

Comments to the Final Environmental Impact Statement For the proposed Brooklyn Atlantic Yards Project

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I would like to thank those who prepared the FEIS. I submitted 33 comments plus a public testimony. 12 comments were responded to. Nevertheless, I feel that two of them did not correctly address my concern. See below:

24-209: The FEIS fails to address my comment 12-4. The de-mapping of streets will adversely affect traffic congestion, safety, and pollution. The EIS stated that de-mapped streets would create "a number of design features that would enhance overall safety, including the elimination of several roadway segments through the project site," but it failed to justify this claim with evidence. Is the implication that view corridors are sufficient substitutes for a public right of ways?

24-211: The FEIS failed to address my comment asking to show evidence that de-mapped streets and disproportionately tall buildings will improve connections between neighborhoods. The FEIS does explain how the open space in the project will improve connections but it fails to address how de-mapped streets and extremely tall buildings amidst brownstone Brooklyn will fit into the surrounding environment.

Aside from these aforementioned two items, I am sorry to say that **21 other comments were not even addressed**. After spending much of free time during summer 2006 to draft these comments not only do I feel that the comments are significant for the future of the surrounding neighborhoods and NYC but also that ESDC should provide a response to those who took time to submit comments.

In addition, the FEIS places my number (299) in 24-42, grouping me together with comments that the scale of the project needs to be reduced. None of my comments stated that the scale of the project should be reduced.

Please see my comments to the DEIS, following this note. I have marked the text in blue to show that it has been commented on; in green to show that it was commented on but failed to address the question; and I left the text black for the questions that were not addressed.

I look forward to hearing from you.

Sincerely,

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TRAFFIC AND PARKING

12-2 – The DEIS fails to analyze traffic adequately because of poor methodology—the intersections studied were too few and too close to the project site. In fact, 40 intersections within a quarter mile of the project site were not even looked at. It is not acceptable to plan for an additional 15,000 people and fail to analyze important intersections just two blocks away from the project, such as at Fulton and Clinton.

12-3 – The Traffic Impact Analysis states that 73% of the intersections studied will be adversely affected by the time the project is completed in 2016. What about before 2016? Many intersections will surely be adversely impacted when streets are de-mapped before construction even begins. In addition, considering that most of the analyzed intersections were located within ½ mile of the project site, what adverse traffic and congestion impacts will the project have for Brooklyn and for Manhattan?

12-4 – The DEIS states that the project would incorporate “a number of design features that would enhance overall safety, including the elimination of several roadway segments through the project site...” This claim is not supported. De-mapped streets will lead to more congestion and therefore less safety. De-mapped streets will significantly increase traffic around the project site and thereby increase the number of automobile-related accidents. To substantiate the claim that eliminated roadways will enhance safety; the EIS should provide data to corroborate this claim.

12-4 – In addition, the DEIS states that to ensure safety during games, “police and traffic control officers would be deployed at key intersections in the vicinity of the area...” This project should not plan to use publicly employed officers to mitigate unsafe streets, which the project itself will generate. Instead, the project should address the source of these unsafe streets, which is perhaps the placement of an arena in an already congested part of Brooklyn.

TRANSIT AND PEDESTRIANS

13-11 – It is not reasonable to assume a 0.5% growth rate for the no build scenario, especially at the Atlantic Avenue subway station. In the DEIS, table 13-3 shows that turnstile counts increased 12% in 2005 (24,573 to 27,559), and 13% the previous year. The actual historical growth rate of this station’s ridership is therefore 24 times greater than the growth rate that the DEIS assumes. The assumed growth rate of 0.5% is therefore not consistent for all neighborhoods and should not be used for this project.

13-82 – Considering the addition of some 15,000 residents as a result of this project, the DEIS does not provide sufficient data to substantiate the claim that “crowding on the platforms at the Atlantic Avenue/Pacific Street subway station complex is not expected to be problematic...” An additional study needs to confirm this claim with more rigorous analysis.

MITIGATION

19-55 – Elimination of west crosswalk on 4th Avenue at Atlantic Avenue. The elimination of this crosswalk will force pedestrians to the center island named Times Plaza. Since many more pedestrians will be forced to the confluence of Atlantic Avenue and Flatbush Avenue where there will be a higher risk of automobile/pedestrian accidents, what will be the impact of added pedestrian crossing from this island? This crosswalk should be studied further to ensure pedestrian safety.

URBAN DESIGN

8-2 – The DEIS states that the project would be dramatically different from the surrounding neighborhood's design and it would "enhance the vitality of the area and foster connections between neighborhoods..." How would dramatically different buildings lead to better neighborhood connections? It is likely that a drastically different environment will isolate and separate the existing neighborhood from the new neighborhood, especially considering the breaks in the street wall, and enormous heights (that will cause increased shadows), and de-mapped streets, which hold together the sense of connections in urban settings. To justify the claim that this dramatically different new neighborhood will enhance connections, the DEIS needs to show evidence that de-mapped streets, disproportionately tall buildings, and open space within a private compound will, in fact, improve the connections between neighborhoods.

8-23 – Future without Proposed Project – It cannot be assumed that "the project site would remain unchanged and would continue to be inconsistent with the visual character of the surrounding area." In fact, development is already spurring infill within the same ¼ mile area, with several new buildings being constructed just one block from the project site at Dean and Carlton. In addition, the underlying zoning may change very soon since there is significant interest from real estate developers to build over the Atlantic Yards. In fact, the NYC Department of City Planning is currently preparing to rezone the Fort Greene/Clinton Hill neighborhoods and has stated that the review process for this rezoning should begin by the end of 2006. The northern side of Atlantic Avenue will be up-zoned in this rezoning project. Therefore, it is false to assume that the Atlantic Yards will not be rezoned. A clear example of this is taking place at the Hudson Yards in Manhattan, which were originally slated for the development of the construction of the Jets Stadium and Olympic Center and are now being planned to sell for non-stadium development after completion of the platform. After a plan to build upon the rail yard surfaces, mounting pressure to develop the site will continue regardless of whether or not the initial plan was realized. It is completely likely, hence, that local groups and elected officials work to rezone the site and then develop a plan with greater local participation to realize a different and better project that becomes a long-term visual and cultural resource. This possibility should not be discounted, as it is in the DEIS.

8-24 – The Urban Room – The Urban Room should not be called a publicly accessible open space, at least unless the authors are trying to confuse the readers to believe that an interior space is an outdoor space. The space is described as "a publicly accessible covered pedestrian space providing a place to congregate and access to the arena and subway..." This sounds like a description of the main terminal at Grand Central Station in Manhattan. Why is this space being called a publicly accessible open space if it's covered and has walls? Shouldn't this place be called the foyer to the

building and subway entrance? Regardless what this space is called, it is not open space and its area should not be a part of the project's open space calculation.

8-26 – Visual Resources – This section is misleading and inaccurate. De-mapped streets do result in significant adverse visual impacts. When a street is de-mapped it destroys the visual connection of the urban fabric, the street grid, which creates confusion to the passerby, impairs one's understanding of his/her location in respect to what is beyond the de-mapped street, and it removes in perpetuity the opportunity to build a significant visual structure within that view corridor.

8-28 – Street Pattern, Street Hierarchy, and Block Shapes – This section is simply false: the proposed project will adversely affect street patterns. In de-mapping three streets the project is essentially removing over 124,000 square feet of public though space (the area of the de-mapped roads) currently used for the free transportation of automobiles, pedestrians, and bicycles. By removing over a ¼ mile of public roads the project destroys the street grid, creating fewer places to access the surrounding neighborhoods and risking increased traffic and congestion on other roads. A project that adds density needs to maintain or increase the number of roads to provide additional egress for pedestrians, cyclists, and automobiles. The proposed project will adversely affect street patterns.

8-28 – Streetscape – The project would alter a streetwall that is consistent and clear: buildings front the street line. The proposed project would set back buildings, which would not create strong streetwalls; rather, the setback buildings would detract from the consistent Brooklyn framework where most buildings front the streetwall so that the line of sight along a block is consistent. A consistent streetwall helps to maintain a uniform structure while allowing individual buildings to have significantly different architectural styles. The streetwall should be maintained and altering would harm the project's connection to the surrounding neighborhoods.

8-29 – **Spelling error** – The closure of 5th Avenue (between Flatbush and Atlantic) would significantly add traffic to both Flatbush and Atlantic creating more congestion and more pollution. Also, there is a spelling error in the last sentence where it is stated that the street closure would help, "by eliminating intersections that are near on another?"

8-29 – Visual Resources – How can it be expected that the project will "make positive contributions to visual resources in the area" when, in fact, the project will make the area much darker because of shadows, it will remove the visual corridors produced by the de-mapped streets, it will not provide a visually obvious park space, and the scale of the buildings will be so massive in size that there will be no connection to the surrounding neighborhoods. To make positive visual contributions to the area, the project would have to scale down its size significantly, maintain the street grid, and place the open space in a park surrounded by public streets.

OPEN SPACE

6-2 – Open Space Ratios – In regard to DCP's open space recommendations, the DEIS states that "it is recognized that these goals are not considered feasible for many areas of the city and are therefore not considered impact thresholds." To substantiate this claim, the EIS needs to show why the DCP's goals are not considered feasible for parts of the city. Does the City of New York claim that DCP's standards are not feasible or are they just high, albeit achievable, goals?

6-14 – Parks outside the study area – The DEIS should not discuss parks that are outside of the bounds of the study area, e.g. Fort Greene Park and Prospect Park. The point of the study area is to determine what parks are within the scope of the project area, otherwise the DEIS might as well mention Coney Island because it too is accessible from the project site. Discussing parks outside the purview of the scope is misleading and not accurate. Parks discussed outside the ½ mile boundary should not be mentioned in the FEIS.

6-15 – Open Space without the Proposed Project 2010 – The DEIS states that no changes to open space are “expected” to occur without the proposed project. This is an unsubstantiated assumption. In fact, there has been interest by various groups who would like to build a platform above the rail yards to develop housing, retail, and park space, as is evident from the Community Plan for the Atlantic Yards. Should this project fail to materialize a different project may develop a park that is not only publicly accessible but a truly public venue, such as Fort Greene Park or Bryant Park.

6-23 – Open Space; Probable impacts of the proposed project - 2016 – In 16-10, the DEIS describes the Atlantic Terminal Houses: “This development has a tower-in-the-park configuration, which consists of a residential tower surrounded by lawns, trees, walkways, benches, and playgrounds.” This description appears to describe the style at the project site. The DEIS should state whether this project is planned to be in the style of tower-in-the-park and if not, it should explain how this project is not of the tower-in-the-park genre. This is important because urban planners have agreed that the tower-in-the-park model has not been successful because the open space is perceived as private or semi-private, thereby discouraging the public to use it. If this project is planning to construct a development in a style that has already been tried unsuccessfully, then an alternative plan should be chosen, such as the Reduced Density Arena Alternative.

6-23 – Bicycle path through Blocks 1120, 1121 & 1129 – The DEIS states that a bicycle path “would also 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.” Nevertheless, in the next paragraph it states that “The open space would be available for public use from 7:00 AM to 10:30 PM from May through September, and from 7:00 AM to the later of 8:00 PM and sunset in other months, seven days a week.” So the bicycle route will not act as a functional transportation route because it will be closed at various times of the day. This is not consistent with basic transportation planning concepts. How can the project claim to provide a bicycle path that will be not be operational at night? It would be absurd to close a street to automobile through traffic at various times of the day and it is no less absurd to propose that for bicycles. If a bicycle path is planned to pass through the project site, it needs to be accessible twenty-four hours a day, every day.

6-24 – Open Space (and challenge to CEQR definition of open space) – To judge the no build and build version scenarios equally, the net change in publicly accessible open space must be documented. In the build scenario, over 124,000 square feet (2.75 acres) of public open space are removed in the de-mapping of the 5th Avenue and Pacific Street. Although CEQR states that streets and sidewalks are private and not considered open space; this should be challenged. CEQR is wrong: Streets are public rights of way; **they are not private**. Streets should be considered at least partially as open space because they provide the public with a place to stroll, to play on the

sidewalk, to enjoy a leisurely bicycle ride, to play stickball, or just to sit and watch the neighborhood. In fact, many people spend most of their family time on the street with their children, pets, and loved ones. The street and sidewalk is space that the public uses daily, 24 hours a day. It would be wrong to include roads in the calculation of a city's open space but it would also be wrong to state that a street/sidewalk does not serve an open space function. Perhaps it would be best to place streets in the passive open space category, as stated in CEQR:

Passive open space. Open space that is used for relaxation, such as **sitting or strolling**, is classified as "passive." Facilities may include the following: plazas or medians with seating, a percentage of beach areas (sunbathing), picnicking areas, greenways and esplanades (sitting, strolling), **paths**, accessible restricted use lawns, gardens, church yards or cemeteries with seating, and publicly accessible natural areas used, for example, for **strolling, dog walking, and bird watching**. (CEQR, 3D-1)

Therefore, a road's removal should be tantamount to the removal of public open space. Indeed, the proposed project plans to essentially landscape the de-mapped streets and rename those same locations as open space. The fact is that the roads were 100% publicly accessible open space 100% of the time (i.e. 24 hours a day), while the proposed project's open space would be publicly accessible open space only 50% of the time because it would be closed in the evening hours.

Further, de-mapped streets are both active and passive publicly accessible open spaces. After subtracting the roads that are proposed for de-mapping due to this project, the net increase in publicly accessible open space is only 4.24 acres, not 7 acres. Therefore, 4.2 acres is the approximate figure that the project should use when assessing the project's impact on open space.

In addition, even considering CEQR's unreasonable position that streets and sidewalks are considered private space it should be noted that CEQR also states in that same paragraph (CEQR, Chapter 3, Table of Contents, Definitions, Open Space) that private open space "...is not included in the quantitative analysis but may be considered in the qualitative assessment of potential open space impacts." Therefore, the EIS should state qualitatively that, when taken into account, the de-mapped streets' elimination would lower the increase of the proposed project's open space. Or stated in another way, the project's net increase of open space after the de-mapping of streets would not actually increase the total open space to 7 acres.

6-24 – Description of proposed open space – The DEIS states that the open space created on blocks 1120, 1121, and 1129 would be an integral part of the development "facilitating connections between the residential neighborhoods to the north and south of the project site, and repairing the existing gap in the neighborhood fabric." This claim needs to be supported because the open space will be closed for approximately half of every day; it will have limited access points; and it will be surrounded by very large buildings, all which may create the appearance that the open space is private space. Therefore, the effect of this type of open space may actually sever neighborhood connections by isolating this site from the surrounding communities.

6-26 – Operation and Maintenance of Open Space – The DEIS states "it is expected that these open spaces would be deeded to a not-for-profit entity established by the project sponsors to maintain and operate." Is it a realistic expectation to plan for a nonprofit organization to maintain publicly accessible open space within a private development? What kind of nonprofit would do this and why should it when the open space is within the confines of a private development? Shouldn't the

maintenance be planned and paid for by the developer? Perhaps the residents would have a higher maintenance fee to cover these costs, even though the spaces would be open to the public. This points to the fact that open space needs to be separated by public rights of way so that it appears to be public; only then will a nonprofit or government agency take it upon themselves to manage and operate.

6-26 – Open space increase – As mentioned earlier, the amount of open space will not increase as much as the DEIS claims that it will be it does not take into consideration the loss of publicly accessible open streets that, after being de-mapped, take away the public's ability to stroll, bicycle, play Frisbee on a calm Sunday afternoon, or just sit to enjoy the streetscape. The amount of additional open space therefore is approximately 28.2 acres in 2016 (and not 30.95).

6-28 – **Spelling error** – The DEIS states "The proposed project would affect an open space in another way." This is another spelling error.

6-28 – Shadows on the Atlantic Terminal Houses – The DEIS states that shadows would create adverse effects on the Atlantic Terminal Houses and that "on the cooler analysis days when shadows are longer (March/September and December), the duration and extent of the shadow coverage would adversely affect users as these shadows might diminish the attraction to use this open space resource." This adverse effect 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. The effects of shadows need to be analyzed more closely to ensure that lower income, minority families are not disproportionately affected by this project.

6-28 – Qualitative Considerations of Open Space – In regard to the Reduced Density Arena Alternative, in 20-61 the DEIS states "The pocket parks would be surrounded on three sides by new residential buildings; therefore, they may not be perceived as public parks by other residents of the community." Nevertheless, this is not mentioned in the Chapter 6 (Open Space) for the proposed project. Why not? The DEIS fails to be consistent in methodology. If it is assumed that pocket parks surrounded on three sides may not be perceived as public parks by other residents then, by the same logic, it would surely require the EIS to state that open space surrounded on all sides by new tower buildings would similarly not be perceived as public space by outside residents. This is yet another clear example to shows that the DEIS is inconsistent and filled with poor reasoning.

NEIGHBORHOOD CHARACTER

16-1 – Neighborhood character – The DEIS states "the change in character on the project site would not alter the basic character of the surrounding neighborhoods, whose defining elements are located at some distance from the project site and are protected by zoning and historic district designations." This claim is completely unjustified and counterintuitive. How can it be claimed that over 16 tall buildings dropped within 2-5 story neighborhoods will not alter the basic character of the surrounding neighborhoods? The shadows will darken the surrounding neighborhoods and traffic will make them more dangerous to pedestrians. What data supports the claim that the project would not alter the basic character of the surrounding neighborhoods? In addition, the defining elements of these neighborhoods are not located "at some distance away" from the project site, they

sit literally across the street from the project site. Shadows will cast much further than Dean Street, they will go well into Park Slope and Fort Greene.

16-2 – Transforming a community – The DEIS states that “the overarching goal of the proposed project is to transform the character of the project site from an underutilized and blighted area into a vibrant mixed-use community.” Nevertheless, the project that FCR is proposing goes counter to many accepted principles for developing successful communities. The Municipal Arts Society echoed this when their representatives stated on June 16, 2006 that certain principles must be followed to bring about a successful project. These principles are summed up as 1) Respect the existing neighborhoods; 2) Don’t eliminate streets; 3) Create a real public park; 4) Promote lively streets; 5) Don’t choke the streets. This project should follow these guidelines, especially considering the amount of public subsidies that are going to the developer.

UNAVOIDABLE IMPACTS

Chapter 21-3 – Shadows – The DEIS states that an unavoidable adverse effect would be the casting of shadows. It states: “Reducing the height of these structures would be inconsistent with the goal to establish a high-density, mixed-use project in an area that is well served by necessary infrastructure, particularly transportation.” It would not be inconsistent with the goal of establishing a high-density, mixed-use project to reduce the heights of the proposed buildings. In fact, according to a residential permit parking study that was commissioned for the Downtown Brooklyn Council, the nearby communities of Fort Greene, Brooklyn Heights, and Boerum Hill are some of the most densely populated areas in the country, with over 32,000 residents per square mile. This project does not have to build over 8 million square feet of mixed-use space to achieve a high-density project.

The typical neighboring blocks maintain about 75 buildings each, and each one is about 4-5 stories tall. Therefore neighboring block to the project provides about 375 floor-through apartments per block. The proposed Atlantic Yards projects spans approximately 5½ blocks, so at the existing neighborhood scale (i.e. 75, 4-5 story buildings per block) the site would create some 2062 floor-through apartments. Nevertheless, by reducing the residential component of the proposed project by 50%, the product would still make approximately 3,000 residential units, which is 50% more dense than the surrounding neighborhoods. Reducing the heights of the proposed project’s buildings is not inconsistent with the goal to create density, and it would avoid the negative impact of shadows on surrounding buildings and neighborhoods. It is not reasonable to state that any reduction in density would be “inconsistent with the goal to establish high-density.” A reduction in density from 8.7 million square feet to 5 million square feet is certainly less dense but in comparison to the surrounding neighborhood, a 5 million square foot project would still be very dense indeed.

FRAMEWORK

2-3 – Public Review – The public review process conducted by the lead agency, the ESDC, was poor and lacking sufficient planning. The public hearing on August 23, 2006 began late and little time was given to the public to comment. In fact, nearly 45 precious minutes were squandered as the lead agency allowed for the project consultants to describe the project plan even though the meeting was a public hearing and not a project summary to the public. This was one example of the lead agency’s failure to provide sufficient public review. Other failures include the lead agency’s inconsistency of timekeeping during speakers’ comments; the choice of a small venue for such a

large and contentious project; the failure of the lead agency to fairly monitor the venue's entrance policy (i.e. hundreds of people were locked out); the failure to maintain a civil public hearing by not enforcing measures to counter disrespectful and irreverent behavior consistently.

ALTERNATIVES

20-2 – No action alternative – The DEIS states that under the no action alternative “The MTA would not dispose of the air rights for the rail yard and, therefore, the rail yard (Blocks 1119, 1120, and 1121) would remain essentially in its current configuration.” Why does the DEIS make this claim? Is not it likely that, should the proposed project not go forward, that the MTA would re-appraise the rail yards and put them up for bid? It does not make sense to say that if this project fails to materialize that another project, even different from the other alternatives, would not rise. The MTA would dispose of the air rights under the right conditions and it is clear, as seen by the Extel bid for the rail yards, that even other developers are willing to pay more for the land than FCRC. Therefore, this is a false assumption.

20-52 – Reduced Density Arena Alternative – The DEIS states that the Reduced Density Arena Alternative would create an arena that is too small. “As described in Chapter 1, “Project Description,” only one National Basketball Association (NBA) arena is smaller than 700,000 square feet, and every facility that has been constructed since 2000 has been larger than 750,000 square feet. The larger footprints of new arenas have been required to meet the logistical considerations of modern, professional sports venues.” The DEIS does not substantiate this claim with any proof. Perhaps most facilities are built larger than 750,000 square feet simply because they are built in locations with more free space to build. This claim is completely unsubstantiated.

20-61 – Qualitative Assessment of Open Space – The DEIS says that the Reduced Density Arena Alternative would place its largest park to the south of Atlantic Avenue and that “This location is not ideal for a park. It would be bordered on all sides by city streets, including Atlantic Avenue, which carry heavy traffic volumes.” Nevertheless, streets border many of our best parks: Bryant Park, Central Park, Fort Greene Park, and Prospect Park, for example. This proposed park would be qualitatively better than most of the proposed project's open space because it would clearly be public specifically due to the fact that it would be surrounded by streets and not nestled within a private mixed-use development. Also, Atlantic Avenue does carry heavy traffic volumes but traffic calming techniques could be implemented to make for safe crossings. Moreover, the added streets (S. Oxford Street and Cumberland, for instance) would provide more opportunities for traffic calming techniques, such as traffic lights, bulb outs, improved lighting, and well-painted crossings.

In addition, the DEIS states that “Furthermore, the location of the park between an arena, a hotel, and an arterial street would isolate the open space from the residential neighborhood.” Although there would not be residential units adjacent to the park, it would still near many residential neighborhoods. It should not be assumed that only residents on the periphery of Central Park or Fort Greene Park are those who frequent the park, which would be a ridiculous assumption. Residents from far and near would come to visit this park because it would clearly be public in nature and open to all. Therefore, the location of the park would not isolate the open space from the residential neighborhood.

Later on the same page, the DEIS states "Furthermore, it is anticipated that the open spaces that would be provided under the Reduced Density—Arena Alternative would be less appealing for general public use than those included within the proposed project." Where is the evidence to corroborate the claim that the Reduced Density Arena Alternative would have less appealing open space? Was there a survey done to provide evidence for this claim? In general, it would probably be assumed that people prefer parks that are clearly public parks, those parks surrounded by public rights of way. This claim, that the Reduced Density—Arena Alternative would be less appealing for general public use is unsubstantiated.

20-62 – Urban Design and Visual Resources – The DEIS states "The Reduced Density—Arena Alternative proposes to continue the grid pattern of Fort Greene south across Atlantic Avenue into Prospect Heights by extending South Oxford and Cumberland Streets, and Clermont Avenue through the rail yard on Blocks 1120 and 1121 of the project site. The extensions of these three streets would terminate at Pacific Street, creating midblock T-intersections and five smaller blocks, and would serve mostly project-generated vehicles." It should not be assumed that a one-block extension of the grid is not significant. These three added blocks would provide much light and air to the development to make the increased density feel more bearable. In addition, the added streets would provide easier access to and from the site, especially for pedestrians who would not have to cross a super block. After all, this would be similar to the successful design concept that was used at Rockefeller Plaza.