



# Atlantic Yards Development Proposal: Analysis of the Final Environmental Impact Statement

## *Bullet-Point Reduction*

### GENERAL ISSUES AND ANALYSIS FRAMEWORK

#### ***SIGNIFICANT ADVERSE IMPACTS NOT DISCLOSED IN THE FEIS.***

The analysis presented in the individual chapters by consultants to the Council of Brooklyn Neighborhoods finds that the FEIS failed to disclose the following adverse impacts.

- *Land Use and Public Policy*  
The project sharply breaks with the City's land use, zoning and redevelopment policies.
- *Socioeconomic Conditions.*  
The FEIS fails to disclose public costs and understates secondary displacement.
- *Community Facilities*  
The project could have adverse impacts on community facilities but due to faulty methodology (incorrect calculations) no analysis was performed.
- *Open Space*  
The FEIS underestimates the open space deficit and inappropriately identifies private space as public.
- *Cultural Resources*  
The impact of the project on historic districts is not accurately assessed.
- *Infrastructure*  
The FEIS fails to demonstrate that there will be no significant impact on Combined Sewer Overflows despite proposed mitigations.
- *Traffic and Parking*  
Cumulative traffic impacts beyond the effect on intersections are not addressed.
- *Transit, pedestrians and bicycles*  
Crowding on transit and risks to pedestrians and bicyclists are underestimated.
- *Public Health*  
Significant air quality, noise, shadow, and displacement impacts will have adverse effects on public health.

Since adverse impacts are not disclosed in these areas, mitigations are also lacking.



- ***STUDY AREA BOUNDARIES ARE CHANGED IN WAYS THAT BIAS THE RESULTS***

Many people rightfully asked that study area boundaries be expanded beyond the ¼ mile proposed in the Draft Scope of Analysis. Their concern was that the full impacts of such a large project be measured beyond the blocks immediately surrounding the site.

- The FEIS in some cases conceals the full impact of the project on the blocks immediately surrounding the site by burying them in statistics for the larger area.
  - In the Socioeconomic chapter the most severe and disparate impacts, which are likely to occur in the blocks and neighborhoods closest to the site, are discounted or diminished because the analysis focuses on area-wide trends. Averages and median values used conceal wide variations in populations.
- In other types of analysis, the boundaries are not expanded far enough. In transportation, the Brooklyn-Queens Expressway and other elements of the regional road network are excluded. In community facilities and services, the three community boards affected are not analyzed.

- ***DATES FOR ANALYSIS ARE INADEQUATE***

Community responses to the Draft Scope proposed looking to assess potential impacts. Lengthy time horizons (20-40 years ahead) are essential to assess major project impacts.

- Secondary displacement and community facility impacts will only begin to take effect in 2016. A project of this size may unleash a chain of events that will have long-term implications.
- It is inconsistent and misleading to total up purported fiscal and job benefits over a 30-year period without totaling up the costs and negative impacts over a 30-year period. This is a one-sided analysis and does not belong in an objective disclosure document.
- A longer time frame is also needed to take into account the probability (and likelihood) of delays in development, and changes to the phasing.

- ***BASELINES ARE TOO LOW***

- The FEIS fails to include significant new development in the Future No Build Condition. According to the analysis by Community Consulting Services, approximately 11 million square feet of proposed development was not included. This accounts for about 50% of the total development planned for the study area. This oversight results in an understatement of the extent of No Build traffic conditions and therefore understates the potential for gridlock that will prevail when the project is built.

- ***IMPACTS ON THE HEALTH AND WELL-BEING OF RESIDENTS AND WORKERS***



- The Atlantic Yards FEIS consistently dismisses the potential impacts on people who live and work in the area by focusing on the complexities of asthma and noise, and the scientific uncertainties in determining cause and effect. If the FEIS can quantify probable increases in particulate matter and decibel levels, it can estimate the effects on asthma hospitalization rates and increased risks of physiological and psychological damage in the population.
- Small regard is given to human impacts as reflected in the way that air and noise impacts were estimated
- There is no discussion of how shadows may affect the physical and mental health and welfare of people who live and work in the area. Severe shadows can also limit the use of open space, degrade the quality of life in public spaces, and increase energy (heating and lighting) costs.
- The FEIS downplays the impacts of secondary displacement because it fails to look at what displacement means to individual residents, business owners, and their customers. As a result, the analysis of potential displacement never looks at the real lives of people in the neighborhoods and how they will be affected by a new development on the scale of Atlantic Yards.
- **AREAS OF COMMUNITY CONCERN NOT COVERED**

While the FEIS was responsive to some requests made after issuance of the Draft Scope of Analysis, several areas of concern were not evaluated:

  - Environmental Justice
    - Our preliminary review of information presented in the project plan shows probable disparate environmental impacts impacts.
  - Security and Terrorism
    - A large development with an arena built over the City's third-largest transit hub should address issues of security and terrorism
  - Mental Health
    - Our preliminary review of information presented in the project plan shows probable disparate mental health impacts.
  - Wind
    - There is a strong likelihood that the project will produce wind tunnel effects
  - Heat Island Effect
    - There is a strong likelihood that the project will exacerbate the heat island effect (downtown Brooklyn has a substantial heat island comparable to lower Manhattan)

By failing to disclose potential adverse impacts in these areas, the FEIS is incomplete.



- **ALTERNATIVES NOT SERIOUSLY EVALUATED**

The FEIS too often reads like a promotional piece for the project as proposed and does not present an objective comparison and analysis of the project with the three alternative plans – the UNITY, Extell, and Pacific Plans.

  - The FEIS states that only the Project fully meets development goals, but the goals were set arbitrarily by the project developer to favor an extremely large-scale development, and the other, smaller-scale plans therefore do not measure up.
    - This is self-serving, circular logic.
- **MITIGATIONS**

The FEIS acknowledges significant adverse impacts but fails to provide adequate mitigations in the following areas: traffic and transit, air quality, noise, urban design, open space, shadows, historic resources, and school facilities.
- **COORDINATION WITH CITY AGENCIES**

As called for in the CEQR Manual, the FEIS should involve coordination with appropriate City agencies.

  - There is scant evidence of such coordination in the FEIS, and where there are references to contacts with the City,
    - No substantive backup material is 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 of Sponsoring Agency but not provided.
- **LACK OF ACCESS TO BACKUP DATA**

The Sponsoring Agency was only partially responsive to CBN requests for backup data, but failed to provide all data requested.
- **CONCLUSION**
  - Supplements to the FEIS should have been issued and presented for review before any decisions were made about the project.
  - The deficiencies are serious enough to warrant consideration of a new EIS process.



## LAND USE, ZONING AND PUBLIC POLICY

- ***THE FEIS FAILS TO DISCLOSE SIGNIFICANT AND ADVERSE IMPACTS***

The project meets all five of the threshold criteria listed in the CEQR manual for a significant adverse impact, as demonstrated below. The FEIS incorrectly states that the impacts will be significant but not adverse.

### **CEQR Criteria:**

1) The changes would not be compatible with other uses in the area;:

The Arena and high-density uses are incompatible with the low- to mid-rise residential uses in the area and are only compatible with the small group of commercial uses in the area owned and operated by Forest City Ratner.

2) The use changes would not be compatible with public land use policy;:

The use changes are not compatible with the ATURA plan and are not included in the Downtown Brooklyn Development Plan.

3) The new development would increase density in the area, and such density does not conform to public policy and plans for the area;:

The proposed densities are two to three times as high as current residential densities and permitted densities in the residential neighborhoods.

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;

The proposed project would place a severe burden on infrastructure, particularly traffic and mass transportation, without making any significant improvements.

5) The use changes would accelerate existing and anticipated trends in development for the area that lead to adverse socioeconomic impacts.

The proposed project would accelerate displacement of low- and moderate-income tenants and the racial division of the neighborhoods.

- ***CONSISTENCY WITH ATURA***

The FEIS incorrectly claims that the project is consistent with ATURA, but then admits ATURA has to be overridden because it is not consistent.



- The FEIS fails to disclose a significant inconsistency with local redevelopment policy.
  - The FEIS does not respond to or refute the comment that the ATURA plan did not include development on the rail yards.
  - It is clear that since the 1970s the ATURA plan did not project building over the rail yards.
  - If the project were consistent with ATURA then overrides would not be necessary.

- **PACIFIC/DEAN CORRIDOR**

The FEIS fails to prove that its claim of blight on the blocks between Pacific and Dean Streets is consistent with the City's redevelopment policy, specifically the ATURA Plan.

- In its Response statements, the FEIS completely evades the comment that ATURA never considered these blocks blighted.
- The City never considered inclusion of these blocks in ATURA. Sites 5 and 6A are distinct from the area in question,
  - When ATURA was modified with respect to these sites it could easily have incorporated the blocks between Pacific and Dean Streets but did not.
  - The last modification of ATURA was in 2004, after announcement of the FCR Plan.
- Therefore, the FCR plan can not claim consistency with ATURA; it ignores ATURA.

- **SCALE OF DEVELOPMENT**

Comments on the DEIS cite the City's approval of previous plans for development in ATURA that call for a scale and configuration consistent with the prevailing low-rise pattern in the surrounding neighborhood.

- The FEIS ignores this comment and therefore fails to acknowledge an inconsistency with City redevelopment policy.
- The FEIS fails to acknowledge the City's preference for 3-story rowhouses in the recent ATURA residential project.
  - Instead the FEIS preaches about the developer's Design Guidelines. These Guidelines are consciously aimed at creating a new signature development distinct from the surrounding area, including most of ATURA.
- The Atlantic Yards project is premised on the notion that the area is blighted and lacks a "coherent character." In fact, the predominant character of the area is low- to mid-rise residential, which was recognized in the City's reduction of the scale of new publicly financed housing in ATURA from six to three stories.



- **THE ARENA**

The proposed Arena is inconsistent with the City's zoning policy.

- The FEIS fails to fully disclose this by instead questioning the wisdom of the City's zoning policy. The FEIS implicitly questions the wisdom of the City's policy.
- Furthermore, the project sponsor intends to further violate City policy by planning four buildings adjacent to the arena that would include residential uses.
- The DEIS gave examples of stadiums that are compatible with residential uses. Comments noted that these assertions were not proven. The FEIS still fails to prove compatibility.
- The argument that the arena and residential uses are compatible only undermines the legitimacy of the City's zoning policy in general and evades the fundamental issue of disclosure: the proposed arena is inconsistent with City policy.
  - Instead of fully disclosing this inconsistency the FEIS seeks to convince decision makers that the City policy is illegitimate.

- **THE PROJECT AS URBAN BARRIER**

The design details in the FEIS show that the project will act as a barrier.

- Seventeen high-rise buildings and an arena within a 5-block area, one of the densest developments in the nation, will clearly constitute a barrier. Closing streets that are now open to the public will reinforce the barrier.
- Plans of the proposed project show that the paths through the project would be obstructed by landscaping and not direct, and there will be changes in elevation.
  - Visual barriers will be significant.
- The bicycle path is an inconvenient detour from the area bicycle network, as suggested in comments by Transportation Alternatives, New York's largest bicycle advocacy group; cyclists would face safety risks using it, and the FEIS does not contain any design details that might make it safer. Therefore, the FEIS fails to disclose a significant and adverse land-use impact.

- **THE ARENA AS URBAN BARRIER**

The FEIS incorrectly denies that the Arena will act as a barrier between neighborhoods and function as a separate enclave.

- The Flatbush/Atlantic/Fourth Avenue intersection is one of the most dangerous in the city. Flatbush and Atlantic Avenues are wide avenues and pedestrians already have difficulty crossing them. The ground-level uses referred to will not be easily accessible to residents in Prospect Heights and Fort Greene.



- A recent study of wind<sup>1</sup> at this location disclosed that if the project is built this location would be subject to wind-tunnel effects, making outdoor sitting unpleasant, and calling into question its use as an amenity for the neighborhood.
- Planned signage with illumination will create a Times Square-like environment incompatible with the surrounding residential neighborhoods. The National Trust for Historic Preservation and Scenic America, among many other groups, have called into question the disconnect between the project and neighborhoods.

• **IMPACT OF THE PROJECT ON INDUSTRIAL USES**

- The FEIS provides no evidence that it has studied potential negative impacts on industrial uses. If these small businesses are forced out, the mixed-use character of the area would be changed, and the FEIS must disclose this. The discussion in the FEIS is speculative, contradictory and summarily dismisses the question.
- The FEIS dismisses the disclosure it made in the DEIS as purely speculative, thus acknowledging that the project sponsors have not seriously considered or studied the matter.
- The FEIS incorrectly claims that even if industrial uses are forced out it wouldn't change the mixed-use character of the neighborhood
  - But without industrial uses the area could no longer be considered mixed-use.
  - Other uses might replace the industrial uses but that would result in a different kind of mixed use and a different neighborhood character.

• **IMPACT OF THE PROJECT ON RESIDENTIAL USES**

- The FEIS repeats Developer's claims that contextual zoning and historic districts will protect vulnerable residential districts but does not study, analyze, or prove the claims.
- The FEIS completely overlooks any analysis of the areas not protected by contextual zoning and historic districts, despite requests for such analysis.
- It is most likely that pressures for medium-density and high-density residential development will emerge in the surrounding residential neighborhoods rather than in the busy downtown area
- It is likely that developers will seek land for high-density residential uses in the surrounding areas and propose zoning changes or variances to accommodate them.

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<sup>1</sup> The wind study commissioned for the ESDC was referred to in the FEIS but was only made available after a journalist filed a FOIL request. All studies are required to be available for examination. This was another example of violation of SEQRA regulations. Additionally, the results of the wind study were misrepresented in the FEIS to the point of exact contradiction.



- The FEIS fails to take a hard look at the areas of Clinton Hill and Prospect Heights, which are within the study area and vulnerable to land-use changes. The South Slope is within the study area, contrary to the claim in the FEIS.
- The statement that the project will not spur substantial changes in neighborhoods is not based on any historic or zoning analysis
- There is no commitment from the City Planning Department that over the next decade there will be no upzoning of surrounding areas, nor would it be consistent for that department to make such a commitment.
  - No City policy can stop private developers from applying for zoning changes.
- The FEIS does not compare the existing zoning envelope with existing floor area to disclose the extent and amount of potential build out in the surrounding neighborhoods.
  - This disclosure is necessary to understand the potential for development even without any zoning changes.

• **ATLANTIC AVENUE ZONING**

- The zoning along Atlantic Avenue on both sides of the project is at a significantly lower density than the proposed project's density. Therefore, the project is inconsistent with the City's zoning policies for Atlantic Avenue. The FEIS denies these facts.
  - As stated in the FEIS, "the total FAR of the proposed project would be 7.8 (9.0 without the street beds incorporated), or three times the contextual residential zoning.

• **DOWNTOWN DEVELOPMENT PLAN**

- The City's Downtown Development Plan did not include the Atlantic Yards project, and therefore the project cannot be said to be consistent with the Plan.
- The FEIS does not address the community concerns about the blocks in the FCR project other than Blocks 927 and 1118, which are only a portion of the project site.

• **TRANSIT-ORIENTED DEVELOPMENT**

- The FEIS tries to justify the project by saying it is "transit-oriented development," but the project proposes no increase in transit services, has the effect of degrading mass transit service and encouraging greater auto use.
- The FEIS claims that transit-oriented development is consistent with City policy but there is no coherent or definite statement of City policy regarding development over transit stations.



- The project sponsors propose no expansion of transit services to meet the added demand on multiple transit lines that are already at or over capacity. They propose no transit to serve arena-goers.
  - This suggests instead that the project will be auto-oriented, with its 3,800 parking spaces, shuttles to arena parking, and failure to reduce vehicular traffic in the area.
- The project encourages auto use and is less transit-oriented than high-density residential developments that do not include large numbers of parking spaces.
- Upgrading of the rail yard would be undertaken mostly to facilitate construction of a platform by the developer. An upgraded rail yard is not a priority for the MTA and though it may improve some operations will not have an appreciable effect on rail service.
- The DEIS and FEIS claims regarding transit improvements are grossly inflated. No increase in subway and rail capacity is planned, nor are there plans to improve platform capacity, nor other tunnel and stairway capacities in the stations.
- Transit-oriented development doesn't necessarily mean building on top of a transit hub; density can be planned within walking distance (1/4 mile) of the transit hub.



## **SOCIOECONOMIC CONDITIONS**

### **• INDIRECT DISPLACEMENT**

- No evidence was provided in the FEIS to support the claim that the project would not result in secondary displacement of businesses and residents..
- The use of large-area census data was inadequate to determine potential displacement on a block-by-block basis in the immediate study area. The FEIS produced no block-level data and no original data.
- The DEIS statement that there are enough commercial vacancies in the study area to absorb any potential displacement was not based on any original detailed survey data that matched the specific needs for space with the type, size and suitability of space by type of business. The FEIS produced no detailed data or analysis.
- The FEIS did not project displacement impacts beyond the 2016 build date
  - The FEIS based its approach on the narrowest interpretation of the CEQR manual.
    - CEQR guidelines do not limit projections to a ten-year horizon *but instead require that the horizon be adequate to fully disclose **all potential impacts**.*
- Rents and property values in the surrounding neighborhoods will most likely increase once the project is in operation.

### **• PUBLIC SUBSIDIES**

- The FEIS did not make a complete disclosure of all public subsidies, including tax exemptions, infrastructure subsidies, bond-financing subsidies, school construction costs, and affordable housing.

### **• INCOME AND RACE DISPARITIES**

- The FEIS did not look at the dispersion of data for income and race.
- The DEIS demographic analysis relied only on average or median statistics for census tracts and did not look at the dispersion of the data.
  - Within census tracts there are bound to be significant differences that are obscured by averages and medians.
  - This analysis could reveal that the project would disproportionately affect people with low incomes and minorities.



## **ENVIRONMENTAL JUSTICE**

- ***SOLID WASTE***

- The FEIS ignored concerns that the generation of solid waste by the project would have a disparate impact on Greenpoint and Williamsburg, which have the highest concentrations of waste transfer stations in Brooklyn and have significant low-income and minority populations.
- While the project's contribution to the city-wide waste stream may be miniscule, its effect locally could be significant and adverse. The FEIS fails to take a hard look at the issue.

## **COMMUNITY FACILITIES AND SERVICES**

- ***POLICE AND FIRE***

- The FEIS provided no evidence to support the claims, made in letters by the NYC Police and Fire Departments, that the project would not decrease emergency response times.
- The only new claim was that emergency vehicles would not be affected by the chronic traffic congestion in the area because they do not have to obey traffic signals as ordinary traffic does.
  - This assertion suggests that congestion never slows down emergency vehicles. No studies support this claim.

- ***SECURITY AND TERRORISM***

Extensive comments were submitted reflecting concern about security issues.

- Responses in the FEIS only assure that security will be taken into account but there is no evidence presented or discussion.
- The FEIS calls concern about the likelihood of the Atlantic Yards complex being a terrorist target "speculative" despite the following facts;
- The project site is in close proximity to the economic hub of the United States, a recognized terrorism target.
- The project's design incorporates large scale elements classified by US Department of Homeland Security as potential terrorism targets.
  - Glass clad street wall skyscrapers
  - Arena/athletic complex
  - Major underground transit hub
  - Large underground parking garage



- The Atlantic transit hub itself was the target of a bomb plot uncovered before 9/11.
- The proposed project would implement its own site security plan with a private security staff and private security plan and procedures, assuming responsibility for the safety of the massive publicly accessed complex.
  - There is no indication of how public law enforcement will supervise private security actions.
  - There is no indication what sort of security measures will be employed by the private security staff, which may include public monitoring and screening procedures.
- In addition, as noted in the FEIS, the project sponsors have consulted with the FDNY regarding access needs of emergency vehicles and other safety considerations, such as evacuation plans for places of public gathering and fire protection and security measures, and have met with NYPD to review the overall project and public safety and security measures. Consultation with NYPD and FDNY has been taking place and would continue should the project move forward. Disclosing detailed security plans is not appropriate for an EIS.

The FEIS fails to disclose even the major outlines of the plan – if it indeed exists. There is no evidence that police and fire response times will not be compromised.

## URBAN DESIGN

- DEIS comments stated there is no justification in the DEIS for closing Pacific Street.
  - There are no changes in the FEIS.
- DEIS comments stated that there is no justification for not maintaining a street wall along the north side of Pacific Street.
  - There are no changes in the FEIS.

## CULTURAL RESOURCES

- With respect to the potential landmark buildings on the project site, DEIS comments noted that the DEIS argument that “...retaining the buildings constrains the goals of the master plan” is a circular argument because the developer created the master plan.



- There are no changes in the FEIS.

## **SHADOWS, AIR QUALITY AND NOISE**

- DEIS comments emphasized that the DEIS failed to consider the effect of shadow, air quality and noise impacts on human health and well-being.
  - The FEIS does not substantively respond to these concerns and responses simply refer back to the DEIS and CEQR Manual.
- ***IMPACT OF NOISE ON PEOPLE***

Comments by the Council of Brooklyn Neighborhood's noise expert in many instances called specifically for a noise analysis that considers the impact of noise on people and goes beyond quantitative measures and a narrow interpretation of the CEQR Manual.
- ***HVAC NOISE***

The FEIS never disclosed the noise impacts of HVAC systems, one of the major sources of on-site noise, and one of the major sources of noise complaints in the city.



## OPEN SPACE

### • **EXISTING OPEN SPACE RATIO**

- The FEIS incorporates into its count two (2) traffic islands, one at Atlantic/Flatbush/Fourth, and the other at Grand Army Plaza. Difficult to access through multiple lanes of traffic, these spaces are not used by the public for recreation.

### • **FUTURE OPEN SPACE RATIO.**

- The FEIS fails to disclose that the future passive open space ratio would remain far below the recommended level, almost three times below the City's recommended level.
- The qualitative assessment given in the FEIS is not an assessment. It merely mentions that certain spaces are resources, but these are either private spaces or outside the study area:
  - The private spaces named are the rooftop garden on the arena, the Urban Room, and plaza areas which are basically wide sidewalks.
  - The spaces outside the study area that are named are Prospect Park, Fort Greene Park, and Grand Army Plaza, a traffic circle with little potential for public use.

### • **LACK OF ACTIVE OPEN SPACE**

- The FEIS proposes a disproportionate amount of passive open space. Only ten percent of the already insufficient proposed open space would be "active" open space able to offer the kind of activities attractive to group recreation.
  - One basketball half-court, one volleyball court, and two bocce courts is still not adequate to meet the activity needs of 15,000 new residents.
  - The FEIS comment that "...active uses are not well-suited to being located immediately adjacent to residential buildings" suggests that the programming in the "active" open space will be very limited, decreasing the opportunities to engage area residents other than tenants of the project, thereby limiting the usefulness of the space even if it is accessible.

### • **ACCESS TO OPEN SPACE**

- While plans in the FEIS show a grassy area and a water feature, because of the situation of the buildings around the perimeter the visual corridors still look like interior courtyard areas more suitable to a residential project (FEIS figure 6-4, figure 6-3)
- The FEIS claims that each of these corridors would be 60 feet wide, but figure 6-4 clearly shows that the majority of the corridor is obstructed by trees



and planting, particularly apparent in the South Oxford street extension, with multiple plantings mid-path.

- Obstructed views and areas largely shadowed by building angles may foster concerns of safety and become a deterrent to public use of the space.
- The interior corridors would not have significant ground-level retail or community facility uses that draw pedestrians from outside the project, suggesting that the planned open space will function mainly as private.
- Bicycle traffic, if the space serves as part of the City's bicycle network as suggested, could well conflict with active and passive recreational uses. This concern was not addressed in the FEIS.

### ● **GROUND FLOOR BUILDING USES**

- The FEIS fails to prove its claim that ground floor uses in the project will encourage foot traffic through the interior open spaces.
- The ground-level retail spaces that draw pedestrians would be mostly on the perimeter blocks, Atlantic Avenue and Vanderbilt Avenue, not the interior corridors.
- The FEIS does not support the assertion that the interior spaces will draw pedestrians. Although the FEIS identifies which buildings will have ground-level retail, there is no scheme for locating entrances and no analysis of the specific kinds of uses to gauge the level of activity.
- The FEIS does not clarify the design requirements for street-front retail other than "glazing requirements". The majority of the building fronts will be blank walls.
- The same renderings also show building lobbies facing both street-fronts and the internal open space, further deadening the vitality of the sidewalks and increasing the feel that the open space is for tenant use.

### ● **SECURITY MEASURES THAT DETER PUBLIC ACCESS**

- The FEIS fails entirely to address the concerns that various security measures may be allowed to be designed, when the project is built or in the future, by building owners without further public oversight or input, which could legally deter public access to the planned open space.

### ● **IMPACT ON TREE CANOPY**

- The FEIS fails to respond to the request to analyze the impact on the present and future street and yard tree canopy.. In chapter 9 of the FEIS (Shadows) the tree canopy is mentioned only as part of the methodology.

### ● **OTHER IMPACTS ON PROPOSED OPEN SPACE**

- The FEIS did not respond to the concern that the open space planned on the project site will not be inviting to the public and usable because of shadows, wind, pollution, noise, and traffic in the area.



- THE FEIS Response 15-13 specifically states that noise receptors were only placed “near” the project site, it does not attempt to analyze future noise on the site, and only addresses construction impacts, not the permanent effects of traffic on area open space.
- The FEIS proposes to mitigate adverse interior noise and air quality impacts by providing double-glazed windows and air conditioning to residents, but there are no mitigations within the planned open space.

- **WIND TUNNEL EFFECTS**

- A wind tunnel study commissioned by the ESDC’s engineers concluded that there would be significant adverse Wind Tunnel effects.
  - The Wind Study was not included in the DEIS or the FEIS. In complete defiance of the SEQRA requirements, access to the wind study was obtained only by use of a FOIL request.
- The FEIS barely referenced the negligible results of ‘a study’ in their response to the effects of wind on the nearby Brooklyn Bears Community Garden. This was a complete misrepresentation of the ESDC’s study, which concluded that the wind tunnel effects would render the Garden unusable 14% of the time, and that the Open Space around the towers would be unsuitable for outdoor use.

- **THE URBAN ROOM AS OPEN SPACE**

- The FEIS describes the Urban Room, but does not justify counting it as a qualitative mitigation for the shortfalls of the open space plan.
  - Approachable from most directions only by crossing multiple lanes of traffic, the Urban Room is rendered inaccessible to handicapped, elderly and young people.
  - The Urban Room will function as a lobby, not as a mitigation to open space. It will be the main entrance of the arena and therefore become inhospitable to anyone but ticket holders on event nights.
- FEIS does not address how wider sidewalks will render the urban room hospitable to recreation in light of the extreme traffic noise and air quality.
- The FEIS discloses a projected income from the Urban Room of approximately \$700,000 annually.
  - How the operation of income production and recreational public open space co-exist is not addressed.
    - Possible income ventures, including signage, concessions, etc. may deter the public from free enjoyment.



## Public Health

- **ASTHMA RATES**

The DEIS' broad statistics approach fails to seriously consider the potential increased impacts on air pollution and asthma rates in the immediate Atlantic Yards area, particularly for children and the elderly, the most vulnerable populations.

- The DEIS acknowledges current high asthma hospitalization rates in Brooklyn, yet fails to give a hard look at the AY expected high impact rates in the immediately surrounding neighborhoods where asthma rates are already much higher than the general Bklyn rate. .
  - Fort Greene's asthma rate is 18 percent higher than the Brooklyn rate, Prospect Heights' is 53 percent higher, Crown Heights' is 78 percent higher and Bedford-Stuyvesant's is 135 percent higher
  - Asthma is a major environmental justice concern. The FEIS does not address it at all from an environmental-justice perspective.

- **NOISE IMPACTS ON PUBLIC HEALTH**

The DEIS obscures the links between increased noise levels and adverse effects on public health by overly strict interpretation of CEQR guidelines and offering mitigation that will only affect indoor activities.

- A more detailed analysis of the effects of noise on public health is required, particularly for a project with such a long construction timeline.
- Many children will grow up entirely with the noise effects of the project.
- The mitigation of noise levels outside the home remains inconsequential. No mitigations of exterior noise would reduce noise levels for children and the elderly.

- **ENVIRONMENTAL JUSTICE**

The FEIS does not acknowledge or study the potential for adverse public health effects to low-income and minority communities.

- Nowhere does the DEIS look specifically at the disparate effects on low-income and minority communities, already disproportionately afflicted by asthma.
- The DEIS does not take a hard look at the cumulative public health effects the project will have on the people in the study area.



- Increased air pollution and noise levels will directly and indirectly affect a population that is already vulnerable.
  - Children and adults will experience higher asthma rates as a result of the construction impacts and the increased traffic.
  - People will spend more time indoors doing sedentary activities during the extensive construction period, if not longer.
  - Even when residents want to utilize active open space, there will be proportionately less to share.
  - Streets, parks and school playgrounds will have significantly less sunlight.
  - Levels of stress and depression may increase.



## TRAFFIC

- **FAILURE TO INCLUDE THE BQE**

- The traffic study does not include BQE entrance and exit ramps and BQE segments that are within 1.2 miles of the project and immediately adjacent to the study area
- The FEIS merely repeats the DEIS statements and doesn't respond to the serious concerns about the impact of this project, along with other downtown growth, on the already-overburdened BQE.
- The analysis follows the most-narrow reading of the CEQR Technical Manual to avoid assessing impact on a major roadway.

- **FAILURE TO CONSULT WITH NYSDOT**

- The FEIS was developed in consultation with the NYC Department of Transportation (NYCDOT), which does not have primary jurisdiction over the BQE.

- **CHOICE OF PEAK HOUR FOR ANALYSIS**

- The FEIS failed to present any data showing that their choice of evening peak hour was appropriate.
- Local residents strongly believe the evening peak is different than the "traditional" period measured in the DEIS.

- **FEIS UNDERESTIMATES FUTURE TRANSIT RIDERSHIP**

Despite evidence that subway ridership has been growing several percentage points per year, the FEIS continues to use the extremely low growth rate from the CEQR Manual, and ignores CEQR guidelines that require the more conservative analysis.

The results of the FEIS assumptions are not likely to be accurate in projecting future ridership, and provide insufficient guidance for capacity planning. The conclusions cannot be used.

- **FAILURE TO ADDRESS DANGEROUS PLATFORM CROWDING**

- During game times and peak hours, subway platforms are likely to be dangerously overcrowded, more so than at present. The FEIS says trains would be added to avoid crowding



- There is no commitment from the MTA/NYCTA to do so, and it is very possible that additional trains would not be available.
  - The FEIS response fails to address existing and future platform crowding during peak hours and pre-game.
    - The FEIS fails to acknowledge and address this issue.
- **INADEQUATE BICYCLE PLAN**
  - The FEIS provides no new detail or data. concerning its vague proposal for a new bicycle lane
- **CONVOLUTED BICYCLE ROUTE: FEIS FAILS TO SUPPORT CLAIMS OF POTENTIAL USE**
  - The FEIS fails to address DEIS comments (by experienced Brooklyn cyclists and transportation experts) that noted the proposed bicycle path is unlikely to draw significant use because it is convoluted and only states, without proof, that it will be used.
- **BICYCLE SAFETY IGNORED**

Comments expressed concern that future traffic congestion would make bicycling more difficult and risky in the area.

  - The only mitigation offered for cyclists is a tiny one-block off-street bike path through the project that, as mentioned above, many cyclists consider to be inconvenient.
- **ADEQUACY OF MITIGATIONS NOT PROVEN**
  - The FEIS completely avoids taking a hard look at the proposed mitigations.
  - Free Metrocards amount to a minimal incentive, and the FEIS presents no evidence to the contrary.
  - On-site HOV parking requirements will encourage off-site parking; the FEIS presents no evidence to the contrary.
  - It is highly unlikely many cyclists will bike home after an evening game.



*The following was taken from a press release dated Dec. 13, 2006 issues by Community Consulting Services, Inc. (an engineering consulting firm participating in CBN's FEIS Analysis)*

## **“ATLANTIC YARDS FEIS BURIES HUGE TRANSIT COST OF TINY TRAFFIC CUT; STATE LAW REQUIRES “HARD LOOK” BEFORE REVIEW BOARD CAN ACT”**

“TRANSIT MEASURE NOT A MITIGATION AND IMPLIES MAJOR PUBLIC COSTS. The proposed MetroCard discount would reduce Nets games auto trips by less than 1%, not the 20% claimed. The FEIS also wrongly conceals the demand to expand transit, which would cost billions of dollars.

“To assuage fears of traffic lockdown prior to Arena events, the FEIS repeatedly cites “innovative” parking/transit incentives, reported to reduce auto trips to the Nets games by 20%. None of the mitigation strategies for the 41 scheduled basketball games apply to the expected 184 other events, which are left to manage on their own without any administrative framework, but are not analyzed on the unsubstantiated premise that they would likely attract fewer auto trips. The abdication of responsibility for non-Nets events is a prescription for traffic chaos on many days of the year.

“For Nets games, the FEIS makes the new assertion that the “transit incentive” would “yield a ten percent increase in previously estimated subway trips generated by a weekday or weekend basketball game.” Since there are expected to be 7,150 subway trips to the Arena (6,705 between 7-8:00 p.m.), a 10% increase would add 715 trips. Of the 5,491 auto trips to the Arena, a 20% reduction is 1,098 auto trips. As shown below, the actual reduction in auto trips is more likely to be less than 1%.

“The FEIS proposes to attract auto users with a 100% fare discount on pay-per-ride MetroCards, increasing overall game transit ridership (assuming half use Unlimited Ride cards) by 10%. The assumed 20% increase in pay-per-ride fares is based on an undisclosed gain in riders during a 50% holiday weekend MTA fare discount in 2005. The experiment was abandoned by the MTA due to huge losses in fares of existing riders who chose the fare discount and no gain in suburban rail trips. For Nets games, the “free” MetroCard offer will be snapped up by the 3,575 pay-per-ride fans. At \$2 per ride, the two-way total of \$14,000 per game would add up to about \$566,000 per year for 41 scheduled games. If the other 184 events qualified for the same free ride, annual transit subsidies could total \$3,000,000 a year or \$60,000,000 over 20 years—for a misguided attempt to achieve a miniscule reduction in auto trips.

“Since the MTA holiday fare experiment did not report any effect on auto use, the FEIS errs in applying a short-term increase in transit use to the more price-resistant change of motorists to transit. Contrary to the FEIS posturing the free MetroCard as a 100% discount to drivers that would prompt a 20% switch from auto to transit, its value to car users is more correctly their saving fuel and parking costs. Assuming a driver and a passenger with a 20 mile roundtrip would save \$5 in travel cost and \$10 for parking, the saving divided between two persons is \$7.50. The more affluent auto users within the likely MetroCard service area are more likely to buy Nets tickets that will cost at least \$100. Against a \$107.50 total cost, a \$7.50 saving is 7%, which using the FEIS



assumptions, would reduce auto trips by 1.4%, not 20% as reported. Applied to the 4,391 auto trips to the Arena (5,491 total minus the 1,100 that park on-site), the free MetroCard might reduce auto trips by 60, far lower than the 1,098 implied in the FEIS. More realistic shifts to transit would be half that, 30, or 0.7%.”