail activity at other stores located within the study area. Retail spending from the new employees and arena visitors would further increase retail demand.

**Comment 4-46:** Traffic is already terrible. What will this project do to existing businesses which depend on commuters for their livelihood? (539)

**Response 4-46:** The proposed project is not expected to decrease the number of commuters who may patronize businesses in the study area. As described in the DEIS, it is anticipated that, in general, existing businesses would benefit from the larger customer base that would be created by the residential, worker, and visitor population introduced by the proposed project.

#### *ADVERSE EFFECTS ON SPECIFIC INDUSTRIES*

**Comment 4-47:** The continuing availability of commercial leases is the creative sector's primary protection in Prospect Heights. Any impact on our vulnerable and highly valued creative sector should be mitigated. (48, 460)

The DEIS specifically mentions the Gowanus Artists as representative of local artists. They need to also assess the impact on artists living in

other areas within the study area. The South of the Navy Yards Artists (SONYA) which serves Fort Greene and Clinton Hill would be one among many other local artist groups whose concerns need to be considered. (107)

**Response 4-47:** As described under the preliminary assessment for indirect business displacement, Census and DOL data and information from local arts organizations indicate that there are some people working in the ¾-mile study area who are employed in the arts industries, but that these people are dispersed throughout the study area. The detailed analysis of indirect businesses and institutional displacement concludes that any increases in commercial rents due to the proposed project would be limited to approximately ¼-mile around the project site and, therefore, would have the potential to affect only a very small number of artists. Therefore, it is not anticipated that there would be any significant indirect business displacement of artists due to the proposed project. The proposed project would not result in significant adverse impacts to SONYA or other artists groups located in the ¾-mile study area.

#### *ECONOMIC BENEFITS AND PUBLIC FINANCING*

**Comment 4-48:** There will be very few long-term jobs for low-income residents and even fewer apartments. Battery Park City also promised low-income housing which is non-existent today. (121, 152, 284)

**Response 4-48:** As shown in Table 4-22 of the FEIS, operation of the commercial mixed-use variation would introduce approximately 8,560 full-time equivalent (FTE) jobs to the project site. (The residential mixed-use variation would introduce approximately 3,600 FTE jobs.) These jobs could include a variety of occupations, such as management, office and administrative support, sales, security, food preparation, and building and grounds maintenance. In addition, the project would introduce 2,250 affordable housing units reserved for households earning between 30 percent and 160 percent of the area median income (AMI) for the New York City metropolitan area.

**Comment 4-49:** Jobs are required so that people can afford to buy tickets to take their children to the Nets games. (86)

**Response 4-49:** The proposed project would introduce between 3,600 (residential mixed-use variation) and 8,560 (commercial mixed-use variation) permanent FTE jobs.

**Comment 4-50:** Service jobs at the arena are not what are really needed by the community. Good manufacturing jobs at the rail yard would be more beneficial. (105)

It may create construction jobs for in the short-term but it will only create low-income, no-skill, dead-end jobs. (576)

**Response 4-50:** As described on page 4-59 of the DEIS, manufacturing employment in Brooklyn has decreased substantially over the past several decades – from 224,600 in 1960 to 34,496 in 2002, a decrease of 84 percent. At the same time, employment in the services sector increased by 138 percent between 1960 and 2002. Employment trends in the project study area have been similar to employment patterns in Brooklyn, with manufacturing employment decreasing over time and services employment increasing. The proposed project would represent a continuation of long-term employment trends in Brooklyn and in the ¾-mile study area.

**Comment 4-51:** About two-thirds of the Brooklynites who work must seek employment outside the borough. Projects such as Atlantic Yards that add permanent jobs in Brooklyn are fundamental to the economic health of the borough and the City. (41)

**Response 4-51:** Comment noted.

**Comment 4-52:** Forest City Ratner projects 1,500 union jobs for 10 years. If you take one billion dollars in subsidies and do the math, \$75,000-a-year job, how many jobs do you have? 2,200. If the City created the jobs without giving the money to Forest City Ratner, you'd have 700 better paying union jobs than will be created by Forest City Ratner's project. (261)

**Response 4-52:** As described in the economic benefits section of Chapter 4, "Socioeconomic Conditions," it is estimated that construction of the project would generate between 16,500 and 16,900 person-years of employment, and that the ongoing operation of the completed project would support between 3,600 and 8,560 permanent FTE jobs. The City and State have indicated that they would provide direct funding to the proposed project of \$100 million each. Further, as described in Chapter 1, the proposed project would provide many benefits in addition to the anticipated jobs.

**Comment 4-53:** Promising people employment without the appropriate job skills is heartless, divisive, disingenuous, and sleazy. (349)

The jobs that many of the supporting groups have been calling for are going to be nothing but minimum wage corporations, like at the Atlantic Center and Terminal Malls. (152)

The job numbers will never be accurate without legislation requiring prevailing wages for any construction work on projects involving subsidies. (53)

Stadiums do not create high quality jobs for poor people. (557, 571)

**Response 4-53:** In accordance with *CEQR Technical Manual* guidelines, the EIS estimates the total number of jobs by generator (office, arena, retail, etc.). An analysis of jobs by occupation or skill level is outside of the scope of the EIS analysis. However, as indicated above, it is anticipated that the annual operation of the proposed project could involve jobs in a broad range of occupations (e.g., management, office and administrative support, food preparation, sales, security, building and grounds maintenance) which have varied job skill requirements. The analysis for construction jobs is based on the capital investment cost and an econometric model. The estimate of the number of jobs is not based on wages and therefore would not be affected by legislation requiring prevailing wages for construction work.

**Comment 4-54:** With Citigroup, Deutsche Bank, and AIG sending jobs out of New York, this project is a good way to keep jobs in the city and state. (360)

**Response 4-54:** Comment noted.

**Comment 4-55:** It is reprehensible and disingenuous to say that 1,500 jobs over 10 years magically become 15,000 jobs. This is a calculated choice of words on the part of FCRC executives. (438)

**Response 4-55:** As indicated in the economic benefits section of Chapter 4, the construction of the proposed project would generate between 16,500 and 16,900 direct person-years of employment. A person year is the equivalent of one person working full-time for one year and the proposed project has a construction period of 10 years. Therefore, the project would generate an average of between 1,650 and 1,690 person-years of employment per year over the course of the 10-year construction period.

**Comment 4-56:** The jobs will not materialize, if ever, before 2012. The Nets basketball team is currently renegotiating its lease in New Jersey. The 15,000 jobs per year that are promised over the next 10 years to build the project have been promised to union labor. If the people in the surrounding

neighborhoods had union cards they would not need this project to have work. (204)

**Response 4-56:** As described in the DEIS, Phase I of the proposed project, which includes the arena, is anticipated to be completed in 2010. As stated in the FEIS, construction of the proposed project would generate between 16,500 and 16,900 direct person-years of employment. A person year is the equivalent of one person working full-time for one year and the proposed project has a construction period of 10 years. Therefore, the project would generate an average of between 1,650 and 1,690 person-years of employment per year over the course of the 10-year construction period.

**Comment 4-57:** The DEIS fails to address what percentage of jobs generated by the arena will be part time, seasonal, and “as needed” jobs. (87, 191, 256)

**Response 4-57:** As stated in table 4-20 in the DEIS, it is estimated that the ongoing operation of the arena would support 1,120 full-time equivalent (FTE) jobs.

**Comment 4-58:** The socioeconomic benefits that are listed in the DEIS need to be weighed against the true costs of the project, yet these are not fully disclosed. (68)

The economic impact analysis should include all public subsidies including: property tax exemption, sales tax exemption, tax-exempt financing, non-competitive bid, “extraordinary infrastructure costs,” public utility location, affordable housing subsidies, mortgage recording tax exemption, eminent domain, and additional services due to the influx of residents, workers, and visitors. (55, 102, 233)

What percent of the city’s total housing funds will be required to build 2,250 housing units? (87)

The developer is not paying for the low income units he promises; government subsidies/taxpayer dollars will shoulder these costs. (48)

The DEIS should include up-to-date information on each public expenditure. The public should have a full breakdown of how subsidies will be disbursed over the course of construction. (37, 87)

The DEIS is incomplete since the public capital costs involved are not included. (232)

The developer will also receive credits for public utility, relocation and installation of brownfields and green buildings. Why are these not included? Just a quick calculation of some of these costs gets you to a number well over a billion dollars in taxpayer subsidies. (119)

If you can state the amount that the project is expected to generate, why can't you say how much it will cost, directly and indirectly? (25)

The true costs and benefits of the proposal should be examined. (142)

**Response 4-58:** The economic benefits section of Chapter 4, "Socioeconomic Conditions," estimates economic benefits associated with the proposed project and discloses available information with respect to direct public financing for the proposed project. This is consistent with the approach outlined in the public scope of work for the DEIS. The calculation of fiscal benefits reported in the DEIS does not include property taxes or PILOT payments that will not be paid, nor does it include sales taxes on construction materials for any element of the project or mortgage recording fees that would not be collected.

One primary purpose of a socioeconomic analysis under CEQR is to identify the potential for significant adverse impacts due to changes in the residential and commercial real estate markets. The creation of jobs and tax revenues, while tangible economic benefits, is not used in the socioeconomic impact assessment. The analysis of economic benefits in no way influences the analysis of significant adverse impacts in the EIS.

**Comment 4-59:** There is no information in the GPP about the developer's projected costs and income. If the City and State are putting up over a billion dollars to make this project happen, doesn't the City and State have a right to know and to monitor and audit the financial projections of the developer? (119)

**Response 4-59:** As stated in the DEIS, the City and State have indicated that they would provide direct funding to the proposed project of \$100 million each. Chapter 4, "Socioeconomic Conditions," estimates economic benefits associated with the proposed project and discloses available information with respect to direct public financing for the proposed project.

**Comment 4-60:** Accurate information on proposed projects in Brooklyn is needed to estimate capital costs from the project. AKRF has only included a percentage of the proposed projects in its DEIS analysis. Further analysis of future development is needed so that additional costs from the project, such as schools, day care, transit, and traffic, can be evaluated. (233)

**Response 4-60:** The number and characteristics of proposed projects in Brooklyn is not relevant to the analysis of economic benefits from the proposed project. However, as described in Chapter 2, "Procedural and Analytical Framework," the No Build list presented in the EIS is based on projects known to be planned for the study area.

**Comment 4-61:** Forest City Ratner's own economist, Andrew Zimbalist, has in the past written extensively about the risks of public funding of sports facilities. He documents several cases in which construction has gone over budget and cities have been forced to provide tens of millions of dollars in extra funding. He also cites numerous examples of hidden subsidies that the city has failed to take into account when considering the cost of building a new sports facility. If FCR's economist advocates for complete transparency in the reporting of such subsidies and tax breaks, then the ESDC should require this from AKRF's FEIS. (233)

In *Sports, Jobs & Taxes*, Andrew Zimbalist raises a concern about whether standard multiplier analysis is a valid way of dealing with the local income of a sports team. Zimbalist reports that using a multiplier analysis of economic benefits can overestimate the positive economic effects of a sports arena. He adds that the multiplier system is fragile because it does not attempt to ascertain causality. (233)

**Response 4-61:** Andrew Zimbalist's report on the economic benefits of the proposed project was not prepared for ESDC and is not included, relied upon, or referenced in the DEIS. In addition, past analyses completed by Zimbalist are not specific to the proposed project.

**Comment 4-62:** It is important to consider other ways that the city and state could spend this money. Forest City Ratner's proposal may have many benefits, but it may not be the best way to use these public funds. (233)

The development's 16 skyscrapers and an arena will cost the taxpayer nearly \$4.5 billion. The money for the project could be better utilized to help Brooklyn schools or other community-based programs. (469)

**Response 4-62:** The EIS presents an analysis of the economic benefits of the proposed project and summarizes available information with respect to direct public financing for the proposed project. An opportunity cost analysis is not included in the EIS.

**Comment 4-63:** One of the purposes of the DEIS is to allow for community review of the project. The presentation of the estimates obtained from the RIMS II analysis does not allow for a public review of that analysis. AKRF should provide a more detailed account of the methodology used to obtain these estimates. (233)

AKRF must provide a source for the estimates of number of employees per amount of office and retail space, hotel rooms, residential units, and parking spaces. (55, 233)

**Response 4-63:** The RIMS II analysis presented in the DEIS was conducted using standard multipliers developed by the U.S. Department of Commerce,



Bureau of Economic Analysis. The employment ratios used to estimate direct employment have been used consistently in New York City Environmental Impact Statements and are accepted by a multitude of New York City and State agencies.

**Comment 4-64:**

The DEIS does not indicate what percentage of the estimated 7,320 office jobs will be new jobs versus relocation of already existing jobs. (87)

The benefits from jobs and tax revenue are impossible to calculate without having an estimate of the percentage of jobs and tax revenue transferred from elsewhere or the risk of those jobs and revenue leaving the city. AKRF must make an attempt at estimating the percentage of jobs and tax revenue that would be new. (233)

ESDC claims in the GPP that the City and state will receive \$1.4 billion in revenue in excess of the taxpayer subsidies over the next 30 years. However, the GPP and attachments do not offer any explanation or support for these assertions. If the significant taxpayer subsidies mentioned above were not included in these tax calculations, the numbers would not be credible. (119)

The FEIS should estimate the net new job gain in New York City and Brooklyn attributable to the project. (12)

**Response 4-64:**

As outlined in the FEIS, the proposed project would introduce between 1,340 (residential mixed-use variation) and 6,420 (commercial mixed-use variation) office jobs to the proposed project site. The analysis presented in the Section G of Chapter 4, "Socioeconomic Conditions," estimates economic benefits associated with the proposed project and does not purport to represent a net analysis of employment or tax revenue. An analysis of net short-term in-City employment growth from the project's office space would be difficult to perform and speculative because it would require multiple assumptions about local and regional population and employment growth, future economic conditions, and future vacancy rates. In the long run, the construction of additional office space and a venue such as the arena in New York City is likely to ensure that the City captures its share of the projected growth in regional employment. The approach used is consistent with the one that was outlined in the public scope of work for the DEIS.

One primary purpose of a socioeconomic analysis under CEQR is to identify the potential for significant adverse impacts due to changes in the residential and commercial real estate markets. The creation of jobs and tax revenues, while tangible economic benefits, is not used in the

socioeconomic impact assessment. The analysis of economic benefits in no way influences the analysis of significant adverse impacts in the EIS.

**Comment 4-65:** AKRF does not provide any evidence that the retail and office space in the project will be immediately and easily filled. If they are not filled, the promised economic activity would not materialize. (233)

**Response 4-65:** The economic benefits analysis is based on full occupancy of the proposed project in 2010 and 2016. If the project were not fully occupied, the benefits from the annual operation of the project would be less than reported in the EIS. The construction benefits would remain the same.

**Comment 4-66:** Zimbalist's report estimates that 60 percent of the new residential units will be occupied by people from out of state. If this assumption fails to hold up, then revenue from these new residents' income taxes would not bring the promised economic benefit. AKRF should investigate the expected demographics of the new residents. (233)

**Response 4-66:** As described under the economic benefits section of the DEIS, the projected tax receipts do not include income tax paid by the residents at the proposed project or income tax from secondary employment generated by such residents. Such revenue would be additional. In addition, Andrew Zimbalist's report on the economic benefits of the proposed project was not prepared for ESDC and is not included, relied upon, or referenced in the DEIS.

**Comment 4-67:** The economic benefits from the arena are based on the assumption that the arena will be hosting events 224 days a year. Zimbalist's report estimates this number assuming the closing of the Continental Airlines Arena and no new arena in Newark. If these assumptions do not hold true, then the estimated benefits of the arena will be substantially reduced. (233)

**Response 4-67:** The analysis reflects the expected programming of the arena. If there were fewer events and lower attendance at the arena, fiscal benefits associated with the arena (sales tax on tickets, parking, and concessions) would be lower than those reported in the EIS. If the number of events and attendees were higher, the fiscal benefits would be higher. Benefits associated with other elements of the proposed project would be the same. Andrew Zimbalist's report on the economic benefits of the proposed project was not prepared for ESDC and is not included, relied upon, or referenced in the DEIS.

**Comment 4-68:** The DEIS should include a monetary estimate of negative externalities such as costs due to increased traffic. (233)

The DEIS considers externality-type issues, such as shadows, noise, congestion, air pollution, etc., but only qualitatively. There is no economic assessment of these issues. (55)

**Response 4-68:** The DEIS presents an analysis of the economic benefits of the proposed project and summarizes available information with respect to direct public financing for the proposed project. A monetary estimate of negative externalities is outside of the scope of the EIS.

**Comment 4-69:** Any construction in the area would create jobs. Why does it have to be this one? (64)

Any development that occurs on the project site would generate construction jobs. (339)

**Response 4-69:** Chapter 1, "Project Description," outlines the purpose and need for proposed project.

*GENERAL*

**Comment 4-70:** Because of Hurricane Katrina, Travelers no longer offers commercial property insurance and Allstate is reducing its share of Brooklyn homeowners insurance. Given that with the Atlantic Yards project the area is slated to become this country's densest ever census tract, insurance industry executives will make their market decisions accordingly. What then will be the size of the reduction in all existing affordable local housing stock, on property values, on small businesses, their expenses and the real jobs that they generate? That and all the other indirect socio-economic impacts will never be addressed. (376)

**Response 4-70:** An analysis of the insurance industry's reaction to the proposed project is outside the scope of the EIS.

**Comment 4-71:** The DEIS does not address the concentration of low income and minority populations in the Gowanus, Clinton Hill, and Prospect Heights neighborhoods, the most vulnerable areas, and therefore, it does not disclose the likelihood of the greater social and ethnic division of Central Brooklyn and disparate environmental impacts. (50)

The project poses issues of environmental equity as it will disproportionately impact and displace low income residents. (474)

Although not required it would have been appropriate to discuss Environmental Justice in the EIS. (116, 475, 505)

The adverse shadows impact on the Atlantic Terminal Houses is not simply an issue of open space, but of environmental justice. The residents of the Atlantic Terminal Houses are mostly of lower income, and minority families, and the proposed project could place undue burdens upon them due to their close proximity to the project site. (299)

**Response 4-71:**

The DEIS thoroughly examined environmental impacts from the proposed project. Even after mitigation, the project would result in significant adverse impacts with respect to traffic, cultural resources, shadows, noise, visual resources and construction. Most of the impacts would be experienced in the neighborhoods surrounding the project site. Of the eight adjoining neighborhood subareas discussed in the DEIS (Bedford-Stuyvesant, Boerum Hill, Clinton Hill, Downtown Brooklyn, Fort Greene, Gowanus, Park Slope, and Prospect Heights), all but one (Park Slope) has minority populations that exceed 51.1 percent of the population, which is the threshold for an environmental justice area under CP-29 Environmental Justice and Permitting published by the New York State Department of Environmental Conservation (NYSDEC). These data were presented on page 4-28 (Table 4-6) of the DEIS. The proximity of the project to environmental justice areas is due to its location in Brooklyn. Brooklyn—and New York City itself—are environmental justice areas under NYSDEC criteria, since both Brooklyn and New York City have minority populations significantly higher than the NYSDEC threshold of 51.1 percent. (As disclosed in Table 4-6 of the DEIS, minority populations comprise 65.3 percent of Brooklyn's population and 65.0 percent of the City's population.) Since Brooklyn as a whole significantly exceeds the NYSDEC criteria for minority populations, the majority of Census block groups in Brooklyn are environmental justice areas under NYSDEC criteria. Thus, for most proposed projects in Brooklyn, unmitigated project impacts are likely to fall predominantly in Census block groups that are environmental justice areas under NYSDEC criteria. The proposed project includes a significant affordable housing component and would create many high wage, low wage and construction jobs. The arena would contribute to the vitality of Brooklyn. Brooklyn and New York City—both of which are environmental justice areas under NYSDEC criteria—would benefit from the project, and many local residents would benefit disproportionately from the revitalization of the blighted conditions on the project site, the new open space and the economic activity generated by the project. Thus, areas classified as environmental justice areas under NYSDEC criteria are expected to experience many of the benefits of the project, in addition to experiencing many of its impacts.

- Comment 4-72:** Why are so many upscale apartments being built now when the housing market is already getting overbuilt and soft? (121, 234, 241, 346)
- Response 4-72:** As described in Chapter 1 there is a strong need for housing in New York City. Based on population forecasts from the New York Metropolitan Transportation Council (NYMTC), the demand for housing in Brooklyn is for 40,000 additional units between 2005 and 2015, and 120,000 units from 2002 to 2030.
- Comment 4-73:** The DEIS leaves room for the developer to switch to office space if the luxury housing is not viable. However, the DEIS does not cite any study that shows there is a market for office space at that scale on the site. When one considers the depressed state of the office market in downtown Manhattan, there is little chance that offices would be a viable option for this proposed development. (241)
- Response 4-73:** As described in Chapter 1, “Project Description” of the DEIS, there is a strong need for office space in New York City. According to NYMTC, from 2005 to 2015, Brooklyn is predicted to add 60,000 jobs. These jobs, which are likely to be predominantly in the office and retail sectors, will create the need for approximately 15 million square feet of additional development.
- Comment 4-74:** There should be some provisions for low- and moderate-income residents of Brooklyn. They too deserve to have affordable housing. (336)
- There is a need for moderate-income housing, not upscale dwellings and businesses. (226)
- Response 4-74:** The proposed project includes 2,250 affordable housing units that would be reserved for households earning between 30 percent and 160 percent of the area median income (AMI) for the New York City metropolitan area. These units would be targeted at 30 percent of household income.
- Comment 4-75:** Two of New York’s greatest industries are tourism and film. Due to Brooklyn’s historic landscape, they are major contributors to Brooklyn’s economy. To proceed would cause irreparable harm and damage from an economic standpoint alone. (96, 395)
- The project will cause the destruction of historic 19th century neighborhoods that have become tourist destinations. (401)
- Response 4-75:** The project site is currently characterized by blighted conditions and does not contribute to the historic landscape of the borough. Although

there are two non-landmarked historic buildings on the site (the former LIRR stables and the former Ward Bread Bakery complex), these buildings are in poor condition and in their current condition contribute to the blighted character of the project site. The proposed project is not expected to negatively affect the tourism or film industries in Brooklyn.

**Comment 4-76:** As the public transit system will be impacted, so will the people who have supported the local economies by moving here. We will move again. (177, 439)

**Response 4-76:** As described in Chapter 13, “Transit and Pedestrians,” of the DEIS, the proposed project is not expected to result in any significant adverse impacts related to the public transit system.

**Comment 4-77:** The project will address the economic polarization that’s killing many African-American males within the community, and the unemployment and underemployment that exists. (9)

**Response 4-77:** Comment noted.

**Comment 4-78:** Affordable housing is a continuation of rent control and rent stabilization, which is supposedly on the way out in New York City. Both mean the boosting of city rents by taking much of the rental housing off the market. The price of what is left goes up thereby creating the very situation that it is trying to eliminate. In this way, affordable housing for some creates unaffordable housing for others. Any type of aid eventually just becomes another expense and does not provide the fix it was originally intended to. (287)

**Response 4-78:** Rental rates for affordable housing units are not expected to increase sale prices for market-rate condominium units or rental rates for market-rate rental units.

**Comment 4-79:** Affordable housing is subsidized by public funds for people with incomes between \$30,000 and \$113,000. What in the world do people with over \$100,000 of income need to be subsidized for, especially by people who have nowhere near that amount of income? (287)

**Response 4-79:** As described in Chapter 1, “Project Description,” the proposed project would provide 2,250 affordable housing units that would be reserved for households earning between 30 percent and 160 percent of the area median income (AMI) for the New York City metropolitan area. Of the 2,250 affordable units, it is anticipated that 450 would be reserved for families making between 141 and 160 percent of the AMI. For a family of four in this category, the maximum household income would be

\$113,440. The income bands used for the proposed project's affordable housing units are based on the Mixed-Income Program administered by the New York City Housing Development Corporation (HDC). Under that program, low income units can be rented to those earning at or below 50 percent of AMI and middle-income units can be rented to those earning at or below 175 percent of AMI.

**Comment 4-80:** Is there a means for adjusting the affordable housing subsidy over the years for people whose income increases? In rent control and rent stabilization cases there are people with high incomes who are still paying low rents. (287)

**Response 4-80:** All of the rental units introduced by the proposed project, including the 2,250 affordable housing units, would be administered as rent-stabilized units. Annual increases in rental rates would be determined in accordance with the guidelines set annually by the NYC Rent Guidelines Board.

**Comment 4-81:** People who are paying market rate for their apartments and people who are paying a subsidized rate may not like the idea of living next door to one another. Also, if the number of market rate units is cut, there is a possibility that a negative tipping point will be reached such that the remaining market rate apartments will not be attractive, since there are so many affordable housing units in the mix. (287)

**Response 4-81:** Combined market rate and affordable housing projects are common throughout New York City. The integration of low-income, moderate-income, and high-income units into single buildings has proven successful across the City and is required by many of the affordable housing programs currently used in the City.

**Comment 4-82:** According to Table 2-2, about 2,213 new dwelling units will be created between now and 2010. Using a household size of between 2.1 and 2.4, the population in the study area in 2010 will range between 166,500 to 167,300 persons. By 2016, the population will therefore range between 171,500 to 173,000 persons without the proposed project. Assuming a household size of 2.4 (worst case), the project will add 6,860 residential units by 2016, increasing the population in the study area to 189,000 in 2016. (55)

**Response 4-82:** According to the 2000 Census, the average household size for households located in the project area block groups (the Census block groups in which the project site is located) is 2.4 persons per household. Accordingly, the direct residential displacement analysis in the DEIS assumes that the average household size for households located on the

proposed project site is 2.4 persons per household. Because the population located in the project area block groups represents a small proportion of total study area population (approximately two percent of total population in the ½-mile study area and approximately one percent of total population in the ¾-mile study area) it would not be appropriate to apply the average household size for this small area to the new households introduced in the surrounding study area in the future or the new households in the proposed project. All future households – those expected to be introduced to the study area in the future and those that would be introduced by the proposed project – were assumed to have an average of 2.1 persons per household. This is the 2000 average household size for the ½-mile study area, and the same household size used for the Downtown Brooklyn Rezoning EIS, from which many of the anticipated development projects listed in Table 2-1 of the DEIS were drawn.

## CHAPTER 5: COMMUNITY FACILITIES

### GENERAL

**Comment 5-1:** An influx of 15,000 people will hurt our already strained schools, hospitals, police, fire stations, and post offices. (13, 23, 26, 37, 57, 119, 139, 152, 153, 166, 169, 174, 179, 186, 212, 238, 239, 242, 256, 259, 260, 284, 313, 327, 340, 351, 370, 380, 382, 387, 393, 399, 411, 422, 425, 427, 446, 453, 460, 465, 479, 487, 488, 492, 493, 498, 519, 520, 530, 544, 556, 560, 565, 569, 578, 585)

As new units get built to alleviate the housing crisis for middle class families it is imperative that schools, parks, and community facilities also get considered. (84, 422)

Local demographics have been increasingly transitioning toward families with children. This trend would only accelerate with the project. Thus, area schools and recreational facilities will be vastly overwhelmed due to the project. (345, 347, 393, 443)

The proposed project would overwhelm community facilities. (489)

**Response 5-1:** The DEIS analyzes the proposed project's potential to impact public or publicly funded community facilities as identified in the *CEQR Technical Manual*, including: police and fire protection; public schools; libraries; outpatient and emergency health care facilities; and publicly funded day care centers (see Chapter 5, "Community Facilities"). Parks are discussed in Chapter 6, "Open Space and Recreational Facilities." The DEIS identified a significant adverse impact on elementary and intermediate schools within ½ mile of the project site in 2016; proposed



mitigation is discussed in Chapter 19, “Mitigation.” The proposed project would not result in any other significant adverse impacts on community facilities.

**Comment 5-2:** Schools, fire engine companies, hospitals, sanitation garages, and police precincts must be considered. How will additions to each city service be deployed? How much will these city services amount to and who is paying for this? City services can’t remain at present levels. (133, 250)

ESDC is not requiring a commitment of resources from the State, the City or the project sponsors to cover the cost of new resources (FDNY) should the need arise. (25)

**Response 5-2:** The DEIS analyzes the proposed project’s potential to impact police and fire protection, public schools, libraries, publicly funded hospitals and health care centers, and publicly funded day care centers in Chapter 5. Sanitation services are discussed in Chapter 11, “Infrastructure.” Provisions of city services would be provided and adjusted in the ordinary course of agency administration. The DEIS identified a significant adverse impact on elementary and intermediate schools within ½ mile of the project site in 2016; proposed mitigation is discussed in Chapter 19, “Mitigation.” The proposed project would not result in significant adverse impacts to police and fire protection, libraries, publicly funded hospitals and health care center, or publicly funded day care centers.

**Comment 5-3:** There were no definitive plans in the DEIS for the intergenerational facility mentioned. (24)

**Response 5-3:** As described in Chapter 1, “Project Description,” an intergenerational community center would located in the base of one of the buildings on Block 1120 (programming and exact site location to be determined); this approximately 15,000-sf community center would replace a portion of the retail space. The intergenerational facility would consist of child care, and youth and senior centers in one building with an atrium. The child care center would have a capacity to accommodate at least 100 children and would be publicly funded or accept Agency for Child Development (ACD) vouchers.

**Comment 5-4:** The intergenerational facility would foster the extended neighborhood family and the project in general would stem the tide of apathy and neglect. (192)

The intergenerational initiative will bring our seniors and young people together. (62, 129, 377, 388, 400, 434, 463)

**Response 5-4:** Comment noted.

**Comment 5-5:** It is important to note that there are no youth recreational facilities within a 10-15 minute walk of the proposed site. Friends of South Oxford Park would like to see a new recreational center built, which is available for use by community youth. (71)

**Response 5-5:** Approximately 10 percent (0.8 acres) of the proposed project's open space component would be programmed with active uses, including children's playgrounds, a half basketball court, a volleyball court, and two bocce courts. In addition, a youth center would be included in the proposed intergenerational facility.

**Comment 5-6:** The DEIS underestimates future population growth. According to the 2000 Census, the residential population in the ¾-mile study area using U.S Census block groups is approximately 161,960 persons. In the Community Facilities section, the DEIS includes the population from 2000 U.S. Census tracts that have 50 percent or more of their area within a ¾-mile radius of the project site, and arrives at a lower number (132,871 persons). The actual population within a ¾-mile radius is 22 percent higher than the DEIS figure. The real population increase puts the Project above CEQR thresholds for community facility impacts, which the DEIS fails to disclose. The DEIS analysis of impacts to schools, libraries, health care facilities, and day care centers needs to be re-done to take into account the population increase above CEQR thresholds. (37, 55)

There is a population growth factor lower than the 5 percent called for in the *CEQR Technical Manual*. A subject of great concern is that only the proposed project is considered in this assessment. The effects of other construction projects are not included. CBN checked the projected population growth figures in Chapters 1 and 2 and found that the percentage is above the 5 percent CEQRA threshold. (45)

**Response 5-6:** The analysis in Chapter 5, "Community Facilities," relied upon the estimate of the population in the vicinity of the project site with respect to its analysis of library services, but the population data from the census were not used for any of the analyses for the other technical areas. Accordingly, the issues raised by the comment are relevant only to the analysis of library services.

With respect to library services, the commentor is comparing two different geographic areas. Block groups, which generally contain between 600 and 3,000 people, are clusters of census blocks created by the Census Bureau as a geographic level between blocks and census

tracts to permit the release of tabulated data that cannot be presented at the block level. Census tracts, which typically have between 1,500 and 8,000 people, with an average size of about 4,000 people, are intended to represent neighborhoods and typically consist of one or more block groups. As these are not identical geographic areas, their respective data is not comparable or interchangeable.

In terms of potential impacts on the delivery of library services, the *CEQR Technical Manual* states that generally, a 5 percent increase in the study area population over conditions in the future without the proposed project could result in a significant adverse impact. While the DEIS identifies a population increase of 9.4 percent from the future without the proposed project in 2016, impacts on library services in the study area would not be significant for the following reasons. First, the Brooklyn Central Library, with its extensive resources, is located within the study area and would help absorb the increased demand on library resources. Second, the volumes per resident ratio in the study area is more than four times the existing average for Brooklyn residents. Third, the Brooklyn Public Library is in the process of expanding and strengthening its collections, educational programs, and research services, increasing private and government funding, and improving facility structures, maintenance, and accessibility, including the construction of a new 140,000-square-foot visual and performing arts library near the Brooklyn Academy Music (BAM), north of the project site. Given these improvements, considered in conjunction with existing library resources in the study area, the study area would continue to be well-served in the future with the proposed project regardless of the increase in the study area population and no significant impacts would occur.

The statement that only the proposed project is considered in the assessment of community facilities and the effects of other construction projects are not included is incorrect. As outlined in the DEIS and following established *CEQR Technical Manual* methodology, potential impacts are determined based on comparing conditions in the future with and without the proposed project. Known development projects are incorporated into each technical area's respective study area and added to the future without the proposed project condition (see Chapter 2, "Procedural and Analytical Framework").

**Comment 5-7:**

In terms of NYPD and FDNY service, it is not the function of an EIS to address the implementation of adjustments to service in advance of development but to perform the analysis ahead of that development to predict what those service adjustments might consist of. (107)

The DEIS does not consider the appropriateness of existing service area boundaries. The combined new developments in Downtown Brooklyn and the project area suggest that a redrawing of a wide range of administrative boundaries should be considered. These include police precinct, community board, school, and perhaps other service areas. (37, 55)

**Response 5-7:** The DEIS discussion of community facility services may assist appropriate agencies in determining whether or not adjustments to their service districts would improve service, but, with the exception of the public schools, the adjustment of service boundaries is not required to avoid a significant adverse impact to community facility services. With respect to the public schools, adjustment of the catchment areas is one mitigation technique identified in Chapter 19.

**Comment 5-8:** The DEIS states the homeless shelter on Pacific will be relocated, the rationale being that it is a temporary shelter and can be relocated without adverse effect. Where will it be relocated to and when? (45)

**Response 5-8:** The commentor misinterpreted the statement in the DEIS regarding the temporary homeless shelter on Pacific Street. The DEIS states that the demand for the type of services provided at this facility is declining due to the City policy of finding permanent housing for chronically homeless individuals. According to the New York City Department of Homeless Services (DHS), the capacity of this facility can be replaced, if needed. The DEIS does not state that the facility itself would be relocated, but that the temporary occupants of this facility could be accommodated in other DHS facilities and therefore the closure of this facility would not result in a significant adverse impact.

**Comment 5-9:** The very premise of Chapter 5, "Community Facilities," is that the proposed project would "introduce new demands on community resources due to the introduction of daytime users and new residents to the project site," is faulty, because it omits the demands placed on resources such as police, fire, and hospitals by night-time visitors such as those attending events at the arena and those who work the second and/or third shifts in the commercial spaces. (102, 103, 484)

**Response 5-9:** The assessment of community facilities follows methodologies outlined in the *CEQR Technical Manual*. As stated in the *CEQR Technical Manual*, police and fire protection services are not typically assessed under CEQR unless the proposed project would result in a direct effect on the provision of their services. The assessment of hospitals and health care facilities is based on the number of low-to-moderate income units and the reliance of this population on nearby emergency and other

outpatient clinic services. NYPD successfully polices similar facilities in the city, including Madison Square Garden and Yankee Stadium, and would apply these principles to the proposed arena. In addition, additional security and emergency medical services would be available at the arena before, during, and after scheduled events.

**Comment 5-10:** The stated intention of the project is to create a vibrant addition to a thriving borough. However, the project planners neglect the needs of the community by parsing the population out to adjoining neighborhoods. It is imperative to assess, from the users perspective and from planners, what leads to a vibrant addition, without impacting adversely surrounding communities. This project seems to pass off its obligations to the surrounding communities. (37)

**Response 5-10:** The DEIS does not parse out the population among the adjoining neighborhoods to pass off the proposed project's impacts on community facilities in the surrounding area. The DEIS analysis is consistent with the *CEQR Technical Manual* in the assesment of potential project impacts on the various community facility resources. Following the *CEQR Technical Manual* methodology requires the DEIS to present the coverage areas for police and fire protection services and school district catchment areas as formally designated by those relevant agencies. The resulting project impacts on those resources and coverage areas have been disclosed in the DEIS.

#### *POLICE PROTECTION*

**Comment 5-11:** The document needs a detailed assessment of response times. (26, 50, 108, 151, 163, 168, 251, 324, 339, 384, 402, 446, 461, 544)

Is the 88th precinct on DeKalb and Classon Avenues going to change its catchment area to improve response times? (272)

Already response times from the 88th precinct are slow. (272, 319)

The DEIS does not include a formal response from the NYPD on response times and relies on unsworn testimony presented by a single NYPD member at the Borough Board Atlantic Yards Committee meeting on November 29, 2005. (25)

There is no evidence to support the DEIS claim that current NYPD staffing levels are adequate to meet the needs of the community in all four precincts or that response times would not be affected. At a minimum, the DEIS should present baseline information about response times in the four precincts at the present time, and how these response

times compare with other parts of the borough, other boroughs, and the city as a whole. (37, 55)

During times of significant gridlock, the 78th Precinct closes 6th Avenue between Dean and Bergen Streets (163, 461)

We need a review of present time response times, how they compare with other Brooklyn precincts, those of other boroughs, and that of the whole city. It is difficult to assess the information given in the DEIS due to the information having been obtained, strictly from personal communication, and unfortunately, even these communications do not appear in the DEIS appendix. (45)

We have had only short statements from City agencies, reflecting “no impact” concerning the Department’s ability to deal with any eventuality. There has been no analysis or review of even existing response times, and certainly none for a projected impact on response times. (45)

There is insufficient attention paid to the effect that the immitigable traffic at major intersections separating the 78th Precinct House on Bergen Street from the Park Slope community that it serves will have on response times, and to the inaccessibility in general of the precinct to the community. (102, 103, 374, 560, 585)

The failure of the DEIS to analyze police department response times puts it clearly at odds with the Final Scope of Analysis, which stated the following on Page 24: “the analysis will include assessment of the project’s potential effect on NYPD response times.” (102, 103)

Given the proposed street closures, and the significant traffic and construction impacts disclosed in the DEIS, it is reasonable to assume that there could be significant adverse impacts on emergency response times. The FEIS should include a thorough analysis of NYPD response times. (37, 55, 108, 479)

**Response 5-11:**

According to the *CEQR Technical Manual*, the ability of the police to provide public safety for a new project usually does not warrant a detailed assessment under CEQR unless a proposed project would affect the physical operations of, or access to and from, a precinct house. Nevertheless, the DEIS included a discussion of the project’s potential effects on police services, including response times, and concluded that there would be no significant adverse impacts.

The proposed project would result in the closure of streets in the vicinity of the 78th Precinct House on 6th Avenue, and include changing 6th Avenue from a one-way to a two-way street. However, the potential response from the 78th Precinct, located south of the project

site, would not be significantly affected since its precinct coverage extends principally to the southwest. The units from the 78th Precinct would respond to calls within their coverage area without having to traverse through the blocks immediately surrounding the project site. Displaced parking spaces for the 78th Precinct would be replaced by spaces provided by the project sponsors on site at a proximate and convenient location.

The increases in traffic associated with the proposed project would not significantly affect NYPD response times generally because the four precinct headquarters are located throughout the project's study area and are not clustered around the project site. NYPD vehicles, when responding to emergencies, are not bound by standard traffic controls and are capable of adjusting to any congestion encountered en route to their destination and are therefore less affected by traffic congestion. These vehicles would be able to access the project site as they do other areas throughout New York City, including the most congested areas of Midtown and Downtown Manhattan. In addition, NYPD response times to crime-in-progress calls have declined city- and boroughwide from 2005 to 2006. The FEIS has been revised to include a more detailed discussion on response times.

**Comment 5-12:**

The project site should include a police sub-station. (12)

There is no provision in the DEIS for adding police stations. (30, 176, 349)

It is either naive or dishonest to suggest that adding skyscrapers and a sports arena to a small quiet neighborhood will not increase the need for police activity. (264, 467)

The proposed project site cuts across several administrative boundaries. The DEIS suggests that the administrative burden can be redistributed, thereby reducing the burden on any one administrative unit. The DEIS does not address the basic question of the capacity of each unit to respond. (37, 55)

Adjusting precinct lines does not address the identified need for additional officers generated by the large concentrated increase in the residential population or the need to enlarge or add precinct houses to accommodate the additional officers. (232)

The 78th Police precinct house should be relocated so its facility would be insulated from project site and its personnel could better cover its catchment area; in addition, accessory parking for the 78th Police precinct should be provided at their current location. (25)

The 78th Police precinct house is closest to the project site and most likely to share the greatest burden of the potential increase in demand as a result of the proposed project. The 78th precinct house is also one of the smallest, with approximately 170 personnel, making it difficult to accommodate an increase in staff without enlarging the precinct house and precinct street parking. (232)

Police Department has indicated that it has not undertaken a full evaluation of project needs in relation to surrounding precincts. (37)

Stating that it is not NYPD policy to comment on proposed projects cannot discharge project sponsors of their responsibility under SEQR to disclose impacts. (37, 55)

**Response 5-12:**

The assessment of police protection follows methodologies outlined in the *CEQR Technical Manual*. According to the *CEQR Technical Manual*, the ability of the police to provide public safety for a new project usually does not warrant a detailed assessment under CEQR unless a proposed project would affect the physical operations of, or access to and from, a precinct house. NYPD would continue to evaluate its staffing needs and assign personnel based on a variety of factors, including demographics, calls for service, and crime conditions. According to the NYPD Office of Management, Analysis and Planning (OMAP), the allocation of NYPD staff citywide is routinely evaluated and adjusted, accounting for changes in population and transportation. The proposed project would be taken into consideration in such routine evaluations of service adjustments, and adequate coverage would continue to be provided by the NYPD.

**Comment 5-13:**

The DEIS notes that NYPD has protocols to manage large venues such as Yankee Stadium and that policing these events will not detract from local precincts. There is no evidence that this claim is true in relation to the Atlantic Yards arena. (12, 37, 45, 55)

This section of Prospect Heights needs one dedicated police station with sufficient personnel to provide increased coverage during sporting and other events. (461)

The proposed arena will significantly affect the citywide demand for police resources during large events, requiring more police resources to be diverted from local precincts. (108, 232)

**Response 5-13:**

As noted in the DEIS, NYPD successfully polices similar facilities in the city, including Madison Square Garden and Yankee Stadium, and would apply these principles to the proposed arena. NYPD has stated that it would bring in other officers throughout the City for arena events



and would not take away resources from the local precinct and does not make large events a disadvantage to the local precinct.

**Comment 5-14:** The DEIS states that there will be a loss of 24 spaces for police vehicles along 6th Avenue. Currently the police park all over the sidewalk and street on 6th Avenue between Dean and Bergen making it difficult for pedestrians and vehicles to proceed. This unmitigatable loss of police parking spots will only exacerbate a bad situation. (241, 494)

**Response 5-14:** As stated in the DEIS, the reconfiguration of 6th Avenue between Atlantic and Flatbush Avenue would result in the loss of angled police parking in front of the 78th Precinct House. Since issuance of the DEIS, the project sponsors have committed that they would provide off-street parking within the project site at a proximate and convenient location for the up to 24 police vehicles that would be displaced.

**Comment 5-15:** Protocols applied to assign police resources to Madison Square Garden and Yankee Stadium may not necessarily be sufficient to handle the situations that occur when a sports facility operates in close proximity to a residential district. PHNDC is aware that the NYPD Office of Management, Analysis, and Planning (OMAP) has studied patterns of crime around sports arenas and stadiums; PHNDC recommends the EIS revisit this portion of its analysis. (108)

**Response 5-15:** As noted in the DEIS, the New York Police Department (NYPD) would continue to evaluate its staffing needs and assign personnel based on population growth, area coverage, crime levels, and other local factors. NYPD has protocols to successfully police large venues, such as Madison Square Garden and Yankee Stadium, which have similar events to those that would take place at the proposed arena. It is expected that NYPD, as part of its ongoing planning efforts, would establish appropriate protocols for arena events tailored to the location and the characteristics of the project site and its surrounding neighborhood.

#### *FIRE PROTECTION AND EMERGENCY SERVICES*

**Comment 5-16:** The Fire Department said increased density may require new resources, but there is no in depth and critical analysis in the DEIS regarding work load or response times. (37, 176)

The document needs a detailed assessment of response time and service delivery impacts to the FDNY, including how FDNY can move if traffic conditions shut down exactly as it did on 12/24/2004. (26)

Fire and emergency services should be required to give a more thorough answer as to how traffic will impact response times. (108, 151)

The DEIS conclusion that the proposed project is not expected to significantly affect the provision of services by fire and emergency vehicles is a direct contradiction by the results of the traffic analysis. (107)

FDNY parks its vehicles on the street so they will not be trapped in the firehouse due to gridlocked traffic. (461)

I am very concerned that the proposed project will impede FDNY's ability to respond to emergencies. (324, 461, 544)

The failure of the DEIS to analyze fire department response times puts it clearly at odds with the Final Scope of Analysis, which stated the following on Page 24: "the analysis will include assessment of the project's potential effect on FDNY response times" (102, 103)

Given the proposed street closures, and the significant traffic and construction impacts disclosed in the DEIS, it is reasonable to assume that there could be significant adverse impacts on emergency response times. The FEIS should include a thorough analysis of FDNY response times. (37, 55, 108)

The DEIS states that there are no plans to make changes in firehouses, equipment or personnel in this study area. There will only be demand-based analysis at some unstated future time. The only statement in the DEIS concerning the impact on the Fire Department's ability to respond to a much greater challenge is a short statement from City agencies. There should be more in depth analysis of the routes to be taken over demapped streets, water pressure, traffic, and safety for pedestrians and FDNY personnel. (87)

**Response 5-16:**

According to the *CEQR Technical Manual*, the assessment of impacts on fire protection services relates to fire response time; however, units responding to a fire are not limited to those closest to it. Generally, a detailed assessment of fire service delivery is conducted only if a proposed project would affect the physical operations of, or access to and from, a station house. Nevertheless, the DEIS included a discussion of the project's potential effects on fire services, including response times, and concluded that there would be no significant adverse impacts.

FDNY response times are not expected to be significantly affected for a number of reasons. Access to the project site would not be significantly hampered by the closing of local streets or increased traffic as the project site is accessible by three of the borough's major thoroughfares

and service to surrounding areas is from FDNY facilities that have a broad geographic distribution, including seven firehouses, and a special operations facility (one squad company), and one emergency response unit. FDNY and emergency service vehicles would be able to access the project site and would maneuver around and through congested areas and are not bound by standard traffic controls. Similar to other emergency responders, ambulances would adjust to any congestion encountered en route to their destination and all ambulances in the 911 system are dispatched by FDNY under the same 911 system, regardless of hospital affiliation. Average FDNY response times to all emergencies decreased citywide and boroughwide from 2005 to 2006. EMS response times to medical emergencies have also decreased citywide and boroughwide during this same period. In addition, the City is implementing an automatic vehicle location (AVL) system in all ambulances and FDNY apparatus, which is expected to further reduce emergency response times. The FEIS has been revised to include a more detailed discussion on response times.

**Comment 5-17:**

Only one of the seven firehouses nearest the site is especially equipped for fighting high rise fires. Located at Tillary Street, its focus is the high rise office buildings and hotels of Downtown Brooklyn. The addition of 16 high-rise buildings in this project will strain their existing resources. Provision should be made to outfit a firehouse in immediate proximity to the project with similar equipment to the firehouse at Tillary Street. (108, 110)

There is no evidence that the men and women of our local firehouses will be given the training and equipment to handle fires in high-rise buildings. (69, 102, 103, 349, 384, 406, 524, 563)

Right now Clinton Hill has no fire equipment that could serve buildings over 30 stories high. It does not exist in the firehouses serving the other surrounding communities. Is this another cost that will be borne by the NYC taxpayer? (119)

There is no analysis of the adequacy of existing fire equipment for emergencies in the proposed high-rise buildings. (55)

We are concerned that provisions were not added in the plan to build an additional fire department station to protect the neighborhood. (30)

Engine Company 219/Ladder Company 105 is located at 494 Dean Street, in close proximity to the parking entrance and loading dock for the arena. It seems very likely that the firehouse would experience some difficulty dispatching fire trucks from its garage in emergency

situations. However, the DEIS does not address the possibility the firehouse may be forced to relocate. (108)

**Response 5-17:**

According to the *CEQR Technical Manual*, FDNY does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment, or locations of fire stations and makes adjustments as necessary. Fire protection throughout the city is normally provided by multiple fire companies and fire protection in the study area will continue to be provided as per established standard FDNY operating procedures. FDNY has stated that all of its units are trained to respond to high-rise firefighting calls; the firehouse at 172 Tillary Street houses equipment especially suited for high-rise fires.

The project sponsors have met with the planning and operations staff at FDNY to review the proposed project with respect to FDNY requirements regarding fire safety and site and building access. As a result of these discussions, the project design has incorporated fire hydrant types and locations, and fire truck and ambulance access to the arena, the residential and commercial buildings, and the open space. In addition, the proposed project would incorporate fire protection/prevention measures, including sprinkler systems, fire-retardant building materials, smoke ventilation systems, alarm systems connected to neighboring FDNY station houses, emergency exits per building code standards, and dedicated emergency access for fire and emergency vehicles.

As discussed in Chapter 1, “Project Description,” of the DEIS, all security screening and loading dock activities would take place internally within an enclosed, below-grade area and would have adequate truck maneuvering space to allow for head-in and head-out operations. There would be sufficient internal reservoir space that there would be no anticipated on-street queuing of delivery vehicles.

FDNY currently has no plans to close the 494 Dean Street firehouse.

*PUBLIC SCHOOLS*

**Comment 5-18:**

The plan does not provide funding for additional elementary and middle schools to handle the increased population. (37, 57, 242, 250, 343, 370, 461, 539, 543)

I see no provisions for adding schools to serve 6,500 new children. District 13 cannot take in that many new students into existing schools. District 13 is already one of the school system’s weaker districts—with

only 26.5 percent of 8th graders in the district passing the statewide ELA English proficiency test. (176, 262)

Proposed mitigation for the significant adverse impacts on schools is inadequate. What would the public costs be to implement the mitigation? (37, 55)

Even if a new school is proposed, it would be open no earlier than 2013 and cost at least \$100 million. Given the current state of education funding, funds for an additional school may not be available. (461)

Establishing a new school requires considerable infrastructure investments and additional staff allocations, and these are not identified or quantified in the DEIS. (37, 55)

Building new school facilities off-site is undesirable, as it is an additional burden on the community as it would most likely require the use of eminent domain within the half-mile project radius in order to obtain sites for new buildings. Furthermore, no sites have been identified or proposed. (232)

The provision of permanent, not leased space for an elementary school facility within the ½-mile project radius area should be incorporated into the project from the start so that the best opportunity for mitigation is not lost. Leasing introduces an ongoing operating expense to the taxpayers, as well as uncertainty regarding the continued availability of the site. (232)

To add almost 20,000 new residents and not build new schools is absurd. (10, 26, 30, 37, 160, 181, 187, 191, 195, 212, 227, 236, 242, 243, 247, 248, 272, 289, 311, 357, 358, 365, 413, 420, 484, 503, 519, 533, 558)

As a local school teacher I know that schools are already overcrowded enough. (386),

The schools in the area are already overcrowded. (477, 487, 510, 524)

Hopefully the proposed project will get more new schools built. (215, 242)

The project sponsors should build a new school. (3, 12, 13, 59, 130, 206, 227, 384, 350, 367, 421, 452, 509, 522, 569, 575)

There should be a firm commitment from the developer that a new school will be provided. (5)

The project sponsor, in coordination with the Department of Education, should confirm and commit to building this school. (12)

Adequate schools for the children of new residents must be built within the footprint as part of the Atlantic Yards program. (37)

The proposed project should designate an appropriate area as a campus for three small school buildings: K-5 (250 students); 6-8 (250 students); and 9-12 (450 students) to be built by FCR. The buildings would house new small charter or public schools and would be leaders in sustainable green building construction. (173)

**Response 5-18:**

The project site is located in both Community School District (CSD) 13 and 15. Elementary schools in CSD 13 currently operate at 64 percent capacity with 4,456 available seats; intermediate schools operate at 81 percent capacity with 1,239 available seats. Schools in CSD 15 are operating at slightly higher capacities: elementary schools in CSD 15 currently operate at 91 percent capacity with 1,395 available seats; intermediate schools operate over capacity with a deficit of 199 seats. Using methodologies outlined in the *CEQR Technical Manual*, the residential mixed-use variation of the proposed project, the variation resulting in the most—13,500—residents on the project site, would generate 1,757, 667, and 412 public elementary, intermediate, and high school students, respectively, by 2016. Elementary schools operate at 65 percent capacity in the exiting condition; intermediate schools operate at 71 percent capacity.

As discussed in Chapter 5, “Community Facilities,” the proposed project would result in a significant adverse impact to both elementary and intermediate schools within the ½-mile study area when enrollment at these schools exceed their program capacities, which could occur as early as 2013. Since the issuance of the DEIS, the project sponsors have reached an agreement with the New York City Department of Education (DOE) that upon DOE request, the project sponsors would provide adequate space for the construction and operation of an approximately 100,000-square-foot elementary and intermediate school. At this time, Building 5, located on the east side of 6th Avenue between Atlantic Avenue and Pacific Street, has been identified as a possible site. This school space would be made available at a time that would allow the school to be constructed and open at the beginning of the school year in which the significant adverse impact would be projected to occur, i.e., when the projected enrollment in either the elementary or intermediate schools within ½ mile of the project site exceeds their program capacities. This could occur as early as 2013. This new school would serve to partially mitigate the significant adverse impacts to elementary and intermediate schools within ½ mile of the project site as identified in the DEIS. Chapter 19, “Mitigation,” of the FEIS has been revised to

account for this change in proposed mitigation for this significant adverse impact.

**Comment 5-19:** Two possible schools mitigations (shifting boundaries and creating new satellite facilities) involve the shifting of students to schools beyond the ½ mile radius, since the schools within the ½ radius do not have surplus capacity. By the report's own criteria, that cannot be considered an appropriate mitigation. (232)

**Response 5-19:** Since the issuance of the DEIS, the project sponsors have reached an agreement with the New York City Department of Education (DOE) that upon DOE request, the project sponsors would provide adequate space for the construction and operation of an approximately 100,000-square-foot elementary and intermediate school. At this time, Building 5, located on the east side of 6th Avenue between Atlantic Avenue and Pacific Street, has been identified as a possible site. This school space would be made available at a time that would allow the school to be constructed and open at the beginning of the school year in which the significant adverse impact would be projected to occur, i.e., when the projected enrollment in either the elementary or intermediate schools within ½ mile of the project site exceeds their program capacities. This could occur as early as 2013. This new school would serve to partially mitigate the significant adverse impacts to elementary and intermediate schools within ½ mile of the project site as identified in the DEIS. The other potential mitigation measures identified in the DEIS—shifting the boundaries of school catchment areas within the CSDs; creating new satellite facilities in less crowded schools; and building new school facilities off-site—would be implemented at the discretion of DOE. The FEIS has been revised to account for this change in proposed mitigation for this significant adverse impact.

**Comment 5-20:** It is unreasonable to assume that there would be no significant adverse effects to schools within Region 8 until 2016. (272)

**Response 5-20:** Using methodologies outlined in the *CEQR Technical Manual*, the proposed project would result in a significant adverse impact on elementary and intermediate schools within ½ mile of the project site. Pursuant to this methodology, the threshold for the impact would occur when the number of students generated by the proposed project would cause enrollment in elementary and intermediate schools to exceed their program capacities. This could occur as early as 2013; mitigation would be tied to when this threshold is crossed. The proposed project would not result in significant adverse impacts to Community School Districts (CSDs) in which the project site is located—as there is available school

capacity in these districts overall in the future with the proposed project. It is important to note that school overcapacity within ½ mile of the project site is not solely based on demand from the proposed project; this analysis also accounts for other residential projects anticipated to be completed by 2016.

**Comment 5-21:**

The environmental impact statement uses city figures to show that there's a lot of excess capacity, and even if Atlantic Yards is built, a new school won't be needed until 2016. But the data are two years old. (59, 102, 103, 496, 515, 558)

The influx of children as result of the proposed project would overwhelm our already overworked local school system. The DEIS uses figures from 2004, not taking into account the enormous baby boom that took place in Fort Greene/Clinton Hill circa 2000, children who are entering neighborhood schools in droves. (267, 402)

The DEIS fails to take into consideration that average class sizes already exceed state standards and will only get worse with the project, even if a new elementary school were to be built. (59)

The principals of the schools analyzed should be interviewed to get a more accurate picture of existing conditions. (59, 102, 103)

The problem is that the city calculates capacity by square footage, not by how teachers and students actually use a school. (59, 102, 103)

My research shows that, although there are some available seats in some District 13 schools (and some in one District 15 school, as described in my oral testimony), there are not enough to absorb an appreciable share of the thousands of additional students that would live in Atlantic Yards. (59)

The figures for school capacity are woefully out of date and inaccurate. As a mother with soon-to-be school age children, I can personally attest to the fact that most, if not all, the local schools are completely at or above student capacity and that it is extremely difficult getting your child into a decent public school, if not impossible. With 17,000 new residents in the area, the crush on the local school system would be devastating. (324)

The figures for school capacity seem to be off. Do they take into account the actual number of empty desks in each classroom, or only the overall figure based on the square footage of the building? (Ettlenger)

The school capacity figures are skewed due to the method of analysis. The DOE school capacity statistics do not reflect the actual capacity of



the school using today's standards. It is a comparative measure that once upon a time provided a standard way of measuring the physical size of schools in terms of students rather than the actual number of students that the building can hold and provide the required services. It does not take into account the number of rooms dedicated to special services, extra-curricular classes, the needs of special education students or gifted students, room set aside for community use or in the most unfortunate sense, rooms that are in a state of disrepair. In addition, as an educational system we are aspiring to a lower class size and universal preschool, rather than packing classes. An interview of schools or data collected by community agencies would enhance the picture. (37)

The DEIS baseline figures for student enrollments assume the declining trends in DOE and DCP forecasts. We are not familiar with the assumptions driving these forecasts, so it isn't clear to us why enrollment would decline as the population of the surrounding neighborhoods is rising. (108)

**Response 5-21:** As per *CEQR Technical Manual* methodology, the DEIS, utilized the best and most recent data developed by both DCP and the New York City Department of Education (DOE). DOE monitors school enrollment, changing demographics, and housing production annually and updates and adjusts its projections accordingly, factoring these changes into their capital planning process. Enrollment in CSD 13 public schools, where most of the project site is located, has declined each year for more than 15 years.

**Comment 5-22:** Site 5 is an inappropriate location for a school that disregards the health and safety of the public. Building it in one of the residential buildings is a viable mitigation, but only if it were to be constructed during Phase I, so that children moving into the first phase of the project could attend this school upon moving in. It should be in one of the residential buildings. (59, 102, 103)

**Response 5-22:** Site 5, located at the crossroads of Flatbush, Atlantic, and 4th Avenues, is not considered a potential location for a school. If requested by DOE, the project sponsors would make a space available in the base of one of the residential buildings east of 6th Avenue. The project sponsors have identified Building 5, located on the southeast corner of Atlantic and 6th Avenues, as a possible site for the school. This school space would be made available at a time that would allow the school to be constructed and open at the beginning of the school year in which the significant adverse impact would be projected to occur.

**Comment 5-23:** Given the location of the project site near wide avenues with substantial vehicular traffic, including a major truck route, the DEIS should disclose the specific location of any future schools. Since the DEIS suggests busing to outlying schools as an option, the impacts of that strategy should be outlined. Busing could further increase traffic and air quality impacts within the study area, and affect the racial balance in area schools. (55, 37, 384)

The lack of suitable school placement could lead to racial, ethnic, and class tensions as new arrivals compete for seats with those who have been in the community much longer. (461)

To suggest that parents will have to put their children on buses every school day because one developer wants to build the largest project ever in Brooklyn, does not seem like a fair tradeoff for the community. (119)

To suggest that the solution of overcrowded elementary schools is to bus young children out of their neighborhoods is to solve the problem not by planning for the future but by crisis management. (102, 103)

The DEIS suggests several possible mitigations to meet future school needs but provides no details or commitments. One proposal would send children to schools outside the immediate project area. This would amount to substantial school busing, which may not be financially feasible or educationally warranted. It may also have the result of enabling racial segregation in the schools. (324)

Not only does the DEIS likely overestimate existing school capacity, it does not analyze the impact of increased class size to the educational experience of the students themselves. Adding to the population at the study area schools may further impede their ability to help students achieve grade level performance. (108)

**Response 5-23:** Potential mitigation measures to address the significant adverse impact to elementary and intermediate schools are identified in the FEIS. If requested by DOE, the project sponsors would make a space available in the base of one of the residential buildings east of 6th Avenue. As discussed in Chapter 19, "Mitigation," the lower floors of Building 5, located on the east side of 6th Avenue between Atlantic Avenue and Pacific Street, have been identified as a possible site for a new school. This school space would be made available at a time that would allow the school to be constructed and open at the beginning of the school year in which the significant adverse impact would be projected to occur. Racial balance in public schools is not within the scope of the EIS; nor could such analysis be performed, as the race of future residents of the proposed project is unknown. The potential for racial, ethnic, and class tensions resulting from a lack of available capacity at

area schools is not a factor in assessing public school impacts. The lead agency has utilized recommended DOE criteria with respect to school capacity for environmental impact assessment in assessing the potential impacts of the proposed project on schools. More specific DOE criteria and policies for appropriate class size and other educational matters are not analyzed in the EIS.

**Comment 5-24:** The Community Benefits Agreement (CBA) signed by the developer and a coalition of community groups indicates support for the creation of new charter schools, but the language of the agreement is vague at best. The CBA and the new schools are not referenced in the DEIS. Therefore, this analysis cannot adequately address such a proposal. (37, 55)

**Response 5-24:** The school-related commitments in the CBA do not form the basis for the analysis of schools in the DEIS.

**Comment 5-25:** The DEIS does not look closely at the problems and needs of individual schools in the ½-mile study area and the extent to which they would be affected by the project. (37, 55, 282, 324, 527)

The DEIS must further examine school locations. The recommendation is to scatter students in this project throughout many schools rather than provide a cohesive community school. The DEIS claims that schools with ½ mile of the project could absorb the students. A map of the location of the schools will show that they are difficult to get to and that elementary age children could not get to the schools on their own. Furthermore, these schools may not have the facilities to absorb the new population. (37)

The Downtown Brooklyn construction, the projects on 4th Avenue, the construction on Atlantic Avenue, and the Hoyt-Schermerhorn project in Boerum Hill have not been included in the schools analysis. Families will come with children and these pupils will have to be schooled. (45)

The DEIS fails to consider that the upzoning of 4th Avenue extends well beyond the ½-mile radius of the project study area, and will add many units of housing that will send children to schools in Region 8, and specifically CSD 13 and the highly desirable District 15. The suggestion that schools in the neighborhood surrounding the project site will have excess capacity in 2010, let alone 2016, is simply not supported by facts. (102, 103, 105, 402)

The DEIS does not consider the additive results of many new small housing developments within a few miles of the proposed Atlantic Yards. While each development in and of itself may add only 10 to 20

new students, hardly an impact, in total, together, all the new students in all the new housing in downtown Brooklyn, will have a negative effect. (496)

**Response 5-25:** According to the *CEQR Technical Manual*, the study area for schools analysis generally coincides with the region within the Community School District (CSD) serving the project site. As determined in consultation with the DCP, a four-tiered analysis was chosen to assess the potential effects of the proposed project on elementary and intermediate schools located near the project site as the project is located within two CSDs: 13 and 15. The data used for the schools analysis represent the best and most recent data developed by both DCP and the DOE. The schools analysis examined effects (1) on schools within ½ mile of the project site; (2) on schools in CSD 13; (3) on schools in CSD 15; and (4) on all schools in CSDs 13/15 combined. The DEIS found that the proposed project would result in a significant adverse impact to elementary and intermediate schools within ½ mile of the project site; proposed mitigation is discussed in Chapter 19, “Mitigation.” Catchment areas of individual schools are determined by DOE.

The analysis of future school capacity accounted for school-age population projections by DOE in the background as well as school-age population from the no build projects identified in Chapter 2, “Analytical Framework.”

**Comment 5-26:** The DEIS did not analyze after-school programs. The community board strongly recommends that the positive and/or negative impact on Out of School Time programs be included in the FEIS. (24)

**Response 5-26:** The DEIS analyzed potential impacts to public schools as per *CEQR Technical Manual* methodology; potential impacts to after-school programs were not assessed independently.

**Comment 5-27:** The analysis seems to account for 0.37 elementary school children per household. Perhaps this is a New York City statistic. The number of children per unit in a project of this size and interest and location may be greater and comparison with other projects should be generated. (37)

**Response 5-27:** The number and type of students (elementary, intermediate, or high school) generated by the proposed project was calculated based on ratios provided in Table 3C-2 of the *CEQR Technical Manual*. Factors contributing to student ratios include the borough in which the project site is located and the anticipated income level of the residential units included in the proposed project (low, low-mod, mod-high, and high).

**Comment 5-28:** The DEIS does not consider the impact on high school enrollment. While high school enrollment is a citywide process and many students choose not to attend high schools in their immediate community, the addition of an unknown number of new students does add to the overcrowding of Brooklyn high schools. This is already an issue. (496)

**Response 5-28:** The commentor is correct in stating that Brooklyn public high schools currently operate over capacity. As discussed in the DEIS, Brooklyn public high schools are currently operating at a 149 percent utilization rate. Based on DOE projections—and per *CEQR Technical Manual* methodology, enrollment at Brooklyn high schools is expected to decrease and in 2016, these schools would operate at 119 percent capacity. With the additional estimated 412 high school students to be introduced by the proposed project in 2016, high schools boroughwide would operate at 120 percent capacity. This represents a change in seat deficit of less than 5 percent. Therefore, there would be no significant adverse impact to high schools as a result of the proposed project.

#### *LIBRARIES*

**Comment 5-29:** The proposed project is likely to add up to 30,000 new residents by 2016 and therefore will have a significant impact on libraries. A more detailed analysis is required to assess the extent to which the impact may be adverse. The DEIS should discuss operations of the Pacific Branch library, which is currently closed for “assessment.” (37, 55)

**Response 5-29:** As discussed in the DEIS, the estimated 13,500 new residents introduced by the proposed project would not result in a significant adverse impact on libraries. While the proposed project would result in an increase in the population within one mile of the project site, the Brooklyn Central Library, with its extensive resources of over 1,098,045 volumes, is located within the study area and would help absorb the increased demand on library resources. In addition, the Brooklyn Public Library is currently seeking to expand and strengthen its collections, educational programs, and research services, increase private and government funding, and improve facility structures, maintenance, and accessibility. Furthermore, the volume per resident ratio in the study area in the future with the proposed project would continue to be well above the existing volume per resident boroughwide. As discussed in the FEIS, the 42,500-volume Pacific Branch, located at 25 4th Avenue, is currently closed for remedial structural work but is expected to reopen in November 2006.

**Comment 5-30:** 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 similar shortfalls in library resources including, but not limited to, technology, books, and physical space. (24)

**Response 5-30:** The DEIS analyzed potential impacts to libraries as per *CEQR Technical Manual* methodology and concluded that the proposed project would not result in a significant adverse impact. While it is true that the proposed project would result in significant adverse impacts to public elementary and intermediate schools, a schools impact does not directly translate to an impact on libraries.

**Comment 5-31:** The DEIS says that there will be no impact on the library systems in the area, as the *CEQR Technical Manual* gives a 5 percent growth “margin.” With the addition of all the apartments stated in the DEIS, how was the population figure arrived at? CBN checked the projected population growth figures in Chapters 1 and 2 and found that the percentage is above the 5 percent CEQR threshold. (45)

**Response 5-31:** In terms of potential impacts on the delivery of library services, the *CEQR Technical Manual* states that generally, a 5 percent increase in the study area population over conditions in the future without the proposed project could result in—but is not a definitive indicator of—a significant adverse impact. Population in the conditions in the future with and without the proposed project are based on the 2000 census population within the library study area with the addition of recently completed projects and known developments anticipated to complete by their respective analysis year—including the proposed project where appropriate (in the future with the proposed project), as detailed in the DEIS. The commentor’s critique of the 2000 Census data cited in the DEIS is addressed in another response to comment.

**Comment 5-32:** The Carnegie building, very close to the footprint, will more than likely be decommissioned and thus library capacity will be diminished, even without the proposed project. How does that affect the 5 percent allowed by CEQR? (45)

**Response 5-32:** The Pacific Branch (Carnegie building) was closed for remedial structural work but reopened on November 7, 2006. There are no known plans to decommission this library.

**Comment 5-33:** The DEIS argues the increase in the study area population, twice that deemed significant by CEQR, would not impact library services because (i) the Brooklyn Central Library is within the study area, and it has a large collection of volumes; (ii) Brooklyn residents can request volumes from other library branches be delivered to their local branch; and (iii) the number of volumes available per Brooklyn resident in the study area already exceeds the Brooklyn average. The fact that the study area currently enjoys a library well-stocked with books unfortunately does not change the fact that the CEQR guidelines would indicate the population change will cause an adverse impact to service. The Brooklyn Central Library serves a community larger than the study area, so population conditions in Brooklyn as a whole must be factored in to any analysis of the sufficiency of resources. In particular, creating a ratio of volumes to study area residents using the Central Library's collection as a numerator is not a valid representation of how the Library's resources are used. We find that a more detailed analysis of use of the Central Library is necessary, together with a plan to mitigate the adverse impacts that would likely exist. (108)

**Response 5-33:** In terms of potential impacts on the delivery of library services, the *CEQR Technical Manual* states that generally, a 5 percent increase in the study area population over conditions in the future without the proposed project could result in a significant adverse impact requiring further analysis, as was performed in the FEIS. As indicated in the DEIS, this threshold would be exceeded, and therefore a detailed analysis was performed. That analysis found that impacts on library services in the study area would not be significant for a number of reasons, including the proximity of the project site to the BPL Central Library and the fact that residents of the study area would have available to them in their local vicinity four times the number of volumes than the Borough average. In addition, the DEIS notes that the BPL is in the process of expanding and strengthening its collections, educational programs, and research services, increasing private and government funding, and improving facility structures, maintenance, and accessibility, including the construction of a new 140,000-square-foot visual and performing arts library near the Brooklyn Academy Music (BAM), north of the project site. These improvements and expanded services—the details of which are not known at this time and thus not included in the quantitative analysis—would expand and improve library services in the study area and boroughwide. The Central Library is intended to serve a larger population. The project-related increase in population relative to the broader area served by the Central Library would be negligible; no impacts on library services are expected.

*HOSPITALS AND HEALTH CARE FACILITIES*

**Comment 5-34:** The claim that no significant adverse impacts to hospitals and healthcare facilities would result with the proposed project is inaccurate. There are current hospital bed shortages at Brooklyn Hospital, Long Island College Hospital, and Methodist Hospital. Emergency rooms are overcrowded but the DEIS does not address potential impacts from non-residents (workers, shoppers, arena visitors) introduced by the project on the already overburdened emergency, ambulatory, and in-patient care resources. (24, 349)

No new medical facilities are planned. This is a mistake. The three area hospitals: Brooklyn, Long Island University, and Methodist have 1,559 hospital beds all together. With so many new residents the area would be unprepared for large scale medical emergencies. Waits in emergency rooms would be unacceptably long. (176)

Are there enough hospital staff and rooms, including ER facilities to accommodate all that can and will go wrong with this many people? The project needs its own hospital, police, fire department and emergency medical services. (578)

**Response 5-34:** The analysis of hospitals and health care facilities follows methodologies outlined in the *CEQR Technical Manual*. The focus of the analysis is on those facilities that accept public funds (usually in the form of Medicare and Medicaid reimbursements) that are available to any community member, and that could be affected by the introduction of a large low- to moderate-income residential population. In accordance with the *CEQR Technical Manual*, the assessment focuses on emergency and outpatient services that could be affected by the introduction of a large low- to moderate-income population, which could rely heavily on nearby hospital emergency rooms and other public outpatient services; other populations, including non-residents, are not included in this assessment. As discussed in Chapter 5, "Community Facilities," the proposed project would not result in significant adverse impacts to emergency or ambulatory services; in addition, ambulance service would be provide on-site during arena events.

The proposed project would also include a health care center, constructed during Phase I, that would provide a broad range of health care services to the community.

**Comment 5-35:** The proposed health facility may mitigate part of the new demand for health care, but the DEIS does not describe the proposed service provision or potential funding sources. (24)



- Response 5-35:** The proposed project would not result in a significant adverse impact to health care facilities; therefore, no mitigation is required. The proposed health care center is not a mitigation measure but a planned amenity for the community. Services at the proposed health care facility could include primary care and preventive services, specialty care, diagnostic testing and ancillary services, and related support services to improve the management of prevalent chronic diseases in the community. The source of funding for the health care center amenity is not necessary for impact assessment.
- Comment 5-36:** The health care center will provide long-term benefits to the people of Brooklyn, 8,700 of whom cannot find appropriate health care in their communities, and 40,000 of whom do not have a personal doctor. (62, 377, 434)
- Response 5-36:** Comment noted.
- Comment 5-37:** There are 18 health care facilities within a one-mile radius of the project. The DEIS states that the potential population increase will be less than 5 percent and hence detailed analysis of this and other community facilities is not necessary. However, the worst-case analysis outlined earlier in this section shows that the population increase will be greater than 5 percent. A detailed analysis of hospitals and health care facilities should therefore have been provided in the DEIS. (37, 55)
- Response 5-37:** The commentor's interpretation of the methodologies outlined in the *CEQR Technical Manual* is incorrect. According to the *CEQR Technical Manual*, the potential for a significant adverse impact to health care services is based on the potential increase in demand on health care services from conditions in the future without the proposed project to conditions in the future with the proposed project, not on an increase in population. As discussed in the DEIS, the assessment of health care impacts focused on emergency and outpatient services that could be affected by the introduction of a large low- to moderate-income population, which could rely heavily on nearby hospital emergency rooms and other public outpatient services. The proposed project would result in an increase in emergency room visits of less than 1 percent over the future without the proposed project condition (less than the 5 percent increase in demand for services requiring more detailed analysis as outlined in the *CEQR Technical Manual*) and is therefore not expected to overburden health care facilities in the study area. No significant adverse impacts on health care services would occur.

*DAY CARE CENTERS*

**Comment 5-38:** Other institutions serving youth populations including day-care centers and after-school programs (“Out of School Time” facilities) will experience adverse impacts. It is noted that two day-care centers in the Community District 2 catchment area will be closed in the very near future. In light of the fact that the developer plans to include 2,250 units of affordable housing in the Atlantic Yards project, it is more 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 extremely unrealistic and underestimated. Community Board 2 recommends that the capacity of the proposed day-care facility be increased to adequately serve the growth in population resulting from the project. (24)

The DEIS says that “No significant adverse impacts to day care center services are anticipated in the study area in either 2010 or 2016 analysis year as a result of the proposed project”; and that in 2010 “child care facilities in the area surrounding the project site would be able to accommodate the increased population of children 12 years old or younger”; and furthermore, that by 2016 additional facilities will accommodate the additional 100 children needing child care. First of all, it is common knowledge that there is not sufficient child care throughout the city. Moreover, it is simply not possible that there will only be 100 additional children in the project site. Interviews with existing day care facilities must be carried out. (37, 45)

A day care center for 100 children will not make a dent in the needs for this in a new population of over 15,000 people. (69, 324)

The DEIS only projects a small increase in those requiring day care...only 291 additional children out of all those apartments set for 17 buildings in 2010, and only 382 for 2016. Has anyone thought of the reality of these figures? (45, 350)

**Response 5-38:** Only publicly funded day care facilities and needs were assessed in the DEIS, per the methodology of the *CEQR Technical Manual*. Moreover, the commentor’s figures are incorrect. The DEIS estimated that Phase I of the proposed project would generate 120 day care children from income-eligible households and that Phase I and Phase II of the proposed project, combined, would generate 486 day care children from income-eligible households. According to the New York City Administration for Children’s Services (ACS), there are 41 public day care centers (34 contracted child care programs and 7 Head Start programs) located within the one-mile study area, with enrollment at 85 percent of total capacity. In accordance with the *CEQR Technical*

*Manual*, the DEIS analyzed the probable impacts of the proposed project—including its proposed minimum 100 day care seats—on day care resources in the study area and concluded that the proposed project would not result in significant adverse impacts. In addition, the calculated demand in the future with the proposed project is conservative in that it assumes all eligible children under 12 in the project's low- to moderate-income affordable housing units would attend publicly funded day care in the study area (none are assumed to attend private day care or day care centers outside of the study area, including day care centers closer to a parent's place of work). Moreover, day care centers generally increase or decrease in correlation to study area demand for such services, and day care centers typically focus on children 5 and under, even though children up to age 12 are eligible.

According to *CEQR Technical Manual* guidelines, a significant adverse impact could result if the proposed project results in: 1) a demand for slots greater than remaining capacity of day care centers, and 2) demand that constitutes an increase of 5 percent or more of the collective capacity of the day care centers serving the study area over the future without the proposed project. As the proposed project would not result in the two conditions identified above, the proposed project would not result in significant adverse impacts to day care facilities in the study area (see Chapter 5). The proposed project is not required to accommodate all of its day care demand on site to avoid a significant adverse impact.

**Comment 5-39:**

There are 41 public day care centers within the one-mile study area (with an 85 percent utilization rate). The DEIS proposes to mitigate impacts by creating more than 100 day care places as part of a new inter-generational facility on the project site. This seems a reasonable effort, but the assumption of its adequacy is unsupported and, in any event, the DEIS should also have considered the needs for activities for children between day care age and age 12. As shown in the Open Space section, there is a serious deficit of active open space within the study area. Warehousing children in day care centers or schools is not an adequate or appropriate solution. The provision of a range of play spaces and recreational opportunities for children and youth is essential to their development and growth. (24, 37, 55)

**Response 5-39:**

The DEIS analyzed potential impacts to day care resources as per *CEQR Technical Manual* methodology and concluded that the proposed project would not result in a significant adverse impact. Day care center capacities and enrollments are based on ACS data. Open space impacts are discussed in Chapter 6. Appropriate programming for publicly

funded day care centers are the responsibility of appropriate oversight agencies, including ACS, and are not included in the assessment of day care centers per *CEQR Technical Manual* methodology. The average size of the publicly funded day care centers within one mile of the project site is 125 seats; thus, the size of the proposed project's day care center is not substantially different than other such facilities in the study area.

**Comment 5-40:** The day care center that is spoken of in the CBA agrees only to construct the facility, but there is no provision for the operating funds. The remains to be supported by public subsidy—another drain on the public pocketbook. (45)

There is no information on who will run and fund the community facilities [day care center]. (69)

**Response 5-40:** The source of funding for the day care center amenity is not necessary for impact assessment.

**Comment 5-41:** What consideration has been given for the present day care facilities to remain in situ while the projected construction is in progress? What of the air quality of the children during the time they are in day care? (45)

**Response 5-41:** Construction impacts are discussed in Chapter 17, "Construction Impacts"; air quality impacts are discussed in Chapter 14, "Air Quality."

## **CHAPTER 6: OPEN SPACE AND RECREATIONAL FACILITIES**

**Comment 6-1:** Anything less than 1.5 acres of open space per 1,000 residents is a deficiency of open space. (161, 427)

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, plus the transient worker population (depending on which variation is used), must be mitigated. (10, 24, 343)

This project should not surpass the City's prescribed ratios by too extraordinary a degree. This area is already severely underserved by open space. (26)

The current ratio of open space to population in the neighborhood is now far below City standards and will become worse with the project. Even though the passive open space ratio would increase by 32 percent to approximately 0.12 acres per 1,000 (less in the commercial scenario),

this is also still far short of the 0.37 acres per 1,000 recommended by the City. (55)

Prospect Park cannot offset the “burden” of the development when the open space ratio is six percent of the recommended ratio. The project sponsors and the lead government agency must accept the obligation to improve upon existing open space conditions for the public good in developing public land. (24)

The DEIS does not meet the city guidelines for open space per 1,000 residents and does not see this as a significant adverse impact. It is not explained why, only that there will be more open space than previously available. (418)

The DEIS does not even attempt to compare the proposed open space with the City’s guidelines for active and passive recreational open space per person. (37)

The claim that open space will benefit the neighborhood is not credible. Substantial additional open space combined with a substantial reduction in the number of apartments is required in order to bring the project in line with NYC and the project claims. (232)

What Prospect Heights lacks is pleasant and reasonably quiet passive public space where workers and residents can sit and talk, eat their lunch or have a cup of coffee outdoors. The ratio of this type of space to the area's population is far below the recommended figure. (108)

**Response 6-1:**

The statement that the study area is currently underserved by open space resources—as defined by City goals—is correct. However, it is recognized that these are citywide goals and are not feasible for many areas of the city; thus, they are not considered as impact thresholds for CEQR analysis.

The proposed project would add eight acres of publicly accessible open space, resulting in a substantial increase in the passive open space ratios in the study area (see Chapter 6, “Open Space and Recreational Facilities”). While the proposed project would result in a decrease in the active open space ratios for the residential population, this decrease is not considered a significant adverse impact. All other analyzed open space ratios would increase in the future with the proposed project. The *CEQR Technical Manual* recommends further qualitative assessment for decreases in the open space ratio or for ratios well below the recommended levels. The qualitative assessment identified a number of open space resources in the vicinity of the project site that were not included in the quantitative analysis that would partially offset the open space shortfall anticipated in the future with the proposed project. These resources include Prospect Park (a regional park intended to serve not

just the adjacent neighborhoods), Fort Greene Park (a portion of which is located within ½ mile of the project site but not included in the quantitative analysis), and private open space on the roof of the arena. The proposed project would result in substantial increases in the passive open space ratios in the study area.

**Comment 6-2:**

The DEIS touts the open space being planned even though the amount of open space per area resident would actually decline if the project was built. (88, 108, 357, 452, 458)

Open space ratios would actually decline if the project is built because it would introduce so many new residents to the area. (88, 102, 103, 384, 392) Sheehan, Lee

The DEIS does not address the passive open space ratio in the residential sections of the project, where it really counts. With an influx of so many people that ratio will drop precipitously. (48)

There isn't enough park space planned. (484)

**Response 6-2:**

The statements that the open space per resident would decrease in the future with the proposed project are incorrect. With the exception of the active open space ratios in the residential (½-mile) study area—which would decrease by approximately 10 percent in the future with the proposed project (2016)—the proposed project would result in an increase in all analyzed open space ratios. Consistent with methodologies outlined in the *CEQR Technical Manual*, the DEIS does not limit its analysis of the passive open space ratios to the residential population. However, under the residential mixed-use variation (which would generate the larger number of new residents), the combined passive (residents and workers) ratios would increase by approximately 185 percent and 40 percent in the non-residential (¼-mile) and residential study areas, respectively. The DEIS disclosed that the passive open space ratios for the non-residential (¼-mile) and residential (½-mile) study areas under both variations would increase substantially when compared with conditions in the future without the proposed project and would help reduce the passive open space deficit found in the existing condition and in the future without the proposed project. While the DEIS discloses a projected decline in the active open space ratios as a result of the new demand resulting from the proposed project, it is recognized that these are citywide goals and are not feasible for many areas of the city and are not considered as impact thresholds for CEQR analysis. It is important to note that the proposed project would add approximately 0.8 acres of active open space where it would not otherwise exist. The DEIS concludes that the proposed project would not result in significant adverse impacts upon project completion.

As discussed in the DEIS, the quantitative analysis does not include a number of open space resources in the calculations of open space ratios. Both Prospect and Fort Greene Parks—approximately half of the latter is located within ½ mile of the project site—are located within reasonable walking distance of the project site and would continue to serve as a valuable open space resource for the residents within the study area. Moreover, the quantitative analysis did not include the approximately one acre of private open space to be built on the arena roof, which would be available for use by tenants of the buildings flanking the arena block; this private arena open space as well as potentially those built on some of the Phase II residential buildings have not been included in the quantitative analysis but would alleviate some of the proposed project’s demand on open space resources.

Since the issuance of the DEIS, the project has been modified to increase the amount of publicly accessible open space from a minimum of seven acres to eight acres. Chapter 6, “Open Space and Recreational Facilities,” of the FEIS has been updated to reflect this increase in open space, as well as a reduction in the project program as described in Chapter 1, “Project Description.”

**Comment 6-3:**

The Urban Room, rooftop private open space, Prospect Park, and Fort Greene Park are not sufficient alternatives to offset the significant adverse impact on open spaces. (94)

**Response 6-3:**

As stated in the DEIS, the proposed project would not result in significant adverse impacts upon project completion. The proposed project would result in a significant adverse impact in the non-residential study area in 2010 due to the significant decline in open space ratios. The DEIS concluded that this significant impact was only temporary. Furthermore, providing new publicly accessible open space on the project site by the end of Phase I would not be practical because the areas that could potentially be used as open space are needed for construction staging, worker parking, and materials storage in order to minimize construction impacts on the surrounding neighborhood. Upon completion of Phase II, the proposed project’s open space would result in sizable increases in the non-residential study area open space ratios.

The resources listed above—the Urban Room, the rooftop private open space, Prospect Park, and Fort Greene Park—were discussed qualitatively, per *CEQR Technical Manual* methodology, which recommends further qualitative assessment for decreases in the open space ratio or for ratios well below the recommended levels, which is the case in the residential (½-mile) study area. Although the declines in residential study area open space ratios in 2010 are substantial given the

study area's existing lack of open space resources, the qualitative assessment concludes that the open space elements and public amenities not included in the quantitative analysis, including the private open space on the roof of the arena, the publicly accessible Urban Room, and plaza areas—all to be developed as part of the proposed project in Phase I—and the availability of large nearby open spaces (e.g., Prospect Park and Fort Greene Park), would help alleviate the burden on this study area's open spaces. Thus, the proposed project would not result in a significant adverse impact to open space in the residential study area in 2010.

**Comment 6-4:**

The DEIS would have us believe that the arena lobby and main entrance to the Atlantic Terminal transit station (the Urban Room) should be counted as open space. (102, 103, 119, 236, 299)

The Urban Room is a transit waiting area on a par with Penn Station and cannot be counted as a public benefit that mitigates the shortfall of open space in the neighborhood. The Urban Room cannot be realistically offered up as a qualitative consideration that mitigates the lack of any open space in the project's first phase. In addition, street-level access to the Urban Room is compromised by the configuration of Flatbush and Atlantic Avenues. The "room" will be difficult to get to from street level, and the pedestrian environment outside Building 1 is not likely to be conducive to healthy public activity due to the limited accessibility, prioritization of automobile traffic in the area, and general dominance of the automobile at this intersection. (55)

Though the DEIS cites the creation of the "Urban Room" as a mitigation measure for this severe deficiency in open space, the addition of the Urban Room facility is a woefully inadequate mitigation measure. (88)

**Response 6-4:**

The Urban Room was not included in the quantitative analysis and has not been considered as mitigation in the DEIS. As noted in Chapter 6, "Open Space and Recreational Facilities," of the DEIS, the Urban Room would serve as a new public amenity but has not been included in open space ratios. As described in Chapter 1, "Project Description," and Chapter 6, "Open Space and Recreational Facilities," of the FEIS, the Urban Room would not be limited to use as a transit connection or arena and hotel lobby, but it would also have destination programming such as small concerts, cultural events, art shows, and readings that would be open to the public. Within the Urban Room, a café would be centrally located in the middle of this space and located on the street level for ease of access for pedestrians going to and from the subway and the street during both event and non-event periods. The second level



mezzanine of the Urban Room, accessed externally by a grand stoop at the corner of Atlantic and Flatbush Avenues, which would also serve as a gathering place, or internally by a number of stairs and escalators, would be activated by a restaurant use. The sidewalks along Atlantic and Flatbush Avenues adjacent to the Urban Room would be at least 20 feet wide—substantially wider than existing sidewalks—to accommodate large numbers of pedestrians. New subway entrance via the Urban Room would improve transit access from the south side of Atlantic Avenue since transit passengers would no longer have to cross the heavily traveled Atlantic Avenue to gain access to the subway, bypassing vehicular traffic found on this thoroughfare. Access to the subway via the Urban Room would comply with Americans with Disabilities Act (ADA) guidelines.

**Comment 6-5:** Although the Urban Room 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 a public amenity than a large lobby. (95)

**Response 6-5:** As described in Chapter 1, “Project Description,” and Chapter 6, “Open Space and Recreational Facilities,” of the FEIS, the Urban Room would not be limited to use as a transit connection or arena and hotel lobby but would also have destination programming such as small concerts, cultural events, art shows, and readings that would be open to the public. The Urban Room would also have a restaurant and café that would be operational during both event and non-event periods.

**Comment 6-6:** The DEIS states that the City's open-space goals are not considered impact thresholds, as it is understood that they are not feasible for most neighborhoods in New York City. Contrast this, though, with Battery Park City, which also has about a third of its acres set aside with parks and fields. When completely built it will have about 14,000 residents, so the ratio of open space per 1,000 residents meets the City's goal of 2.5. Additionally, much of the open space at Battery Park City was accessible before construction of the buildings. At Atlantic Yards, the open space won't be completed until 2016. (48, 102, 103, 460, 510)

**Response 6-6:** The percentage of open space in Battery Park City (approximately 33 percent) is comparable to the Atlantic Yards project site (approximately 36 percent—8 of the project site's 22 acres). The proposed project would provide approximately 1.7 acres of open space per 1,000 residents on the project site. Although this number is less than the citywide goal of 2.5 acres per 1,000 residents, the citywide goal is not feasible and not achievable for many areas of the city and is not

considered as an impact threshold for CEQR purposes. It should be noted that since the issuance of the DEIS, the project has been modified to increase the amount of publicly accessible open space from a minimum of seven acres to eight acres, increasing the passive open space ratios in the study area. As discussed in Chapter 6, “Open Space and Recreational Facilities,” the proposed project would not result in significant adverse open space impacts upon completion in 2016. The FEIS has been updated to reflect this increase in the amount of this publicly accessible open space.

**Comment 6-7:**

The DEIS states that there are shortages of active open space in surrounding communities, but the proposed project includes passive open space. Existing active spaces such as the Dean Playground will be overcrowded. The project should include active open space. (71, 136, 461, 500, 574)

Although the DEIS claims that the addition of seven acres of publicly accessible space will more or less restore the ratios of passive public space per 1,000 residents and office workers to their current inadequate levels, the reduction in spaces to active uses will not be restored. (70, 102, 119)

The DEIS states that only 0.7 of the seven acres of open space will be active. (24)

Only 10 percent of the proposed seven acres, or seven-tenths of an acre, will be devoted to active uses, including volleyball, bocce courts, skating, frisbee, and children’s playgrounds. Even if all of these activities can be packed into just seven-tenths of an acre, there is still no provision for basketball or tennis courts, ballfields for baseball, soccer and cricket, dog runs, or other common uses of public spaces in Brooklyn. (70, 88, 119, 422)

Active outdoor recreation space is limited to a small children’s playground secreted in the recesses of Building 9, a small “play area” along a walkway near Building 10, and a half-court basketball court tucked among the landscaped spaces on the 6th to Carlton block. Most of the “active” open space consists of hardscape walkways and a bicycle path. (24)

The DEIS states very clearly that at the end of the project there will be a decrease in available active open space. No study for mitigating this option seems to have been examined. (418, 461)

Little thought has been given to urban exercise spaces such as baseball diamonds and basketball and handball courts. (366)

Few projects in the area within one mile of the site are large enough to support large active spaces. The proposed plan is large enough, yet it contains less than 30,000 square feet of active open space. Contrary to CEQR guidelines, the project proposes almost no new active space. (55)

**Response 6-7:**

The open space programming was designed to maximize its utility for area residents. Acreage dedicated to passive uses such as walkways, seating, and open lawn space would serve larger numbers of users when compared to playing fields, such as tennis courts, baseball diamonds, and soccer fields, whose specialized programming would serve a limited number of users by comparison. Active programming in the proposed open space includes children's playgrounds, a half basketball court, a volleyball court, and two bocce courts—active uses that can attract a number of users and are compatible with the broader passive use of the proposed open space and that would not require fencing or other protective measures that would disrupt the continuity of the open space. The accommodation of large playing fields would further reduce the amount of open space available for a larger number of open space users. Soccer fields require a minimum of one to two acres, and softball fields are two acres minimum; each represents almost ten percent of the total project site acreage (approximately 25 percent of the total open space acreage) and these active uses are not well-suited to being located immediately adjacent to residential buildings. Volleyball and basketball are better suited to the site because their courts are small and can be simultaneously used by many people. In addition, to make the open space feel more public, seamless, and welcoming, a design goal is to limit the extent of fencing within the open space. Sport fields require fences, which would make the open space seem smaller and less public. The proposed project would add approximately 0.8 acres of active open space where it would not otherwise exist.

The bicycle path is not considered in the active open space ratio calculations.

**Comment 6-8:**

The proposed project's open spaces, as defined in the DEIS, are fragmented, hardscaped, and limited and insufficient to counteract or mitigate the effects of the concrete and glass structures of the project. (24)

The bulk of open space is not even usable park area, but more landscaped entrances that offer nothing to our children. (561)

Design guidelines show a half-court basketball court, one tennis court, two or three small playgrounds, and a pair of illegible linear features. Calling a 1/4-acre of open space a "main lawn" is absurd. (24)

There are no garden areas on the perimeter of the mega blocks, no planted medians in the streets that would soften the immensity of this project. (108)

**Response 6-8:**

The characterization of the proposed project's open space as described above is inaccurate. The open space would include playgrounds for children, and the proposed project would include perimeter planting and street trees (see Chapter 1, "Project Description," and Chapter 6, "Open Space and Recreational Facilities"). The landscaping and programming of this publicly accessible open space has been designed to maximize the amount of tree canopy cover as trees cool and clean the air, provide transitional buffers, and create a more human and comfortable scale for the open space by creating a lower foreground that interacts with the surrounding buildings. The open space will conform to a set of design guidelines as discussed in the General Project Plan (GPP), including: creating a cohesive, continuous and inviting open space with a range of uses and activities throughout; using the open space to connect the surrounding neighborhoods from north to south by continuing the existing street grid system into the open space as pedestrian corridors; and balancing the desire to create an open space protected from Atlantic Avenue with promoting access and use by the neighborhood's residents and workers. These guidelines also state that entrances must be accessible, without steps or ramps, while providing un-obstructed views and direct paths into the open space, and through to the adjacent street. A consistent palette of materials, paving, furnishings, and site lighting are incorporated throughout the project site.

Active programming in the proposed open space includes a half basketball court, a volleyball court, two bocce courts, and no tennis courts. The remainder of the publicly accessible open space on the project site would be for passive use and designed to accommodate a maximum number of users. The oval lawn component of the proposed open space measures  $\frac{1}{3}$  acre (approximately 14,500 square feet). It is important to note approximately 36 percent of the entire project site (8 of the project site's 22 acres) is dedicated to open space. Since the issuance of the DEIS, the project has been modified to increase the amount of publicly accessible open space from a minimum of seven acres to eight acres and relevant chapters of the FEIS has been updated to reflect this increase in the amount of publicly accessible open space.

**Comment 6-9:**

The community is likely to experience an increase of 15 percent in vehicular traffic, which will affect the heavily used open spaces along Washington Avenue, including Washington/Greene Playground, Edmunds Playground, and Underwood Park/Playground. (24)

**Response 6-9:** Although the proposed project is expected to result in increases in traffic in the surrounding street network, these increases would not result in substantial increases in traffic along Carlton Avenue—where the Edmunds Playground is located—or Washington Avenue—where both the Greene Playground and Underwood Park are located. Thus, the proposed project would not adversely impact the use of these playgrounds.

**Comment 6-10:** Qualitative impacts that the project would have on surrounding public spaces are underestimated in the DEIS, including impacts of shadows, wind, pollution, noise, and traffic. (55)

**Response 6-10:** The DEIS fully describes the effects of the proposed project on publicly accessible open spaces in the study area (see Chapter 6, “Open Space and Recreational Facilities”). As discussed in Chapter 9, “Shadows,” the proposed project would result in a significant adverse impact to the Atlantic Terminal housing development north of the project site. Since issuance of the DEIS, the project sponsors and NYCHA have developed measures for this open space, which would include a combination of some of the following: new landscaping and shade-tolerant plantings, upgrading of existing play areas and additional play equipment, and replacement of benches and other fixtures. The FEIS has been modified to include these additional details (see Chapter 19, “Mitigation”). In response to comments, an evaluation of wind conditions was conducted and indicated that the proposed project would not result in adverse wind conditions in or around the project site. The proposed project would not result in any significant adverse impacts on air quality in the surrounding neighborhoods, including this area’s open spaces (see Chapter 14, “Air Quality”).

As discussed in Chapter 17, “Construction Impacts,” three open spaces in the study area would experience temporary significant adverse impacts from construction-related noise due to construction activities on the project site: the Brooklyn Bear’s Pacific Street Community Garden, the Dean Playground, and South Oxford Park. Mitigation for the significant noise impact on Dean Playground (see Chapter 15, “Noise”), which would include a number of improvements to make this space more enjoyable to the general public, would also serve to partially mitigate the significant adverse impact in the non-residential study area. The increase in traffic as a result of the proposed project is not expected to substantially affect the usability of other open spaces in the surrounding areas as these open spaces are not located along the primary travel routes for project-generated traffic.

**Comment 6-11:** The calculation of seven acres of publicly accessible open space fails to take into account the loss of sidewalks on Pacific Street, the narrowing of sidewalks on numerous other streets, and the impairment of other open spaces in the area by the shadows that will be cast by the new towers. (70, 119)

**Response 6-11:** The proposed project would not result in the loss of sidewalks on Pacific Street. With the exception of sidewalk width along Vanderbilt Avenue along the eastern edge of the project site (which would be narrowed to 12 feet, 6 inches in connection with a traffic mitigation measure), the proposed project would not result in the narrowing of sidewalks along the edges of the project site. In fact, many sidewalks would be widened, resulting in a sizable increase in pedestrian space on and bordering the project site. The proposed pedestrian pathway that roughly follows the current alignment of Pacific Street between Carlton and Vanderbilt Avenues would be wider than the current sidewalk space along Pacific Street. The proposed open space would also include a number of north-south passageways that align with the Fort Greene street grid to the north of Atlantic Avenue, effectively extending the pedestrian characteristics of these streets southward through the project site. The existing pedestrian connections via the 6th Avenue and Carlton Avenue bridges would remain.

The design of the proposed open space considered the shadow effects of the proposed project's buildings in its placement of open space and recreational amenities. Major landscape elements would be located where they will maximize their exposure to the midday sun throughout the year. Chapter 6, "Open Space and Recreational Facilities," has been modified to include discussion of shadows on the proposed open space.

The DEIS identified a significant adverse impact on the NYCHA Atlantic Terminal Houses open space north of the project site as a result of shadows from the proposed project (see Chapter 9, "Shadows"). Since issuance of the DEIS, the project sponsors and NYCHA have developed measures for this open space, which would include a combination of some of the following: new landscaping and shade-tolerant plantings, upgrading of existing play areas and additional play equipment, and replacement of benches and other fixtures. The FEIS has been modified to include these additional details (see Chapter 19, "Mitigation").

**Comment 6-12:** FCR has not provided any details regarding the not-for-profit organization to which it would deed the publicly accessible open space. (70)

The DEIS does not disclose how the open space will be operated and managed. The project sponsors should solicit the opinions of representatives from the NYC Parks Department, Community Board 8 and local community stakeholders. The Borough President adamantly believes in order to ensure the proposed project's open space remains in perpetuity, it must be owned and operated by an entity separate and apart from the developer, giving preference to a citizen conservancy. (12)

Is it a realistic expectation to plan for a nonprofit organization to maintain publicly accessible open space within a private development? Shouldn't the maintenance be paid for by the developer? (299)

The issue of public versus private open space is not addressed definitively in the DEIS. (57, 418, 460, 48, 121, 357)

This open space should be mapped as City parkland and maintained either by the Parks Department or an independent non-profit. (26, 111, 224)

The DEIS fails to address the programming and management plan for open spaces. Details on the maintenance, management and programming of the open spaces are crucial to assess how well they will perform for the public. A separate non-profit entity should be formed to assist the developer with certain functions related to public space management. (55, 168, 483)

The privately owned publicly accessible open space should be treated as true public open space through permanent right of access, easement, covenant or some other appropriate mechanism. (25, 224, 206)

There are no assurances that the proposed acres of public space will really be for public use. Based on the MetroTech public space, FCR will manage to privatize the Atlantic Yards open public space. A genuine public park is needed. (282, 406)

Space that is public has a way of being privatized later, e.g., MetroTech. (384)

**Response 6-12:**

The proposed project's open space would be owned and operated by a conservancy or other not-for-profit entity established by the project sponsors, which would be responsible for maintenance, operation and security of this public amenity. The project buildings would be responsible for the costs associated with these services. The conservancy or other not-for-profit entity would be governed by a board, which would include representatives of the project sponsors, civic group(s) active in park matters, representatives of the surrounding properties on the project site, and, on an *ex officio* basis, the New York

City Department of Parks and Recreation (DPR) and local community boards. Public use of the open space will be required by ESDC's General Project Plan. It is expected that any material modifications to the open space would be subject to the approval of the DPR. The FEIS has been modified to include this information.

**Comment 6-13:**

Since the project would close Pacific Street between Carlton and Vanderbilt, and the open space would be closed to the public for many hours a day, access to the adjoining neighborhoods through the project area would actually be decreased. (102, 103)

There is a difference between publicly accessible, privately owned space and public space. While City parks are open from 6 to 1 AM, 365 days a year, the Atlantic Yards green areas would only be open from 7 AM to 10:30 PM from May to September and it would close even earlier, at 8 PM, from October to April. Is it a coincidence that for almost the entire NBA season the space would close just after game time? (87, 102, 103, 224)

Open space signage requirements must be clarified and public access to open space should never be curtailed at any time. (451)

Why is the bicycle path being routed through property that is not in the public domain and subject to closures during the day? The open space will be closed for approximately half of every day. The bicycle path needs to be accessible 24 hours a day, every day. (24, 299)

Since the open space is promoted as a means to connect the neighborhoods to the north and south of the project, pedestrian passageways through the project should remain open 24 hours a day, seven days a week. (168, 224)

**Response 6-13:**

The proposed project's publicly accessible open space would operate similar to city parks. City parks under the jurisdiction of DPR, some of which include bicycle paths—notably Prospect and Central Parks—are not open to the public 24 hours a day, and not all parks are open from 6 AM to 1AM. Many close at sunset. The proposed open space would close at 8 PM or sunset (whichever is later) from October through April and at 10:30 PM or sunset (whichever is later) from May through September, relating to reasonable daylight and seasonal usage. Neighborhood connectivity would be greater than in current conditions, given that the proposed project would create eight acres of active and passive open space in what historically was an exposed, below-grade open rail yard, and would include a bike path. The incorporation of the bicycle path through the publicly accessible open space was the result of a request by the New York City Department of Transportation (DOT).



DOT was seeking a bicycle path connector through the project site as part of the City's Bicycle Network Development Program. The existing connections between the neighborhoods to the north and south—via the 6th Avenue and Carlton Avenue Bridges—would remain open and accessible at all times.

**Comment 6-14:** One third of what the DEIS considers open space, as in Grand Army Plaza is perhaps the world's least-accessible and least-used public amenity. (57, 102, 103)

It is arbitrary to say the land surrounding the arch at Prospect Park is usable for any sort of active or passive recreation. (40)

The amount of useable open space is even less than shown in these DEIS calculations, since fully one third of the acreage counted (eight acres) is the Grand Army Plaza traffic circle, which is functionally off limits to pedestrian uses. (55)

**Response 6-14:** Although Grand Army Plaza may be unappealing to some open space users, it is considered open space under *CEQR Technical Manual* guidelines. The Plaza is under the DPR jurisdiction and is accessible to the public on a constant and regular basis. Amenities in this open space include trees, landscaping, seating, a fountain, and paths.

**Comment 6-15:** The Dean Street Playground falls into the category of questionable open space and the DEIS fails to mention that noise levels at the playground would be one of the project's significant adverse, and unmitigated, impacts. (57, 103)

**Response 6-15:** The Dean Playground meets the *CEQR Technical Manual* criteria for publicly accessible open space and is therefore included in the quantitative analysis. The 1.3-acre Dean Playground, which is maintained by DPR, is one of the largest open spaces in the study area; it is mostly paved and predominantly used for active recreation. DPR currently has plans for the renovation of the playground to include a little league baseball field with artificial turf and some other improvements. The ballfield would be located along the Dean Street frontage with potential passive areas located farther from Dean Street, along the Bergen Street frontage. Active recreational uses are not affected by increased noise levels since they are usually noise generators themselves. Thus, the increase in playground noise levels from increased traffic along Dean Street would not be expected to significantly affect the playground's function. Noise levels in this playground would be similar to noise levels in many other city parks and playgrounds located near populated areas. Furthermore, the project

sponsors would work with DPR to increase the scope of DPR's planned improvements to the open space to make it usable to a wider spectrum of users and more enjoyable to the general public.

**Comment 6-16:** Although ESDC failed to extend the study beyond ½ mile, they still cite parks outside the study area as offsetting “the potential for temporary significant adverse impacts on open spaces in the residential study area.” (102, 103, 119)

Prospect Park falls outside the project study area and is at a significant walking distance from the project area. (94)

Parks outside the ½-mile boundary should not be mentioned in the FEIS. (299)

**Response 6-16:** Consistent with the methodology described in the *CEQR Technical Manual*, the study area defined for quantitative open space analysis includes census tracts with more than ½ of their area within ½ mile of the project site. Both Fort Greene Park and Prospect Park are not located within such census tracts and thus not included in the quantitative analysis. However, both parks are located within an approximately 10- to 15-minute walking distance from the project site and are discussed qualitatively. It should be noted that approximately half of Fort Greene Park is situated within ½-mile radius of the project site and Prospect Park, whose northern edge is located just outside the ½-mile radius, is a regional park intended to serve a much larger area.

**Comment 6-17:** Because the green space will be located largely within the perimeters of the residential buildings and will have limited access points, many experts believe it will not appear to be public space and will function primarily as a private backyard for residents. (102, 103, 299, 418, 527, 548)

The experimental Frank Gehry-designed residential buildings connected by a non-traditional Laurie Olin-designed network of open spaces are highly idiosyncratic. The risks associated with this are that the open space will not successfully attract residents from outside the project buildings, and the entire plan will not be built as designed. (111)

The proposed public spaces are interiorized spheres that will be more accessible to the residents and workers of the proposed project rather than the community at large. (560, 585)

The DEIS claims that the addition of seven acres of “publicly accessible space” will more or less restore the current inadequate levels of open space in the area. But the proposed “publicly accessible space” is not a real park—it consists primarily of some grass and walkways around the

proposed apartment towers. Much of this space appears to be planned for the north sides of the towers, and will be perpetually in their shadows. (70, 119, 238)

The majority of the open space being created will be in shadows most of the time. (55,108)

Analysis and review of other design alternatives suggests the need for 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 serve, as backyards, internal courtyards, and private areas for new residents. (95, 172, 332, 334)

The project's open space is laid out as a classic "towers in the park" plan, a discredited form of urban architecture precisely because such interior open space is often useless to anyone who lives outside the surrounding wall of buildings. "Publicly accessible" open space is not the same thing as "public open space" and the FEIS should fully disclose this major design flaw in the proposed project. The design does not draw clear distinctions between public and private open space. As designed, the large space located in blocks 1120, 1121, and 1129 looks to be enclosed in great part by tall residential buildings which would loom over the interior space and cast shadows on much of the green area at any time of the day. Requiring that people walk into what feels to be an enclosed, possibly private, courtyard makes that space less welcoming and raises visibility and security issues. (108)

**Response 6-17:**

The open space has been designed, and the buildings around the open space have been arranged, to promote public access to and use of the space by the general public. All entrances to this open space would be at least 60 feet wide (comparable to the width of a neighborhood street) with an axis leading to a visible interior focal destination and/or through the block to the opposite street. (The east-west connection would be wider.) The open space has been designed to allow users to see access and egress points from most locations within the open space, increasing the safe and inviting character of this space. The proposed north-south passageways would create inviting connections by their alignment with the Fort Greene street grid to the north of Atlantic Avenue, effectively extending the pedestrian aspects of these streets southward through the project site. The Pacific Street corridor is preserved as an east-west pedestrian thoroughfare leading people through the site.

A bicycle path would be included as another open space amenity that would further link the project site to the surrounding area and would create a greater sense of the public accessibility of the open space. In order to optimize use of the open space and enrich the public

experience, complementary types of retail and community facility uses (the intergenerational facility) are expected to line the perimeter of the open space. A figure (Figure 6-6) illustrating the potential ground-floor uses has been included in Chapter 6, “Open Space and Recreational Resources,” of the FEIS.

The design of the proposed open space considered the shadow effects of the proposed project’s buildings in its placement of open space and recreational amenities. Major landscape elements would be located where they will maximize their exposure to the midday sun, from 11:00 AM to 2:00 PM, throughout the year. The open space design also takes advantage of smaller pockets of sun that exist in the early mornings and late afternoons, when other areas of the site are in shade. These landscape spaces are designed for passive uses and typically include benches, tables, and chairs. For example, even in December when buildings on the project site cast the longest shadows, the proposed open space would still receive sunlight during afternoon periods. Three figures (Figure 6-7a, 6-7b, and 6-7c) illustrating the potential shadows on proposed open spaces have been included in Chapter 6, “Open Space and Recreational Resources,” of the FEIS.

**Comment 6-18:**

We are concerned that the project will negatively impact Fort Greene Park in the following ways: A substantial increase in park usage by the expected over 14,000 new residents and 4,000 new office workers; a significant increase in traffic on its perimeter streets; and additional shadows on the park. (69, 70, 77, 119)

The massive increase in population density and the concomitant increase in pets will overwhelm Fort Greene Park. (69)

While the DEIS open space inventory recognizes several open spaces already at a “heavy” level of use (i.e., Fort Greene Park), it does not assess the impact of increased volume of park users on these spaces. (94)

The increase of visitors to Prospect Park and Fort Greene Park will add additional strains to these parks and make a visit to them less appealing and less usable. (492, 574)

**Response 6-18:**

The analysis assessed the potential effects of the proposed project on the open spaces within the study areas in accordance with *CEQR Technical Manual* methodology. As discussed in the DEIS, the proposed project would not result in significant adverse impacts to open space and is therefore not expected to negatively impact Fort Greene Park. The proposed project would not result in significant increases in traffic volumes along the streets along the Fort Greene Park perimeter. The

proposed project would not result in additional shadows on Fort Greene Park.

Both Fort Greene Park and Prospect Park are large parks. Prospect Park, at 585 acres, is the more regional in nature and likely to be the park used most often by residents of the proposed project given its size, proximity, and direct access via Flatbush Avenue. In addition, the proposed project's 13,500 new residents would represent only about 15 percent and 5 percent of the total population within  $\frac{3}{4}$  mile of Fort Greene Park and Prospect Park, respectively.

New York City parks have established rules and regulations addressing pet control.

**Comment 6-19:** Would groups be welcome to have events or performances or demonstrations in the publicly accessible open space? (363)

Will dogs be allowed in the publicly accessible open space? (121)

Residents of the new buildings could object to noise resulting in the cancellation of programs and limitations on the use of the space for the general public. (108)

**Response 6-19:** Rules regarding public uses permitted in open space will be established at a future date. The project would provide publicly accessible open space that would follow rules similar to those of other publicly accessible open spaces in the city. The residents of the new buildings would not be able to modify the Design Guidelines, which require the open space to remain open to the general public.

**Comment 6-20:** The arena rooftop green space should not be private. All green spaces should be equally accessible. (26, 48, 57, 121, 151, 260, 378, 460)

The open space above arena should be available to the public in some form. (24)

**Response 6-20:** Due to the fire safety issues and the access/egress requirements, it would not be practical for the open space on the roof of the arena to be publicly accessible.

**Comment 6-21:** Open space at Atlantic Terminal Mall should not be labeled as "open green space." There's no grass, few trees, café tables, Starbucks, no dogs allowed. (121)

**Response 6-21:** The Atlantic Terminal Plaza meets the *CEQR Technical Manual* criteria for publicly accessible open space and is therefore included in the quantitative analysis.

**Comment 6-22:** Public open spaces in Block 1120 are more accessible but lack destinations with uses that encourage use. (55)

The open space should be inviting and accessible and integrate seamlessly into the surrounding neighborhoods. (12, 368, 474, 512)

The open space offers only limited benefits to the public, based on the site plan and urban design. Based on commonly held planning principles for public spaces, the proposed open space may not even be able to attract the public. The proposal does not offer much detail on the character of surrounding buildings; one can only assume that these buildings that deaden the streets around them by presenting blank walls and service entrances to the street that repel pedestrians and reduce the desirability and safety of the entire area. (55, 369)

Will the proposed open space resemble the open space in Atlantic Commons, which doesn't draw in the community or feel welcoming? (312)

The open space would be boxed in on all sides by towering skyscrapers and would provide only limited public access along the outer rim of the site. Moreover, much of the planned open space would serve as café seating areas and walkways between the development's buildings. (88)

How are amenities such as benches, street trees, information kiosks, playgrounds, vendor areas, bike racks, and food shops being incorporated into the development to accommodate people at street level? (483)

The DEIS states that it will contain a variety of active and passive uses, planted and paved areas, incorporating "features such as playing fields, children's playgrounds, water features, walking paths, a bike path, seating areas, and extensive landscaping throughout." All on seven acres. The DEIS does not explain how this will be possible. It does not indicate what proportion will be passive open space, or how much will be active, nor where each would be. (37)

**Response 6-22:** As detailed in Chapter 1, "Project Description," and Chapter 6, "Open Space and Recreational Facilities," the open space has been designed, and the buildings around the open space have been arranged, to promote public access to and use of the space by the general public while shielding areas within the space from the traffic associated with Atlantic Avenue. The Pacific Street corridor is preserved as an east-west pedestrian thoroughfare leading people through the site. In the north-south direction, the open space would extend to Atlantic Avenue across from the terminus of each of the neighborhood streets to the north, linking the site to the area to the north both visually, through the creation of landscaped view corridors at the end of each street, and

functionally, through the introduction of walking paths into the open space at each of these points. Each of these corridors leading into the project site would be at least 60 feet wide, the standard width of a local street. In addition, the portion of the proposed open space between 6th and Carlton Avenues is directly adjacent to Pacific Street for its entire length.

Several conceptual drawings that provided examples of the proposed project's open space component were included in the DEIS (see Chapter 6, "Open Space and Recreational Facilities"). The proposed open space has been designed to maximize the number of users within the eight acres dedicated to open space. Passive areas such as walkways, seating, and open lawn space are capable of serving larger numbers of users when compared to playing fields, such as tennis courts, baseball diamonds, and soccer fields, whose specialized programming would only serve a limited number of users by comparison. Approximately 7.2 acres (90 percent) of the open space areas would be programmed for passive and flexible use, consisting of paths and lawns for strolling, sitting, people watching, and picnics. The balance of the open space area, approximately 0.8 acres (10 percent), would be designated for active uses and include a half basketball court, a volleyball court, two bocce courts, and a children's playground. The bicycle path, while not classified as active open space in the DEIS, would comprise an additional active amenity in the proposed open space. The proposed project would increase street-level activity on the project site by creating at-grade active and passive open space and providing complementary active uses (including local retail and community facility uses) on the ground floors of the residential buildings. The ground floors of the buildings adjacent to the Pacific Street pedestrian pathway within the proposed open space would be lined with complementary uses such as restaurants, cafés, and delis. Many of the amenities referred to in the comment above, such as benches, street trees, and active areas, are required by the Design Guidelines. These and other elements would be addressed in the final design for the open space.

**Comment 6-23:**

Ground-floor plans for all buildings on the site are needed to fully assess the proposed open space. It is not possible to definitively judge the adequacy or qualitative attributes of open space without understanding the ground floors of the adjacent buildings. Moreover, the lack of active edges on the proposed public spaces, whether from the building bases, or from the street itself, will limit the functionality and accessibility of this open space as a public destination. (55)

Vital edge uses are critical to the success of a park or public space. The edges of the main park blocks have no vitality at all. They are not along open streets with regular traffic and ground-floor retail; nor do they adjoin buildings with active bases. The proposed buildings appear to have nothing but private entrances and appear to lack ground floor activities facing interior block open spaces. (55)

Active edges such as ground floor retail, parking and buildings with active bases do not seem to be included in the design; all would help direct foot traffic toward public space. (108)

**Response 6-23:**

The comment stating that the proposed buildings adjacent to the project's open space do not have active bases and that these buildings only have private entrances and lack ground-floor activities facing the interior open spaces is incorrect. In addition to the proposed open space, the proposed project would increase street-level activity on the project site by providing complementary active uses including local retail and community facility uses on the ground floors of the residential buildings east of 6th Avenue and adjacent to the proposed project's open space. As discussed in Chapter 1, "Project Description," the street-level uses of the buildings lining Atlantic, Vanderbilt, and 6th Avenues would be predominantly local retail to strengthen and continue the Atlantic Avenue retail corridor to the west and promote street-level activity. These retail spaces, which would be supplemented by additional retail within the proposed open space, are expected to contain small-scale retail establishments typical in other Brooklyn residential neighborhoods, including restaurants, delis, boutiques, and local services, and are required under the GPP's Design Guidelines. The ground floor uses of the buildings along Dean Street would be more residential to relate to the residential character of the Prospect Heights neighborhood to the south. A new figure (Figure 6-6) illustrating the potential ground-floor uses has been included in Chapter 6, "Open Space and Recreational Resources," of the FEIS.

**Comment 6-24:**

The DEIS analysis of open space is flawed and requires several amendments or corrections. It does not correctly calculate the amount of open space in the study area, counts areas as open space even though they do not meet *CEQR Technical Manual* guidelines for open space, and proposes mitigation which may not occur. The DEIS does not adequately analyze the quality of the proposed public spaces, nor does it offer realistic or viable means of mitigating the project's impacts. The DEIS acknowledges that the project will reduce public access to open space. Open space ratios per resident and per worker will be decreased as a result of the project. Furthermore, the DEIS underestimates the impact of the project on public access to open spaces. (55)



The DEIS does not take into consideration the loss of publicly accessible open streets and sidewalks. De-mapped streets should be considered both active and passive open space. The DEIS incorrectly assumes that no changes to open space are expected to occur without the proposed project. A different project may develop a park that is publicly accessible. (299)

**Response 6-24:**

The open space analysis contained in the DEIS is consistent with CEQR guidelines and the open spaces included in the quantitative analysis meet *CEQR Technical Manual* criteria. The commentor has misinterpreted the methodologies outlined in the *CEQR Technical Manual*. Open space that is accessible to the public on a constant and regular basis or for designated daily periods is defined as “public” and analyzed for impacts. Public streets and sidewalks are not considered open space according to *CEQR Technical Manual* criteria.

The DEIS does not indicate that the proposed project will reduce public access to open space; in fact, the project would introduce eight acres of publicly accessible open space that would not exist otherwise (see Chapter 6, “Open Space and Recreational Facilities” for detailed description of the proposed open space). Although the proposed project would result in a slight reduction in the active open space ratio in the residential study area, the combined and passive open space ratios in both the non-residential and residential study areas would increase substantially, as disclosed in the DEIS. And while the combined passive open space ratios in the future with the proposed project would be well below DCP guidelines, this condition currently exists, and, as stated earlier, this condition actually improves in the future with the proposed project. The DEIS also identifies a temporary significant open space impact upon completion of Phase I of the proposed project before the completion of the proposed project’s open space component. Mitigation for this temporary impact, which would include improvements to the Dean Playground to make this space more enjoyable to the general public, are discussed in Chapter 19, “Mitigation.” The proposed project would not result in significant adverse impacts to open space upon the project’s completion in 2016; therefore, no additional mitigation is required.

**Comment 6-25:**

It is not clear whether the 60-foot minimum width extends from building to building inclusive of sidewalks, shrubbery, signage, and street furniture, or refers to usable open space not otherwise designated for egress, sidewalks, landscaping, etc. It should be increased to 100 feet (451)

**Response 6-25:** The 60-foot minimum width extends from building to building inclusive of sidewalks, shrubbery, signage, and street furniture. All of these features would be part of the open space amenities. All entrances to this open space would be at least 60 feet wide (comparable to the width of a neighborhood street) and include substantial amounts of seating as required under the GPP's Design Guidelines with an axis leading to a visible interior focal destination and/or through the block to the opposite street. The open space has been designed to allow users to see access and egress points from most locations within the open space, increasing the safe and inviting character of this space. The proposed north-south passageways would create inviting connections by their alignment with the Fort Greene street grid to the north of Atlantic Avenue, effectively extending the pedestrian aspects of these streets southward through the project site. Similarly, the Pacific Street pedestrian pathway would be aligned with the closed portion of Pacific Street between Carlton and Vanderbilt Avenues.

**Comment 6-26:** The Bear's garden will be enormously impacted by arena crowds and this is not addressed in the DEIS. (39)

**Response 6-26:** The analysis is conducted in accordance with *CEQR Technical Manual* guidelines. Under CEQR, an analysis of open space is conducted to determine whether or not a proposed action would have either a direct impact resulting from elimination or alteration of open space or an indirect impact resulting from overtaking available open space. The Brooklyn Bear's Pacific Street Community Garden, which shares the block with Site 5, is open to a limited number of individuals and is not public. This fenced garden is not part of the proposed project, was not included in the quantitative analysis, and would remain unchanged as a result of the proposed project.

**Comment 6-27:** The inventory of open space conditions is inconsistent with data from DPR. The condition of open space resources in Table 6-3 bears no resemblance to data publicly available from DPR on the condition of parks collected through DPR's Parks Inspection Program (PIP). For example, the DEIS lists Thomas Greene Playground in "Good" condition, while the 2005 DPR PIP rates the park "Acceptable" for cleanliness while the overall condition of the playground is "unacceptable." The DEIS gives no explanation of how "Unacceptable" translates into "Good" condition. (94)

For the public to adequately review the open space analysis, the lead agency should disclose the methodology, including the field survey

instruments used and the criteria for determining “condition” and “use level” of open spaces. (94)

**Response 6-27:** The primary source of data pertaining to open space inventory and conditions are field observations that accurately characterized conditions present when the open space visits were conducted. In addition, some existing data from previously approved environmental studies (e.g., Downtown Brooklyn Development Plan EIS) with overlapping study areas were referenced as supporting documentation.

**Comment 6-28:** The total open space available on a permanent basis, after project completion, would decrease to a mere 0.28 per 1,000 residents. This is one-tenth the amount of open space that the City recommends for residents in urban populations. The DEIS statement that this ratio is difficult to achieve in New York City urban planning is not a mitigation measure, nor is the statement that the ratio would be significantly lower without the added seven acres of open space included in the plan—particularly in light of the 40,000 people that the project would be singularly adding to the area. (88)

**Response 6-28:** The statement regarding the amount of total open space available per resident in the study area is inaccurate. Although the DEIS does not expressly calculate total open space per resident, this number would actually amount to 0.37 acres per 1,000 residents under the residential mixed-use variation, the variation resulting in the most residents on the project site. This is slightly more than the 0.36 acres per 1,000 residents in the existing condition and substantially more than the 0.33 acres per resident in the future without the proposed project (in 2016). Statements regarding of citywide open space planning goals are not intended to act as mitigation, but to provide overall context and represent how well an area is served by its open space.

As per *CEQR Technical Manual* guidelines, the DEIS calculates active (active open space per 1,000 residents) and combined passive (passive open space per 1,000 residents and workers combined) open space ratios for the residential study area. The residential mixed-use variation would add approximately 13,500 residents and 3,600 workers to the study area while the commercial mixed-use variation would add approximately 11,180 residents and 8,560 workers, less than half of the 40,000-person figure stated above. While the active ratio would decrease by approximately 10 percent under the residential mixed-use variation, the combined passive ratio would increase by approximately 40 percent over conditions in the future without the proposed project. The commercial mixed-use variation would result in similar changes. Although the proposed project would result in a decrease in the active

open space ratio, the proposed project would not result in a significant adverse impact on open space for the following reasons: the proposed project would add open space where currently none exists; the proposed project would result in an increase in the combined passive open space ratios; and, as discussed qualitatively, the quantitative analysis does not include other open space resources expected to be used by new residents and workers, including private open space on the roof of the arena and some of the residential buildings constructed during Phase II, the Urban Room, and Fort Greene and Prospect Parks located just outside of the larger residential study area. Thus, no mitigation is required as a result of new users.

**Comment 6-29:** The open space plan should be altered and improved to make it both unambiguously public and compatible with a variety of building footprints rather than only with the GPP's. (26, 48, 111, 260, 460)

The GPP Design Guidelines need to be flexible to create better parkland. (12)

**Response 6-29:** The open space has been designed, and the buildings around the open space have been arranged, to promote public access to and use of the space by the general public. All entrances to this open space would be at least 60 feet wide (comparable to the width of a neighborhood street) with an axis leading to a visible interior focal destination and/or through the block to the opposite street. The GPP's Design Guidelines allow for variations in building footprints and open space features.

#### *MITIGATION*

**Comment 6-30:** Would the project sponsors do anything to mitigate the significant adverse open space impact during Phase I? (88)

The phasing of the project should be changed so that public open space is available sooner than 2016. (71, 272)

The DEIS sees Phase I of the project, which includes no open space, as a temporary adverse impact. The likelihood of the adverse impact from lack of public space stretching throughout Phase II is strong, overburdening other local open spaces with new residents who have nowhere else to go. (418)

Instead of demolishing buildings in the eastern section, the developer should be required to develop pleasant, publicly accessible open spaces as part of Phase I. Waiting until all of the buildings are constructed leaves the surrounding communities with no green space for a minimum of 10 years. (37)

The open space should be public space, physically and visually accessible to the rest of the community and include the two-acre space on top of the arena. Why wait for Phase II—use Lot 1129 for the parks instead of parking and staging areas. (37, 42)

The DEIS fails to explore the effect of creating open space in the project earlier than 2016, the earliest date that Phase II might be completed. (87, 108, 224, 402)

There is a lack of open space mitigation during the multi-year construction period. As acknowledged in the DEIS, by 2010, the Atlantic Yards development would exacerbate the existing deficiency in open space available for residents; twenty thousand new residents would be added to the area without a single increase in open space. (88)

The lack of active and passive open space is a significant negative impact and should be clearly and unequivocally stated in all areas and summaries of this plan, and mitigation must be considered before any plan goes forward. (40, 289)

**Response 6-30:**

The DEIS disclosed that the proposed project would result in a temporary significant adverse open space impact at the end of Phase I in 2010. Options to provide interim publicly accessible open space on the project site to mitigate this temporary significant adverse impact were explored. Providing new publicly accessible open space on the project site by the end of Phase I was determined to not be practical because the areas that could potentially be used as open space are needed for construction staging, worker parking, and materials storage. As described in Chapter 17, “Construction Impacts,” Phase I construction would include the redevelopment of the arena block and Site 5—the project site west of 6th Avenue—and the reconstruction of the rail yard, leaving only Blocks 1129 and 1128 available for construction parking, equipment staging, construction administration and materials storage. However, mitigation for the significant noise impact on Dean Playground (see Chapter 15, “Noise”), which would include a number of improvements to make this space more enjoyable to the general public, would also serve to partially mitigate the significant adverse impact in the non-residential study area.

The assertion that no publicly accessible open space would be available until 2016 is incorrect. Open space would be added incrementally between 2010 and 2016 as development on the project site progresses eastward and each successive building is constructed. Upon completion in 2016, the proposed project would provide eight acres of publicly accessible open space. The FEIS has been revised to provide this clarification.

**Comment 6-31:** Will mitigation for the Atlantic Houses open space be described in the FEIS? (94)

The FEIS should consider mitigation to parks within the ½-mile study area. (94)

The DEIS has failed to adequately mitigate for its adverse impacts on open space. (88)

**Response 6-31:** Open space mitigation addressing project shadows on the NYCHA Atlantic Terminal Houses open space north of the project site and addressing elevated noise conditions on the Dean Playground is discussed in Chapter 19, “Mitigation.”

**Comment 6-32:** Proposed mitigation depends on a future phase that may or may not be built. Mitigation proposed for Phase II also fails to meet the primary open space needs of the neighborhood. If Phase II were to go forward through 2016, the developer would build seven acres of mostly passive open space to help mitigate the impacts of the project. (55)

The DEIS fails to examine the impact on open space and recreation facilities if Phase II of the project is not completed. (94)

**Response 6-32:** In accordance with established *CEQR Technical Manual* methodology, the DEIS analyzed the proposed project’s effects for the 2010 and 2016 analysis years, which is when the proposed project’s Phase I and the full Build program, respectively, would be in full operation. Should the project program change in a magnitude necessary to warrant a modification of the GPP, the proposed project would require additional environmental review to reassess the impacts on environmental conditions.

The eight acres of public accessible open space, developed incrementally between 2010 and 2016 as individual buildings are completed, is a public amenity that would help offset open space demand in this underserved area. As discussed in the DEIS, the proposed project would not result in significant adverse impacts to open space by the project’s completion in 2016; thus, no mitigation is required. Although the proposed project includes a significant open space amenity, it is not obligated to provide open space to achieve citywide goals in terms of open space ratios for the entire study area in which it is located.

## **CHAPTER 7: CULTURAL RESOURCES**

**Comment 7-1:** Although the former LIRR Stables and the Ward Bakery were determined by the State Historic Preservation Office to be significant

historic structures, the DEIS finds that these buildings must be demolished to create staging areas for construction and to provide interim parking. The demolition would constitute a “significant adverse impact.” Why was the possibility of conversion to residential use rejected? To contend that historic buildings should be demolished so as to avoid changing them is an affront to common sense and to local preservation laws. The ultimate loss of integrity is demolition, not minor alterations for adaptive re-use. (108, 118)

The DEIS says that the demolition of the LIRR Stables and Ward Bakery constitutes a significant adverse impact, but that reuse options have been examined and discarded. This needs to be explained with examples; otherwise, it gives the impression that the DEIS takes the developer’s existing master plan and its relation to existing structures as a given. (418)

The DEIS indicates that the proposed project will cause a “dramatically different context” and implies the context strips the LIRR Stables and Ward Bakery of their significance. Not all of their significance is determined by their context. Furthermore, the project would be improved by the retention of the buildings, because the architectural diversity of the project area will be enhanced by retaining elements of the existing neighborhood’s character. (37, 87)

The goals cited in the “Project Description,” such as open space, pedestrian access, sidewalk-widening, and sustainable design are not incompatible with or superior to the goals of historic preservation. They should not be cited as justification for the demolition of the LIRR Stables and the Ward Bread Bakery Complex. (37, 87)

The Ward Bakery should be adaptively reused. (508)

**Response 7-1:**

The demolition of the buildings would be required to allow for full build-out of the proposed project. This includes not only creating areas for staging and parking associated with proposed construction by 2010, but also to allow for the LIRR yard reconfiguration which would also occur by 2010. The two buildings are located in areas proposed for new buildings and open space for the 2016 development. Since the buildings are historic, they were evaluated for their potential reuse as residential buildings, which is the proposed project’s program in those locations. Architects who specialize in residential interiors laid out residential units in the buildings and through this evaluation it was determined that 1) the units that would be created would be larger and deeper than typical units and would include spaces without access to light and air that would be difficult to use and to market, 2) would result in a loss of 760 units compared to the number of units that could be provided in the proposed buildings. In addition to the loss of units and as described in

greater detail in the FEIS, due to the requirements for residential buildings and the conditions of the former Ward Bread Bakery, significant alterations would have to be made to the two buildings to adapt them for residential use. This would include restructuring the interiors of the buildings which would dramatically alter their original interior spaces, and alterations to the exteriors of the buildings such as creating new window openings and potentially cutting away interior or rear portions of the buildings to create residential units that would have adequate light and air. In addition, the Pacific Street terra cotta facade of the former Ward Bread Bakery is in extremely poor condition and would require extensive repair and replacement. These changes would not be minor, would incur considerable costs that could not be recouped through the conversion of the buildings, and would dramatically change the historic character of these buildings. Therefore, it is not practicable to reuse the buildings. Furthermore, the goal of providing 50 percent of all rental units for low-, moderate-, and middle-income families could not be achieved in these two buildings since the units would have to be sold as condominiums. In comments dated October 30, 2006, OPRHP accepted the findings of the adaptive reuse study and determined that it is not prudent or feasible to convert the buildings due to their condition and layout.

Retention of the proposed buildings in the proposed project would leave the buildings in a dramatically altered context. The rear of the LIRR Stables would no longer conform to a visible rail yard and the former Ward Bread Bakery would no longer front on a vehicular street. In addition, while the design goals of the project are not in themselves incompatible with historic preservation, the particular characteristics of the site, including the below-grade rail yard and the existing locations of the historic buildings on the site, would cause reuse of the former LIRR Stables and the former Ward Bread Bakery to interfere with the implementation of the proposed open spaces, sidewalk-widening, and sustainable design.

**Comment 7-2:**

The DEIS says that the former LIRR Stables and the Ward Bakery must be demolished because the area is going to change. Such a standard, if applied, would make all historic preservation impossible. By definition, landmarking protects a particular site or district, not the area outside it. (118)

**Response 7-2:**

Landmarking does protect a particular site or district. However, LPC has not determined either of the two buildings to merit New York City Landmark designation. While the proposed character of the project site is going to change, the characteristics of the buildings do not allow them to be practicably converted to residential use, and evaluations



undertaken to determine the potential for their reuse have indicated that significant modifications would have to be made to the structures that would affect their historic character, as described in greater detail in the FEIS.

**Comment 7-3:** The Cultural Resources chapter of the DEIS says that the proposed project will not isolate or increase shadows on existing landmarks, including the Church of the Redeemer or the Pacific Branch Library. However, in the Shadows chapter it says that shadows will be cast on the Church of the Redeemer during all seasons, constituting a significant adverse impact. (418)

**Response 7-3:** Page 7-31 of the DEIS discloses that the shadows to be cast by the proposed project would result in significant adverse impacts on the Church of the Redeemer. This is further discussed on pages 7-32 and 7-3, and 7-38 of the DEIS. Mitigation for this impact was proposed in Chapter 19 of the DEIS and has been further refined for the FEIS. It should be noted that since the issuance of the DEIS, the project has been modified to include a reduction in height of the Site 5 building, which would decrease the duration of shadows on this historic resource.

**Comment 7-4:** The new buildings will create a barrier with many existing historic districts. However, the heights will be unchanged and the feeling of a dividing wall will remain. This should be seen as an adverse impact and measures such as height limitations and additional ground-floor uses should be examined. (418)

The project does not relate to, or respect, the existing environment of historic districts and structures either in scale or design. (47, 324)

The DEIS underestimates the effects of isolation and separation of the surrounding historic districts from each other by the proposed project. The DEIS describes only briefly the impact of the proposed project on the Pacific Branch of the Brooklyn Public Library, the first Carnegie Library in Brooklyn and an important historic building eligible for landmark status, and the Atlantic Avenue Control House. (37, 55)

The DEIS does not disclose impacts on the Pacific Street Library Branch and Atlantic Avenue Control House (IRT), both landmark-eligible buildings. (37, 55)

The DEIS fails to disclose how the project will further isolate existing historic districts. The size and bulk of the proposed project will disrupt views between all the historic districts north and south of the project, and the streetwall would harm the project's connection to the surrounding neighborhoods. The DEIS states that the No Build option

already isolates the historic districts, but does not offer planning or design choices that would diminish the isolation of the districts.

A consistent streetwall would help maintain a uniform structure while allowing individual buildings to have different architectural styles. (37, 55, 299)

Factors that will contribute to further isolation of historic districts are:

- The closing of the through streets on Blocks 1121 and 1129,
- The size, bulk and style of the buildings, and
- The lack of continuous front-facing street walls in the proposed project plan. (37, 55)

**Response 7-4:**

As described in the DEIS, the existing rail yards create a barrier between the historic districts located to the north and south of the project site. The DEIS further discloses that the proposed new buildings would be of a larger scale and height than those located in the surrounding historic districts. One of the objectives of the master plan for the project is to provide visual and pedestrian access through the site in the form of readily accessible open spaces that extend the trajectory of the north-south streets that currently end at or intersect with Atlantic Avenue. This would allow for a greater connectivity between areas north and south than presently exists. There are also currently no north-south through streets on Blocks 1121 and 1129; therefore, the project would not close any such through streets but rather would create pedestrian walkways extending the Fort Greene and Clinton Hill street grids through the project site. The streets that would be closed do not link any historic districts. In addition, the proposed north-south pedestrian corridors, which would include attractive landscaped paths and open spaces, would improve the existing isolating conditions (the below-grade rail yard) on the site.

While the buildings would be larger and taller than most buildings in their vicinity, the proposed provision of these numerous corridors, open spaces, and streetscape improvements on Atlantic Avenue would not result in a barrier that would result in significant adverse impacts to the surrounding historic districts. Currently, due to differences in the street grid north of Atlantic Avenue (where streets intersect with the avenue on a diagonal) and south of Atlantic Avenue (where streets are perpendicular to the avenue), there is no direct view connecting historic districts to the north and south of the project site. The project has been designed to reinforce the existing street grid, with buildings created approximately 200-foot-wide streetwalls and pedestrian corridors, at widths of approximately 60 feet, echoing the widths of most streets in the area. This design also reduces the perceived bulk of the development

on the surrounding area. While the proposed buildings would be of a larger scale and of a more contemporary design, they would be designed to contain local ground-floor retail on the streets that they face. Therefore, it is not expected that these buildings would result in a development that would be isolated from the surrounding streets and that would then isolate the surrounding historic districts from one another.

The DEIS did examine the potential for adverse impacts on the Pacific Branch of the Brooklyn Public Library and the IRT Atlantic Avenue Control House and concluded that the proposed project would not result in a significant adverse impact on either resource. As described on page 7-32 of the DEIS, the proposed development would not diminish the historic character of the Pacific Branch of the BPL, which is individually significant architecturally and historically regardless of the immediately surrounding context, nor would it diminish the distinguishing characteristics of the IRT Atlantic Avenue Control House as an architecturally distinguished structure that reflects the history of transportation in Brooklyn.

**Comment 7-5:** Among historic resources threatened by the proposed project are the Ward's Bakery, the terra cotta-tiled 636 Pacific Street, the former Spalding Sporting Goods Factory, 700 Atlantic Avenue, a 19th century firehouse on Pacific Street, 534 Dean Street, and numerous 19th century rowhouses on Dean Street. (96)

**Response 7-5:** OPRHP and LPC have been consulted regarding the historic significance of the buildings on the project site. OPRHP has determined that only the former Ward Bread Bakery (800 Pacific Street) and the former LIRR Stables (700 Atlantic Avenue) are eligible for listing on the State and National Registers of Historic Places (S/NR), and LPC has concurred with this evaluation. The other buildings have been determined not eligible for S/NR listing and NYCL designation.

**Comment 7-6:** The most harmful effects of the proposed project will be on the historic districts surrounding the project site, including the southern portions of the Fort Greene and Clinton Hill Historic Districts and the BAM Historic District, all of which are also listed in the State and National Registers of Historic Places. There will be increased costs of maintaining the historic facades of buildings in these districts because of the increased air pollution and the harmful effects of chemical pollutants in the air. The lack of direct sunlight in the winter will also dim the present glow that these historic buildings have to the observer. (37, 55, 166)

**Response 7-6:** As indicated in Chapter 14, “Air Quality,” the proposed project would not result in any significant adverse air quality impacts from either stationary or mobile sources. Therefore, the air emissions from the proposed project would not adversely affect historic structures in the study area.

As described in Chapter 7, “Cultural Resources,” the historic districts located within the project study area were designated as S/NR or New York City historic districts because they contain architecturally distinguished buildings or are illustrative of residential design during certain periods of Brooklyn’s history. Sunlight is not cited on the National Register Nomination Forms or New York City designation reports as a feature that contributes to the historic designation of these districts. Furthermore, as discussed in Chapter 9, “Shadows” of the DEIS, of the 14 designated and eligible historic resources that fall within the proposed project’s shadow sweep (includes all resources regardless of sun sensitivity), the shadows cast by the proposed buildings would result in a significant adverse impact on only one historic resource—the Church of the Redeemer (see Figure 9-3b). Historic buildings, especially those that do not contain sun-sensitive features, would not be expected to have their architectural qualities or prominence on the street diminished by the proposed project.

**Comment 7-7:** The DEIS does not make it clear whether any federal permits are required for any aspect of the Atlantic Yards project. Permits from any federal agency would trigger Section 106 of the National Historic Preservation Act of 1996 (NHPA), which requires federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. If State- or National Register-eligible buildings or archaeological sites are demolished prior to securing any federal permits, it would be considered anticipatory demolition and thereby a violation of NEPA. (37, 87)

**Response 7-7:** The project is not seeking any federal funding, permits, or other approvals that would be subject to review under Section 106 of the NHPA. The project is the subject of a consultation with OPRHP under Section 14.09 of the New York State Historic Preservation Act (1980), which requires that the involved state agencies take into account the effects of their actions on historic properties, including identifying potential adverse impacts and developing mitigation as appropriate in consultation with OPRHP.

- Comment 7-8:** The EIS should contain the Stage 1A Documentary Study in the appendix. Without it, it is impossible to know what was eliminated and why, or, perhaps more importantly, what was identified as potentially sensitive. (37, 87)
- Response 7-8:** This document was made available for review during the public comment period for the DEIS. It has now been included in Appendix B of the FEIS.
- Comment 7-9:** The Stage 1A Documentary Study is incomplete (page 7-26 and 7-27). “Prior to undertaking field testing on Block 1119, additional research would be undertaken to determine the presence and extent of any potential archaeological resources. This research includes determining the locations and previous subsurface impacts of gasoline tanks in the sensitive area on Block 1119, and comparing these to the area of potential archaeological sensitivity. If the sensitive area has not been fully disturbed by gasoline tank installation, then additional documentary research would be undertaken as per the recommendations of the Stage 1A Archaeological Study, including reviewing (*that were not available at the time of the preparation of the Stage 1A Documentary Study*), which could provide information on the historic occupants of the sensitive site.” It is impossible to assess the impacts of the proposed project on the archaeological resources without first identifying the resources. (37, 87)
- Response 7-9:** The site referred to in the comment (Block 1119, Lot 1) is only one of five potentially sensitive areas identified on the project site. At the time the Stage 1A Archaeological Study was prepared the Brooklyn Historical Society was closed and research on the past residents of Block 1119, Lot 1 could not be completed at that time. As has been agreed with OPRHP and LPC, the additional studies will be undertaken to further determine the potential for the presence of archaeological resources on Block 1119. If the additional studies indicate the potential presence of archaeological resources, this site would be tested as would the four other sensitive sites. At this time, testing cannot proceed on the sensitive sites as they are not all controlled by the project sponsor. A Stage 1B testing protocol, describing the procedures by which additional study of Block 1119, Lot 1 will be implemented and the proposed testing measures and research issues for all five sensitive lots, has been developed by a professional archaeologist and submitted to LPC and OPRHP for review. On October 30, 2006 OPRHP accepted the testing protocol and on November 2, 2006 LPC also approved the protocol. At such time that the project sponsor has control of the sensitive sites and prior to any subsurface project excavation occurring on the sites, the, Stage 1B field testing would be undertaken as set forth

in the protocol to determine the presence or absence of resources on the site at Block 1119, Lot 1 and the other potentially sensitive areas identified on the project site. Adherence to the Stage 1B testing protocol is a stipulation of the Letter of Resolution (LOR) among ESDC, OPRHP, and the project sponsors.

**Comment 7-10:** The applicant indicates that “additional research will be done to eliminate any areas from further consideration.” Research should be done to identify any additional areas of concern. Not knowing the reason for, or extent of, the additional research, it seems possible this new research might identify hitherto unknown issues. (37, 87)

**Response 7-10:** The proposed additional research pertains specifically to the sensitive area identified on Block 1119 to (1) evaluate prior disturbance on this site from gasoline tanks, and (2) get a better sense as to who the occupants of the former buildings may have been. This has been clarified in the FEIS. The research to identify areas of potential archaeological sensitivity on the project site was completed in the Stage 1A Documentary Study, and OPRHP and LPC have accepted the conclusions regarding the identification of archaeologically sensitive areas and the proposed recommendations of the report pertaining to additional study on Block 1119 and for archaeological testing.

**Comment 7-11:** The New York Landmarks Preservation Commission should be part of the consultation process relating to archaeological resources and should be a signatory on the Letter of Resolution (LOR). If federal permits are required, the Advisory Council for Historic Preservation should be part of the consultation process relating to archaeological resources and should be a signatory on the LOR. (37, 87)

**Response 7-11:** LPC has been and will continue to be consulted regarding archaeological resources for the proposed project; LPC has provided a number of comments with respect to the project, as provided in Appendix B of the DEIS. The project does not require federal funding or approvals and, therefore, it is not subject to review to Section 106 of the National Historic Preservation Act of 1966 (and hence the Advisory Council on Historic Preservation would not be involved).

**Comment 7-12:** The LOR should be signed by consulting parties only after additional research is conducted and, if warranted, testing. (37, 87)

**Response 7-12:** A Stage 1B testing protocol indicating the process by which the additional archaeological research and testing would be undertaken has been developed, submitted to LPC and OPRHP for review, and accepted by LPC and OPRHP. Adherence to the Stage 1B testing

protocol is a stipulation of the LOR among ESDC, OPRHP, and the project sponsors.

**Comment 7-13:** The DEIS incorrectly states that the Prospect Heights Historic District is not eligible for New York City Landmarks Preservation Commission historic district designation. (37, 87)

The Prospect Heights Historic District is a National Register Historic District, not a New York City Landmarks Historic District. Unfortunately, the National Register designation does not offer any protection from the effects of development in altering the historic character of the neighborhood. Having LPC designate the rowhouse blocks of Prospect Heights as a Historic District is an important mitigation against the effects of overdevelopment that is currently being pursued by PHNDC, but is as yet unrealized. Enforceable historic designation, if it comes, will still exclude large swaths of the residential neighborhood zoned R6-B. (108)

**Response 7-13:** The FEIS indicates that LPC is exploring the designation of a Prospect Heights Historic District based on potential boundaries identified in 1979. The potential boundaries of the 1979 area fall wholly within the boundaries of the S/NR district identified in the DEIS. Historic District designation of the rowhouse blocks of Prospect Heights would provide another level of stability since alterations or new development within historic districts must be reviewed and approved by LPC or its staff. This information was brought to ESDC's attention by LPC after the publication of the DEIS. In addition, while these areas have not been designated as an LPC historic district at this time, the existing R6B zoning imposes height and bulk limits that would protect the contextual character of this neighborhood.

**Comment 7-14:** There is inadequate analysis on the contextual impacts of the new buildings on historic resources. The project will introduce buildings that will disrupt the area's character, made up largely of coherent neighborhoods with two- to three-story rowhouses. "Miss Brooklyn" will be 1,552.5 percent larger than the prevailing height of the buildings in the National Register eligible districts. No visual studies were provided to show how that tremendous incongruity in scale will impact the historic resources. Without such studies the conclusion can only be that this introduces an incompatible visual impact on the historic resources and all of the resources in the study area are significantly negatively impacted and no mitigation was included in the DEIS. (37, 87)

The arena is a unique land use, and its presence will have a visual impact. The partnering of the Arena with tall, broad towers built and the same time designed by the same architect increases the visual impact of the project. (586)

The bulk and height of Building 15 clearly impacts on the cultural resources as well as the rest of the residential uses on the shared block through the shadows it causes. (586)

**Response 7-14:**

The DEIS provided a full analysis of contextual impacts on historic resources and concluded that the project would not result in significant adverse contextual impacts to historic resources in the study area beyond the adverse impact on certain views of the Williamsburgh Savings Bank Building and the shadow impact on the Church of the Redeemer (see pages 7-31 through 7-34). The project would provide buildings of a different height and scale than the buildings on the project site and the low-scale rowhouses in the historic districts. However, the buildings on the project site, which are mostly industrial and with few exceptions non-descript, do not contribute positively to the area's character. In addition, the National Register nomination forms for the historic districts specifically call out the significance of the historic districts as "enclaves" within larger areas. While Building 1 would be considerably taller than the rowhouses in the historic districts (though not the Williamsburgh Savings Bank in the BAM Historic District which is 512 feet tall), there are many locations in New York City where tall and short buildings coexist, including Downtown Brooklyn and Lower Manhattan, and many other areas in the city where apartment complexes and rowhouses coexist in the same neighborhoods. In addition, for the most part, views from within the historic districts would be at a distance and most views from the midblocks of the historic districts are obstructed by the solid streetwalls formed by the rowhouses in the districts. A number of visual studies were undertaken and photomontages of the proposed buildings set in the existing context were included in Chapter 8, "Urban Design and Visual Resources" of the DEIS. These and more recently completed photomontages depict the anticipated presence of the buildings in the area and have been included in the Cultural Resources chapter of the FEIS.

**Comment 7-15:**

There is inadequate analysis on the contextual impacts of the signage on the historic resources. The signage introduces an incompatible visual impact on the historic resources as the signage itself is twice as tall as the average historic building in the area. The resources that will be most impacted are resources 8, 10, 17, 27, 30, 32, 34, 35, 36, and 37. This is an undisclosed significant adverse impact. (37, 87)



**Response 7-15:**

As discussed in Chapter 8, “Urban Design and Visual Resources” of the DEIS, signage on the project site would be typical for local retail and commercial areas in New York City with the exception of portions of the Atlantic and Flatbush Avenue frontages. On Site 5, signage would be allowed to a height of 40 (rather 25) feet on Flatbush, Atlantic and 4th Avenues due to Site 5’s prominent location at the intersection of wide commercial avenues. Site 5’s lighting and signage would be allowed in most commercial districts including in the C6-2 zone covering Site 5. Existing signage presently exists on Site 5, including large illuminated signs for the retailers P.C. Richard & Son and Modell’s Sporting Goods. Though signage would be allowed to a greater height than the signage that is currently present on Site 5 due to the low height of the present building on the site, it is not expected that this would result in a significant change that would adversely affect the historic character of the Church of the Redeemer (Resource No. 36), located across an approximately 120-foot-wide avenue. Since only local retail signage would be located on the Pacific Street frontage, it would not be expected to have any adverse effect on the Pacific Branch of the BPL, located across Pacific Street.

On locations on the Atlantic and Flatbush Avenue frontages of the Arena block, specific controls would be placed that would allow for illuminated and non-illuminated opaque signs limited to the westernmost 75 feet of the Arena block (to the height of the prow extending from the Urban Room) and Building 1 (to a height of 40 feet), with additional transparent signage permitted on the Urban Room (to its full height of 80 to 150 feet), Building 1 (to a height of 60 feet), and the Arena (to a height of 40 feet). Since the signage would be focused at the intersection of Atlantic and Flatbush Avenues, it would be visible east and west on Atlantic Avenue, north and south on Flatbush Avenue, and on a small portion of Pacific and Dean Streets south of Flatbush Avenue. The closest historic resources to the Arena block are the Atlantic Avenue Subway Station (Resource No. 3) and the Atlantic Avenue Control House (Resource No. 4). Since the Atlantic Avenue Station is underground, the signage would have no adverse impacts on this resource. As has been discussed in the DEIS, the Atlantic Avenue Control House exists in a greatly altered context and it is not expected that the signage would adversely impact the qualities that make this resource significant.

It is not expected that the proposed signage would adversely affect other historic resources in the study area. The historic resources located north of Atlantic Avenue closest to the Arena block are located north of Hanson Place, with fully developed intervening blocks containing the Atlantic Center and Atlantic Terminal Malls, with a 10-story tower

rising from the north end of the three-story Atlantic Center Mall. These include resources No. 5 (BAM Historic District, No. 8 (Fort Greene Historic District), and No. 12 (Williamsburgh Savings Bank). Due to the distance of these resources from the Arena block and structures that intervene, there would be no direct visibility. Signage illumination would be visible only in the distance, and, therefore, the project would not result in any significant adverse impact on the historic character of the BAM and Fort Greene historic districts. North of Atlantic Avenue but farther east, the Fort Greene Historic District dips south of Hanson Place between S. Portland Avenue and Cumberland Street. However, this portion of the Fort Greene Historic District is also at a considerable distance from the Arena block, and the 12-story Atlantic Terminal Houses fronting on S. Elliott Street obstruct most views southwest to the Arena block from this portion of the historic district.

Other historic resources in the area are at too great a distance and buffered by intervening existing buildings, and some are oriented away from the signage. Existing intervening buildings and blocks separate resources No. 10, 17, 27, 30, 32, 34, 35, and 37 from the Arena block. The Church of the Redeemer (Resource No. 36) would be separated from the Arena block by the proposed new development on Block 927. In addition, some of these resources are oriented away from the Arena block and the proposed signage. These include Resource No. 17 (which faces north on State Street), Resource No. 32 (which faces south on St. Marks Avenue), and Resource No. 35 (which faces south on Dean Street). Therefore, there are no historic resources that would be sensitive to the signage and signage illumination located in close proximity to the Arena block, and, therefore, the proposed signage would have no significant adverse impacts on historic resources in the study area.

**Comment 7-16:** A thorough description of how the development will further enhance rather than further isolate historic structures such as the Pacific Branch of the Brooklyn Public Library, the Church of the Redeemer, and the IRT Atlantic Avenue Control House needs to be provided. (37, 87)

**Response 7-16:** As discussed in Chapter 7, "Cultural Resources," of the DEIS, the proposed new development on Block 927 would not further isolate the Pacific Branch of the Brooklyn Public Library (BPL), the Church of the Redeemer and the IRT Atlantic Avenue Control House. All three resources are located across streets from the blank facades of the current Modell's and P.C. Richard & Son retail building located on Block 927. It is anticipated that the new development on Block 927, which would contain ground floor retail that would be highly glazed, would enliven this block and provide greater pedestrian activity. Furthermore, new landscaping would be provided around the perimeter of Block 927,

where none presently exists except for a few small trees on Pacific Street. In this manner, although the proposed new development on Block 927 would be taller than presently exists, its characteristics at street level would be expected to be beneficial, rather than detrimental, to the surrounding historic structures, compared to existing conditions.

**Comment 7-17:** The DEIS does not address whether the proposed project would affect access to the Pacific Street Library. With increased traffic, Arena events one block away, a new 350-foot building across the street, and the proposed conversion of Pacific Street to a turning ramp onto Flatbush Avenue, access to the library will likely be compromised. The library branch is currently closed and there is concern that the City will use structural problems with the library as a pretext for shutting it down permanently, thus further facilitating the proposed project's takeover of public space in the area. (37, 55)

**Response 7-17:** As described in Chapter 19, "Mitigation," Pacific Street between Flatbush Avenue and 4th Avenue would remain open to vehicular traffic in the future with the proposed project. While the flow of traffic on Pacific Street would be modified from its existing condition, it is not expected that access to the library would be compromised.

It is anticipated that pedestrian activity on 4th Avenue and Pacific Street surrounding Site 5 of Block 927 would increase since ground floor amenities, such as retail, would enliven what are presently lightly traveled sidewalks. This would be expected to have a positive benefit on the Pacific Branch of the BPL, as greater pedestrian activity could generate more public interest in this historic resource. The New York City Department of Design and Construction (DDC) is currently conducting an assessment of the Pacific Branch of the BPL; any changes to the operation of the Pacific Branch of the BPL would be independent of the proposed project.

**Comment 7-18:** The proposed project will further isolate the Long Island Rail Control House because of increased traffic. (37, 55)

**Response 7-18:** The IRT Atlantic Avenue Control House is located on an island formed by the convergence of three heavily trafficked avenues: Flatbush, Atlantic, and 4th Avenues. It is not expected that any increased project traffic would create substantially different conditions than exist today, namely that the IRT Atlantic Avenue Control House is located in an urban environment and bounded by major Brooklyn transportation routes. In any case, there is no access into the IRT Atlantic Avenue Control House at street level; it serves as a skylight to the subway station below. This resource, by virtue of being situated on an island

formed by three wide avenues, would retain its visibility from the surrounding streets, regardless of any increase in traffic on these avenues. It should also be noted that traffic mitigation measures, described in Chapter 19, "Mitigation," of the DEIS, would eliminate the northbound traffic lanes on 4th Avenue between Atlantic Avenue and Flatbush Avenue. Times Plaza, which contains the IRT Atlantic Control House, would be expanded westward in the area of the 4th Avenue northbound traffic lanes, providing a greater buffer between this historic resource and traffic on 4th Avenue.

**Comment 7-19:** The document does not examine the historic viewshed from Crown Heights, Prospect Heights, and Park Slope towards Downtown Brooklyn and Manhattan. The DEIS should expand the viewshed area in its study (418).

**Response 7-19:** *CEQR Technical Manual* methodologies regarding establishing study areas were followed to identify the appropriate study area for historic resources for this project. The study area of 800 feet and scope of work established to study potential project impacts on historic resources was accepted by both SHPO and LPC.

**Comment 7-20:** The DEIS treats Fort Greene as if it only had a northern border, and says the historic districts won't be affected. However, it needs to look at our southern border too. There is a line of communication down South Portland Avenue which leads to 6th Avenue and one down Carlton Avenue, that connect Fort Greene to Prospect Heights and Park Slope. Prospect Heights was filled with adaptively re-used buildings and the neighborhood was welcoming and compatible with the qualities of Fort Greene. (69)

**Response 7-20:** For the most part, the southern boundary of the Fort Greene Historic District is north of Fulton Street, over 800 feet from the project site. However, as noted in the DEIS, the historic district boundary dips south of Fulton Street and Hanson Place between S. Portland Avenue and Cumberland Street. It is expected that the closest views of the project site from within the district would occur on S. Portland Avenue and S. Oxford Street. While it is expected that the proposed project would be visible from these locations, it would be from a distance of at least 500 feet. Views on these streets would continue south through the project site, since these streets would remain open. What would differ is that views across the below-grade rail yards, which allow for views across them to the primarily industrial buildings lining the north side of Pacific Street (and includes the 700 Pacific Street condominium building), would now consist of views of the new residential buildings and open

spaces. Since the street grid is skewed in this area, e.g., S. Portland Avenue and S. Oxford Street are at an angle to 6th Avenue and Carlton Avenue, there are no continuous views southward on S. Portland Avenue and S. Oxford Street from within the district. Therefore, while it is expected that views from the southern section of the Fort Greene Historic District would be altered through the construction of the project, these views would be at a distance, and the change in view from primarily low-rise industrial buildings and rail yard functions to larger and taller contemporary buildings with open spaces containing greenery would not result in significant adverse contextual impacts to the Fort Greene Historic District.

**Comment 7-21:** The DEIS has played down the importance of the historic districts by describing the proposed Atlantic Yards as simply a 'backdrop.' The NYC Landmarks Preservation Commission characterizes an historic district as an "area of the city that possesses architectural and historical significance and a distinct sense of place;" and, therefore, particular consideration must be given to the impact of the proposed structures that would visually infringe on these districts. The idea of having the massive structures looming over these historic districts is horrendous. These historic structures derive their special status not only from their historically relevant building facades, but also from their unique 19th century cityscape. (394)

**Response 7-21:** As has been described in the DEIS, the proposed project would not result in significant adverse impacts that would affect the historic character of the historic districts. While the proposed new development would be of a larger scale than the proposed historic districts, it would not visibly infringe on the districts so as to adversely impact the qualities of the districts for which they were designated. LPC has concurred with the DEIS's findings in comments dated July 17, 2006 (see Appendix B).

**Comment 7-22:** The wholesale destruction of existing buildings degrades the architectural quality of the neighborhood. (180)

**Response 7-22:** With few exceptions, the project site consists primarily of industrial buildings that are not architecturally significant. LPC and OPRHP have reviewed the buildings on the project site and have determined that only the former LIRR Stables at 700 Atlantic Avenue and the former Ward Bread Bakery at 800 Pacific Street appear eligible for listing on the State and National Registers of Historic Places. Therefore, it is not expected that the removal of the non-historic buildings on the project site would adversely affect the architectural quality of the

neighborhood. Mitigation measures developed in consultation with the New York State Office of Parks, Recreation and Historic Preservation would partially mitigate the adverse impacts resulting from the demolition of the former LIRR Stables and former Ward Bread Bakery.

**Comment 7-23:** While the DEIS refers to the neighborhood of Boerum Hill, it does not reference the Boerum Hill Historic District. The FEIS should correct this omission and cite the Boerum Hill Historic District in Table 7-2. (12)

**Response 7-23:** As shown in Figure 7-2, the Boerum Hill Historic District is located beyond the 800 foot study area identified in consultation with OPRHP and LPC. It is, therefore, outside the area in which it was determined that potential adverse impacts could result on architectural resources.

**Comment 7-24:** The FEIS should reflect investigation as to whether the study area site has remains of early African-American and Native-American settlements that developed around Atlantic Avenue and possibly continued into the late 19th century. (12)

**Response 7-24:** As described on pages 7-9 and 7-10 of the Cultural Resources chapter of the DEIS, the potential for the project site to contain Native-American (Precontact) Native American and early African-American resources was evaluated by professional archaeologists in the Stage 1A Archaeological Study prepared for the project site. The Stage 1A Study has been accepted by both OPRHP and LPC. The Stage 1A Archaeological Study and letters from OPRHP and LPC accepting the study are contained in Appendix B of the FEIS.

#### *MITIGATION*

**Comment 7-25:** Building heights should be reduced so views of the Williamsburgh Savings Bank are maintained. The current project would block views of the Williamsburgh Savings Bank from Flatbush Avenue and Grand Army Plaza. Maintaining this vista would be superior to what has been proposed, and this can be accomplished by moving “Miss Brooklyn” to the east of 5th Avenue and eliminating Building 2. (37, 87)

**Response 7-25:** The bulk and height of Building 1 (“Miss Brooklyn”) has been developed in consultation with City Planning. It has been sited due to the site’s location at the crossroads of a major intersection; Atlantic Avenue, Flatbush Avenue, and 4th Avenue, and in the location of a major transit center. Reducing the height of this building so that the Williamsburgh Savings Bank would be visible would require a substantial reduction in this and other building heights. It would not be

appropriate to site this building elsewhere on the project site since other locations on the site do not provide a site at a major commercial crossroads. While the EIS acknowledges that views to the Williamsburgh Savings Bank would be obstructed from some vantage points to the south and that the loss of these views would result in a significant adverse impact, the Williamsburgh Savings Bank would remain visible in other prominent view corridors. There would be no direct impacts to the building. Furthermore, since the DEIS, and in further discussions with CPC, Building 1 has been narrowed in its middle and upper portions. This results in a more obvious tower form that is more responsive to the distinct form of the Williamsburgh Savings Bank Building.

**Comment 7-26:**

It is unacceptable that National Register eligible buildings on the project site (LIRR Stables and Ward Bread Bakery Complex) would be demolished in Phase I to make way for interim parking, with planned development that would not take place for 10 years. It is possible, and in fact conceivable, that the Phase II plan will be modified and historic buildings could be incorporated into a modified plan. (37, 87)

Alternative solutions to the demolition of the Ward Bread Bakery building and the LIRR Stables are discounted without serious examination. The DEIS finds that it would be “neither prudent nor feasible to retain these historic buildings” but presents no analysis of costs showing how retention would not be “prudent or feasible.” But if these buildings were to become landmarks, the owner of these buildings would be required to preserve only the exteriors of the buildings, not the interiors. This would make renovation and reuse more economically feasible. Examples of successful adaptive reuse include The Western Metal Supply Company in San Diego, The South Street Sea Port, The Chelsea Market, Downtown Los Angeles, and Boston’s Quincy Market. (55, 343)

The adaptive reuse of the Ward Bread Bakery Complex would not only preserve the handsome building, but would also be consistent with the recommendation that the buildings on the southern portion of the project site be scaled more consistently with the adjacent Prospect Heights neighborhood. It could also be used as a school. (24)

**Response 7-26:**

An alternatives study evaluating the programmatic and economic feasibility of retaining the former LIRR Stables and the Ward Bread Bakery Complex has been prepared. This feasibility study identifies the issues in adaptively reusing the buildings for residential use regardless of whether they would be demolished during Phase I or Phase II of the project. Details regarding the conclusions of this study are included in

this FEIS. It should be noted that the New York City Landmarks Preservation Commission (LPC) has reviewed the former LIRR Stables and the former Ward Bread Bakery for their eligibility as New York City Landmarks as part of their review under City Environmental Quality Review (CEQR), and has determined that these buildings are only eligible for listing on the State and National Registers of Historic Places, and not New York City Landmarks status. In addition, LPC has received several separate requests for evaluation (RFEs) for the Ward Bread Bakery but still finds that the property is only eligible for listing on the State and National Registers of Historic Places. Therefore, it is unlikely that either the LIRR Stables or the former Ward Bread Bakery buildings would be designated as New York City landmarks.

**Comment 7-27:** Mitigation to reduce isolation of historic districts could include changes to the design of the project that would result in keeping streets open, maintaining street walls, and integrating building styles in the project that relate to the surrounding historic districts. (55)

**Response 7-27:** As discussed in the DEIS, it is not expected that the proposed project, with the exception of obstructing views to the Williamsburgh Savings Bank from some locations, and the casting of shadows on the windows of the Church of the Redeemer, would adversely impact historic resources in the study area (including the historic districts located in the study area). Since there would be no adverse impacts on historic districts, no mitigation with respect to such districts is required.

## **CHAPTER 8: URBAN DESIGN AND VISUAL RESOURCES**

**Comment 8-1:** The FEIS should contain analysis of how the tower element of Building 6 affects the light and air of the apartments in the Newswalk Building. (12)

The project blocks the views from Newswalk and Atlantic Terminal Houses of the other neighborhoods. (149)

**Response 8-1:** According to the *CEQR Technical Manual*, a visual resources analysis includes “only views from public and publicly accessible locations and does not include private residences or places of business.” However, it should be noted that both Newswalk and New York City Housing Authority (NYCHA) Atlantic Terminal Houses look out over an open rail yard cut and a blighted site. With completion of the proposed project, Newswalk would face the landscaped open space and Atlantic Terminal Houses would face a revitalized parcel.



**Comment 8-2:**

The project's chief flaw is that it is a tower-in-the-park, campus-like environment that does nothing to encourage anyone to enter it unless you happen to live there. The issue of open space open to everyone, which is the design of the project, will not encourage people to enter the site and will, in fact, discourage them. (37, 108, 216)

The DEIS should state whether this project is planned to be in the style of tower-in-the-park, and if not, should explain how the project is not of the tower-in-the-park genre. (299)

The view lines that are allegedly supposed to connect communities will not because when you enter the narrow passageway, you will see a huge building. You have to get into the courtyard to look to the sides to see the way through. (37)

All points of access into project space are between buildings—none are at corners. Anyone unfamiliar would think they were trespassing to travel between Atlantic Avenue and Dean Street. (24)

The alleged connection connects perhaps to the south side of Atlantic Avenue. What we need is a way across Atlantic Avenue and a way to cross 4th Avenue and Flatbush Avenue so that our communities will be reconnected, and safely. (37)

The project should trade open space for reduced scale and density. Most of FCRC's open space is not truly public. A smaller amount of well-designed open space that engages an active public streetscape would provide a greater benefit and allow for smaller buildings. (202, 254)

The DEIS does not substantiate how "openings into the open space and the provision of a pedestrian path along...former Pacific Street would enhance the pedestrian activity and create visual links..." across the project site. (55)

Demapped streets destroy the visual connection of the urban fabric. The proposed project will adversely affect street patterns. A project that adds density needs to maintain or increase egress for pedestrians, cyclists, and automobiles. (299)

**Response 8-2:**

As stated in the DEIS in Chapter 8, "Urban Design and Visual Resources," the proposed project's residential blocks would establish physical and visual connections to the neighborhoods located north, south, and east of the project site. The Design Guidelines require that each of the residential buildings has a strong streetwall component reinforcing the building's relationship to the street. The Design Guidelines would ensure that the proposed project would not have a "towers in the park" form. The Fort Greene street grid north of the project site would be extended physically and visually as pedestrian

paths into and across the eight-acre open space component of project site. There would be several pedestrian access points to the open space from the sidewalks adjacent to the project site: four points along Atlantic Avenue, aligned to the Fort Greene street grid to the north; three points along Dean Street; and one point at each end of the through-block pedestrian pathway, that would align itself with the closed right-of-way of Pacific Street between Carlton and Vanderbilt Avenues. The access points would be a minimum of 60 feet wide, comparable to the width of a neighborhood street (the east-west connections would be wider), and would be landscaped with easily identifiable streetscape elements. The open space would allow views into and through the open space, providing users of the open space with views to access and egress points from most locations within the open space, increasing the safe and inviting character of this space. See Chapter 6, "Open Space and Recreational Facilities," and viewshed diagrams in Figures 6-5a and 6-5b.

**Comment 8-3:**

The DEIS does not substantiate the claim that views along tree-lined streets of residential blocks are not affected. While this claim may be tenable on east-west streets, it seems to be false when assessing impact on north south streets (Oxford, Cumberland, 5th Avenue, e.g.) where views that are now completely or relatively open, either with through streets or low buildings terminating views, thereby admitting views of sky, will be closed off by the building walls of the project..." (DEIS page 8-2) across the project site. (55)

It is not true that views along the tree-lined streets would not be affected by the proposed project. In fact, in the winter and early spring, views from the south side of Pacific Street looking east and from the east side of Sixth Avenue looking north would indeed include views of the project site. Therefore, such conditions should be analyzed in the FEIS. (12)

**Response 8-3:**

As addressed in Chapter 8, "Urban Design and Visual Resources," visual resources in the study area include views along many of the narrower, tree-lined streets lined with 19th century residential and institutional buildings and continuous rows of two- to four-story brownstone-faced rowhouses. Many of these streets lie within the study area's numerous primarily residential historic districts. The Prospect Heights neighborhood offers uninterrupted views of historic brownstone- and brick-faced residential rowhouses along Prospect Place, St. Marks Avenue, and Bergen Street (see View 47 of Figure 8-30). The section of the study area southwest of Flatbush Avenue and south of Atlantic Avenue also offers fairly uninterrupted views of the historic residential neighborhoods of Park Slope and Boerum Hill.

Views along Prospect Place and St. Marks Avenue, between 5th and 6th Avenues, include residential brownstones and brick-faced rowhouses with high stoops and small front gardens, many of which are paved (see View 48 of Figure 8-30). The residential views in Boerum Hill along Bergen and Dean Streets, between 4th and 5th Avenues, and along Dean and Pacific Streets, between 3rd and 4th Avenues, include solid rows of more modest residential 19th century rowhouses (see View 42 of Figure 8-27). Most views along residential streets are limited to the buildings lining the streets and the tree canopy.

The proposed new buildings would be taller than most of the low-rise residential buildings that line the east-west streets identified as visual resources in the study area (identified in the DEIS and in the preceding paragraph). Views toward the project site from some of these streets in the study area would include views of the proposed buildings. The density of the rowhouses along these narrow streets creates solid streetwalls and would obscure most street-level views to the project site buildings. The proposed buildings would be more visible from views along north-south avenues because of the greater width of these streets and the trajectory of the avenues extending north and south to and through the project site. The tops of the proposed buildings would also be visible from some areas located farther east and west of the project site. However, the blocks and buildings that intervene between the proposed buildings and the low-rise buildings lining the streets identified above would create a buffer that would limit the visibility of the proposed buildings from these streets and neighborhoods.

Pacific Street changes direction as it crosses Flatbush Avenue; nevertheless, the views near the project site from the west looking east would include the project buildings. Similarly, the project buildings would be visible from the intersection of 6th and Flatbush Avenues.

**Comment 8-4:**

The Atlantic Yards will end up being a gated community. (43)

The closure of city streets and the design of open spaces as a privately regulated enclave will discourage the passage of pedestrians between neighborhoods. (108)

The DEIS needs to show evidence that demapped streets, disproportionately tall buildings, and open space within a private compound will improve the connections between neighborhoods. (299)

**Response 8-4:**

The project's publicly accessible open space would not be fenced or have gates. Among the objectives of the proposed project are establishing physical and visual connections between the neighborhoods adjacent to the project site and ensuring that the open space and ground-

floor retail spaces are accessible and utilized by the community. Seating and other open space amenities are required to be located at all pedestrian entrances to the open space as established by the Design Guidelines to facilitate access into the open space.

**Comment 8-5:** The skyscrapers will rise 53 stories high and will forever change Brooklyn's landscape. (469)

**Response 8-5:** Building 1 would be 620 feet tall, approximately 50 stories. All other buildings would have lower heights.

**Comment 8-6:** Most city skylines happen over time with one tall building at a time replacing smaller ones. This would be in the hands of one developer, almost unheard of in this country. (221)

The "instant city" doesn't harmonize in any way with its location. (274)

**Response 8-6:** As stated in the DEIS in Chapter 8, "Urban Design and Visual Resources," development of the project site's western end would be of a scale similar to the buildings in Downtown Brooklyn, and would serve to extend that area along the existing transit hub at the crossroads of Flatbush and Atlantic Avenues. The larger buildings and the most active uses would be focused closest to the transit hub. Development of the eastern end of the project site would serve as a transition and connection to the surrounding residential neighborhoods with the taller buildings along Atlantic Avenue, a primary transportation corridor through Brooklyn. The building heights would gradually step down towards the existing lower rise buildings east and south of the project site. Further, the lowest portions of the buildings fronting on Dean and Pacific Streets and on 6th, Carlton, and Vanderbilt Avenues would be located along the streetwall with the taller building elements set away from the streetwall, to create both a streetwall context for pedestrians and to be compatible with the scale of other buildings in the area.

**Comment 8-7:** While the proposed project's buildings on the western edge would be of scale similar to Downtown Brooklyn, the FEIS should also acknowledge these buildings in context to low-rise character of the brownstone neighborhoods of Boerum Hill, Park Slope and Prospect Heights. (12)

The proposed project's scale, while compatible with the buildings north of the project site in Downtown Brooklyn, must relate to the surrounding brownstone neighborhoods to the south of the project site as well. (12)

The architecture is gaudy—not appropriate for historic zones. (274)

The architecture should be beautiful, functional, and contextual. It is far too large in scale, and has no relationship to its environment. (512)

The architectural style of the area is Victorian; the proposed development is totally at odds with its surroundings. (571, 577)

**Response 8-7:**

The proposed project is designed as a comprehensive plan that establishes a hierarchy of buildings with a mix of architecturally distinctive and more subdued buildings. The proposed buildings would have varying heights, unique shapes, and a style of architecture that would differ substantially from the buildings in the surrounding neighborhoods. The proposed project would consist of structures that are both more traditionally massed and are clad in masonry, mixed with more asymmetrical forms clad in metal and glass.

While the building heights would vary from building to building, with lower buildings interspersed between higher ones, there would be a general trend of higher and larger scale buildings to the west, closest to the Atlantic and Flatbush Avenue transit hub and Downtown Brooklyn, and lower buildings to the east and south, closest to the lower-scale residential neighborhoods. The building envelopes would step down in height from the Atlantic Avenue frontage and change character considerably along the southern edge of the project site to approach the scale of buildings to the east and south of the project site (see Figures 8-34, 8-36, and 8-51).

As discussed in Chapter 7, “Cultural Resources,” the proposed buildings closest to the Prospect Heights Historic District on the north side of Dean Street between Carlton and Vanderbilt Avenues would have streetwalls at the sidewalk of between 60 and 105 feet in height; above these heights the buildings would set back substantially, resulting in buildings more suited to Dean Street, a narrow street. The streetwalls of these buildings would be clad in masonry. This would create a scale and design that would not be incompatible with the Prospect Heights Historic District, which is located across the streets from, and extends south of, the project site. See Chapter 7, “Cultural Resources,” for a discussion of historic resources.

**Comment 8-8:**

The design provides a good juxtaposition between historic brownstones and modern architecture. (331)

**Response 8-8:**

Comment noted.

**Comment 8-9:**

The current dilapidated state of the area is self-created by Ratner. (143, 585)

**Response 8-9:** The physical condition of the project site has changed little since the project sponsor announced the project and began acquiring property. As discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” the rail yard, in operation since 1904–1906, has long been a blighting influence on the immediately surrounding area. As indicated in the DEIS, Blocks 927, 1118, 1119, 1120, and 1121 have been part of the Atlantic Terminal Urban Renewal Area (ATURA) since the mid-1960s. The basis for the urban renewal designation was that these blocks were underutilized and in unsanitary conditions in need of revitalization. ATURA was readopted as recently as 2004 (see Chapter 3, “Land Use, Zoning, and Public Policy”).

**Comment 8-10:** Extending the Fort Greene street grid into the project will result in more vitality and a more appropriate neighborhood scale. (254)

South Elliott, South Oxford, Cumberland, Adelphi, and Clermont Streets should be extended over the rail yards to connect neighborhoods and extend street grid (330)

Project site streets and Fifth Avenue need not necessarily be open to vehicular traffic at all times. Rockefeller Plaza in Manhattan is an example of a space that uses the architectural language of a typical street to create a public-feeling place and opportunities for successful retail that enhance the area that could be relevant for the project. (87)

**Response 8-10:** Atlantic Avenue is a primary roadway that currently separates Fort Greene to the north from Prospect Heights to the south and also divides two different street grid patterns. The Fort Greene street grid has a skewed alignment that reflects the angles of both Flatbush Avenue to the west and Fulton Street to the north. The blocks in Fort Greene immediately north of Atlantic Avenue are long and narrow with irregularly shaped ends, with the narrow ends of the blocks abutting Atlantic Avenue. The grid pattern in Prospect Heights, the neighborhood south of Atlantic Avenue and east of Flatbush Avenue, is laid out in a north-south grid pattern with typical, rectilinear blocks.

Extending the Fort Greene streets through the project site would not result in more vitality as the streets would simply end one block south of where they currently end at Atlantic Avenue. Further, shifting the boundary between neighborhoods and street grids south to Pacific Street, a narrow, local traffic corridor in Prospect Heights, would be inconsistent with the existing street grids south of the project site and would not improve accessibility to this area of the project site. As described in the DEIS, the project’s proposed pedestrian corridors through the open space have been designed to respond to this grid and enable and encourage pedestrian traffic through the project site and

between neighborhoods by establishing open space and retail destinations that would attract users to the project site.

**Comment 8-11:** Gehry would probably do a good arena. Handing the whole project to an architect who is better known for public buildings than residential complexes could result in a monolithic theme park. (57, 415, 461)

**Response 8-11:** The Design Guidelines have been developed to assure that the design intent for the proposed project's master plan will be incorporated into the design of buildings over time, including architectural variety and a mixture of background and more articulated buildings.

**Comment 8-12:** The high-rise buildings will impede privacy of residents. (281)

**Response 8-12:** Comment noted.

**Comment 8-13:** The "towers in the park" that is being proposed between Sixth Avenue and Vanderbilt Avenue would fail to provide the continuous blockfronts necessary for the vibrant streetlife that Brooklyn is famous for. Instead, the plan should ensure an uninterrupted stretch of inviting and diverse shops, restaurants and businesses along Atlantic Avenue and the other streets in the project. (87)

The lack of street wall definition for Atlantic Avenue and the closure of Pacific Street have the most negative impacts (366, 560, 585)

The design has too little small retail, which is essential to encourage lively street life and aids public safety and community vitality (180)

No indication of ground-floor uses, which is a basic component of transit-oriented development (87)

Design of the eastern portion of project would create stand alone buildings that would not generate a critical mass of retail frontage or local businesses necessary for lively street activity that is vital for the project to integrate with and serve the surrounding neighborhoods. (87)

The lack of any ground floor retail along Pacific Street appears incompatible with the desire to create east-west connections between Phase I and Phase II activities. (55)

The lack of a connective, well-scaled, retail street network will deter pedestrians who don't live and work in the complex. The lack of continuous streetfront retail along Atlantic and Flatbush will create a monotonous superblock that will be a major interruption in the life of the city around it. Proposal renderings indicate that even buildings that

have retail seem to bury that retail in internal lobbies in a way that follows a suburban template and is out of context in Brooklyn. (55, 108)

The DEIS doesn't explain how the proposed project would enhance vitality and foster connections. (144)

Based on Forest City Ratner's development models of the past, this new project will not add value to the business community because he builds developments that are self contained and not about interacting with the surrounding communities. (519)

The design of the arena and its adjacent residential buildings does not connect with the surrounding area. From what is know about the street level design of the arena block, other than the Urban Room, there will be no street level retail or services that would activate the area. Instead, three sides of the project's perimeter at street level will be dedicated to drop-off lanes and loading dock operations. (108)

Closing streets to create a gated community closes off the project from the surrounding areas, and detracts from the goal of "vibrancy." (489, 519)

**Response 8-13:**

The proposed project would not be a gated community. As addressed in Chapter 8, "Urban Design and Visual Resources," and Chapter 3, "Land Use, Zoning, and Public Policy," the proposed project would increase street-level activity on the project site by providing local retail and community facility uses on the ground floors of the residential buildings throughout the project site. The proposed project would incorporate design elements along the project's street frontages that would create an active, transparent streetscape through the introduction of local retail and significant glazing requirements throughout the project, with a focus on the Atlantic Avenue corridor. The Design Guidelines require that each of the residential buildings has a streetwall component reinforcing the building's relationship to the street. The Design Guidelines would ensure that the proposed project would not have a "towers in the park" form. The retail spaces of the buildings lining Atlantic, 6th, Carlton, and Vanderbilt Avenues are expected to contain restaurants, delis, boutiques, and local services. An uninterrupted streetwall of retail establishments extending for entire block lengths of 800 feet along the blocks east of 6th Avenue would not be desirable. The design of the proposed project would ensure that the wide access points to the project's open space, at points related to and in line with the Fort Greene street grid to the north, would be clearly visible and fully accessible. Pursuant to the Design Guidelines, ground-floor retail would be located in buildings with streetfront elevations along Atlantic, 6th, Carlton, and Vanderbilt Avenues and a portion of Dean Street. Locating the ground floor retail along the commercial, and more public,



streetfronts would be consistent with other commercial and residential streetfronts in the study area. Residential streets would have more limited ground-floor commercial uses.

Pedestrian movement around and through the project site would be encouraged by widening existing sidewalks to 20 feet wide along Flatbush and Atlantic Avenues. The north side of Pacific Street between 6th and Carlton Avenues would be landscaped and would include seating areas and other amenities that would encourage pedestrian use. The right-of-way of Pacific Street between Carlton and Vanderbilt Avenues would be designed as a pedestrian walkway to and through the project's open space. Further, as stated above, most buildings would have ground-floor retail uses that would further improve the pedestrian experience along streets and sidewalks adjacent to the project site. The proposed buildings would have their primary entrances along the streetfronts, adding to the vitality of the project site and study area by encouraging pedestrian uses of the sidewalks and the project's retail establishments. As discussed in the DEIS in Chapter 8, "Urban Design and Visual Resources," and Chapter 6, "Open Space," as well as in responses to comments, access points to the project's open space would be clearly identifiable from the surrounding sidewalks and nearby streets.

**Comment 8-14:**

The DEIS acknowledges only a "localized adverse impact to the few residences adjacent to its loading dock operations" on Dean Street. The entire perimeter of the arena will adversely impact the surrounding neighborhoods, however, because the arena is designed in such a way as to create a solid barrier not integrated with surrounding uses. From the sketch plans available to the public, there appear to be no ground-floor retail or service uses planned on the perimeter; the only ones planned are in the Urban Room, which is an indoor space connected to arena functions. In sum, the arena is designed in such a way that it will become an enclave that turns its back to the surrounding neighborhoods. This problem is not about the design of this particular facility; sports facilities almost always function as insular buildings. (55)

The project design facilitates pedestrian movement internal to the project, yet it obstructs movement around its perimeter and through the project. The DEIS also lacks evidence as to how four buildings surrounding the arena will promote street level activity. Project plans appear to be similar to other developments of large internalized complexes with linked ground-floor, sub-, or above-grade uses which may deaden "street life"—e.g., MetroTech, Time Warner Building, World Financial Center's West Street frontage. (55)

The arena should 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. (95, 141, 143, 218, 254)

**Response 8-14:**

This comment's characterization of the arena and its perimeter is inaccurate. As discussed in Chapter 1, "Project Description," and Chapter 8, "Urban Design and Visual Resources," (and clearly illustrated in Figures 1-3, 1-4, and 1-6 through 1-9 and Figures 8-37a through 8-37b), the streetscape along the arena block would be highly transparent and lined with local retail, including potential café and restaurant uses, continuing the existing strong Atlantic and Flatbush Avenue retail corridors west and south of the project site, respectively. Public seating areas would also be situated around the outside of the arena along Atlantic and Flatbush Avenues. This ground-level presence is intended to enliven the streetscape for residents, workers, and visitors even when the arena is not hosting an event. The requirements for an active streetscape are included in the Design Guidelines.

Unlike most arena facilities where activity is hidden from the outside, the proposed project would seek to provide some visual connection to the indoor activity from the most public facades of the building—along Atlantic and Flatbush Avenues and the Urban Room, thereby extending the arena-related activities onto the streetscape. The arena is designed to allow passersby to see into the bowl to see the scoreboard from the Urban Room and Flatbush Avenue.

As described in Chapter 8, "Urban Design and Visual Resources," of the DEIS, the proposed arena would not have blank walls along its perimeter. The proposed arena would occupy the central portion of the arena block and would be set behind Building 1 at the intersection of Flatbush and Atlantic Avenues, and behind the Urban Room, a publicly accessible covered pedestrian space providing a place to congregate and access the arena, the subway, and the lobby areas in Building 1. The proposed arena would have an oval shape with its longer edges along Atlantic and Flatbush Avenues. Its western edge would merge with Building 1 that would open onto Flatbush Avenue. The arena bowl would be surrounded by commercial and residential buildings at each corner of the arena block. The arena would have glass-enclosed walkways along the building's perimeter creating a transparent and open quality along the Flatbush and Atlantic Avenue streetwalls. The arena's primary entrance would be located at the Flatbush Avenue and Atlantic Avenue intersections; secondary entrances would be located on Atlantic Avenue and Dean Street. The ground floor of the arena block,

particularly along Atlantic and Flatbush Avenues, would contain a variety of uses, including one or more of retail, café, graphic displays, street furniture, and visual cues to the arena bowl (see Figures 1-6 through 1-9 and 8-37a through 8-37b). There would also be access points to the subway along Atlantic and Flatbush Avenues.

Buildings 1 through 4 on the arena block would be physically connected to the arena to provide support for the arena. However, only Building 1 would provide access to the arena. There would be no internal circulation from the other three buildings on the arena block apart from support-related connections.

Buildings 1 through 4 and the arena would all have ground floor retail opening onto the surrounding streets, thereby promoting street level activity along Dean Street and Flatbush, Atlantic, and 6th Avenues. There would be a new entrance to the subway from Flatbush and Atlantic Avenues. Further, the ground floor retail on the arena block buildings would be faced in transparent materials as required by the Design Guidelines, thereby creating visual interest in this area of the project site. In addition, there would be residential entrances and residential activity that would contribute to the street level activity on the project site and in the study area.

**Comment 8-15:** Photosimulations show changes from the existing conditions photograph that have nothing to do with the action. (55)

Looks like DEIS used wide-angle lenses for photosims. Makes everything, including project, appear smaller than what human eye would see. (55)

Inconsistencies between information provided in site plan, elevations, and 3D model shown in Figure 9-2. (55)

Building 14 portrayed incorrectly in Figure 8-45. (55)

Massing models in CBN Bulletin #5 show how buildings are out of synch w/neighborhood. (361)

**Response 8-15:** The photomontages included in the DEIS accurately depict the visual presence of the proposed project. Some of the photomontages have been revised in the FEIS to more precisely conform the images of the proposed project to images of the existing conditions photos (see Figures 8-43 through 8-55).

**Comment 8-16:** The project should encourage the development of Pacific Street as a first-class residential street. The Newswalk building showed the way,

but FCRC's plan obliterates Pacific Street as a vital public thoroughfare. (254)

**Response 8-16:** The direction of travel along Pacific Street between Vanderbilt and Flatbush Avenue changes and does not provide through east-west access between these streets. The proposed project would establish Pacific Street as a corridor through an enlivened residential area with extensive landscaping features and open space elements that would encourage pedestrian activity in an area that currently has very limited pedestrian or automobile traffic.

**Comment 8-17:** No analysis is provided to establish that the Atlantic Avenue Control House and churches identified are the only visual resources within the study or project areas. However, two buildings are identified as landmark-eligible cultural resources within the blocks to be razed. On this basis, these buildings and their streetscape contexts contribute to visual resources and should be considered as such. (55)

**Response 8-17:** As stated in Chapter 8, "Urban Design and Visual Resources," of the DEIS, the analysis considers the effects of the proposed project on the area's visual resources, defined in the *CEQR Technical Manual* as unique or important public view corridors, vistas, or natural or built features. Visual resources can include waterfront views, public parks, landmark structures or districts, or natural features, such as a river or geologic formations. Field visits to the project site and the surrounding study area were conducted to identify visual resources, in conformance with the *CEQR Technical Manual* methodology. Five view corridors were identified through field visits to the project site and study area. They are listed in Table 8-4, "Visual Resources and View Corridors," and illustrated in Figures 8-17, 8-27, 8-31, 8-32, 8-46 through 8-51. Using the same *CEQR Technical Manual* methodology, five buildings were identified as visual resources—the Williamsburgh Savings Bank Building, Atlantic Avenue Control House, Church of St. Luke and St. Matthew, the Verizon Building, and St. Joseph's Roman Catholic Church. Based on these field visits and documentary research, the former LIRR Stables at 700 Atlantic Avenue and the former Ward Bread Bakery Complex with facades along Pacific and Dean Streets between Carlton and Vanderbilt Avenues were determined not to be visual resources. The fact that these buildings have been determined State/National Register-eligible does not mean that these building would also be visual resources. As described in Chapter 8, "Urban Design and Visual Resources," the former stables building is a three-story red brick warehouse building at 700 Atlantic Avenue (see View 8 of Figure 8-6). The building's ground-floor windows along Atlantic Avenue are covered with bricks and wood panels and the upper floor

windows have many broken elements. The western and southern facades are visible and also have bricked-up windows. Although the building is visible from areas across the project site and in the nearby study area, in its deteriorated condition, the building is not a significant visual feature on the project site or in the study area. The former Ward Bread Bakery complex at 790-808 Pacific Street has similarly been altered. The warehouse building is a long, three- and five-story building. Its Pacific Street elevation is faced in white terra cotta and has wide, arched windows on the top floor. The building extends through the block between Pacific and Dean Streets, occupying a large portion of the block. All of the windows on this building have been sealed with cinder block or glass block, contributing to the abandoned appearance of the unused building. Scaffolding covers the majority of the building's ground-floor Pacific Street façade (see View 20 of Figure 8-12). The building's 615-631 Dean Street façade is faced in yellow brick with modest terra cotta detailing. As with the Pacific Street façade, the Dean Street façade's windows are also filled in with cinder block or glass block. The building has several loading docks and entrances and is not in use (see View 22 of Figure 8-14). The building's Pacific Street elevation is visible in views across the project site, however, it is not a contributing feature in the skyline. Likewise, the building is not a prominent visual feature along Dean Street. These two buildings are not significant visual elements on the project site or in the study area and were not considered visual resources.

**Comment 8-18:**

The project would create a wall of modernist towers between two brownstone communities, Fort Greene and Prospect Heights, and by its very size threatens to destroy the fabric of each of them. (422, 347, 476)

Descriptions of the surrounding neighborhoods indicate that the exceptional tall structures that exist in these neighborhoods are generally in the 11- to 16-story range, with a handful at 20 or 21 stories. This is a far cry from the building heights proposed in the Atlantic Yards project and again suggest that the project will create a new barrier between the surrounding neighborhoods, rather than a connection or bridge between them. (42, 102, 103, 467)

The project would create a barrier between the surrounding neighborhoods. (274, 282, 307, 326, 332, 339, 467, 548)

While the rail yard cut has established a barrier that is a cut, the current design would create a barrier that is a wall. (180)

The project has separated the neighborhoods and divided Brooklyn instead of uniting it. (52, 149)

**Response 8-18:**

The physical and visual connections that would be created through the open space of the proposed project's residential blocks would contribute to the accessibility and connectivity of the residential blocks and the surrounding community. The proposed buildings would replace the below grade rail yards and the blighted conditions that currently characterize much of the project site with new buildings of varying heights and forms. The proposed project would also include eight acres of publicly accessible open space that would encourage and enhance pedestrian activity connecting the various neighborhoods surrounding the project site.

Although the proposed buildings would be taller and of a design unlike most buildings in the study area, the experience of the proposed project buildings would change depending on location and proximity to the project site. Along the streets adjacent to the project site, the buildings would be experienced much like lower rise buildings with ground floor retail that contribute to an active streetscape. Farther from the project site, the height and form of the proposed buildings would be experienced much like the taller buildings in Downtown Brooklyn that are visible from points along Flatbush Avenue.

The areas of the Fort Greene and Prospect Heights neighborhoods north and south of the project site do not form cohesive brownstone neighborhoods. Rather, the sections of these neighborhoods closer to the project site are characterized by a variety of building styles, types, periods, forms, and heights. As discussed in Chapter 8, "Urban Design and Visual Resources, Existing Conditions," the sections of the neighborhoods in the study area closest to the project site, particularly the areas facing the project site, are largely dissimilar to the remaining portions of the study area neighborhoods to which they belong. Their dissimilarities, which are particularly apparent north and south of the project site, form a visual buffer along the blocks closest to the project site (see in particular Figures 8-18 through 8-20, 8-24, and 8-26). The portion of the study area facing the project site to the north is characterized by a mix of larger-scale commercial buildings, taller residential and commercial buildings, and recently constructed three-story row houses. Buildings facing the project site to the south consist of a mix of rowhouses along Dean Street, a large residential warehouse building at 700 Pacific Street (the Newswalk Building), a few small industrial buildings along Dean Street, and a public playground, also along Dean Street.

As discussed elsewhere in the Urban Design "Response to Comments," the design of the proposed project would create physical and visual connections across and through the project site in both north-south and

east-west directions. These connections would be via streets and through pedestrian and bike pathways through the project's open space component (see Chapter 6, "Open Space and Recreational Facilities").

**Comment 8-19:** FCR should seek to expand social and economic connectivity in the short term too. Ten years of vacant lots is bad urbanism. A 10-year zone of wasteland between Prospect Heights and Fort Greene is, first, to expand the perceived problem of the rail yards and, second, to undermine that clearly stated goal. (108, 460, 461, 463, 560, 585)

**Response 8-19:** The entire project site would undergo extensive changes throughout the ten-year development period. The blocks and lots would not be vacant or a "wasteland." While the construction of new buildings would be focused west of 6th Avenue prior to 2010, the reconfiguration and upgrading of the rail yards would be taking place simultaneously on Blocks 1120 and 1121. As development of the western blocks of the project site (the blocks west of 6th Avenue) proceeds, open space would be introduced and views of and through the project site would be substantially changed. Because of construction activities on the arena block and Site 5 and the rail yard on Blocks 1120 and 1121, in order to accommodate a construction staging area and parking for construction equipment and construction workers' automobiles, Blocks 1128 and 1129 would be used to minimize construction-related activities on surrounding streets and neighborhoods. The construction staging area would be located across Dean Street from a manufacturing zone and manufacturing uses. The staging area would be screened from view by fencing. See Chapter 17, "Construction," for more detailed information about the phasing of the project's construction.

**Comment 8-20:** The DEIS Executive Summary admits that the project would be "visible in the skyline" but is described such that it would be "perceived as middle-distance or background conditions." This is false. If it is impossible to see the sky when looking down South Elliott Place, this is not a mere "background condition." (226)

**Response 8-20:** The master plan for the proposed project would establish a hierarchy of buildings where certain buildings would become focal points or "foreground" buildings, such as Building 1 at the intersection of Atlantic and Flatbush Avenues and Building 7 at the corner of Atlantic and Carlton Avenues. Other buildings on the project site would be sited at less prominent locations, with more angular forms and lower building heights.

Although the proposed buildings would be taller and of a design unlike most buildings in the study area, the experience of the proposed project

buildings would change depending on location and proximity to the project site. Along the streets adjacent to the project site, the buildings would be experienced much like lower rise buildings with ground-floor retail that contribute to an active streetscape. Farther from the project site, the height and form of the proposed buildings would be experienced much like the taller buildings in Downtown Brooklyn that are visible from points along Flatbush Avenue. Views south on South Elliott Place would be somewhat altered by the presence of new buildings in the distance on the project site. Views from South Elliott Place would continue to include the sky.

**Comment 8-21:** The FEIS should also consider how the proposed project would impact the skyline view from the Mount Prospect Park playground overlook. (12)

**Response 8-21:** The FEIS acknowledges that the proposed buildings would change the Brooklyn skyline. Any views of the proposed project from Mount Prospect Park Playground would include views of its buildings in the distance; such changes would not be considered adverse.

**Comment 8-22:** Closing public streets to create “superblocks” does not work. The project should retain Pacific Street between Carlton and Vanderbilt Avenues and keep 5th Avenue open if possible. The project should also add new public streets to connect the communities surrounding the railyards. (87, 108, 160, 414)

There are reservations about the way the proposed project works on the ground, in its street connections among 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 a city. Review of other suggested design alternatives supports the need for a significant revision of the street designs and connections. (95, 422)

The project would create an overcrowded barrier between neighborhoods that are organically growing into one larger neighborhood with similar characteristics. (571, 577)

How will architecture that turns its back on the neighborhood and is designed with buildings facing inward, a lack of use on many street level facades, and walls of glass and steel which will reflect brightly on neighboring buildings be considered positive? (418)

While the existing rail yards are a barrier between neighborhoods, the proposed project would create an even greater barrier by closing streets,



creating residential super blocks with enclosed interior spaces, and building an arena. (262, 527)

The Urban Design section of the DEIS claims “the proposed project would be dramatically different than anything in the neighborhood today and would enhance the vitality of the area and foster connections between neighborhoods surrounding the site.” However, through the intervening 40 pages, it is at no time clear how this will foster connections rather than create a wall that will cut off one neighborhood from another. (55, 241, 384, 418)

Ratner’s other projects, specifically the Atlantic Terminal Mall, show an abject disregard for architectural innovation and harmony with the surrounding environment. I do not question Mr. Gehry’s credentials; however, his design could not be more in opposition to the nature of Brooklyn and the surrounding neighborhoods. (26, 256, 276)

Superblocks do not promote community. (254, 561)

This project can be characterized as a huge “super block,” self-contained, and providing no positive connections with the adjacent neighborhoods. Figure S-6 provides evidence that this is no illusory fear. It is important to preserve the generally low-rise character of housing and the grid of the streets which gives the area its distinctive identity and attraction. (413)

Elimination of city streets and creating superblocks is a method of urban planning that is a known failure. ESDC should provide objective outside sources to justify it. (143, 160, 174)

Stuyvesant Town in Manhattan is a good example of why "towers in the park" plan doesn't work (48, 172)

Demapping Pacific between 5th and 6th is necessary for arena, but other demappings will create an enclave that would not integrate well with the surrounding neighborhoods. (87, 239, 368, 373, 387, 519)

The proposed site blocking of the residential blocks is contrary to the context of the study area. Large buildings with high street walls interspersed with open green spaces conflict with the Urban Context and will impose streetscape elements that are currently foreign to the study area. (102)

**Response 8-22:**

As discussed in Chapter 8, “Urban Design and Visual Resources,” streets would be closed and blocks would be joined to create the arena block (the three blocks bounded by Dean Street and Flatbush, Atlantic, 5th, and 6th Avenues) and the large residential and open space block (bounded by Dean Street and Atlantic, Carlton, and Vanderbilt Avenues). The arena block would provide a sufficient footprint for a

functioning arena (one of the primary civic components of the proposed project), the Urban Room, and a direct below-grade connection from the arena block to the subway station. The creation of the large residential block between Carlton and Vanderbilt Avenues would allow the development of eight acres of new publicly accessible open space. This block would also accommodate water features that serve as stormwater detention basins, a major sustainable design element, as well as a new visual resource for the area. Wide openings into the open space and the provision of a pedestrian path along the right-of-way of Pacific Street would enhance pedestrian activity and create physical and visual links to the residential neighborhoods to the north, south, east, and west of the project site.

The portion of 5th Avenue between Flatbush and Atlantic Avenues that would be closed for the proposed arena block is a relatively short segment of roadway that is not an important connector between neighborhoods. Although the closure of this segment of 5th Avenue would eliminate some views, existing views along 5th Avenue are limited because 5th Avenue jogs at its intersections with Flatbush Avenue and again at Atlantic Avenue. Views north on 5th Avenue are limited to views of the Atlantic Terminal Mall. The portion of Pacific Street between Flatbush and 6th Avenue would also be closed for the proposed arena block. The closure of Pacific Street between Carlton and Vanderbilt Avenues would allow the creation of the large residential and open space block. The closure of these segments of Pacific Street would alter the streetscape along this street and remove what is theoretically a connector street between Prospect Heights and Park Slope/Boerum Hill, although the direction of traffic changes from block to block and runs in opposite directions on either side of Flatbush Avenue. These neighborhoods do not currently have a strong connection because they are physically and visually divided by Flatbush Avenue. Like 5th Avenue, Pacific Street similarly jogs at Flatbush Avenue limiting views along Pacific Street to views across the project site, comprised of views of the depressed rail yards and industrial buildings. The uses and the physical barriers have been in existence for over a century, precluding the organic growth and connections referred to in the comment.

One of the goals of the project's master plan is to link the residential neighborhoods located north, south, and east of the project site through the open spaces that extend the urban street grid through the project site. Pacific Street between Carlton and Vanderbilt Avenues would be closed to vehicular traffic (and incorporated into open space) in order to create a unified, publicly accessible open space, and also allow for a contiguous footprint to accommodate a major sustainable design

element—water features that serve as detention and retention basins as part of a comprehensive stormwater management system. The larger residential block would also allow for greater flexibility in the placement of buildings on the project site and a greater amount of usable open space than would otherwise be possible. The open space would continue the Pacific Street corridor eastward on Blocks 1121 and 1129 through the introduction of a winding walking path, preserving this corridor as a pedestrian thoroughfare east of the arena block. A dedicated north-south bicycle path would be incorporated into the open space and would connect with the larger city bicycle network. As discussed in Chapter 6, “Open Space and Recreational Facilities,” the design of the open space would include several pedestrian corridors extending the Fort Greene street grid, fostering additional north-south connections between Prospect Heights and the Fort Greene and Clinton Hill neighborhoods to the north. These pedestrian pathways would be aligned with and act as extensions of the streets north of the project site, namely South Oxford and Cumberland Streets and Clermont Avenue, extending the activity associated with these neighborhood streets into and through the project site. The entrances to the open space from the sidewalks would be a minimum of 60 feet wide (comparable to the width of a neighborhood street). Despite the closure of certain streets to vehicular traffic, the proposed project would foster and increase connectivity between the neighborhoods surrounding the project site by creating inviting open space, walkways, and a bike path connection, promoting pedestrian activity and biking through the site.

Further, locating the buildings along the perimeter of the residential portion of the project site would reinforce the strong streetwall found along many of the streets in the study area neighborhoods, particularly to the east, south, and west of the project site. The locations of the proposed buildings would also allow for appropriately scaled openings between the proposed buildings leading to and through the open space. The use of masonry cladding, especially on the buildings on the east side of Carlton Avenue, the north side of Dean Street between Carlton and Vanderbilt Avenues, and on Building 15 on the east side of 6th Avenue, would be appropriate to the character of the buildings in the historic districts that face these areas of the project site (see Chapter 7, “Cultural Resources”).

In contrast to the proposed project, Stuyvesant Town is a site characterized by a perimeter of long, largely uninterrupted streetwalls with extremely limited street level retail or other street level uses. Pedestrian access points or other visual cues to encourage pedestrians to enter into the site’s inward-focused open space are similarly extremely limited. As a result, Stuyvesant Town has a defined border that

separates it from the surrounding area and physically and visually restricts movement to and through Stuyvesant Town from nearby streets.

**Comment 8-23:** The DEIS fails to describe the character, scale and consistency of the east-west corridor along Pacific Street, either in its existing conditions or in the project plan. (55)

**Response 8-23:** The existing conditions of Pacific Street are described in detail in Chapter 8, “Urban Design and Visual Resources” in sections “Existing Conditions, Project Site” and “Existing Conditions, Study Area.” Descriptions of Pacific Street as part of the proposed project are also described and illustrated in the “Urban Design and Visual Resources” chapter in “Project Site, Urban Design and Study Area, Urban Design,” “Street Pattern, Street Hierarchy, and Block Shapes” and “Streetscape” for “Probable Impacts of the Proposed Project” for 2010 and 2016.

**Comment 8-24:** How does the act of creating the arena block facilitate pedestrian access [to the arena from the subway]? It is the fact that the arena is being proposed at this location that facilitates the pedestrian access to the Arena. (102)

**Response 8-24:** The arena block development would enable the establishment of a new access point to the subway in an area where an access point does not exist. Access to the subway currently requires crossing Flatbush, Atlantic, or 4th Avenues to enter the Pacific Street/Atlantic Avenue subway station. The proposed project would also establish a direct off-street connection to the subway from the arena block.

**Comment 8-25:** Many of the images and the findings of the DEIS make the assertion that the proposed development will not be visible due to the cover of street trees or visual cut-off of buildings in the study area, or when visible, would only be seen as background buildings. However, if one were to walk along 5th, 6th, or 7th Avenues in Park Slope and look north toward the project site, one would certainly question these findings. The fact that on 7th Avenue, the Atlantic Terminal Houses building, which is smaller and further away than the proposed development, is strikingly visible when one looks north (not as a background as stated in the DEIS), is an unambiguous indication of what will be visible if the project is completed as proposed. The project site is directly in the line of sight from 7th Avenue in Park Slope to the Atlantic Terminal Houses. If a proper site plan with the key buildings identified were included in the documentation, this would be clearly evident. The images provided in the DEIS appear to be taken from

vantage points most conducive to the support of statements made in the DEIS. Similarly, 6th and 5th Avenues also have sight lines directly into the mass of the proposed development, which will be visible at many continuous points along the Avenues even with trees in full leaf, and in full when the trees are bare. (102)

**Response 8-25:**

Views along these avenues in Park Slope would include views of the proposed buildings in the distance. However, views along these streets are not considered view corridors as these views are not unique or rare. These views are generally long views along mixed commercial and residential streets without any clear focal point. Although views along these streets would change to include views of the proposed buildings, these changes are not considered adverse.

**Comment 8-26:**

The text of the DEIS is also ambiguous and misleading in relation to the Williamsburgh Savings Bank Building view corridors. It states that “it should be noted, however, that a building could be constructed as-of-right and independent of the proposed project on Block 1118 (the site of the proposed Building 1, Miss Brooklyn) that would also obstruct views of the Williamsburgh Savings Bank Building along the Flatbush Avenue corridor south of the site.” This statement may or may not be completely true; however, without providing definitive information as to how tall the building could be built and how much of the view it might obscure, and from what vantage points, it misleads the reader into thinking that the proposed “Miss Brooklyn” is close to as-of-right in its height or massing. (102)

**Response 8-26:**

Much of Block 1118, located on the southeast corner of Flatbush and Atlantic Avenues, is privately owned and is currently occupied with vacant lots and two low-rise commercial buildings. This block is zoned C6-1 and is within the Special Downtown Brooklyn District, which would permit mid- to high-density residential, commercial, or community facility uses. An as-of-right building up to 495 feet tall could be developed on Block 1118. However, given the location of the Bank Building, even a 320-foot-tall building would substantially obstruct views of the Williamsburgh Savings Bank Building from the south along the Flatbush Avenue view corridor.

**Comment 8-27:**

Building heights should be reduced so views of the Williamsburgh Savings Bank are maintained. The current project would block views of the Williamsburgh Savings Bank from Flatbush Avenue and Grand Army Plaza. Maintaining this vista would be superior to what has been proposed, and this can be accomplished by moving “Miss Brooklyn” to the east of 5th Avenue and eliminating Building 2. (37, 87, 108)

**Response 8-27:**

Building 1 has been sited near a commercial center at the intersection of Atlantic, Flatbush, and 4th Avenues. It would not be appropriate to locate Building 1 elsewhere on the project site since other locations on the project site do not provide a location at a major commercial and transit crossroads.

The proposed project would have no direct impacts to the Williamsburgh Savings Bank Building. While the DEIS acknowledges that views to the Bank Building would be obstructed from some vantage points to the south and southeast and that the loss of these views of the Bank Building would result in a significant adverse impact, the Williamsburgh Savings Bank Building would remain visible in other prominent view corridors. Since the DEIS, and in response to recommendations issued by the City Planning Commission (CPC), the middle and upper portions of Building 1 have been narrowed. This results in a more obvious tower form that is more responsive to the distinct form of the Williamsburgh Savings Bank Building.

Maintaining the views of the Williamsburgh Savings Bank Building from those public locations at which it is visible under existing conditions would require significant reductions of the heights of most of the project buildings. Even new, low-rise as-of-right buildings could partially obstruct views of the Williamsburgh Savings Bank Building from other existing vantage points south and southeast of the project site. As stated in the DEIS, a tall as-of-right building could be developed on Block 1118 that would substantially obstruct views of the Williamsburgh Savings Bank Building from the south along the Flatbush Avenue view corridor.

Relocating Building 1 east of 5th Avenue would require the realignment of the proposed arena which is not feasible. In order to accommodate LIRR's drill track, the bowl of the arena must be oriented east-west rather than north-south. Furthermore, if the arena were oriented north-south, the upper concourse of the project arena would extend beyond the property line. In addition, a north-south orientation would require arena back-of-house and support space to be located along the arena streetwalls, resulting in predominantly 100-foot-tall blank facades along 6th Avenue, Dean Street, and parts of Atlantic Avenue. The orientation of the proposed arena would allow the arena's support space to be located within portions of the surrounding arena block buildings and would result in highly transparent streetwalls along the arena's facades. In addition, because of support space requirements for a north-south oriented arena, street-level retail would be almost impossible without seriously impacting arena operations and vertical circulation.

Relocating Building 1 east of 5th Avenue would also require that a 620-foot-tall building rest upon a 500-foot-long span structure on the western end of the arena roof. The core of Building 1 would penetrate the seating inside the arena bowl and would obstruct the circulation on all concourses. The core of Building 1 would need to be sited above the loading dock area, requiring a significant portion of the gravity and lateral loads to transfer around this space. The net effect of these changes would make construction of the arena impracticable.

Shifting both Building 1 and the arena to the east would have a ripple effect, requiring numerous other significant changes to project buildings on the arena block. Furthermore, it is likely that portions of the truck loading area would need to be located beneath the bowl of the arena, which would be problematic due to security reasons and operational and constructability considerations.

**Comment 8-28:** The Atlantic Yards development should not be tall enough to obstruct views or compete with the Williamsburgh Savings Bank visually. (12, 42, 285, 339, 460, 461, 463)

Is the loss of views and view corridors relating to the historically important Williamsburgh Bank Building adverse or not by their [DEIS] findings? (102)

**Response 8-28:** As stated in the DEIS in Chapter 8, “Urban Design and Visual Resources,” the height, form, and locations of the proposed buildings would obstruct views of the Williamsburgh Savings Bank Building from many public vantage points south and southeast of the project site—primarily along the Flatbush Avenue corridor, but also from areas of Pacific Street between 4th and Flatbush Avenues, points along 5th Avenue near Flatbush Avenue, from Bergen Street between 6th and Carlton Avenues, the Dean Playground, and some points along Vanderbilt Avenue east of the project site (see Figures 8-45 and 8-46). The loss of these views would constitute a significant adverse impact on this visual resource from these public vantage points because the Williamsburgh Savings Bank Building is one of the most prominent and recognizable features of the Brooklyn skyline, and has been since it was constructed in 1927–1929. However, it should be noted that a building could be constructed as-of-right and independent of the proposed project on Block 1118 that could also obstruct views of the Williamsburgh Savings Bank Building along the Flatbush Avenue corridor south of the project site and from other vantage points.<sup>1</sup> Similarly, even new, low-rise

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<sup>1</sup> Much of Block 1118, located on the southeast corner of Flatbush and Atlantic Avenues, is privately owned and is currently occupied with vacant lots and two low-rise commercial buildings. This block is zoned C6-1 and is within the Special Downtown Brooklyn District, which would permit mid- to high-

as-of-right buildings on other portions of the project site could be developed that could partially obstruct some views of the Williamsburgh Savings Bank Building from other existing vantage points south and southeast of the project site.

Views of the Williamsburgh Savings Bank Building would be maintained in areas north of the project site from along the Flatbush Avenue view corridor and other areas outside the study area to the north, east, and west, and from the south along the 4th Avenue view corridor. The transient views of the Williamsburgh Savings Bank Building from some elevated transportation corridors would remain from some areas but may be obstructed from other vantage points. Views of the Williamsburgh Savings Bank Building from low-rise development areas, such as areas adjacent to the Gowanus Canal, would also remain visible from some vantage points but may be obstructed from others.

The bulk and height of Building 1 have been developed in consultation with City Planning. Building 1, designed in large part to relate to the Williamsburgh Savings Bank Building in form, would alter views of the Bank Building on the Brooklyn skyline. The relationship between the Williamsburgh Savings Bank Building and Building 1 would change with one or the other building being more prominent depending on the particular vantage point. Overall, the proposed project would change views of the Williamsburgh Savings Bank Building from the various vantage points from that of one tall building against the sky to one of a group of tall buildings in the skyline.

Reducing the height of Building 1 so that the Williamsburgh Savings Bank Building would be visible would require a substantial reduction in this and other building heights on the project site. It would not be appropriate to locate Building 1 elsewhere on the project site since other locations on the project site do not provide a location at a major commercial and transit crossroads. Furthermore, since the DEIS, and in response to recommendations issued by CPC, the middle and upper portions of Building 1's design have been narrowed. This results in a more obvious tower form that is more responsive to the distinct form of the Williamsburgh Savings Bank Building. However, the proposed project would result in an unmitigated adverse impact to the Williamsburgh Savings Bank Building.

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density residential, commercial, or community facility uses. A tall as-of-right building could be developed on Block 1118. However, even a 320-foot-tall building would substantially obstruct views of the Williamsburgh Savings Bank building from the south along the Flatbush Avenue view corridor.



Views southeast along the Flatbush Avenue view corridor, from northwest of the project site would include views of the Williamsburgh Savings Bank Building, Building 1, and the arena. These changes would be significant but not adverse (see Figure 8-44). The proposed buildings would have a significant adverse impact on the Williamsburgh Savings Bank Building by obstructing views of it from the Flatbush Avenue view corridor south of the project site (except immediately adjacent to the project site) and from some vantage points southeast of the project site. Although the proposed project would alter the context of the Williamsburgh Savings Bank Building that serves as a wayfinder for this area of Brooklyn, the proposed project would create new wayfinders for this area and frame the Williamsburgh Savings Bank Building on the skyline.

**Comment 8-29:** The DEIS doesn't say how the project would foster vitality. (143)

**Response 8-29:** As indicated in the DEIS, the proposed project would foster vitality on the project site and in the study area by developing an underutilized site dominated by an open rail yard and bus storage facility with an arena and 16 additional buildings, most of which would have ground-floor retail components. Widened sidewalks and landscaping would also contribute to an active and vibrant streetscape. The arena, in addition to the proposed retail elements, would establish destinations for neighborhood residents, workers, and visitors to this area of Brooklyn. Further, the eight acres of open space would be designed with physical and visual connections to the surrounding study area neighborhoods, attracting users to these new neighborhood amenities.

**Comment 8-30:** The bright lights of the arena will add glare to neighborhood streets during the nighttime hours. (349)

Signage should respect surrounding communities in character and color and should be turned off by 11 PM. (24)

No one wants bright neon lights shining or blinking in their homes at night. (510)

**Response 8-30:** As stated in Chapter 8, "Urban Design and Visual Resources," special signage would be limited in scope, with the areas of maximum opaque signage concentrated to within 75 feet of the intersection of Flatbush and Atlantic Avenues, focusing the specialty lighting and signage within an area that is already characterized by retail and street lighting. By locating the proposed project's special lighting and signage components closest to this intersection, it would be focused away from the nearby residential streets. Signage on the arena and on Building 1

and the Urban Room would be visible to the east and west on Atlantic Avenue, to the north and south on Flatbush Avenue, and on a small portion of Pacific and Dean Streets south of Flatbush Avenue. Other residential areas would not have direct views of this signage and would not be directly affected by the proposed lighting on the arena block and Site 5. It is appropriate to locate special lighting and signage elements at the intersection of Flatbush and Atlantic Avenue, at the crossroads of a major transit hub. Further, signage on the arena and on Building 1 and the Urban Room would be consistent with the active uses and sports events that would take place in the arena. While it would be brighter on event nights, on non-event nights the lighting levels would be reduced. Further, as the lighting would be directed toward the avenues, it would not encroach on residential areas and would not need to be turned off.

**Comment 8-31:** The claim that signage and lighting will be “typical” for retail and commercial areas throughout NYC should be clarified, as there is a wide range of conditions this could follow. (55, 108)

**Response 8-31:** Lighting and signage along the arena block’s 6th Avenue and Dean Street elevations, along Buildings 2 and 4’s Flatbush and Atlantic Avenue frontages and along Site 5’s Pacific Street elevations would be more limited and would primarily emanate from the ground-floor retail spaces and street lighting sources on the project site and would follow typical zoning controls for commercial overlay zones. Signage controls for Site 5’s Atlantic, Flatbush, and 4th Avenue frontages would follow signage controls typical for general commercial zones in terms of height, aggregate surface area, and illumination. Signage on the arena façade would also comply with height and illumination controls typical of commercial districts, but would be more restrictive in its prohibition on opaque signage for uses other than ground-floor uses. The lighting along these portions of the project site would meet New York City Department of Transportation (DOT) lighting standards. Lighting for these areas of the project site would add ambient lighting to the study area where existing street lighting does not meet the minimum street and sidewalk lighting required by DOT. By providing adequate lighting, the proposed changes would improve current lighting conditions in these areas of the project site and the adjacent streets.

The majority of the proposed buildings would have lighting and signage that would be similar to most modern residential buildings that are currently being constructed in the city. There would be no special roof or façade lighting and signage would be limited to signage typical for local retail and apartment building entrances. Signage on the residential blocks would be limited to a height of 25 feet, to an overall surface area of 150 square feet per ground-floor retail establishment, and limited to

fixed illumination. These controls are consistent with the strictest signage controls used in New York City for local retail. Street-level lighting of the proposed buildings east of 6th Avenue would emanate from the ground-floor retail uses in these buildings. Although this lighting would be subtle, it would add new lighting to the project site where very limited lighting currently exists.

**Comment 8-32:** Signage at 80 ft high is inappropriate. Other arenas don't require this much signage. (87)

**Response 8-32:** As stated in Chapter 8, "Urban Design and Visual Resources," signage and lighting would be allowed on the arena volume façade (to a height of 40 feet); however, this additional permitted signage would have to be sufficiently transparent to make activity within the building and the interior architecture visible to passersby and to allow people within the building to see outside. Signage on the Urban Room would be transparent and could rise to a height of 80 to 150 feet. Large opaque signage would be permitted only on the westernmost 75 feet of the arena block development. This signage scheme creates a hierarchy of signs, lighting, and graphics that concentrates lighting and signage at the intersection of Flatbush and Atlantic Avenues and away from residential neighborhoods to the south. The provision for "transparent signage" would allow for larger, and potentially changeable, graphic images to be located on these two frontages in a way that does not interfere with the architecture of the building or views into or out of the arena. Because of the required transparency, the larger graphics would not be particularly visible to pedestrians on the adjacent residential streets, but would have a presence from a farther distance along the Atlantic and Flatbush Avenue corridors. Images illustrating concepts for the signage are included in the FEIS (see Figures 8-37a through 8-38b).

**Comment 8-33:** Brooklyn is part of the fly way of migratory birds. Bright lights on tall buildings and the arena can distract birds and can lead to their deaths. This is true for endangered species as well as abundant ones. (205, 349)

The FEIS should address the issue of bird collisions from the development's lights and reflective glass. The project should consider joining the NYC Audubon's Lights Out NY program. Design considerations should be made to landscape in such a way that habitat is not reflected, or that the glass (especially in the first four stories) is treated in such a way that it is recognizable as a barrier to birds (e.g., fritted glass in a dense pattern). (472)

**Response 8-33:** The proposed project is located in Brooklyn, New York, a highly urbanized and densely developed area. In New York City, there are

numerous tall buildings, including many that are taller than the buildings in the proposed project. Nevertheless, it is acknowledged that tall buildings and other structures present strike hazards for many birds, especially those migrating along major routes, such as the East Coast Flyway, which passes over New York City. Night time collisions with buildings are more common than daytime collisions because migratory species use the stars to navigate at night, and brightly illuminated buildings can attract birds. Collisions tend to be more common during autumn migrations when storms reduce visibility. In the daytime reflective windows may attract birds, because they reflect the surrounding environment (e.g., sky or nearby vegetation), often resulting in collisions. The proposed project's design includes the use of low-reflectivity glass on the buildings, and the project sponsors also plan to use fritted glass for a large part of Building 1.

The proposed project's design does not presently incorporate significant architectural lighting on the upper floors of the project buildings. However, if such lighting were incorporated, the project sponsors could participate in the "Lights Out NY" program and, during spring and fall migration periods, turn off any exterior decorative lighting on upper floors of the buildings over 40 stories tall from midnight (earlier on foggy or rainy nights) to daylight and encourage tenants of upper floors to turn off lights or close blinds by midnight.

**Comment 8-34:**

The heights of Building 3 and the building on Site 5 will result in a significant impact. Building 3 deviates too much from the neighboring brownstones across Dean Street and from what can be viewed both along the Dean Street corridor and the Dean Street Playground and the Sixth Avenue corridor as it extends into Park Slope. Site 5 deviates too much along the Fourth Avenue boundary of the site from the brownstones extending along Pacific Street into Boerum Hill and the intended 12-story "Brooklyn Boulevard" envision and as zoned along Fourth Avenue. (12)

**Response 8-34:**

In response to recommendations made the City Planning Commission (CPC), the height of Site 5 has been reduced from 350 feet to 250 feet and the height of Building 3 has been reduced from 428 feet to 219 feet. Building 3 would have setbacks and articulations at the lower levels to relate to the nearby existing buildings. Along Dean Street, Building 3 would have residential and ground-floor retail uses to further promote street level activity. Site 5, at 250 feet tall, would be occupied by either a residential or office use. The base of the building would create a streetwall, containing retail use, along Pacific Street, Flatbush, Atlantic, and 4th Avenues. Above that, the structure would rise as a series of setbacks and angular forms.

**Comment 8-35:** The FEIS should contain an analysis of how the tower element of Building 6 relates to the Atlantic Village homes fronting Atlantic Avenue. (12)

**Response 8-35:** In response to recommendations made by CPC, the height of Building 6 has been reduced from 334 feet to 219 feet. Building 6 would have setbacks and articulation at the lower levels and would have a more uniform rectilinear treatment than the Phase I building forms. Building 6, along with Buildings 5 and 7, would establish the streetwall along Atlantic Avenue and would have ground-floor amenities that would enhance street-level activity along Atlantic Avenue. These project components would be located along Atlantic Avenue and would face the Atlantic Village townhouses north of the project site. Wide openings (at least 60 feet wide between Buildings 5 and 6 and between Buildings 6 and 7) and a pedestrian path along the former Pacific Street right-of-way would also enhance pedestrian activity and create visual links to the residential neighborhoods to the north, south, east, and west. A landscaped publicly accessible open space would be created along Pacific Street.

**Comment 8-36:** In Figure 8-39, the view north on 6th Avenue from Dean Street is from the perspective of the middle of the street and above the height of a pedestrian. It does not effectively demonstrate the changes in visual quality. The FEIS should include a revised view drawn from the easterly sidewalk at eye level of 6th Avenue to give a better sense of the relationship of Building 3 to Prospect Heights. (12)

**Response 8-36:** Figure 8-39 illustrates the proposed buildings, and open space and street level components of the proposed project. Figures 8-43 through 8-55 illustrate the proposed buildings in the context of existing buildings by showing the existing conditions and the proposed project components from the several vantage points on the project site and in the study area.

**Comment 8-37:** Figure 8-40, the view east on Dean Street from Carlton Avenue, does not provide an optimal view as its perspective is from the middle of the street. The view should be drawn from the southerly sidewalk of Dean Street to give more of a sense of the proposed project. (12)

**Response 8-37:** Since the DEIS, Figure 8-40 has been removed from the chapter. Figure 8-51 is a photomontage that replaces this figure and illustrates the view east on Dean Street from Carlton Avenue. The view is from the south side of Dean Street with a slight northeast angle toward the project site. This view includes the building at the southeast corner of Dean Street to show the relationship between the proposed buildings and the existing lower scale buildings in the study area.

**Comment 8-38:** Figure 8-45, the view northwest on Flatbush Avenue from Prospect Place, does not provide a useful vantage point as it is from the perspective of the middle of the street. The view should be photographed instead from the southwesterly side of Flatbush Avenue at Sixth Avenue to give a better sense of the relationship of Building 3 to low-rise brownstones of Park Slope (12)

**Response 8-38:** Figure 8-45 illustrates views northwest along the Flatbush Avenue view corridor toward the existing buildings in Downtown Brooklyn. The view also shows the proposed buildings in the context of the existing buildings south of the project site. Because of the geometry of Flatbush Avenue, if the view were from the west side, the figure would not adequately illustrate the larger Flatbush Avenue view corridor.

**Comment 8-39:** The FEIS should include illustrations or photos that will depict the proposed condition for the following points of orientation: north along the western side of Fourth Avenue from Bergen and Wyckoff Streets; and east along the southern side of Pacific Street west of Fourth Avenue. Such photos should also assume sites identified in the Environment Assessment Statement (EAS) prepared by the DCP for its Park Slope rezoning application, as being constructed pursuant to the R8A zoning district. (12)

**Response 8-39:** The vantage points of the figures that illustrate the proposed project were selected to illustrate changes in views along view corridors and views of visual resources in the study area. As views north along the 4th Avenue view corridor would not be adversely affected by the proposed project, nor would the proposed buildings obstruct views along 4th Avenue toward the Williamsburgh Savings Bank Building, additional figures along the 4th Avenue view corridor have not been added to the FEIS. Further, other figures already illustrate the proposed buildings in the context of the study area. The future designs of the 4th Avenue development are unknown. The future developments would likely involve larger and taller buildings than those currently existing, and therefore the images provided in the EIS more conservatively illustrate the visual effects of the proposed project.

**Comment 8-40:** The FEIS should include illustrations or photos that will depict the proposed condition south along the eastern side of South Oxford Street at South Oxford Park. This view would give a better sense of the relationship of the Atlantic Village townhouses to Building 6. (12)

**Response 8-40:** The figures that illustrate the proposed project focus on urban design and visual resources. There is not a strong relationship between the Atlantic Village townhouses and the project site. In response to

recommendations made by CPC, the height of Building 6 has been reduced from 334 feet to 219 feet. Building 6 would have setbacks and articulation at the lower levels and would have a more uniform rectilinear treatment than the Phase I building forms. Building 6, along with Buildings 5 and 7, would establish the streetwall along Atlantic Avenue and would have ground-floor amenities that would enhance street-level activity along Atlantic Avenue. These project components would be located along Atlantic Avenue and would face the Atlantic Village townhouses north of the project site. Wide openings (at least 60 feet wide between Buildings 5 and 6 and between Buildings 6 and 7) and a pedestrian path along the former Pacific Street right-of-way would also enhance pedestrian activity and create visual links to the residential neighborhoods to the north, south, east, and west. A landscaped publicly accessible open space would be created along Pacific Street.

**Comment 8-41:** The FEIS should include illustrations or photos that will depict the proposed condition west along the south side of Dean Street at the Dean Street Playground. This view would give a better sense of relationship between Building 3 and Prospect Heights. (12)

**Response 8-41:** Since the DEIS, Figure 8-54 has been added to illustrate the relationships between Dean Street and the Dean Playground and the proposed buildings, including Building 3. In response to recommendations made by CPC, the height of Building 3 has been reduced from 428 feet to 219 feet. It would have setbacks and articulations at the lower levels to relate to the nearby existing buildings.

## **CHAPTER 9: SHADOWS**

**Comment 9-1:** The shadows the buildings would cast on surrounding neighborhoods would drastically reduce quality of life and lower property values. (57, 155, 178, 196, 211, 223, 226, 250, 278, 288, 291, 305, 320, 384, 396, 423, 436, 437, 461, 465, 467, 479, 560, 576, 585)

**Response 9-1:** As described in the DEIS, incremental shadows from the project's buildings would have significant adverse impacts, but these impacts would be limited to one open space resource and one historic resource. Shadows move west to east across the landscape over the course of the day and in the summer months are quite short from mid-morning to mid-afternoon. On the May/August and June analysis days, project incremental shadows would be limited to the Atlantic Avenue corridor for most of the day. Most sun-sensitive resources in the shadow sweep of the project would only be subject to incremental shadow for brief

periods at certain points of the day, and generally the incremental shadow would only cover parts of each resource while leaving other parts in sunlight. Moreover, most streets and structures in the project's surrounding neighborhoods already experience some shadows from existing buildings. The shadows created by the proposed project's buildings are not expected to affect property values.

**Comment 9-2:** The shadows analysis suggests that no natural features would be subjected to shadows in the study area. What about Prospect Heights' trees, shrubs, gardens, and lawns, and birds and other creatures that make their home in trees that will die as a result of shadows cast by the project? (345, 358)

**Response 9-2:** Only a very small section of the Prospect Heights neighborhood would experience new shadows, and no incremental shadow would fall on the Prospect Heights Historic District during virtually the entire afternoon on the March/September, May/August and June analysis days, which represent the growing season. The vitality of the street trees and private lawns and gardens of Prospect Heights and other residential neighborhoods would not be endangered by the proposed project's incremental shadows.

**Comment 9-3:** The intrusion on the light and air space of Fort Greene and Clinton Hill residences, streets, and parks as a result of the looming shadows these monstrous structures would create is appalling. Shadows will reach across the Atlantic Terminal projects into the Fort Greene and Clinton Hill historic districts. (53, 122, 155, 179, 187, 206, 219, 236, 251, 308, 380)

The DEIS needs to address the following shadow impacts: 1) gardens in Fort Greene would no longer flourish; 2) street trees would no longer grow; 3) the Fort Greene neighborhood would be precluded from developing solar energy projects. (147, 345)

The adverse impact of the shadows will affect Fort Greene from Atlantic to DeKalb Avenues. (24, 505, 519)

The proposed rampart like walls along Atlantic Avenue at the southern border of Fort Greene will be formidable, and cause unmitigable shadows across Fort Greene's residences and open space, the most severe ones closest to Atlantic Avenue, but reaching far into Fort Greene all the way to Fort Greene Park. This will affect everything from energy bills in the winter, to the deprivation of solar power rights for the future, to the health of parks. (69, 290, 369, 420, 427)



Shadows will have severe impacts on plant life, including parks, community gardens, street trees, and front and rear home gardens. (24, 154, 226, 235, 266, 284, 311, 369)

Private residents, not just public spaces, should be considered in the shadows analysis. The amount of sunlight that would be lost to residents of buildings north of the project site was ignored in the DEIS. (108, 564)

The cost of shadows includes the lost opportunity costs for alternative technology implementations including, passive solar heating, photovoltaic systems, green roof construction, added dusk to daylight security costs; and the loss of local alternative energy service industry jobs and entrepreneurial opportunities. (107, 251, 369)

Whole swatches of Fort Greene adjacent to South Oxford Park would be without sun for the winter. The Fort Greene Historic District would be equally enveloped for the winter. The lack of sun—no doubt—makes these homes less valuable. (57, 460, 560, 585)

**Response 9-3:**

Shadows on public open spaces including parks are fully described in the EIS. Streets, sidewalks and private backyards are not considered sun-sensitive resources or important natural features according to the *CEQR Technical Manual*. Further, as noted in previous responses, shadows move during the day, not affecting all portions of a neighborhood all the time. During the spring and summer months in particular, project incremental shadows would be almost completely limited to the Atlantic Avenue corridor for most of the day (midmorning to late afternoon). Neighborhood street trees are expected to receive more than adequate sunlight throughout the growing season. Furthermore, street trees are generally selected by species for shade tolerance and other characteristics that allow them to thrive in urban conditions.

**Comment 9-4:**

Lack of sunshine is associated with illness in general, specifically Seasonal Affective Disorder (SAD)/depression, rickets, and frequent upper respiratory infections. (24, 474)

The study doesn't discuss the psychological impact the decrease in light will have on the inhabitants in the shadows of the project. (358, 57, 228, 544)

People would be subject to negative psychological and physiological changes including depression. (147)

Shadows in Brooklyn Tech's field would affect the desire of students to participate in sports. (108)

Medical studies show the onset of seasonal affective disorder when people are not privy to sunlight. The draft EIS makes no mention of the impact incremental shadows will have on our neighborhood and its peoples' mental health. (57, 460, 560, 585)

**Response 9-4:**

The *CEQR Technical Manual* methodology specifies that the analysis of shadows focus on publicly accessible open spaces, sunlight-dependent features of historic resources or historic landscapes, and sun-sensitive important natural features. However, as stated earlier, shadows move throughout the day and are not permanent or perpetual. Furthermore, the shadows in the project area would be typical for dense urban areas, like many neighborhoods in New York City. The limited shadow impacts caused by this project would neither result in psychological effects nor discourage the desire of students to participate in sports.

**Comment 9-5:**

The project itself will "self-shadow." The public spaces in between the tall buildings will almost always be in shadow. (24)

The project would be isolated from the sun for large portions of the day. (108)

ESDC should obtain assurances that landscape plan considers the highly shadowed condition of the site and is feasible considering lack of direct sunlight. (55)

The DEIS is dismissive of shadow impacts that would fall upon the project's own newly created open space, which would be constructed in the second phase of the proposed development. The DEIS attempts to dismiss the affects of these shadows with the circular reasoning that if it were not for the development project, the new open space would not exist. Shadows from the massive skyscrapers would cover much of the open space in the early mornings and late afternoons, two times of the day when many people would be most likely to use the facilities. Accordingly, the shadows would significantly decrease the attractiveness of the area and inhibit its use by local residents. Such impacts are particularly noteworthy because 90 percent of the new open space would be designed not for active recreation but for passive uses such as sitting and sunbathing. (88)

**Response 9-5:**

The proposed project's publicly accessible open space is designed to take into account the location and heights of the proposed buildings and the shadows they would create. Major landscape elements, such as the oval lawn, primary pathways, and water features, would be located to receive the maximum exposure to midday sun throughout the year. The location of other landscape elements, such as the north-south pathways and smaller passive use areas, would be sited and oriented to receive

sunlight when other areas of this open space are in shade so that sizable portions of the entire open space would have access to sunlight during the late morning through early afternoon hours. Chapter 6, “Open Space and Recreational Facilities,” of the FEIS has been revised to incorporate a more detailed discussion of project shadows on the proposed open space.

**Comment 9-6:**

The following locations in CB2 will be most adversely affected: The Atlantic Terminal Houses, Cuyler Gore Park, Fowler Square, The new South Oxford Park, Brooklyn Tech’s Field, Fort Greene Park, Temple Square, The 16 Sycamores Playground. (24, 69, 108, 402, 506)

The playground and homes of Atlantic Terminal Houses, as well as other venues on Atlantic Avenue, will be in virtually permanent shadow. (69)

On average, the people of Atlantic Terminal Houses—Atlantic Avenue side—will lose five hours of sun per day. (260)

**Response 9-6:**

The DEIS disclosed the amount of incremental shadow that would fall on the Atlantic Terminal Houses open space. According to the analysis, which was performed in accordance with the *CEQR Technical Manual*, incremental shadow from the proposed project would cause significant adverse impacts on the Atlantic Terminal Houses open space on the December analysis day. The incremental shadow would not cause significant adverse impacts on the March/September, May/August and June analysis days. During the late spring and summer months, incremental shadows would cover parts of the Atlantic Avenue side for a few hours in the afternoon while leaving other parts in sunlight. The incremental shadow would reach the Carlton Avenue side for less than an hour late in the afternoon on the May/August analysis day, and would not reach the Carlton Avenue side at all in June. In fall and early spring, the incremental shadow would move across the Atlantic Avenue side from morning to the end of the day, covering parts of the space while leaving others in sun (except for a brief period in late afternoon when the entire space would be in shadow). The incremental shadow would also cover parts of the Carlton Avenue side of the open space from 1:00 PM until the end of the day during these seasons. Both sides of the open space would experience areas of incremental shadow for the whole analysis day in December. For most of the days during March/September, May/August, and June, less than a quarter of the overall open space would receive incremental shadow. During the December analysis period, more than three-quarters of the open space would receive incremental shadow. As discussed in the chapter, this is

considered a significant adverse impact and is further discussed in Chapter 19, "Mitigation."

Portions of South Oxford Park would receive shadow from Buildings 1 and 4 during the afternoon on the March/September, May/August, and December analysis days. On the May/August analysis days, the duration would be brief. Completion of Buildings 5 through 15 would add morning shadows during the March/September and December analysis days. The duration would be brief in March/September, and these shadows would not have a significant adverse impact. However, in December the shadows would fall on this open space virtually the entire day and cover much of the open space. Given the amount of sun that the active recreation area and the community garden would receive throughout the day in the other seasons, the shadow increment in December would not have a significant adverse impact on this open space. In Phase I, Building 4 would cast shadow on the Brooklyn Tech's Field for approximately an hour and 15 minutes, starting at 3:15 PM on the March analysis day. With the Phase II addition of Buildings 5 through 15, Brooklyn Tech's Field would receive shadow throughout the December analysis period. The incremental shadow would cast no more than a third of the open space into shadow. The open space is an active use open space which includes a playing field surrounded by a large running track. Shadow is not generally expected to result in significant adverse impacts on the active uses.

Building 4 would cast shadow on Cuyler Gore on the December analysis day for a little more than an hour and a half at the end of the analysis period. Temple Square would receive incremental shadow for a 15 minute period in the morning on the December analysis period. Given the small size and brief duration of these incremental shadows, they would not be considered a significant adverse impact.

Fort Greene Park, Fowler Square, and Sixteen Sycamores Playground would not receive any incremental shadow from the proposed project.

**Comment 9-7:** The height and bulk of the buildings in the development should be downsized and design guidelines, which address the impact of shadows directly, should be implemented. (24)

**Response 9-7:** There would only be two significant adverse impacts caused by incremental shadows from the project's buildings. Partial mitigation has been identified for both of these impacts. Additionally, since the issuance of the DEIS, three of the proposed buildings have been reduced in height and the bulk of the building on Site 5 was shifted further southeast toward Flatbush Avenue. These modifications would reduce the coverage and duration of incremental shadows on a number

of resources, including the two where significant adverse impacts would occur. In particular, there would be a reduction of incremental shadow duration on the stained glass windows of the Church of the Redeemer in the morning hours of March/September, May/August and June, allowing full sunlight to return to the window before Sunday services currently start at 11:00 AM.

**Comment 9-8:** The open spaces will be in permanent shadow during the day, and create a klieg light affect that will annoy residents at night. (56)

The impending shadows will enshroud numerous smaller parks, historic sites and districts, and extend into landmark Fort Greene Park. (121)

By 2016, 11 resources will have incremental shadows throughout the entire year. This makes inviting areas less desirable and entices criminals and lewd behavior. Atlantic Terminal Plaza is a good example. (57)

**Response 9-8:** By Phase II of the proposed project, a total of 14 open spaces would receive incremental shadow during at least one of the four analysis days. Of the 14, seven of them would receive an hour or less of incremental shadow at certain times of the year, and no incremental shadow at other times of the year. Only three of them would receive incremental shadow on all four analysis days: Atlantic Terminal Plaza, Atlantic Terminal Houses (Atlantic Avenue side), and Brooklyn Bears' Pacific Street Community Garden. Three historic resources would also receive incremental shadow on all four analysis days, making a total of six resources (open space and historic combined) that would receive incremental shadow throughout the year, not 11, as the above comment states. The incremental shadows would not reach Fort Greene Park at all, as stated in the chapter (also see comment/response below). Of the six resources that would receive incremental shadows throughout the year, only two would sustain a significant adverse impact. In three of the other four cases, the incremental shadows would be of short enough duration and/or small enough coverage area that no significant adverse impact would occur. In the case of the Atlantic Terminal Plaza, the incremental shadows would not affect the usability of the resource because the space is heavily used by shoppers and waiting commuters and is not destination open space. Finally, there is no basis to believe that shadows lead to criminal activity and/or lewd behavior.

**Comment 9-9:** Figure 9-1 of the DEIS shows that the shadow sweep area of the proposed project includes a substantial portion of Fort Greene Park. But the shadow-impact analysis excludes the park from the study area. (70)

Some historic resources identified in Chapter 7 of the DEIS and some open space resources identified in Chapter 6 are ignored in the shadow study. (108)

Why don't shadow diagrams include Fort Greene Park yet stop right below it? (461)

Any increase in shadows on Fort Greene Park will increase soil erosion problems on the slopes at the DeKalb Avenue entrances and threaten the already fragile ecology of the park. (70, 77)

**Response 9-9:**

No incremental shadows would reach Fort Greene Park. Fig. 9-1a illustrates the first-level screening procedure, rather than the actual shadow sweeps, while Fig. 9-1b illustrates accurate shadow sweep diagram, in which the daily sweeps of the shadows are diagrammed for the four analysis days required in the *CEQR Technical Manual*. At noon on December 21 (the day of the year when shadows are longest), when shadows from the proposed project would fall in the direction of Fort Greene Park, the tallest proposed building—Building 1—would have a maximum shadow length of approximately 1,345 feet. Fort Greene Park is about 2,270 feet north of Building 1; therefore, it would not receive any incremental shadow. With the exception of the Church of the Redeemer, historic resources with sun-sensitive features within the shadows sweep would not be significantly affected by the proposed project's incremental shadows. Historic resources identified in Chapter 7 of the DEIS and open space resources identified in Chapter 6 that are not discussed in the Shadows chapter would fall outside the shadow sweeps of the proposed buildings, as shown in Figure 9-1b, and would not be affected by project incremental shadows.

**Comment 9-10:**

When the DEIS mentions that vegetative species not critical to the character of the open space can be replaced with more shade-tolerant species, we would like to know who will pay for and conduct these replacements. (71)

**Response 9-10:**

This comment is referring to a general and hypothetical statement in the Methodology section of the chapter, as follows: "There may be situations where a very small loss of sunlight is important (for example, in areas where people sit or in a house of worship with stained-glass windows) or where a comparatively large loss is not significant (for example, where vegetative species are not critical to the character of the open space and can be replaced with more shade-tolerant species)." The statement is part of a section explaining the analysis methodology and is illustrating how case-specific factors help determine the degree of significance of an adverse impact. As indicated in the DEIS, the only open space that would experience shadow impacts are those associated

with the Atlantic Terminal Houses. Since issuance of the DEIS, the project sponsors and NYCHA have developed measures to improve the Atlantic Terminal Houses open space, which would include a combination of some of the following: new landscaping and shade-tolerant plantings, upgrading of existing play areas and additional play equipment, and replacement of benches and other fixtures. The cost of these mitigation measures will be borne by the project sponsors.

- Comment 9-11:** In the winter time, without the sun warming my house, my gas bills will go through the roof. Night will come sooner in Fort Greene. (187)
- Shadows will increase heating costs for homeowners. (107, 119, 145, 284, 341, 506, 530)
- The winter shadows would block sun on some of the many of the streets in the Fort Greene Historic District in midday, causing higher heating bills. (121, 402)
- The impact of shadows on energy costs should be costed going out 30 years. (376)
- Shadows will increase the cost of both public and private lighting. The cost of shadows will disproportionately affect populations in the lowest economic demographic through both direct and indirect costs, e.g., electric lighting bills, pass-along heating costs by building owners/energy company surcharges/rent guideline board increases, etc. (107)
- Response 9-11:** Shadows move across the landscape throughout the day, and are not perpetual. No substantial additional energy usage would occur due to incremental shadows.
- Comment 9-12:** The shadowing and additional isolation created by the project on neighboring landmarks is not fully discussed or disclosed in the DEIS. (418)
- Response 9-12:** All potential incremental shadows that would fall on historic resources are described comprehensively in the chapter, and summarized in Tables 9-4 and 9-6. No potential incremental shadows or historic resources are left out of this worst-case analysis. The area of the shadow analysis is determined by which sun-sensitive resources can possibly be reached by incremental project shadows.
- Comment 9-13:** Project will block northern light that artists and designers depend on. (461)

**Response 9-13:** The proposed buildings would not significantly interfere with ambient light from the northern sky.

**Comment 9-14:** Shadows will reduce green private and public spaces. Green blocks increase safety and promote intellectual development. (164)

**Response 9-14:** Incremental shadows from the proposed project would move across the landscape throughout the day, falling on different locations at different points of the day. They would largely be limited to the Atlantic Avenue corridor for much of the year. They would not reduce any green spaces. The project's own proposed publicly accessible open space is designed to take into account the location and heights of the proposed buildings and the shadows they would create.

**Comment 9-15:** FAC's Atlantic Terrace project has had to eliminate use of photovoltaics because of shadows from AY project. (68)

**Response 9-15:** Details were not provided to substantiate the elimination of photovoltaics due to the proposed project. The analysis indicates that in the summer months (May/August and June analysis days) FAC's Atlantic Terrace site would receive full sun from dawn to 2:00 PM, which includes the midday hours when the sun is higher in the sky and would provide optimal solar power generation. On the June analysis day, the incremental shadow would never reach even 50 percent coverage of the site even at its greatest extent. In March/September, when shadows are longer, Building 7 would cast incremental shadow on portions of FAC's Atlantic Terrace site from building 7 from 8:45 AM to 9:30 AM, and then Buildings 5 and 4 would cast shadow on the site from 11:15 AM to the end of the analysis day at 4:29 PM. In December, when shadows are longest, incremental shadow would cover portions of the FAC's Atlantic Terrace site for much of the analysis period. All in all, during the late spring and summer months, the optimal time for harvesting solar energy, the incremental shadows are of short duration and do not cover the entire space.

**Comment 9-16:** Shadow diagrams only show shadows from the tallest towers and don't show the infill of shadows from the shorter buildings and the close proximity of the buildings, which creates a wall of skyscrapers and deep shadow sweep. (119)

**Response 9-16:** The comment is incorrect. The shadow diagrams show the shadows for all of the proposed buildings. The computer model simulates scale and takes into account distances, elevation, existing buildings, and other applicable factors.



- Comment 9-17:** The area will be like Wall Street in the summer—dark. (119)
- Response 9-17:** Atlantic Avenue along the project site is approximately 125 feet wide, whereas the streets of the Financial District in Lower Manhattan are quite narrow. The two areas are not comparable due to differences in building structures, street widths and layout. The distance between the proposed buildings and the neighborhood’s brownstone blocks would keep incremental shadow in these areas limited to small sections and short durations, as evidenced in the figures accompanying Chapter 9, “Shadows” in the FEIS.
- Comment 9-18:** The proposed project would reduce available sunlight to far less than the minimum necessary to sustain the production of vegetables, flowers and trees. The shadows might very well result in conditions that would be damaging and degrading to the existing features of our garden. (39)
- Regarding the Brooklyn Bear’s Community Garden, the 60-story tower across Flatbush to the east will block morning sun during the growing season until almost noon, while the towers on Site 5 to the west will block late afternoon sun, reducing direct sunlight in the garden to little more than six hours from our current 10 to 12 hours. This will reduce available sunlight to far less than the minimum necessary to sustain the production of vegetables, flowers, and trees. (39, 510)
- Response 9-18:** Building 1 would cast shadow on the Brooklyn Bear’s Pacific Street Community Garden in the morning throughout the year. However, this shadow would be off the open space by 9:45 AM in March/September, 11:00 AM in May/August, 11:30 AM in June, and 9:15 AM in December. The shadow from the proposed building on Site 5 would also cast an incremental shadow in June from 6:15 PM until the end of the analysis day at 7:01 PM. Despite the incremental shadows, the garden would be in full sun during most of the day. Given the amount of sun this open space receives throughout the day, especially in the afternoon, the morning and evening shadow increments would not be considered a significant adverse impact and would not affect the ability to grow plants in this area.
- Comment 9-19:** The DEIS does not include information or simulations of any time within 1 hour of sunrise or sunset, when shadows are their largest. This means that for some locations, the sun may effectively rise up to 90 minutes later or set 90 minutes later. For example, in December, the analysis period ends at 2:53 PM, a very early time to begin ignoring the impact of shadows. This should have been addressed in this study.(108)

The DEIS doesn't include any references or explain how shadows conclusions were reached. An EIS is not a document of opinions; it is a disclosure of facts. Where are they? The DEIS must include studies of comparable projects in scale, population density and use within similar proximity to green spaces and residential neighborhoods. (39)

**Response 9-19:**

The DEIS followed guidelines and format described in the *CEQR Technical Manual*, which states that "shadows occurring within an hour and a half of sunrise or sunset are generally not considered significant," and that "the shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space (except within an hour and a half of sunrise or sunset)." Shadows in the period immediately after sunrise and immediately after sunset are longer than during the rest of the day, but the shadows of the proposed project would fall on many areas that are already in shadows from existing buildings that cast long shadows during these periods as well. The DEIS clearly states the parameters and methodology for the analysis, cited the source of the data and software used in the computer models, and described the incremental shadows in detail for each affected resource. The Methodology section of the DEIS explained the factors that contribute to the determination of significant adverse impact of incremental shadows. The DEIS stated explicitly for each affected resource whether an adverse impact due to incremental shadow was significant or not, and why or why not, citing specific factors leading to the determination. Studies of comparable projects are not necessary to analyze the shadow impacts of the proposed project.

**Comment 9-20:**

Public sidewalks are not included in the analysis, and walking in the shadows is a very different experience from being in the sunlight in winter and it will surely affect the quality of life in Fort Greene. Shadows will affect the growth of street trees, which are important for ambience and air quality. (69)

**Response 9-20:**

Shadows move during the day, not affecting all portions of a neighborhood all the time, and never fall due south. Shadows from May through August are quite short during the middle of the day. Shadows are long in the winter months but move quickly. Incremental shadows cast by the proposed buildings would be quite limited outside the Atlantic Avenue corridor, both in terms of coverage area and duration at any particular location. Given the broad avenues surrounding the project site, sunlight would continue to reach the streets and sidewalks of the neighborhood. Street trees in the brownstone blocks near the project site would continue to receive adequate sunlight, particularly during the growing seasons when shadows are short. Moreover, street trees are

generally selected for shade tolerance and other characteristics that allow them to thrive in urban conditions.

**Comment 9-21:**

The DEIS tries to ignore shadow impacts by artificially narrowing the definition of areas affected by the project's expected shadows—focusing its mitigation of the project's shadow impacts only on open spaces and historic buildings. But according to the DEIS, many open spaces, including the Atlantic Terminal Plaza, Cuyler Gore, the Brooklyn Bear's Garden, and South Oxford Park would be in the shadow of the proposed development for more than four hours a day throughout the year. (88)

The DEIS asserts that shadows in the winter would not really diminish the attractiveness of open spaces (Oxford Park, for example) because inclement weather during the winter already limits the use of these areas. It is unreasonable to dismiss the shadows during this season as unimportant. (108)

**Response 9-21:**

According to the *CEQR Technical Manual*, significant adverse impacts from shadows can only occur on publicly accessible open spaces, historic resources with sunlight-dependent features, or important natural features. The DEIS included each of these resources in its screening analysis, including the specific ones mentioned in the comment, and identified any resources of these types that fell within the maximum shadow length factor. In the case of Atlantic Terminal Plaza, it was determined that the incremental shadow coverage and duration, even in the colder months, would not have a significant adverse impact on its usability, since the space is heavily used by shoppers and waiting commuters and is not destination open space. Additionally, the trees and vegetation that grow there have been selected for their shade tolerance. According to the DEIS, Cuyler Gore after Phase II would receive only one hour and 38 minutes of incremental shadow on December afternoon, and none on the other three analysis days. In reference to the Brooklyn Bears' Garden, the incremental shadow durations after Phase II would be for 1 hour and 45 minutes in March/September, 2 hours and 30 minutes in May/August and for 3 hours and 15 minutes in June, taking into account the post-DEIS program re-design. Given the amount of sun this open space would receive throughout the day, especially in the afternoon, the morning and evening shadow increments would not be considered a significant adverse impact. Additionally, the evening incremental shadows from the building on site 5 would fall on the western side of the space, thereby not affecting the vegetable gardens which occupy the eastern portion of the Garden. Portions of South Oxford Park would receive incremental shadow during the afternoon on the March/September, May/August, and December analysis days. On

the May/August and March/September analysis days, the duration would be brief. However, in December the shadows would fall on this open space for most of the analysis period and cover much of the open space. Active uses, such as the tennis courts, playground equipment, a synthetic turf oval, and a casual play area are not generally considered to be adversely affected by shadows. However, the sprinkler area (which would not be used during winter months) and the seating are considered sun-sensitive. Given the typically cold weather on the December analysis day, this open space would be less attractive to users if it were largely in shadow most of the day. However, at the same time, inclement December weather would limit park use and users. Given the amount of sun that the active recreation area and the community garden would receive throughout the day in the other seasons, the shadow increment in December would not have a significant adverse impact on this open space.

**Comment 9-22:** The FEIS should include an annual duration-of-shadowing algorithm, the construction schedule, the number of affected buildings in the surrounding communities, the offset of reduced air conditioning, and the offsetting trend line of local increases in building heights. (107)

**Response 9-22:** The DEIS and FEIS include a table of incremental (i.e., project-generated) shadow durations, broken down by each affected open space and sun-sensitive historical resource, for four representative days throughout the year. Following specific requirements of the *CEQR Technical Manual*, each season is represented, including the shortest and longest days of the year. Incremental shadow durations on streets and sidewalks are not quantified under the *CEQR Technical Manual* methodology.

#### MITIGATION

**Comment 9-23:** The DEIS fails to provide any mitigation measures for the shadow effect that the surrounding skyscrapers will create on the development's open space. It instead employs a circular argument saying that if it weren't for the development, the open space wouldn't exist in the first place. It concludes that, as such, the adverse effect of the shadows on the space is not significant to require mitigation. This conflicts with the SEQRA mandate; the DEIS must include mitigation measures to make this increase in population feasible, and include measures so that the new open area is a viable and welcoming space for the surrounding community. (88)

**Response 9-23:** The analysis in the DEIS is consistent with methodology established in the *CEQR Technical Manual*. In addition, the proposed project's publicly accessible open space is designed to take into account the location and heights of the proposed buildings and the shadows they would create. Major landscape elements, such as the oval lawn, primary pathways, and water features, would be located to receive the maximum exposure to midday sun throughout the year. The location of other landscape elements, such as the north-south pathways and smaller passive use areas, would be sited and oriented to receive sunlight when other areas of this open space are in shade so that sizable portions of the entire open space would have access to sunlight during the late morning through early afternoon hours. Therefore, the proposed project would not result in significant adverse shadow impacts on its own open space and no mitigation is required. Refer to Chapter 6, "Open Space and Recreational Facilities," of the FEIS, which includes a more detailed discussion of project shadows on the proposed open space.

**Comment 9-24:** By eliminating from consideration all spaces in the surrounding area except those which are "sun-sensitive resources," the project sponsors take the position that they do not have to provide mitigation measures for, or even acknowledge, the public streets, backyards, apartment windows, and all other areas that will be in the shadow of the project's massive towers. (88)

**Response 9-24:** The analysis in the DEIS is consistent with methodology established in the *CEQR Technical Manual*. Under CEQR, an adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, historic landscape, or other historic resource if the features that make the resource significant depend on sunlight or important natural feature and adversely affects its use. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. All appropriate open spaces, historic resources, and natural features are included in the shadows analysis. Therefore, potential effects on public streets, backyards, and apartment windows would not be considered significant and no mitigation would be required. The shadow analysis does, however, not only acknowledge but graphically illustrate all the shadows in the study area—both those that currently exist without the proposed project and those that would be cast after the completion of both phases of the project. See Chapter 9, "Shadows," Figures 9-4 through 9-23 for diagrams of current existing shadows, Figures 9-24 through 9-43 for existing and proposed shadows after the completion of Phase I, and Figures 9-44 through 9-63 for existing and proposed shadows after completion of Phase II.

**Comment 9-25:** Even the mitigation provided by the DEIS for the limited resources is inadequate. In both cases, the DEIS states only that the project sponsors “will develop potential mitigation measures to ameliorate the shadow effects.” Such ambiguous promises of future action for mitigation on the issue of shadow impacts fail to comply with the requirements of SEQRA and CEQRA. (88)

**Response 9-25:** Chapter 19, “Mitigation,” in the FEIS includes a more detailed discussion of the measures to partially mitigate project shadows on the open space.

## **CHAPTER 10: HAZARDOUS MATERIALS**

**Comment 10-1:** There will be a \$50 million clean up of the existing contaminated site, turning it into seven acres of open public space. (33)

**Response 10-1:** Comment noted.

**Comment 10-2:** We are concerned about the possible intrusion of vapors into the project buildings from subsurface contamination. (26)

**Response 10-2:** As noted in Section F of Chapter 10 (subsection “Groundwater and Vapor Control”), construction for the proposed project would entail removal of most of the site's shallow soils which are the most likely sources of vapors. To the extent that any sources of vapors remain, the designs of the proposed buildings would incorporate elements that provide safeguards against vapor intrusion; all residential and community facility uses would be located either above ventilated underground facilities or above the platform over the ventilated rail yard. With these designs, even if vapor intrusion were to occur it would be fully addressed by these ventilation systems.

## **CHAPTER 11: INFRASTRUCTURE, SOLID WASTE, AND ENERGY**

**Comment 11-1:** The project should address the huge additional demands on public infrastructure. These must include initial and ongoing costs to be borne by the City and impact on these services in the surrounding neighborhoods. The proposed project will have an adverse impact on the already strained electricity grid, water supply, and sewer systems serving the site. (5, 30, 37, 48, 53, 58, 72, 77, 82, 102, 108, 111, 139, 141, 152, 153, 166, 169, 174, 176, 179, 182, 199, 204, 222, 239, 242, 247, 248, 250, 259, 284, 285, 289, 290, 307, 340, 343, 351, 354, 365, 369, 373, 397, 402, 404, 413, 427, 428, 436, 445, 446, 453, 474, 483, 489, 493, 505, 509, 513, 520, 530, 539, 541, 555, 565)

**Response 11-1:**

As discussed in greater detail below and also explained in detail in the DEIS and this FEIS, increased demands on electricity, water, and sewage services as a result of the proposed development would not be significant and can be accommodated largely through existing infrastructure systems with local improvements in sewer pipes, water mains, electrical and gas lines, and the proposed project's stormwater management techniques. The DEIS describes these proposed improvements which are subject to final review and approval by DEP. (Electrical and gas line improvements would be coordinated with Con Edison and KeySpan, respectively.) To address the project's potential effects on sewers, an amended drainage plan has been prepared and is under review by DEP. The EIS provides a description of the current draft amended drainage plan and sewer improvements. The final approved drainage plan, which must be approved by DEP, will ensure that all pipes are adequately sized to handle the proposed project and adjacent areas contained within the drainage plan boundaries. The EIS also describes the proposed water conservation measures included in the project that minimize sanitary wastewater flow contributions to the collection system, subject to DEP's final review and approval. With respect to stormwater management, the EIS describes the proposed detention and retention systems of the project. Finally, the DEIS discusses the proposed localized upgrades in electrical and gas lines serving the project site, as well as improvements proposed by Con Edison that would improve service not only to the project site, but Brooklyn as a whole. Energy saving devices that would be incorporated into the project are also described.

At full build out these increases in demand on infrastructure systems are as follows: a projected 0.25 percent increase in demand on the City's water supply system; a 5.2 percent increase in sewage flows to the Red Hook Water Pollution Control Plant (WPCP) which is operating well under capacity (56 percent of its processing capacity); a 0.1 percent increase in the amount of solid waste and recycling that is handled each day in New York City; and an insignificant increase in the amount of electricity that is consumed in New York City each day (less than 0.1 percent). In addition, these demands would be phased in over a number of years allowing service providers to make adjustments as necessary (e.g., increased solid waste collection).

With all of the above measures proposed by the project and the thorough examination of impacts provided in the DEIS and FEIS, the proposed project would not have any adverse impacts on infrastructure.

**Comment 11-2:**

The possibility and cost of upgrading water and sewer lines must be calculated before approving the proposed project. (228, 484, 526)

- Response 11-2:** The DEIS outlines the proposed infrastructure improvements for both the 2010 and 2016 analysis years (see pages 11-18, 11-21, 11-28, and 11-30 of the DEIS). Based on a preliminary design and amended drainage plan, all of these proposed water and sewer line improvements are feasible. Further, the capital costs of the infrastructure improvements have been included in the project cost used for the analysis presented in Chapter 4, “Socioeconomic Conditions.”
- Comment 11-3:** The proposed project should incorporate additional sustainable design features and should provide a net positive environmental benefit to the neighborhood and surrounding communities. (58, 208, 262, 330, 349, 483, 485, 527)
- Response 11-3:** The proposed project incorporates many sustainable design features, including landscaping that allows for stormwater reuse on-site; stormwater retention measures; use of high-efficiency, water flow control fixtures; use of native plants that minimize irrigation needs; and energy saving devices. These sustainable design features are listed on page 11-4 of the DEIS and have been expanded in this FEIS and included in Chapter 1, “Project Description.”
- Comment 11-4:** The General Project Plan (GPP) and DEIS give no indication that the buildings in the project will be required to meet the New York State Governor’s Executive Order 111 and provide no guidelines for environmental performance of the buildings. There needs to be more discussion of “green buildings” for energy. (24, 58, 107, 116, 119, 145, 247, 349, 365, 406)
- The DEIS should include a commitment to innovative green building design standards, such as LEED standards as well as renewable and sustainable energy. (3, 13, 37, 58, 173, 290, 330)
- The commercial component of the project should be developed in accord with at least the USGBC’s LEED “gold” standard. (485)
- Response 11-4:** The proposed project is committed to achieving Leadership in Energy and Environmental Design—commonly known as LEED—certification for the arena and all 16 residential buildings with a goal of LEED Silver. In addition, the proposed project expects to be a pilot project in the LEED for Neighborhood Developments program, which encourages “smart” growth, brownfield redevelopment, access to public spaces, proximity to transit, mixed uses, affordable rental housing, and pedestrian and friendly design—all of which are incorporated into the proposed project and are discussed in more detail in Chapter 1, “Project Description.” The project sponsors’ commitment to obtaining LEED



certification for each of the project's 17 buildings would advance the goals of Executive Order 111.

**Comment 11-5:** It would be better if government did the infrastructure directly and then sold or leased the land. The proposed project would require the City and private utilities to make these improvements at the expense of the taxpayers and utility ratepayers. (102, 103, 346)

**Response 11-5:** The proposed project would install the necessary infrastructure and would fund the upgrade of a number of antiquated sewer pipes and water mains within the project area. An infrastructure plan for water main and sewer pipe improvements is being reviewed by the New York City's Department of Environmental Protection (DEP). Construction of the proposed improvements must comply with the final approved plan. These sewer and water main improvements would be within City streets and then operated and maintained by DEP.

**Comment 11-6:** There is no discussion in the DEIS of the impact of other ongoing and proposed developments within the local area of Downtown Brooklyn on the same infrastructure elements. Will the aggregate impact of all other developments adversely impact the proposed improvements and upgrades associated with this project? (108)

**Response 11-6:** The DEIS took into account No Build growth and projection data where available from City agencies (i.e., DEP projections of sanitary flows) as well as improvements that are being proposed by various City agencies (e.g., DEP's Gowanus Pumping Station, DSNY's proposed improvements to the Hamilton Avenue marine Transfer Station) through the 2010 and 2016 analysis years. It is the conclusion of the DEIS and this FEIS that the proposed project would not have any significant adverse impacts on the City's utilities and services. Con Edison and KeySpan are required by the Public Service law to maintain and, as necessary, reinforce their electric and gas distribution facilities to provide reliable service to the public within their service territories. Further, Con Edison and KeySpan take anticipated future growth into account in their long-term planning.

**Comment 11-7:** It is unclear whether the proposed sustainable design features will actually be implemented. (12, 58)

**Response 11-7:** The project would be required to implement sustainable design features in accordance with the GPP. Sustainable infrastructure design features were described on page 11-4 of the DEIS and are expanded upon in this FEIS.

**Comment 11-8:** The interim surface parking lot should be eliminated because it will cause increased runoff and further tax the sewer system. (102)

**Response 11-8:** The DEIS presented an analysis of CSO impacts from the proposed project at the conclusion of Phase I in 2010 and at the conclusion of the entire project in 2016. The use of a portion of the project area for interim parking is reflected in the 2010 analysis of CSO events and discharges. As stated in the DEIS, in the 2010 build year, the proposed project would not result in any significant increase in CSOs. Accordingly, the use of a portion of the project site for interim surface parking would not result in significant adverse impacts to water quality or further tax the sewer system. Furthermore, as discussed in Chapter 17, "Construction," the use of this area for interim parking for construction workers is required to minimize construction impacts on the surrounding streets.

**Comment 11-9:** Con Edison is already providing maximum output and peak load conditions. It has not been demonstrated that Con Edison will be able to address the projected increased demand for energy and that there is enough capacity in the City's energy system to meet the projected demands. Con Edison has only superficially upgraded the Greater Downtown Brooklyn grid in spite of greater usage of electronics by an increasingly more affluent population. No supporting statistics, analysis, or engineering calculations are provided to substantiate the claim that the increased demands for electricity and gas as a result of the proposed project would be insignificant. The conclusion of insignificant impacts is contradictory to the findings of a 2004 report prepared by the NYC Energy Policy Task Force, which identifies load growth as the greatest single challenge to the City's energy infrastructure. What is Con Edison's evaluation of the project sponsor's energy plans relative to their current and projected demand for providing energy to the area? (10, 37, 55, 56, 58, 108, 119, 145, 273, 312, 349, 411, 426, 471, 494)

**Response 11-9:** The project sponsors have met with Consolidated Edison and KeySpan to review project plans and ensure that the utilities can provide service to the project. As discussed in the DEIS, increased demands on electric and gas service as a result of the proposed development would be insignificant compared with overall energy consumption within the City (the proposed project would add less than 0.1 percent to this demand). Natural gas connections are available locally. Based on those discussions with these utilities, the proposed project would include local upgrades in electric and gas lines serving the project site. Consolidated Edison also has additional improvements in the future without the proposed project that are being implemented to improve service to Downtown Brooklyn (including the project site) and the Borough as a

whole. Energy saving devices that would be incorporated into the project are described on page 11-4 of the DEIS as part of the proposed sustainable design guidelines and have been expanded upon in this FEIS.

**Comment 11-10:** The methodology of estimating the total natural gas and electrical demand of the proposed project are not presented. (37, 55)

**Response 11-10:** Project-generated demands were projected based on the proposed program and uses and standards for energy demands for the various program elements as calculated by the project's mechanical engineers. Assumptions in developing these calculations included annual heating, domestic hot water, and cooking gas consumption. Electrical demands are based on building area units and demands for a typical New York City high rise residential building. This takes into account differences between weekday and weekends and with variances over the year.

**Comment 11-11:** There is no mention of any efforts to reduce the load of the proposed development through concerted efforts at energy conservation, or onsite generation of renewable energy. It is recommended that the Applicant conduct an investigation into the extent to which the electrical load generated by the proposed project could be reduced by introducing energy conservation and onsite generation into the proposed project. (55, 58)

Are solar collectors or photovoltaics being planned as an additional or alternate source of electricity? (483)

**Response 11-11:** The DEIS describes, on page 11-4, a range of energy saving devices that may be included in the proposed project, including high-performance glazing and envelope assemblies, solar shading devices, daylight controls, occupancy sensors, energy-efficient lighting and appliances, and cooling heat recovery. The discussion of these measures has been expanded for this FEIS. ESDC will require implementation of conservation measures for the project. While the project sponsors will consider the viability of photovoltaics or solar power in achieving LEED certification, it is not part of the project at this time.

**Comment 11-12:** The EIS should disclose future long-term needs for additional power facilities as a result of the cumulative rapid growth in Brooklyn as well as specific growth due to the project. There is no assumed growth in energy or gas demand and no breakdown of the estimated natural gas and electrical demand of the proposed project. The electrical and gas loads of the proposed project are compared with the electrical and gas

loads of the city at large, and not with potentially more relevant local infrastructure capacity. (55)

**Response 11-12:**

It is beyond the scope of the project to address the long term power needs of the Borough. However, based on the project demands and review with Consolidated Edison, the proposed project would not require a new power plant. Con Edison, as the City's supplier of energy, performs long-range planning for the borough and city as a whole that takes into account growth within its service area. Con Edison's mandate is to provide electricity to all of its customers both now and in the future, and does so through a variety of power sources and transmission systems (see pages 11-14 through 11-16 of the DEIS).

The DEIS describes the projected improvements proposed for Downtown Brooklyn that are necessary to provide service to this area both with and without the proposed project. These include new electrical substations and primary feeder cables on the 22 kV network that would be upgraded by Con Edison to meet the demands of the proposed project and Brooklyn as a whole (see page 11-15 and 11-18).

The projected electric and gas demands of the proposed project are provided on pages 11-7 and 11-8 of the DEIS for both the 2010 and 2016 analysis years. The analysis concludes that the added demands of the proposed project are insignificant given the vast energy demands of the City as a whole and the interconnected grid of electric and gas transmission lines. The analysis also states that local improvements in electric and gas transmission lines would be necessary to serve the proposed project (see pages 11-26 and 11-32 for the 2010 and 2016 build years analyses, respectively).

**Comment 11-13:**

Where will the new power plant be? The proposed project's additional demands for power could create disparate impacts on minority and low-income communities that already bear disparate environmental burdens (i.e., environmental justice communities) since many existing power plants are sited in such communities. (55, 402)

**Response 11-13:**

As stated above, the proposed project's demands for electrical power and gas are insignificant and would not require any new power facilities. Thus, the additional energy demands from the proposed project would not result in any disproportionate adverse impacts on environmental justice communities from power plants.

**Comment 11-14:**

Increasing the load on the subway system, in order to transport occupants and visitors to and from the site, will create additional secondary electric power demands. (426)

- Response 11-14:** Additional transit service for the proposed project would be a *de minimis* increase given the overall energy demands of the City's transit service as provided by New York City Transit.
- Comment 11-15:** During construction, will there be any project-related utility installation on Dean Street? (57)
- The DEIS does not analyze impacts on communications services, such as telephone service or cable television.(108)
- Response 11-15:** As discussed in the DEIS, new water mains, combined sewers, and underground electrical cables are proposed under Dean Street. The project's construction planning would take into account any existing telecommunications facilities in the streets surrounding the project site. No significant impacts to telecommunication services is expected.
- Comment 11-16:** How far does the fiber optics capacity in Downtown Brooklyn extend? (349)
- Response 11-16:** The fiber optic capacity of Downtown Brooklyn would not be affected by the proposed project.
- Comment 11-17:** The DEIS did not outline a contingency plan for extraordinary or catastrophic events such as heat waves, blackouts, or floods. Water shortages and water pressure problems were experienced in several neighborhoods during the City's recent heat wave. (24, 107, 116, 119, 145, 247, 248, 349, 365, 437)
- Response 11-17:** EIS methodology is based on a reasonable worst case impact analysis, not a catastrophic event that affects not only a project, but the service area as a whole. As explained in the DEIS, the proposed project would result in minimal and insignificant increases in demand on the City's water supply system.
- Comment 11-18:** The DEIS states that the increase in potable water consumption resulting from the proposed project will not adversely affect local water pressure or the overall reliability of water delivery to this section of Brooklyn. No analysis is provided. In fact, the impacts would affect local water supply and the entire system. This is inconsistent with CEQR and its requirements because it is such a large impact. (55, 102)
- The calculated water demand increase represents what percentage of the local area's current demand, and how much new capacity is provided by the proposed water main improvements? The proposed water main plan

does not specify how much additional capacity will be provided and how much of a buffer supply is projected. (108)

There is concern that the project will decrease water pressure. (492)

**Response 11-18:** As explained in the DEIS, the proposed project would result in an incremental increase in water demand on the City's water supply system (approximately 0.25 percent of the City's total current average daily water demand). The projected water demand is not expected to adversely affect local water pressure, since new water mains proposed by the project and subject to approval by DEP would convey water to the proposed project and would also benefit the adjacent areas with new and improved water mains. The project also incorporates the necessary water storage tanks to maintain pressure and water conservation measures as discussed on page 11-4 of the DEIS. DEP reviewed the DEIS chapter and concurred with these conclusions regarding water supply and must approve the final plan for water main improvements.

**Comment 11-19:** The DEIS mitigation plan includes new and larger sewers near the project site that are consistent with an existing amended plan. This plan may not be adequate given the density of the project and the overflows that currently occur when there are spikes in sewage volumes. (24)

**Response 11-19:** A draft amended drainage plan was prepared for the DEIS (April 2006) and amended for this FEIS (October 2006) based on the review of DEP. This plan will adequately address the drainage needs of the proposed project and must be approved by DEP. Once approved by DEP, the drainage plan becomes an official document for sewer construction. Installation of new sewers would serve the dual purpose of handling the flows from the proposed project while replacing old City sewers in the project area.

**Comment 11-20:** The DEIS assumes unrealistically low and unsubstantiated sanitary sewage volumes and does not deal with the projected volumes in a serious legitimate fashion. (102, 112, 160, 312)

**Response 11-20:** The DEIS presented estimates of sanitary wastewater flows from the proposed project based on domestic water demand rates from the *CEQR Technical Manual* for use in the capacity analysis for the Red Hook WPCP. For the modeling of CSO events attributable to the proposed project, project-specific sanitary waste generation rates are based on data developed by the project's mechanical engineers that take into account the proposed water conservation measures. Appendix 1 to the HydroQual report is a report prepared by the project engineers that appropriately documents the calculations used to derive project-specific

sanitary waste generation rates. The HydroQual report is an Appendix to this FEIS.

**Comment 11-21:** Red Hook WPCP does not have adequate capacity and is in violation of its permit. This is contrary to the requirements of the City's Red Hook WPCP SPDES permit and the impact guidelines of the City *CEQR Technical Manual*. (72, 102)

**Response 11-21:** As stated in the DEIS (page 11-30), Red Hook WPCP has more than adequate capacity to handle and properly treat the sewage expected from the proposed project. As shown in the DEIS, the average daily flow rate at the plant for the period between March 2005 and February 2006 was 32.1 mgd, or about half the permitted capacity (60 mgd) and far less than the design capacity of the plant (120 mgd). The projected rate with the project at full build out is 33.7 mgd.

**Comment 11-22:** Where will the new sewage treatment plant be? (403)

**Response 11-22:** No new sewage treatment plant is necessary or proposed with the project.

**Comment 11-23:** The area surrounding the project site currently experiences storm drain overflows during heavy rains. Given the magnitude of the proposed project, the conclusion that there would not be any adverse impact on water quality in the Gowanus Canal and East River or the capacity of the system is questionable. (10, 24, 119, 411)

**Response 11-23:** As stated above and in the DEIS, and described in greater detail below, the proposed project would improve local drainage by installing new collection sewers and providing for on-site retention and detention where presently none are provided. An extensive analysis of the impacts of the proposed project on the city's infrastructure system was performed, with a specific focus on the potential for impacts on the water quality of the Gowanus Canal relative to combined sewer overflow impacts. That analysis, which is summarized in the DEIS and updated for this FEIS, found that the proposed project would reduce CSO volumes from the No Action and would not adversely impact the water quality of the Gowanus Canal or East River.

**Comment 11-24:** The InfoWorks model used to support the "no impact" conclusion uses 1988 as an average rainfall and analysis year. Any model using this average is flawed. That was a notably dry year and changes in weather patterns have been occurring since then. (55, 72, 102, 112)

- Response 11-24:** Based on DEP data, the year 1988 is an average rainfall year historically, and for that reason is used by DEP in its water quality modeling and analyses.
- Comment 11-25:** Any additional CSOs in the East River and the Gowanus Canal would have a significant impact on the quality of water in the East River and the Gowanus Canal. The proposed stormwater management structures will not be sufficient to reduce the impact of storm water in the area and CSO events. As a result, discharge of raw sewage will occur more frequently. The Gowanus Canal will certainly be negatively impacted. (58, 72, 116, 195)
- Response 11-25:** As discussed in greater detail below and presented in the DEIS (pages 11-34 and 11-35) and updated for this FEIS (see pages 11-35 and 11-36), the proposed project would not adversely impact the water quality of the East River or the Gowanus Canal.
- Comment 11-26:** The DEIS addresses only permitted CSOs. Residents of Fort Greene to Park Slope constantly deal with unlicensed CSOs. (72)
- Response 11-26:** The proposed project would not have any unlicensed or unpermitted connections to the DEP sewer system.
- Comment 11-27:** The DEIS ignores existing conditions relative to the Gowanus Watershed area and the Red Hook WPCP. (72)
- Response 11-27:** The DEIS describes in detail under “Existing Conditions” the entire Red Hook WPCP service area, the portion tributary to the Gowanus Canal, the project area sewer system, the Gowanus Canal subarea, and the Red Hook WPCP service area as a whole. DCP data on average daily flow rates at the plant are also presented.
- Comment 11-28:** The DEIS does not provide known information on sewage and stormwater flow history from the project site. (72)
- Response 11-28:** The DEIS provides estimates of existing sewage generation on the project site using *CEQR Technical Manual* standards (see Table 11-1, domestic consumption only). The DEIS also provides a description of land coverage on the project site and an overview of runoff coefficients associated with different land uses. Flow monitoring confirmed existing flows from the site, which has occupied buildings and paved surfaces.
- Comment 11-29:** The system of pipes used to carry sewage to the Red Hook WPCP already cannot handle the volume of combined wastewater, rainfall runoff and sewage. The reason CSOs are legally permitted is to keep the



pumping station from being over-loaded and shutting down entirely. (72, 116)

**Response 11-29:** The sewer collection system in this WPCP service area, like much of the City of New York (estimated to be about 80 percent), is a combined system that is designed to convey all sanitary wastewater to the WPCP. Because of the age of the entire collection system, it is recognized by City, state, and federal agencies that CSO events are the result of a combined sewer system, a circumstance that is prohibitively costly and infeasible to retrofit throughout the city. However, the City in its long range program is examining a number of alternatives to address CSOs.

**Comment 11-30:** The EIS says that Red Hook WPCP has enough capacity but the document ignores that it has rained 200 times a year for the past five years. (116)

**Response 11-30:** The Red Hook WPCP has enough capacity to treat its permitted flow. As stated above, during rain events, the Red Hook WPCP service area, as with much of the City's sewer system, surcharges combined sewer outflows to local water bodies in order to avoid impacts to the system. It should also be noted that the analysis presented in the DEIS used the same rainfall frequency for the No Build and Build conditions. The project incorporates numerous detention and retention features to limit stormwater runoff.

**Comment 11-31:** The DEIS's implicit approach—determining an impact's significance assessment by merely comparing the incremental addition of pollution by the project to the pollution contributed by other sources—is an inappropriate method of analysis for CSO pollution and violates SEQRA and CEQR. (112)

**Response 11-31:** Analyses under SEQRA/CEQR typically and reasonably examine an incremental change associated with a proposed action (e.g. traffic, air quality, noise) for the purposes of determining significance. The analyses performed for the DEIS are consistent with those performed for other development projects within New York City and also are in accordance with standard methods for impact analysis.

**Comment 11-32:** Under SEQRA, impacts must be found to be significant if they cause a "substantial adverse change in . . . ground or surface water quality or quantity." Other indicators of significance include whether the project: "impairs the character or quality of important . . . aesthetic resources or of existing community or neighborhood character," or "substantially changes the use or intensity of use of land including . . . recreational resources or its capacity to support existing uses." In areas where

pollution limits are already exceeded—as is the case for fecal coliform and biological oxygen demand in the East River and Gowanus Canal—even a relatively small amount of additional pollution that contributes to the existing problem must be considered significant under SEQRA. This conclusion is supported by case law. (112)

**Response 11-32:**

SEQRA/CEQR guidelines do not mandate that any project in an area of “non-attainment” is responsible for a significant environmental impact for “relatively small amounts of additional pollution.” Under that assumption, all new development or growth in population or employment in the City that would generate sanitary wastewater or runoff would be deemed to have a significant impact on local waters. In fact, the proposed project includes substantial measures that reduce CSO volumes such that there is a volume reduction and the addition of one small event in the Gowanus Canal over the course of the year. This is *de minimis* and would not significantly impact water quality conditions or use of waters. Similarly, the increases in CSO volume and events in the East River are *de minimis*. Upon its completion, the project would result in an overall reduction in the volume of CSOs from runoff and sewage from the project site. The proposed project would not impact aesthetics, community character, or recreational resources.

**Comment 11-33:**

The East River and the Gowanus Canal are designated for a variety of uses. Currently, however, due to CSO discharges, the State regards them as impaired in their ability to accommodate those uses for which they have been designated. The Gowanus Canal is a severely impaired waterway that is currently designated as only suitable for fish survival, and is impaired in even that capacity. CSOs are recognized by New York State as a chief pollution source for the Canal and they cause the Canal to violate dissolved oxygen and oxygen demand standards. According to the DEC “aquatic life support, recreational uses (fishing) and aesthetics are severely restricted in Gowanus Canal by CSO discharges of raw sewage, stormwater discharges and oxygen demand sediments.” Under these conditions, any additional pollution, even if small by comparison, will serve to further impair the Canal, frustrate efforts to lower the waterbody’s current pollution load, and further extend cleanup efforts into the future. (112)

The proposed project’s stormwater management plan is intricately linked to the NYCDEP’s multi-year and \$70 million dollar plan to upgrade the Gowanus Flushing Tunnel and the Gowanus Pumping Station. It is imperative the FEIS disclose the construction schedule for these improvements. (12)

**Response 11-33:** As stated above and disclosed in the DEIS, the proposed project impacts are *de minimis* and would not affect water quality. As disclosed in this FEIS, modeling of the reduced density plan for the project results in an overall reduction in discharge volumes to the Gowanus Canal and would not significantly increase the frequency of CSO events. For the existing CSO-related effects on the Canal, DEP has undertaken a comprehensive facility planning process. DEP is also working with NYSDEC to abate CSO pollution in the Gowanus Canal and improve water quality so that dissolved oxygen and fecal coliform concentrations will be improved and the waters will no longer be impaired with regard to intended uses. The 2004 Administrative Consent Order requires the planning, design, and construction of over 30 CSO abatement projects Citywide. These projects include off-line retention tanks; sewer separation; flushing tunnels; throttling facilities, and numerous other projects designed to optimize the operation of the sewer collection system, pumping stations, and treatment plants during wet weather events. When fully constructed, the estimated capital cost of these projects will be in excess of \$2.1 billion (2004 dollars). One of those is the Gowanus Pumping Station and flushing tunnel upgrade expected to be completed in 2012. The proposed project would not compromise these water quality improvement projects and objectives.

**Comment 11-34:** The DEIS conclusion that an increase in the frequency and volume of CSOs is unimportant is highly problematic and violates environmental law. Under CEQR, an impact is significant “if a resource has been found to serve one or more of a number of natural or recreational functions and an action would directly or indirectly diminish its size or its capacity to function.” Examples of significant actions include those that cause or *exacerbate* a water quality violation or a *noticeable decrease* in a resource’s ability to serve its functions (recreational use, aesthetic or scenic enhancement). CSOs cause adverse effects on aquatic biota and vegetation. The discharge of additional CSO in the Gowanus Canal exacerbates the significant water quality violations in these waterways. The determinative factor is not whether Atlantic Yards contributes 90 percent or less than 1 percent of the total CSOs discharged in a given year. Both the State and City laws require, through their respective legal frameworks, that environmental impacts be assessed through an examination of the effect on ecological health and any ripple effects that might occur on the wider human and environmental context. SEQRA promotes efforts that prevent or *eliminate* damage to the environment and enhance human and community resources. (68, 112)

**Response 11-34:** As discussed in the DEIS and expanded upon in this FEIS, with the proposed stormwater management strategies, the proposed project at full build out would result in the increase in frequency of one CSO event in the Upper Gowanus Canal and two events in the East River, but there would be a reduction in total discharge volume in the Gowanus Canal and an overall reduction in the volume of CSOs to the City's waterways upon project completion in 2016. The DEIS does not conclude that these impacts are "unimportant." Rather, the DEIS concludes that, based on extensive modeling and design efforts, the changes in volume and frequency would be too small to result in adverse water quality impacts to the Gowanus Canal or the East River. These conclusions were drawn after an extensive consideration of stormwater detention and retention design strategies that became part of the project design, and an elaborate modeling of the response of the City's infrastructure system to the sanitary and storm flows that would occur with the proposed project. For these reasons, it is concluded that the proposed project would not significantly impact the water quality of the Gowanus Canal or East River, the aquatic habitat and resources of these waterways, or the recreational uses and activities of the Gowanus Canal or East River, including the use objectives mandated under State law.

**Comment 11-35:** The Atlantic Yards development will hamper attempts to remedy the severe impairment of the Gowanus Canal and expand uses. In the East River, the development will push the pollution levels further from desired objectives, exacerbating current pollution problems, and impairing the ability of the waterways to achieve their uses. Both waterways are also used in ways that they are not officially designated for (e.g., swimming), but provide recreation opportunities. (112)

**Response 11-35:** As stated in the DEIS and this FEIS, no significant water quality impacts are expected on the Gowanus Canal or East River. CSO volumes at the Gowanus Canal would be reduced. Minor increases in CSO events under the proposed project at the East River would have no significant impacts on dissolved oxygen concentrations or on the ability of the East River to meet NYSDEC standards. Moreover, it will not impact the recreational uses of these waterways, including swimming, boating or kayaking.

**Comment 11-36:** There are cumulative impacts where there are two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision. SEQRA mandates the ESDC to analyze the cumulative

impacts of all individual actions it undertakes in furtherance of the same “larger plan for development.” At least ten ESDC projects in Brooklyn and Manhattan are related and cumulatively significant with respect to CSOs, thereby mandating a cumulative impact analysis. In order to comply with SEQRA, ESDC must also use the additional dry weather flows and any changes in storm-water runoff attributable to its projects in a cumulative impact analysis. At a minimum, the ESDC must take a “hard look” at the cumulative impacts and provide a basis for its determination in the EIS. (58, 112)

**Response 11-36:** The proposed Atlantic Yards project is an independent project with independent utilities and is not part of a larger development plan. Moreover, the modeled CSOs reported in the DEIS and FEIS incorporates the expected growth in sewage flows in the Red Hook WPCP catchment area. The impacts of the proposed project were properly assessed in the DEIS without the need to consider unrelated and entirely independent ESDC projects in other areas of New York City or New York State.

**Comment 11-37:** Ensure that 100 percent of storm water runoff from the proposed project goes into a sewage treatment plant rather than directly into local waterways (with an exception for those 3-6 heavy rain storms that occur each year). (330)

**Response 11-37:** Under the proposed stormwater management plan, there is a reduction in CSO volumes over the course of the year in the Gowanus Canal and only one additional event in the Gowanus Canal. In 2016, the annual CSO volume reductions in the Gowanus Canal exceed the *de minimis* increase in annual CSO volume in the East River.

**Comment 11-38:** The solid waste management plan referenced in the EIS did not take the Atlantic Yards project into account. The proposed project is in conflict with the City SWMP. (102, 116)

**Response 11-38:** The draft new *Comprehensive Solid Waste Management Plan* (July 2006) establishes the structure of the City’s solid waste management for the next 20 years. In doing so, it accounts for growth throughout the City and builds upon the ongoing programs to collect, reuse, recycle, and compost waste. According to the *CEQR Technical Manual*, the City’s SWMP is based on projected rates of population and employment growth over time. The measures proposed to be implemented by the City pursuant to the SWMP are therefore designed to meet the goals of the plan in consideration of future development throughout the City.

**Comment 11-39:** The DEIS concludes that the increase in solid waste generation is insignificant based on a comparison with the total existing volume of solid waste generated in the City at large, not on future solid waste generation in the City or the capacity of local hauling fleets and/or waste transfer stations. The proposed project will generate unusually large volumes of residential waste as defined by CEQR that will contradict the SWMP. Waste generation rates are understated and projections of truck trips for solid waste in the EIS are understated based on the number of collection days in this district. The DEIS does not give adequate attention to plans for waste minimization; reuse; recycling, or composting; and export. It also does not describe the proposed Hugo Neu facility or the impacts on Community Board 1, which handles 40 percent of the City's waste. (26, 55, 102)

**Response 11-39:** As discussed in the DEIS, the proposed project is expected to result in a minimal increase in the City's solid waste stream (about 0.1 percent) and there would be no significant adverse impacts with respect to solid waste. Mitigation measures are therefore not necessary. This FEIS presents revisions to reflect the proposed program changes truck trips relative to DSNY service days and the proposed Hugo Neu facility. The FEIS also reflects that under the recently approved SWMP, the proposed project would be served by a new Hamilton Avenue Marine Transfer Station (MTS) that the City has proposed and is pursuing independently of the project. The MTS would have the capacity to handle up to 4,290 tons per day (tpd) of solid waste. The residential solid waste expected to be generated from the proposed project represents approximately 0.4 percent of this capacity. DSNY has sufficient capacity to handle the projected increase in residential waste. New residential development in the City is served through existing DSNY collection routes with adjustments in service to appropriately collect solid waste and recyclables in each community service area. These service needs would be phased in as the project develops. Residents of the proposed project would also be required to meet the City's local law with respect to recycling of paper, metals, and certain types of plastics and glass. Non-residential solid waste would be collected by private carters that would respond to the increase in service needs, which would also be phased in as the project develops. Solid waste from the proposed project would be handled and exported in accordance with the City's recently approved SWMP.

It is expected that the phased-in growth of the residential component of the project would be met by increases in service. DSNY meets increases in demand through expanded services and has met a growing need in the city over the past few decades (the city has added approximately 300,000 housing units since 1980, with an additional 50,000 in

Brooklyn based on U.S. Census data). Future service in the district would also be improved through the upgrade of the Hamilton Avenue Marine Transfer Station. (This is described on page 11-17 of the DEIS and expanded upon in the FEIS with the approval by the City Council of the city's Solid Waste Management Plan in July 2006.)

On-site composting for residential and for commercial buildings is not a requirement of the city's approved Solid Waste Management Plan and would create the potential for unpleasant odors and rodents.

**Comment 11-40:** The DEIS makes no concerted effort to implement the NYC SWMP objectives on this site. (26)

**Response 11-40:** The proposed project would comply with all City initiatives in the SWMP with respect to recycling.

**Comment 11-41:** The DEIS does not disclose estimates of the expected solid waste generation for the commercial variation in 2010. (26)

**Response 11-41:** This information is included in the FEIS. The commercial mixed-use variation does not generate any new impacts and reduces the volumes of residential waste that is hauled by DSNY.

**Comment 11-42:** The proposed project's additional demands for waste processing could create disparate impacts on minority and low-income communities that already bear disparate environmental burdens (i.e. environmental justice communities) since many existing waste processing facilities are sited in such communities. (55)

**Response 11-42:** The proposed project would not result in any significant adverse impacts with respect to solid waste. Growth in solid waste management needs and the environmental and social impacts of the SWMP were examined in a separate environmental review performed by the City.

**Comment 11-43:** The proposed project should incorporate measures to ensure proper garbage removal in the area next to the proposed arena, which will be filled with litter after every event. Will there be enough garbage cans to accommodate the patrons of the arena? (30, 39, 155, 227, 281, 460, 461, 492)

**Response 11-43:** The proposed project is designed for proper solid waste management, source separation, and storage of solid waste and recyclables with facilities for the proper collection and carting of waste and recyclables from the project site.

**Comment 11-44:** Atlantic Yards, along with Atlantic Terminal across the street will become Brooklyn's great hub, similar to Times Square or London's Trafalgar Square. As such many thousands of pedestrians will pass through the area each day and are sure to produce their "fair share" of litter. The FEIS should include an analysis and impact on street and sidewalk cleaning operations. Further, the FEIS should describe the resources that it will provide to insure the cleanliness of the area's streets and sidewalks. Residential and commercial waste should, in all cases, be stored within buildings and not on sidewalks or other walkways visible to the public. (12)

**Response 11-44:** The proposed project would be required to maintain all sidewalks in accordance with City sanitation laws, which require regular cleaning. The New York City Department of Sanitation would be responsible for maintenance within the street. The project's residential and commercial buildings would have interior storage of waste material for collection. In addition, the project's open space would be subject to a management agreement that would require the regular maintenance, repair and cleaning of such spaces.

**Comment 11-45:** What is the basis for the levels of significance for water quality impacts? The expression of the impact as percentage increase is inappropriate. An increase of 0.1 percent in water supply in 2010 and 0.3 percent in 2016 is significant. City water consumption is not 1.3 billion gallons per day (bgd), but 1.1 bgd according to the DEP commissioner and it's 1.2 bgd in the *CEQR Technical Manual*. Using these numbers results in a greater impact. In fact, recent projects in Crown Heights indicate that current water pressure in nearby neighborhoods is barely sufficient for a five-story commercial building. (55, 102)

**Response 11-45:** The DEIS analysis of water supply was performed in manner typically performed for a larger project in the City of New York. DEP also reviewed the infrastructure chapter of the DEIS and concurred with its data and conclusions regarding impact levels and significance with respect to the operations of their water supply and distribution systems. The DEIS concludes that relative to the overall water demands of the city, the increase in demand is not significant. In addition, the proposed project includes a plan for water main improvements that would be finalized and installed under the direction of DEP for the purposes of ensuring that there are no adverse impacts to local water supply or pressure. The Commissioner's statement on the DEP website is "more than 1.1 billion gallons of water provided per day." The *CEQR Technical Manual* cites 1.2 billion gallons per day as the number in 2001. In the City's *Greenpoint-Williamsburg Rezoning EIS* (May 2005),



Citywide consumption was assumed to be 1.2 billion with a projected incremental increase of up 3.90 mgd, or 0.19 percent. This was also concluded to not be a significant impact due to the limited added demands on the system. The maximum increment for the proposed project in the DEIS was 0.3 percent. (this has been revised for this FEIS to 0.25 with the revised program). This increment is not significant based on the City standards and it is a very minor increase in demand on the City's water supply system. If the assumption on average citywide consumption is amended to 1.2 billion gallons per day, this does not change the conclusions of the EIS. To be more conservative, the 1.2 billion gallons per day assumption is used in this FEIS. It should be noted that the estimated water usage rates presented in the DEIS and FEIS are conservatively estimated based on *CEQR Technical Manual* rates; in the case of the project, a significant percentage of the water used to supply the air conditioning system would be recycled stormwater rather than drinking water supplied by DEP, which was not factored in to the water usage rates presented in the DEIS and FEIS.

**Comment 11-46:** Water use rates for the arena were based on assumptions from the Hudson Yards FGEIS for stadium users. The rationale for this is not clear. (102).

**Response 11-46:** The *CEQR Technical Manual* does not have standard rates for arenas or stadiums (see Table 3L-2 in the *CEQR Technical Manual*). Thus, a water use rate for a similar type of use from a recently accepted City EIS was used. Using those assumptions, arena water consumption is estimated in the DEIS as 130,500 gpd (excluding air conditioning water use). The estimated consumption using rates developed by the project's mechanical engineers is 100,000 gpd. The latter number assumes water conservations measures, such as waterless urinals. Thus, use of the 130,000 gpd demand is conservative in assessing impacts on water supply.

**Comment 11-47:** The *CEQR Technical Manual* already assumes water conservation. Thus, the rates used in assessing sanitary impacts and wastewater generation are in error. These rates are then understated with respect to impacts on the City's sanitary sewer system. (102)

**Response 11-47:** While the *CEQR Technical Manual* assumes water conservation, the rates used by the project's mechanical engineers for projecting sanitary wastewater loads are specific to the project, based on the proposed program and fixtures and factoring in the additional measures. The rates used in the *CEQR Technical Manual* are generic and do not take into account these site-specific factors.

**Comment 11-48:** The increases in solid waste are at odds with the SWMP, which seeks to reduce truck trips. It may be appropriate to assess whether the additional truck trips could result in impacts, such as noise. (102)

**Response 11-48:** The SWMP seeks to reduce truck trips associated with waste transfer stations and commercial hauling of solid waste outside the City of New York, not the local collection of solid waste. The additional truck trips associated with the proposed project would not be expected to have a significant adverse impact on noise levels and would typically occur during off-peak traffic hours.

**Comment 11-49:** The DEIS fails to provide sufficient data about the measures proposed to handle the project's sewage and stormwater, i.e. the retention/detention tanks, their location, and the methods of operation which would ensure their sanitary conditions. (55)

**Response 11-49:** These measures are summarized on page 1-28 of the DEIS and described in greater detail in pages 11-21 and 11-23.

**Comment 11-50:** The DEIS does not provide known information on sewage and stormwater flow history from the Atlantic Yards site. (55)

**Response 11-50:** The stormwater characterization from the Atlantic Yards site was developed based on the field surveys of current land cover and active uses. Flow monitoring confirmed that the site generated sanitary wastewater from current uses and activities.

**Comment 11-51:** The DEIS does not provide any information about the Red Hook WPCP total daily flow history to compare against the model and 10- and 50-year projections. (55)

**Response 11-51:** The DEIS presents current flow data for the Red Hook WPCP (see Table 11-2). In addition, the HydroQual report, made available to the public during the comment period on the DEIS, presented DEP flow projections through 2015.

**Comment 11-52:** The DEIS does not cite the current Red Hook WPCP discharge permit (State Pollution Discharge Elimination System number NY0027073) or describe its requirements or those of the current NYS Department of Environmental Conservation Consent Order. The DEIS concludes that the plant would not be overburdened. It would be, and this is an impact under CEQR. The State needs to monitor the WPCP permit. (55, 102)

**Response 11-52:** As stated in the DEIS, the Red Hook WPCP has a permitted capacity of 60 mgd. As stated in the DEIS (page 11-30), the projected dry-weather

flows with the proposed project at full build out are 33.7 mgd, well below the plant's treatment capacity. The proposed project would not compromise the operation of the plant. DEP reviewed the DEIS chapter and concurs with these conclusions. As described above, DEP is required to implement a variety of measures to address CSOs under the 2004 consent order with NYSDEC. The project would not interfere with those efforts.

**Comment 11-53:** The DEIS fails to provide the CSO history as is reported in Interstate Environmental Commission Annual Report. (55)

**Response 11-53:** The annual report of the Interstate Environmental Commission serves to underscore that CSO reductions are a regional objective for the New York Harbor and its tributaries and that remediation of CSO impacts is a major and significant undertaking for the region's sewer system operators, with a significant cost. The initiatives of the proposed project are privately funded incremental benefits that address this regional water quality issue. A summary of the CSO concerns is provided on pages 11-7 and 11-8 of the DEIS. All data on flow history, projections, and improvements are summarized in the DEIS and available from DEP. That agency participated in the review of the DEIS prior to its release for public distribution.

**Comment 11-54:** The DEIS does not consider the current flow history of the Gowanus pumping station so that the claimed improvements can be compared with the proposed changes to determine whether the pumping station can meet these new flow rates. (55)

**Response 11-54:** The flow monitoring performed by the DEP as part of the Gowanus Canal pumping station upgrade was used in the original calibration of the flows conducted for DEP from the contributing drainage area.

**Comment 11-55:** The DEIS fails to identify the hazardous materials and sites in the Atlantic Yards area so that a judgment can be made of the stormwater contaminants at the plant. (55)

**Response 11-55:** As discussed in Chapter 10, "Hazardous Materials," the proposed project includes an extensive site remediation program (see DEIS pages 10-15 through 10-19) that would remove on-site contaminants as part of the proposed construction program. Thus, runoff from the site with the proposed project would likely be an improvement over the current conditions. Proposed uses that are predominantly commercial, residential, and open space generate typical municipal sewage and are not expected to be a significant source of hazardous contaminants to the Red Hook WPCP.

**Comment 11-56:** The DEIS fails to compare the current Red Hook WPCP influent contaminants and determine which are associated with the project area. (55)

**Response 11-56:** The focus of the analysis in the EIS is to consider the potential for the project to adversely impact water quality conditions, not to document the contribution of the project site today. Moreover, as stated above, the proposed project includes a site remediation program that would remove buried tanks and other potential existing sources of contamination.

**Comment 11-57:** The draft EIS is deficient for failing to disclose the nitrogen discharged from the Atlantic Yards. New York City has signed a Consent Order for the East River and Jamaica WPCPs to lower emission levels of nitrogen. This requires the lowering of nitrogen from the Red Hook WPCP based on flows of 1999. A twelve-year nitrogen reduction plan is to be prepared by NYC Department of Environmental Protection with penalties of \$8 million for non-compliance. The EIS should disclose how the Atlantic Yards project will meet the Consent Order requirements to decrease nitrogen discharges. (55)

**Response 11-57:** As stated in the DEIS, the existing Red Hook WPCP has adequate capacity to treat the sanitary sewage from the Atlantic Yards area. Treatment at this facility includes the removal of nitrogen under applicable SPDES permit requirements, as specified in all agreements between the DEP and NYSDEC. The consent order does not cite the proposed project or require any additional measures specific to the project, and the project would not compromise DEP's planning goals with respect to reducing nitrogen impacts to the East River and Jamaica Bay, which is a city and regional issue unrelated to the proposed project.

**Comment 11-58:** The DEIS fails to document the: (1) low quality of Red Hook WPCP biosolids which are sent to landfills and explain how the Atlantic Yards Project will not be a contributor, particularly of lead concentration from its hazardous sites, which lower biosolids' quality; (2) Atlantic Yards project water quality so that best management can be instituted to meet the Red Hook WPCP SPDES permit requirements; (3) the decade-long construction phase effects on waste and stormwater flow and quality. (55)

**Response 11-58:** The proposed project represents a limited contribution to the flows to the Red Hook WPCP, and a limited contribution to the city's sludge management program, which handles an estimated 2.5 million gallons of liquid sludge every day (1,200 tons per day of biosolids). In addition, there is no expectation that the proposed project would be a major

source of lead. The project would contain all new non-lead piping. (One of the sources of this constituent in biosolids comes from older residential homes that have lead pipes.) In addition no industrial uses are proposed as part of the project. As stated in the DEIS, the Red Hook WPCP would continue to operate well within its operating capacity limits in the future with the proposed project, and sanitary and stormwater outflow pollutants from the project are not expected to differ from flows from other residential and commercial areas of Brooklyn and the drainage area of the Red Hook WPCP.

The DEIS clearly states on page 11-6 that the Red Hook WPCP requires a New York State DEC permit that regulates allowable volumes and pollutant loads for the purposes of protecting water quality. The proposed project would not result in any impacts that would contravene the city's ability to meet the requirements of that permit.

The proposed project would not adversely impact the Red Hook WPCP during construction. A Stormwater Pollution Prevention Plan would be implemented during construction to limit stormwater pollution from construction activities. As described on pages 17-6 and 17-93 of the DEIS, the proposed project includes infrastructure improvements that are not unique in the city.

DEP also participated in the review of the DEIS chapter.

**Comment 11-59:** All analyses of the possible effects on infrastructure demands for development of the Vanderbilt Yards were made only between the proposed Atlantic Yards development and the No Build alternative. No evaluations of the environmental impacts of other alternatives were performed. (55)

**Response 11-59:** Chapter 20, "Alternatives," of the DEIS presented an evaluation of alternatives for all technical areas of the EIS including infrastructure. The DEIS examined lower density alternatives derived from the Extell and Pacific plans, and their potential to affect CSO volumes and frequency in a qualitative manner. A quantitative analysis has been included in this FEIS. Consistent with the conclusions of the DEIS, the results of this expanded analysis presented in the FEIS show that both alternatives result in an increase in CSO volumes at the Gowanus Canal and the East River.

**Comment 11-60:** The amended drainage plan will require construction of 6,900 linear feet (1.3 miles) of new combined sewer pipes in and around the project site. The traffic, noise, and other inconveniences to local residents associated with this construction could be significant. (55)

**Response 11-60:** The potential construction-period effects of installing the proposed upgraded sewer pipes, water main, and other infrastructure systems were fully analyzed in the DEIS in Chapter 17, “Construction Impacts,” and amended for this FEIS to reflect program changes and refinements to the proposed amended drainage plan.

**Comment 11-61:** The DEIS’s analysis of the proposed project’s increase in CSOs is inadequate. The DEIS’s analysis of Atlantic Yards’ CSO impacts is flawed and incomplete and may well underestimate the increase in CSOs attributable to the Proposed Project. The inconsistencies and omissions in this information and analysis also thwart public participation. (112)

**Response 11-61:** There are no omissions in the report. The analyses performed for the DEIS are consistent with other EIS modeling efforts performed for DEP. The DEIS fully describes the sewer system in the area, the catchments area of the Gowanus Pumping Station, and the collection and treatment system for the Red Hook WPCP as a whole (see DEIS pages 11-6 through 11-9), as well as the conditions on and around the project site (see DEIS pages 11-9 and 11-10). The DEIS also addresses the increase in sanitary flow to the Red Hook WPCP and the capacity of the facility to treat that additional flow. The DEIS fully analyzes whether the Gowanus Pumping Station can handle the additional sanitary sewage from the Atlantic Yards project. The DEIS also provides information on existing conditions and sewage, CSOs, and water quality issues. DEP also reviewed the DEIS chapter and supporting documents.

**Comment 11-62:** There are additional “Sustainable Design Features” available to completely eliminate project CSO impacts that should be incorporated as project elements. This would eliminate cumulative impacts and would set a new standard for sustainable development and long-term abatement of wastewater problems in New York City. These include: 1) permeable soil infiltration; 2) permeable pavers, porous pavement, rain gardens, and bioswales; 3) green roofs throughout the project; 4) additional water reuse by decreasing sanitary sewer and combined sewer volumes (e.g., toilet flush water that recycle and re-uses the building’s wastewater and stormwater runoff); 5) street trees and gardens that capture stormwater for irrigation (e.g., water retaining “greenstreets;” 6) off-site mitigation measures in the Red Hook Drainage Basin (e.g., street trees, greenstreets, green roofs and other off-site mitigation measures, such as those identified in the Draft New York State Stormwater Management Design Manual or green roofs on

area schools or other appropriate buildings; and 7) larger stormwater detention tanks. (58, 112, 173, 483)

**Response 11-62:**

The proposed project has been designed to incorporate many of the design features in the comment. For example, the eight acres of open space would incorporate permeable pavers, porous pavement, and other measures to minimize stormwater runoff and to retain and reuse water on-site. In addition, green roofs are proposed on the arena and would be considered with respect to other buildings in connection with the commitment of the project sponsors to LEED certification for each building. The project is designed to include a variety of measures to decrease sanitary sewer and combined sewer volumes and would also include street trees and gardens that capture stormwater for irrigation. The overall detention and retention capacity of the project is 918,000 gallons, close to three times the storage and retention capacity required by DEP. These measures were chosen based on a careful screening process for the purposes of not causing significant CSO or water quality impacts. As a result, these measures reduce CSO volumes in the Gowanus Canal with only a *de minimis* increment at the East River, and would not result in any significant adverse impact to water quality. In the screening and selection process, emphasis was given to retention/detention elements that minimized the project's effect on local waterways. It should be noted that site constraints, such as the below-grade LIRR storage facility, limit the further use of permeable solutions. Stormwater reuse for toilet flushing was determined to be not required in order to achieve project objectives.

**Comment 11-63:**

The following deficiencies exist in the technical analysis: (1) The DEIS fails to identify, quantify and analyze the effects of the specific pollutants that will discharge into the Gowanus Canal and East River as a result of Atlantic Yards' increase in CSOs; (2) the estimates of additional CSOs are inconsistent; (3) modeling is imprecise and the DEIS failed to provide a margin of error or analyze the reasonable worst case CSO scenario; (4) the DEIS assumes unrealistically low and unsubstantiated sanitary sewage volumes; (5) the DEIS assumes water reuse volumes far beyond the proposed water reuse demand; (6) the DEIS fails to provide adequate details of the arena roof; (7) the DEIS fails to properly estimate the net volume of annual rainfall; and (8) ESDC thwarted public participation by failing to include the HydroQual report in the DEIS. (112)

**Response 11-63:**

The analyses in this DEIS and this FEIS were comprehensive and were also performed in accordance with the standard engineering practices and procedures accepted and used by DEP. In sum: (1) the results of the

CSO modeling analysis (which has been updated for this FEIS) disclosed *de minimis* changes in CSO events and reductions in volume, so it would not be necessary to examine the impacts of individual pollutants on water quality; (2) the assumptions used in the DEIS infrastructure chapter and the HydroQual report have been amended for this FEIS to account for program changes (these changes have not altered the conclusion of the DEIS and HydroQual report regarding no significant water quality impact); (3) the analysis is based on project designs and assumptions used by DEP in their sewer system modeling; (4) the sanitary flow rates were calculated based on projections developed by the project's mechanical engineers using accepted standards and practices and incorporate the use of water conservation measures proposed by the developer; (5) water reuse is proposed through cooling towers and evapotranspiration on the green roof; (6) additional details on the proposed green roof are provided in the FEIS; (7) rainfall assumptions are those used by the City of New York in its modeling analyses, do not underestimate rainfall and, in any event, were used consistently for both the No Build and the Build analyses; and (8) the HydroQual report was referenced in the EIS and was readily available during the DEIS public comment period. The updated HydroQual report is an appendix to this FEIS.

The HydroQual report was clearly referenced in the DEIS and made available upon request. In addition, it was placed in the public libraries that made copies of the DEIS available for public review. This FEIS includes as an Appendix an updated HydroQual report (November 2006) revised to reflect program changes.

**Comment 11-64:**

The Atlantic Yards Draft Scope of Analysis made absolutely no mention of CSOs. In our October 28, 2005 comments on the scope, we explained that the Proposed Project's CSO impacts must be fully evaluated in the DEIS and mitigation measures developed for any significant impacts and also called on FCR and the ESDC to design the project to produce no net CSOs. In particular, we stated that "the volume of combined sewage from this site should never exceed—and should, ideally, represent a significant decrease from—pre-project conditions." There are productive steps towards a "no net CSOs" outcome, but the DEIS still acknowledges that the project will nevertheless increase CSOs into the Gowanus Canal and East River. Thus, as presently designed, Atlantic Yards will contribute to and exacerbate the significant water quality violations and the hazardous environmental conditions in the Gowanus Canal and East River. (112)

**Response 11-64:**

The final scope of work (dated February 16, 2006) states on page 29 that the EIS will analyze the impacts of CSO on the Gowanus Canal and



a CSO analysis was undertaken for the DEIS in accordance with that scope. The addition of the CSO analysis to the scope was made in response to comments on the draft scope. As stated in the DEIS, the project will contribute additional sanitary flows to the Gowanus Pumping Station and Red Hook WPCP, both of which have capacity to handle this increased sanitary flow during dry weather. During wet weather conditions, the stormwater control measures being planned at the project site will achieve a significant decrease in combined sewage. The detention and retention volumes totaling to 918,000 gallons are well in excess of the DEP-required detention volume of 334,000 gallons. Overall, these stormwater controls achieve the no-net CSO increase goal at the Gowanus Canal in both 2010 and 2016 analysis years. In addition, the proposed project would not significantly impact water quality of the Gowanus Canal or East River.

**Comment 11-65:**

The DEIS ignores the substantial probability that storm events during high tides will cause backflooding of sewage into basements and out manhole covers into the street. The HydroQual Report states, on page 5-8, that “during high tides, the overflows from outfalls are generally contained in the sewer system and outfalls until the tide recedes, thereby allowing more flows to reach the treatment plant.” However, when the tide gates on CSO outfalls are closed by the pressure of high tides, combined sewage backs up in the sewage collection system and can flood residential and commercial basements and discharge through toilets, sinks, other fixtures, and manhole covers, as occurred many times in lower Manhattan in 1999 (when several large storms coincided with high tides) and in other parts of the City at other times. (112, 119)

We have had numerous problems with sewage backing up into basements and have heard numerous reports of water shooting several feet up out of the sewers during an above average rainfall. (510)

**Response 11-65:**

Tide gates are designed to prevent tidal waters from entering the combined sewer system. During high tide events, the gates are held closed by hydrostatic pressure. Under typical operational conditions during a storm event with high tide, the gate stays closed until there is sufficient hydrostatic pressure on the sewer side to overcome the tide pressure on the outfall side of the gate. In this condition, the gate will open to allow outflow during high tide events when the surcharge pressure of the sewer exceeds the tidal water pressure on the gate. The sewer pressure typically exceeds the gate pressure and outflow occurs. For the scenario described to occur, the tide event would have to be such that the tide water back pressure would result in the surcharge of basements. If this has occurred in the past due to extreme and unusual events of tide and storm, the proposed project would not significantly

add to this condition, since it would be predominantly caused by the tidal surge, not the outflow.

**Comment 11-66:** The CSO modeling considered only those sewer pipes with a diameter greater than 60 inches, and assumed that the 22-acre Atlantic Yards site is representative of the larger 750 acres subcatchment area within the Red Hook sewershed. The accuracy of water quality models is typically evaluated through calibration with data obtained from actual samples and measurements. The DEIS fails to state if the model was calibrated or addresses events under 5,000 gallons. (112)

**Response 11-66:** The DEIS and FEIS CSO analyses were performed using an existing, calibrated hydrologic and hydraulic model of the Red Hook drainage area. This model and its calibration have been accepted and are being used extensively by the DEP to support the long-term CSO control planning in the Gowanus Canal and East River. The model was augmented to represent the Atlantic Yards proposed project so that it can be examined for specific features such as buildings, open spaces, and stormwater control measures including green roofs, water feature, retention and extended detention tanks at the project site. The 22-acre site was not assumed to be representative of the larger 750-acre subcatchment area; instead, the 22-acre area was presented in greater detail and the remaining area was presented as in the calibrated model previously used by DEP.

It is a standard practice to either perform a sensitivity analysis with respect to individual model calibration parameters to assess the margin of error or use conservative assumptions leading to a reasonable worst case scenario of the outcomes. In this case, the second approach of conservative assumptions was used to assess the reasonable worst case estimates of CSO volumes and frequencies.

The use of a minimum 5,000-gallon threshold is a DEP modeling standard.

**Comment 11-67:** The DEIS fails to explain or support its counterintuitive conclusion of increased CSO frequency while yielding a reduction in total CSO volume. Both the DEIS and the HydroQual report conclude that in 2016, the Proposed Project will increase the frequency of CSO events into the Gowanus Canal, while simultaneously decreasing the total volume of CSOs discharged in those events. (112)

**Response 11-67:** It is not counterintuitive to conclude that over the course of a year the stormwater management strategies of the project would reduce CSO volume while one additional small event could occur. As stated on page

11-23 of the DEIS and 5-3 of the HydroQual report, it is the smaller rain events that are more frequent and thus are the determinants of CSO frequency. In fact, through an iterative process of design and modeling, the proposed project devised a detention tank design (low-flow orifice) that limits additional events to one additional event in 2010 and 2016 in the Gowanus Canal and two in the East River. The additional CSO events in each waterway would not significantly impact either the water quality or use attainment objectives of the Gowanus Canal or East River. CSO volume discharge is dependent on the volume of sewage entering the combined sewer system during a rain event. The Atlantic Yards project would increase base sanitary flows in both dry and wet weather conditions, but the project's stormwater management strategies would reduce the overall CSO volume experienced over a year.

**Comment 11-68:** The DEIS should have provided a margin of error analysis. This would account for the uncertainty that is always present when making predictions about future events based on incomplete information or limited modeling resources, and would be particularly relevant considering the imprecision of the model. Adding a suitable margin of error would allow the DEIS to evaluate the reasonable worst case scenario as is necessary to undertake the "hard look" required by SEQRA and CEQR. (112)

**Response 11-68:** As stated above, the analyses presented in the DEIS are not imprecise, but are based on conservative assumptions using a calibrated model used by DEP, and reasonable worst-case estimates of the CSO volumes and frequencies. For example, the modeling of CSO frequencies and volumes conservatively assumes that there would be two well-attended arena events per day each day that it rains during the year, a highly unlikely condition. There is no need for a "margin of error." The model used in the DEIS and FEIS analyses is used and accepted by DEP in the facility planning process for Gowanus Canal and the East River. DEP also reviewed Chapter 11, "Infrastructure," of the DEIS.

**Comment 11-69:** The DEIS assumes unrealistically low and unsubstantiated sanitary sewage volumes. The DEIS anticipates water conservation features will decrease sanitary sewer flow volumes by 120,699 gallons per day. Using *CEQR Technical Manual* methodology it estimates a reduction of approximately 6.5 percent, from 1,876,365 gallons per day to 1,755,666 gallons per day. However, there are no details regarding the specific water conserving fixtures that would be used, such as their minimum water conservation specifications. Such information should have been provided in order to allow the public to assess the accuracy of the water

conservation assumptions as well as “additional influencing factors,” which should have been explained. (112)

**Response 11-69:** As stated above, project-specific estimates of sanitary flows used in the analysis of CSO conditions were determined for the project in addition to the generic rates contained in the *CEQR Technical Manual*. The Flack & Kurtz memo dated October 16, 2006, which is in the updated HydroQual report (November 2006) as Appendix 1, provides the supporting information used in developing the dry weather flows and is provided in the FEIS.

**Comment 11-70:** The DEIS should not have assumed 100 percent of the benefit of using low-flow fixtures will continue to be realized over the life of the project. The 6,860 residential units proposed for the Atlantic Yards project include 4,500 rental units and 2,360 privately owned condominiums. The DEIS does not address the potential for low flow fixtures to be replaced with fixtures demanding more water in the 2,360 privately owned condominiums. In addition, some fraction of the renters in the 4,500 rental units may also replace some low-flow fixtures with fixtures demanding more water. The DEIS seems to premise sanitary sewer demand on the unrealistic assumption that all residential units will maintain the originally installed low-flow fixtures. (112)

**Response 11-70:** The condominium units would be governed by common rules that mandate the maintenance and replacement of low-flow fixtures in the future. Both privately owned condominiums and rental units would be subject to these rules. This is in addition to the City requirements under local law mandating the use of low flow fixtures, which DEP has shown to be effective in reducing flows throughout the City with natural turnover and the replacement of old fixtures with new low-flow devices.

**Comment 11-71:** The DEIS assumes water reuse volumes far beyond the proposed water reuse demand. The effectiveness of water retention is highly dependent on the reuse volume. The more stormwater used on-site, the more capacity will be available in the tanks to capture stormwater. The DEIS states that reuse “would include using recycled storm water in the cooling towers for make-up water, and also for landscaping.” However, the DEIS states that the “anticipated rate of reuse is expected to be, on average, between 50 and 100 gallons per minute.” Extrapolating an average gallon per minute demand over one year indicates that the average rate of reuse for cooling tower makeup will be only 30.9 gallons per minute. That leaves an additional 19.1 to 69.1 gallons per minute of reuse which is not explicitly accounted for or explained. At a

minimum, it likely includes irrigation and cooling tower makeup, which are seasonal uses of water. (112)

**Response 11-71:** The basis of the modeling of CSO events are documented in “*Impacts of the Atlantic Yards Projects on Local Sewer Infrastructure: Summary Report*,” prepared by HydroQual Environmental Engineers and Scientists P.C. (November, 2006), which has been included as Appendix H of the FEIS. As explained in the report, the modeling used as modeling inputs the data on anticipated cooling tower make-up reuse that are described in Appendix 1b to the HydroQual report. The reuse rates vary by season from 0 gpd in the winter when no air conditioning use is assumed to 86,400 gpd in the highest summer month. This modeling effort is conservative in that it assumed no other water reuse features. As described in Appendix 3 of the HydroQual report, the proposed project would have additional reuse features (e.g., on-site irrigation) that were not included in the HydroQual modeling effort.

The DEIS states on page 11-23 that the anticipated rate of reuse is expected to be, on average, between 50 and 100 gallons per minute (gpm). These data reflected design considerations with respect to elements of the project’s storm water management facilities and were not used as inputs to the HydroQual modeling effort. The FEIS and HydroQual report have been revised to clarify the modeling inputs.

**Comment 11-72:** The DEIS fails to provide adequate details of the arena roof. Green roofs can be built with varying levels of effective storm water detention, depending on their design. An effective green roof maximizes the percentage of vegetated roof area and the detention capacity of the roof. For example, an increase in the growing medium depth from four to six inches results in a 46 percent increase in the roof’s retention capacity. More detail is necessary to determine the effectiveness of the proposed arena green roof, including: the percentage that will actually be “green” roof, taking into account mechanical equipment, pathways, roof access and other factors; the depth and type of soil proposed; the proposed plants and the associated irrigation demand; and, any other details influencing the effectiveness of the green roof. (112)

**Response 11-72:** The proposed green roof atop the Arena, with an area of 3.03 acres, would have the following:

	Description	Soil Thickness	Planting
Zone 1 (0.11 ac)	Tall and varied plantings	12"	Meadow grasses, perennials, and localized woody shrubs.
Zone 2 (0.44 ac)	Low and lightweight	6"	Sedums and low grasses
Zone 3 (1.83 ac)	Undulating and varied	12"	Grasses, wildflowers,

			perennials, and some wood shrubs.
Zone 4 (60% paving; 40% soil) (0.65 ac)	Precast concrete pavers with intermittent landscape	18" to 48"	Perennials, shrubs, and lawn.

The total arena roof area (including buildings 1 through 4) would be 6.4 acres. The four zones identified above that characterize the arena green roof system account for a total of 3.03 acres of the arena roof area. Zones 1, 2 and 3 would not require irrigation once the plants have been established. The plantings within Zone 4 would require irrigation.

The green roofs are represented in the InfoWorks model, and the evapotranspiration characteristics are modeled using the Horton's infiltration equation. The rainfall in excess of the infiltration capacity is converted to overland runoff that reaches the roof drains. Also, the infiltration rate is dependent on antecedent soil moisture and the rainfall intensity and volume.

**Comment 11-73:**

The DEIS appears to inaccurately estimate annual on-site storm water volumes. Appendix 2 of the Hydroqual report states that the average annual depth of precipitation on-site is 47.25 inches and that the project site is 22.19 acres. Based on the current impervious coverage and runoff coefficients, this yields the average annual storm water volume of 28.2 million gallons. However, the Hydroqual report estimates the total volume of storm water at just 19.8 million gallons, 42 percent less storm water than what should be anticipated. (112)

**Response 11-73:**

The assumptions in the above calculations are incorrect. In a pervious area, the rainfall in excess of the evaporation, evapotranspiration, infiltration and surface depression storage is converted to surface runoff. With an impervious surface, the excess of the evaporation, and surface depression storage is converted to runoff. Thus, there may be little to no runoff after a small rain event for both types of surfaces. For larger storms, the runoff can become directly proportional to the rainfall, especially for impervious surfaces, such as streets. For storms that occur consecutively, there may be little to no losses in the subsequent storms as compared to the first one. On an annual basis, the storm water volume generated is therefore dependent on all these factors. The assumption made to calculate 28.2 million gallons does not take into account these factors.

**Comment 11-74:**

The proposed Atlantic Yards development will increase the rate of sanitary wastewater from the project site over potential future no build scenarios. The increase in sanitary wastewater flow is caused by the

anticipated increased site occupancy due to the scale of the proposed project. (55)

**Response 11-74:** As stated in the DEIS, the proposed project would increase sanitary flows from the project site. However, this increase can be properly treated at the Red Hook Water Pollution Control Plant (WPCP). As also noted in the DEIS, the project would reduce combined wet weather flows as a result of on-site stormwater management measures.

**Comment 11-75:** The results in the DEIS differ from those in the HydroQual report, even though that report is cited as the source and, ultimately, the significance of the impact. Table 11-12 on page 11-35 of the DEIS sets forth results that are inconsistent with those in the DEIS. In most cases, the DEIS predicts less frequent and lower volume CSOs than the HydroQual report. Thus, the DEIS is underreporting CSO volumes by hundreds of thousands of gallons per year. The DEIS claims that the model predictions prove that the proposed project would result in “insignificant” impact to the Gowanus Canal and would “not adversely impact water quality of the East River.” However, the modeling results presented in the DEIS fail to substantiate that conclusion. Both sets of results depict an increase in the total volume of CSOs to the Gowanus Canal and East River in the analysis year 2010 as a result of the proposed project. (112)

No information is provided in either table about the change in frequency in CSOs at the other lower Gowanus Canal discharge points in 2010. (55, 102, 112)

**Response 11-75:** The difference in CSO volumes between the DEIS modeling results and those presented in the referenced HydroQual report (included in Appendix H of the FEIS) are due to different assumptions regarding arena events used in the respective analyses. The DEIS results were based on one event per day with the arena fully occupied, held every day during the planning year. (DEIS Tables 11-4 and 11-9). The HydroQual report assumed two events at the arena per day—each attended by 20,000 people—a condition that is overly conservative and would not occur. The results of the analysis for this FEIS have been adjusted to reflect conservative, but more reasonable, assumptions regarding the arena use, and both the HydroQual analysis and the FEIS assessment regarding CSO volumes are based on two events, one at full capacity (18,000 people) and one attended by approximately 10,000 persons, a condition that could occur on limited days over the course of a year. The analyses in the HydroQual Report in this FEIS also account for the reduction in overall project program that occurred subsequent to the DEIS. It is noted that the DEIS, the HydroQual analysis of July 7,

2006, the revised HydroQual analysis (November 2006), and this FEIS all find that the proposed project would not have a significant adverse impact on the water quality of the Gowanus Canal or the East River.

**Comment 11-76:** By simply stating the results of CSO modeling in terms of total gallons and CSO “events,” the DEIS has failed to comply with SEQRA’s “hard look” requirement and with the *CEQR Technical Manual*. This is particularly glaring because HydroQual, in two recent EISs (Hudson Yards In 2004 and the Greenpoint Williamsburg rezoning in 2005), assessed the existing level of water pollution in the receiving water bodies and predicted, from modeling, the quantity of major pollutant parameters (e.g., fecal coliform, biological oxygen demand, and others) that would be discharged in the CSOs caused by those projects. (55, 102, 112)

**Response 11-76:** The proposed project differs from both the Hudson Yards and the Greenpoint-Williamsburg zoning proposals principally because this proposed project has a reduction of CSO volume in the Gowanus Canal and a *de minimis* incremental increase in the East River. Both the Hudson Yards and the Greenpoint-Williamsburg analyses showed substantially more CSOs in terms of frequency and overall volumes. Moreover, the findings in those water quality modeling analyses were that CSO increases from Hudson Yards and Greenpoint-Williamsburg rezonings resulted in no detectable impact on water quality.

The EIS for the Greenpoint-Williamsburg rezoning estimated an increase in the annual CSO volume discharge to the East River and Newtown Creek of 16 million gallons (MG), far in excess of the annual CSO discharge to the East River resulting from the proposed Atlantic Yards project, estimated as 0.7 MG. In addition, that modeling analysis assumed 7 additional East River events. Pollutant loads in the Greenpoint-Williamsburg analysis were calculated for a number of parameters, including total suspended solids, chemical and biological oxygen demands, total nitrogen, total phosphorus, fecal coliform, and metals (e.g., zinc, lead, copper). It was the conclusion of that analysis that added loadings of these pollutants, in particular total suspended solids, chemical and biological oxygen demand, total phosphorus coliform, and metals, would be small fractions of the current loadings to the river. Based on the mass loading calculations, it was concluded that the added CSO volume from the proposed rezoning would not significantly impact water quality and would be undetectable. Moreover, for a number of regulated parameters, including total suspended solids and chemical-biological oxygen demand, the discharges to the East River would be within the regulatory limits established by New York State DEC for this reach of the river. For



nitrogen, the estimated 1.6 lbs/day would be an infinitesimal fraction of the 40,545 pounds per day that the City can allowably discharge under its nitrogen effluent limits. Increases in fecal coliform were estimated at 0.5 percent. The finding in the Greenpoint-Williamsburg FEIS that the discharge of an additional 16 MG to the East River and Newtown Creek would not result in a significant adverse impact to water quality supports the conclusion in the DEIS that the CSOs resulting from the proposed project, which are fewer in number and smaller in volume, would not cause an adverse impact on water quality.

**Comment 11-77:** The DEIS should have not only modeled the pollutant loads in the proposed project's CSOs, but should have also conducted sampling within the East River and Gowanus Canal outfalls during CSO events, as well as in the ambient waterbodies, near the outfalls, after storms. DEP samples water quality too infrequently to make that determination. The principal pollutants in CSOs are microbial pathogens; suspended solids; toxics; nutrients; floatables (i.e., trash); biochemical oxygen demand; fecal coliform; heavy metals; nutrients such as phosphorus, ammonia, nitrite, and nitrates; suspended solids; secchi transparency; pH and chlorophyll "a," an indicator of the presence of algae. Dissolved oxygen (DO), indicates the level at which fish life can be maintained. These pollutants can adversely affect human health, recreation, fish consumption, shellfish harvesting, wildlife propagation and survival, and other uses for which the receiving waters are formally designated. CSOs are therefore a major threat to the ecology and public safety of our waterways. EPA has found that because CSOs contain untreated wastewater and storm water, they contribute these pollutants to surface waters and can impact the environment and human health, water quality impairments, beach closures, shellfish bed closures, contamination of drinking water supplies, and other environmental and human health problems. The DEIS fails to quantify and analyze the effects of these pollutants. The *CEQR Technical Manual* identifies a variety of pollutants that can adversely affect water quality in New York City and thereby impair designated uses such as contact recreation, fishing and boating, fish habitat, and fish passage and emphasizes the importance of gathering accurate water quality data where sampling data are not available or where information for smaller areas of a larger water body is required to determine the worst-case water quality conditions, (i.e., sampling in late summer). (112)

**Response 11-77:** Monitoring of New York City's waterways is coordinated by several agencies including the Interstate Environmental Commission, DEP, and NYC Department of Health. It is noted that the conclusion of this FEIS analysis is that CSO volumes are reduced in the Gowanus Canal with

the proposed project over the course of a year and that even with the addition of one event in the year 2010 and 2016, there is no adverse impact on the water quality of the canal. CSO discharges to the East River are also de minimis. The proposed project is not on the waterfront, does not require any waterfront-related permits (e.g., tidal wetlands), and does not propose any new sewer discharge structures or outlets to either the Gowanus Canal or the East River that could otherwise require such sampling. The proposed project is also using the City's sewer collection and conveyance system and with the proposed sustainable design features the analysis shows that the proposed project would not overtax the City sewer system. As stated in the *CEQR Technical Manual*, projects that may require elaborate water quality modeling and sampling include projects that require permits such as industrial discharges or sewage treatment plants. The proposed project contains neither of these uses and reduces aggregate volumetric contributions of CSO.

In addition, DEP is addressing the impacts of combined sewer overflows (CSO) on the local water bodies through a long-term control facility planning process for the Gowanus Canal and the East River. The proposed project includes significant privately funded initiatives that reduce CSO inputs from the No Action condition and avoids any significant impact from the proposed project. In particular, the proposed project would not result in a significant increase in microbial pathogens; suspended solids; toxics; nutrients; floatables (i.e., trash); biochemical oxygen demand; fecal coliform; heavy metals; nutrients such as phosphorus, ammonia, nitrite, and nitrates; suspended solids; secchi transparency; pH; chlorophyll or biological oxygen demand. Accordingly, no sampling or water quality modeling was required or appropriate to assess the impacts of the proposed project. In New York City, approximately 27 billion gallons of untreated combined sewage overflow in an average rainfall year through 460 outfalls. The contributions of the proposed project to this condition are de minimis.

The proposed project would not adversely impact the Red Hook WPCP or its performance. The project does not propose any new storm or sanitary wastewater discharges and does not require any permits or discretionary approvals relative to water quality. A modeling of the potential impacts to the New York City sewer system and local water quality was performed and did not identify any significant adverse impacts.

For all of the above reasons, it was concluded in the DEIS, and in this FEIS, that the proposed project would not impact water quality and the

sampling and modeling of water and aquatic resources as suggested in the comments is not necessary.

**Comment 11-78:** The East River is designated a Class I waterway, for which the designated uses include secondary contact recreation, fishing, and fish propagation and survival. Although it is not designated for swimming, people do swim in the East River. The DEC classifies the Gowanus Canal as an SD waterway, suitable only for fish survival. Nevertheless, secondary contact recreation, such as canoeing and kayaking, has become popular in the Gowanus Canal. The existing conditions in the waterway are not in use attainment for these standards and the project will exacerbate these conditions. As a direct result of pollutants discharged in CSOs, as well as sediments and industrial activity, many New York City waterways are “impaired,” under Section 303(d), not meeting state water quality standards and are therefore deemed not suitable for their designated uses. The Gowanus Canal and the upper and lower sections of the East River are considered by DEC to be impaired and included on the New York State Waterbody Inventory and Priority Waterbodies List (PWL) as waterbody segments impacted by CSOs because their water quality standards are not being met and their designated uses are “stressed” or “threatened.” This affects not only water quality but aquatic life. (112)

**Response 11-78:** The results of the FEIS modeling analysis show a net reduction in CSO volumes in the Gowanus Canal in both 2010 and 2016 and the added frequency of one additional event per year would not diminish the use of this waterbody as designated under State law. A similar conclusion is made for the East River. Uses of waters for activities outside those designated is a choice made by individuals who enjoy the city’s waterways in a variety of ways. The proposed project would reduce CSO volumes in the Gowanus Canal and would improve those opportunities. The additional one small event in 2010 and 2016 would not compromise use of the Canal for boating and kayaking or affect fish survival. Similarly, the small increase in CSO discharges to the East River would not compromise such uses or affect fish survival in the East River.

**Comment 11-79:** The DEIS suggests that the proposed development will decrease the rate of stormwater runoff generated from the site over future no build scenarios. This reduction is based on the assertion that while the site is currently 80 percent impervious with no means of stormwater retention, a wide range of stormwater management strategies will be implemented so as to reduce the rate of stormwater discharge from the proposed development significantly below the current rate. (55)

- Response 11-79:** The commentor appears to reference the statement in Appendix 2 of the HydroQual Report that “the Atlantic Yards Development Site... has a runoff coefficient of 80 percent.” A runoff coefficient is different from impervious cover and is used in calculating runoff volumes. The two values are related, but represent different standards of measurement.
- Comment 11-80:** Complete model calibration reports are not provided in the DEIS. While the Hydroqual document was made available, calibration reports were not. There is evidence of inadequate model calibration procedures, specifically with respect to the use of precipitation data from Manhattan to calibrate a model with CSO and other flow measurements made in Brooklyn. (55)
- Response 11-80:** As stated above, the DEIS CSO analyses were performed using an existing, calibrated hydrologic and hydraulic model of the Red Hook drainage area. This model is used by the DEP to support its long-term CSO control planning in the Gowanus Canal and East River. The model was augmented to represent the Atlantic Yards project (each block including the streets) so that it can be used for characterizing project-specific features such as buildings, open spaces, and stormwater control measures including green roofs, water features, retention and extended detention tanks.
- Comment 11-81:** An appropriate comparison hydrodynamic model should be implemented by the project sponsor. (55)
- Response 11-81:** As stated above the Infoworks model used for this analysis is a refinement of a model used by DEP. That refinement addressed the project drainage plan improvements and inputs. A HydroCAD model of the project site was developed to facilitate the selection of appropriate stormwater management strategies in order to provide the peak flow reductions desired for the standard design storms (2-year, 10-year, 25-year and 100-year) as illustrated in Appendix 3 of the HydroQual Report, prepared by Judith Nitsch Engineers, Inc. The InfoWorks modeling was performed on a parallel track to confirm the modeling results at the site-level and then to assess the overall Red Hook drainage area CSO effects. Both of these modeling efforts have been performed in accordance with the standard engineering practices and are appropriate analyses for comparing pre- and post-development scenarios and are appropriate models for analysis.
- Comment 11-82:** Flows from the portion of the sewershed that contains Atlantic Yards go through the Gowanus Pumping Station which lifts combined sewage from its influent well to the Bond Lorraine street sewer, at a maximum

flow rate of 28.5 mgd. The Bond Lorraine street sewer in turn flows west to the main interceptor pipe leading to the Red Hook WPCP. Constrictions and sedimentation in the Bond Lorraine sewer limit the rate at which Gowanus Pumping Station can divert flows to it, leading to more CSOs than would occur if the system could operate at design operating conditions. DEP has developed a facility plan to improve the Gowanus Pumping Station pumping capacity to 30 mgd and to divert the discharge from the Bond Lorraine street sewer through a rehabilitated force main (or pressurized pipe) that flows directly to the main interceptor pipe leading to the Red Hook WPCP. This project is expected to be complete by 2012. (55)

**Response 11-82:** While the above summary is generally correct, irrespective of the constrictions and sedimentation in the Bond Lorraine Sewer, the Gowanus Pumping Station can pump up to 28.5 mgd into this sewer. This is the modeling assumption for the 2010 analysis year. Sedimentation in the Bond Lorraine Sewer does decrease capacity of this pipe, resulting in a higher potential for inducing additional CSOs in the lower Gowanus Canal. As stated in the DEIS, the existing force-main that conveys Gowanus Pumping Station flows to the Red Hook WPCP main interceptor has not been operational. Therefore, the flows are currently being routed through the Bond Lorraine sewer. As stated in the DEIS, rehabilitation of the existing Gowanus Pumping Station and force-main upgrade to 30 mgd is expected to be completed by 2012, after which time the Bond-Lorraine sewer would no longer receive flows from the Gowanus Pumping Station. This assumption is in the 2016 analysis year.

**Comment 11-83:** The existing sanitary flow from the project site is between 0.1 and 0.3 MGD. The first estimate is made using a breakdown of the residential, commercial, and industrial/manufacturing/storage uses on site. No site visit was conducted to verify this breakdown, but was calculated using the existing sanitary peak discharge from Table 2, Appendix 2, and assuming a peak factor of 4 based on, and converting units back to MGD. Another basis for the calculation is existing zoning. This data is not provided in the DEIS. (55)

**Response 11-83:** The DEIS baseline sanitary flow projections were made in accordance with practices used in other EIS studies and the *CEQR Technical Manual* based on current occupancy and field surveys. Flow monitoring was performed to confirm that there are baseline sanitary flow from the project area.

**Comment 11-84:** The proposed project includes a variety of water conservation and stormwater management strategies. The purpose of these strategies is to reduce the rate of combined sewer discharge from the project site to below the existing (or equivalent future no build) condition. The total volume of proposed detention is 639,000 gallons. This volume of detention/retention with the project is greater than the 334,000 gallons of DEP required storage. (55)

**Response 11-84:** Comment noted. However, the total volume of proposed retention and detention is approximately 918,000 gallons, well in excess of the 334,000 gallons of detention capacity that would be required by DEP for this project.

**Comment 11-85:** How were the peak rates of flow calculated for the drainage plan? What is the peaking factor? How does it match CEQR assumptions? (55)

**Response 11-85:** The peak rate of sanitary discharge is based on the procedures outlined in the Amended Drainage Plan and assumes a revised R10 zoning designation for the area which corresponds to an estimated sanitary discharge rate of 4 MGD (before the peaking factor is applied.) This flow rate is slightly higher than the sanitary discharge rate projected using CEQR procedures without water conservation (3.3 MGD). Therefore, this is a conservative assumption for pipe sizes. A peaking factor of about 3 is applied to obtain the reported peak sanitary flow rate in the comment. All flows in the Amended Drainage Plan must be accepted by DEP.

**Comment 11-86:** The existing stormwater flow is reportedly based on an inventory of the surface types within the project area. The Atlantic Yards Development Site reportedly does not contain detention facilities and has a runoff coefficient of 80 percent based on the quantity of roof, pavement, and concrete on the property. Verification could not be performed because of difficulty in gaining access to the site. (55)

**Response 11-86:** As stated above, with respect to permeability assumptions, land uses and site coverage presented in the DEIS were based on surveys made from public streets and available aerial photos.

**Comment 11-87:** All conclusions regarding stormwater management are contingent upon the proposed water conservation and stormwater management features reducing the peak rate of stormwater runoff from the site significantly. (55)

- Response 11-87:** All the proposed water conservation and stormwater management features would be implemented by the project sponsors as part of the proposed project (see also the FEIS Chapter 1, “Project Description”).
- Comment 11-88:** The 55.48 cfs is calculated based on the outdated Brooklyn Standard of 5 inches of rain over a 50 percent impervious area. This outdated standard is applied since existing pipes downstream of the project site were designed to this standard. (55)
- Response 11-88:** All drainage plan calculations have been reviewed by DEP and must be approved by that agency in order for the Amended Drainage Plan to be accepted. The rates used in the Amended Drainage Plan are the currently accepted standard.
- Comment 11-89:** Precipitation varies spatially and temporally across a landscape, a more accurate model calibration would have utilized CSO measurements and treatment plant inflows measured in Brooklyn with precipitation data also collected within the Red Hook sewer service area. The extent to which these kind of assumptions cause prediction bias can not be assessed without access to the full InfoWorks model calibration report. We have more rain events than are reported. (55)
- Response 11-89:** Data from both John F. Kennedy Airport and Central Park are present in the model, which is the model used by the City of New York and DEP for analyzing the impacts of storm events on the city’s sewer system. This model is used citywide.
- Comment 11-90:** The Hydroqual report states that background growth rates were estimated based on DEP’s 1998 flow projections, and also the estimated flows from known proposed projects in the area surrounding the Atlantic Yards Project site within the Red Hook Drainage area. The approach was to account for known actual developments directly surrounding the project area and then calculate background growth in other areas based on the DEP’s own analysis of projected wastewater flows within the Red Hook drainage area. The team included flows from two known projects in the vicinity of the project area, namely, the Brooklyn Bridge Park and the Downtown Brooklyn Development Plan that have been approved and are scheduled for completion by 2012 and 2013, respectively. Together these projects are estimated to contribute 1.5 MGD of additional dry weather flow when fully developed. It is impossible to assess whether these estimates made almost nine years ago are realistic given more recent development trends in Brooklyn. Moreover, the additional estimated flows should be extended to include all known proposed projects within the Red Hook service area (not just

those present in the immediate area surrounding Atlantic Yards). Many new buildings are under construction in Brooklyn. Their demands on the sewage system must be calculated. (55, 102, 105, 160, 166, 228, 229, 289)

**Response 11-90:**

The EIS CSO analyses performed for the Atlantic Yards project, using the known projects and projected flows to the Red Hook WPCP as developed by DEP and assumed a baseline 2005 flow of 30.0 million gallons per day (mgd), and a 2016 No Build flow of 36.1 mgd to the Red Hook WPCP. This is equal to an assumed 20 percent increase in background growth within the Red Hook WPCP sewer shed.

By contrast, as described in the DEIS (pages 11-17 and 11-28), DEP currently uses different assumptions for the purposes of determining available capacity of the Red Hook WPCP to accommodate the dry weather flows. DEP assumes, for this purpose, that growth in employment, population, and new development are largely offset by the implementation of its flow-conservation measures throughout the entire WPCP service area. These assumptions are based on the trend data with respect to flows reported as the city's various WPCPs, which show declines or steady conditions in plant flows, despite substantial population and employment growth throughout the city. As noted above, the EIS CSO analysis used a more conservative assumptions with respect to background growth.

The 1998 DEP flow projection document prepared by Black and Veatch Consultants is available at DEP. DEP reviewed the DEIS and its supporting documents.

**Comment 11-91:**

The Hydroqual report states "Any discharge that is less than 5,000 gallons is not counted as a discharge since it is considered too small to be a reliably simulated event." The most frequent rain events are small. If the bulk of the CSO events are small, not counting CSO discharges of under 5,000 gallons could conceivably result in large underestimates in the predicted CSO volumes. It should be noted, however, that with respect to Atlantic Yards, the proposed stormwater management strategies would be expected to be most effective during small rain events. (55, 112)

**Response 11-91:**

The 5,000 gallons threshold used to determine the CSO occurrences in this analysis is consistent with the citywide CSO control studies being performed by DEP.

**Comment 11-92:**

The DEIS conclusions are contradictory to the findings of a 2004 report prepared by the NYC Energy Policy Task Force, which identifies load



growth as the greatest single challenge to the city's energy infrastructure. Additionally, there is no mention of any efforts to reduce the load of the proposed development through concerted efforts at energy conservation, or onsite generation of renewable energy with the use of, for example, solar panels. (55, 102, 426)

**Response 11-92:** As in the DEIS, relative to the overall gas and electric demands of the city, the added energy demands of the proposed project would not result in significant adverse impacts to the system. This conclusion is not contradictory to the conclusions of the 2004 report, and the proposed project is not in conflict with the Mayor's report. In fact, the report states that energy services should be developed to support growth. Con Edison has reviewed this proposal and concluded that the proposed project would not require a new power plant, but that local improvements in the grid are necessary. These improvements were explained in the DEIS (pages 11-26 and 11-32) and the FEIS presents the proposed project's expanded energy conservation program and reflects the reductions in demand due to the program changes.

**Comment 11-93:** Mitigation plans are needed to deal with projected increased volumes of solid waste. Planning should include exploration of waste disposal technologies such as solar-powered trash compactors (Big Belly), similar to those piloted in Queens. (24)

**Response 11-93:** As discussed in the DEIS, the proposed project is not expected to result in a significant impacts on the City's solid waste stream, and therefore mitigation measures are not necessary. DSNY has sufficient capacity to handle the projected increase in residential waste. Moreover, non-residential solid waste would be collected by private carters.

**Comment 11-94:** The solid waste generation rates used in the EIS are incorrect. A higher rate of 41 pounds per household per week should be used. The rates assumed for the arena are questionable.(102)

**Response 11-94:** The analysis for the EIS is site specific for the projected household size and population under the proposed development program and uses per-persons rates from the *CEQR Technical Manual*. Waste from the arena would be hauled by private contractors, and arena waste rates are based on rates from recently accepted City EIS's (e.g., the EIS for the Hudson Yards Project).