



Comments by the Municipal Art Society  
On the Final Environmental Impact Statement for the Atlantic Yards Project  
December 6, 2006

The Municipal Art Society is a private, non-profit membership organization whose mission is to promote a more livable city. Since 1893, the Society has worked to advocate excellence in urban design and planning, contemporary architecture, historic preservation and public art.

## Chapter 3: Land Use, Zoning, and Public Policy

### Citywide Plans and Policies Affecting Development

#### *The City's "Housing Marketplace Plan: Creating Housing for the Next Generation"*

MAS original comment: "The DEIS points to the Mayor's Housing Plan to support the premise that the project advances city policy on housing. The goal of the Housing Plan is to create and/or preserve 130,000 units of affordable housing by 2012, through public subsidy. In order to accurately assess whether the Atlantic Yards proposal will result in a net gain of affordable housing units, there needs to be an accounting of the public expenditures on this project versus the total amount of public subsidies available in the same fiscal year so that decision makers can accurately assess the public costs versus the public benefits. What percentage of the city's total funds for housing will be required to build the project's 2250 units?"

**This comment was not addressed.**

#### *Economic Development Policies*

MAS original comment: "The DEIS assumes an increasing need for commercial space. The assumption is based on the 2001 Group of 35 report, coordinated by Senator Schumer. However, the data in that report were gathered and analyzed prior to 9/11 and the destruction, dislocation, and the focus on rebuilding and repopulating that have occurred in Lower Manhattan—all of which have reshaped both Class A office space vacancy rates citywide and the city's priorities for attracting commercial tenants. Additionally, this report has not been widely publicized, nor has it received the public support required for it to be considered citywide policy."

**This comment was weakly addressed.** Although the FEIS will be changed in that it will delete reference to the Group of 35 Report in this Chapter, instead including it in the Project Description, the FEIS still fails to address the underlying issue. To support the assertion of an increased need for office space, it again references the NYMTC Demographic and Socioeconomic forecast. The FEIS also mentions "other studies" but does not name them or go into any detail on their contents. Additional support given by ESDC for the assertion is RPA(!)'s own Atlantic Yards commentary that indicates growth in the region and is probably a fairly respectable study but in no way can be construed as public policy. The NYMTC study substituting for city economic development policy is also problematic, as indicated by another MAS original comment, also not addressed: "The DEIS references the NYMTC Demographic and Socioeconomic forecast, which anticipates 31,000 new jobs by 2010. However, without more detailed information about which sectors will be experiencing job growth (the NYMTC data referenced is not broken down by sector), it is not possible to evaluate whether the land use program for the Atlantic Yards will sufficiently address the needs for job growth and creation."

#### *Land Use*

MAS original comment: "The DEIS references the Downtown Brooklyn Redevelopment Plan in its claim that the "demand for modern, state-of-the-art office space should continue to exceed office supply in Manhattan...." In order to support the conclusion,

additional, updated data from Manhattan, Brooklyn, and Queens concerning commercial vacancy rates is required.”

**This comment was not addressed, in that no updated data on commercial vacancy rates was provided.**

#### Cultural Resources:

The FEIS fails to adequately address the impacts on the Prospect Heights Historic District, and fails to provide adequate mitigation measures for the significant adverse contextual impacts the project will have on the Prospect Heights Historic District. The Landmarks Preservation Commission has not provided current boundaries for the NYCL-eligible Prospect Heights District, and it is therefore impossible to judge the impacts on that district. The boundaries outlined in 1979 by the LPC were then described as "tentative" and are in fact different, and larger, than the NR district boundaries. In the last 27 years, the area's building stock has improved remarkably, and it is likely that the NYCL-eligible district will be larger than the NR district.

DEIS should have contained the Stage 1A Documentary Study in the appendix. The public was not given appropriate notice of this study therefore it was impossible to know during the public comment period what archaeological resources were eliminated and why, or, perhaps more importantly, which were identified as potentially sensitive. Respondents noted that it was not included when the DEIS was published because the study was incomplete and "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." Instead of waiting for the Brooklyn Historical Society to open, respondents could have obtained information about occupation and residents on Brooklyn sites through the New York Public Library, The Municipal Archives, and NARA (that would be census manuscripts and directories). The DEIS should not have been published without the Stage 1A Documentary Study. The failure of the Empire State Development Corporation to include this study in the DEIS curtailed the public's opportunity to properly comment upon the impacts of the project on the archaeological resources.



## Impact of Signage at Atlantic Yards

The Final Environmental Impact Statement does not adequately address our comments on the DEIS and contains so many conflicting statements that it is difficult to ascertain what actually will be allowed and what the impact will be. One can make the assumption that the most egregious and highly illuminated signage could be allowed if the developer or the Empire State Development Corporation wishes it, and there is no way that the city administration could disallow it.

The FEIS and the Design Guidelines for the Atlantic Yards project are extremely obtuse when dealing with signage issues. The Design Guidelines say that **opaque** signage shall be limited to 100% of the surface area of the Urban Room signage Zone as shown in Appendix 3. Appendix 3 shows the maximum opaque signage to extend to the top of the Urban Room, 60 feet on Building 1 and 40 feet on the Arena.

On page 8-5 the FEIS states that signage would be allowed on the Urban Room up to 80-150 feet in height. It also states that this 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. On page 8-29 of the FEIS it states that; "The **opaque** signage at the Atlantic and Flatbush Avenue intersection could rise to the height of the Urban Room (approximately 80 to 150 feet)"... They also state, on the same page in the FEIS that additional signage and lighting would also be allowed on the Urban Room, on Building 1 (to a height of 60 feet), and 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 the building.

In the Design Guidelines the opaque signage zone soars to what appears to be a height 150 feet on the Urban Room, 60 feet on building 1 and 40 feet on the arena block. The diagram does not indicate that this area will be transparent signage. We clearly need guidance in interpreting these two conflicting statements in the FEIS, and how the Design Guidelines will be applied. Nowhere in the FEIS or in the Design Guidelines are there any indications of degree of illumination, only that the illumination will be brighter on "game nights."

Trying to interpret what is meant with "opaque" and "transparent" and what constitutes an "advertising sign" and "accessory sign" is very difficult. One can only conclude that the FEIS is not being forthcoming with what the signage will actually look like, and one can easily make the assumption that the Urban Room will be covered by opaque changeable (video) signage soaring to 150 feet high. This type of signage will clearly be visible to the surrounding brownstone community and will create an adverse impact for local residents.