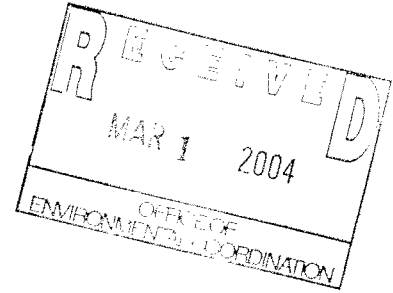


THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007



**City Environmental Quality Review  
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT  
FINAL SCOPE OF WORK**

**Date** March 5, 2004  
**CEQR No.** 03DME016K  
**Project** Downtown Brooklyn Development

Attached please find the Final Scope of Work for the Supplemental Environmental Impact Statement (SEIS) for the proposed Downtown Brooklyn Development project. The Draft Scope was issued on January 22, 2004 and comments on the Draft Scope were received at the Public Scoping Meeting on February 23, 2004, or in writing during the public comment period held open through March 4, 2004. Relevant comments are reflected in the Final Scope or addressed in the Response to Comments attached to the Final Scope.

A Notice of Completion of the Draft Environmental Impact Statement (DEIS) for the project was issued on November 28, 2003. Completion of the DSEIS is now required to revise the future baseline or No Build condition analyzed in the Downtown Brooklyn Development DEIS to account for a potential mixed-use arena development in the Atlantic Terminal area of Brooklyn that could affect the conditions assessed in the DEIS. The size of the potential arena development and its proximity to the Downtown Brooklyn Development project area necessitate these revisions to the DEIS. The SEIS will not represent an environmental review of the arena project. Should the arena project proceed, it would be the subject of its own environmental review and would require the preparation of an EIS.

Thank you for your continuing interest in this project.

Sincerely,

*Robert R. Kulikowski*  
by *GRB*

Robert R. Kulikowski, Ph.D.  
Assistant to the Mayor  
On behalf of the Deputy Mayor for  
Economic Development And Rebuilding



# **DOWNTOWN BROOKLYN DEVELOPMENT FINAL SCOPE OF ANALYSIS FOR A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

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## **INTRODUCTION**

A Draft Environmental Impact Statement (DEIS) for the Downtown Brooklyn Development project was issued on December 1, 2003. Publication of that DEIS followed the scoping process under City Environmental Quality Review (CEQR). A scoping meeting was held for the proposed rezoning actions, Special Permits and other land use actions on May 20, 2003, and additional comments were accepted during a 10-day period that followed. Comments were received and the draft scope was revised to reflect those comments. A final scope was issued and served as the framework for the DEIS

Subsequent to the issuance of the DEIS, an announcement was made regarding the potential development of a large, mixed-use arena project with commercial, residential and retail uses. This development proposal was not included as part of the DEIS analysis of future baseline conditions; however, the size of the proposed mixed-use arena development and its proximity to the Downtown Brooklyn Development project area necessitated revisions to the DEIS. This Final Scope of Analysis is for a Supplemental Environmental Impact Statement (SEIS) that will adjust the future baseline, or No Build condition analyzed in the Downtown Brooklyn Development DEIS to account for the Arena development.

This Final Supplemental Scope has been modified to address the concerns of Brooklyn community boards, interested city agencies, local civic associations, and interested members of the public. The Draft Supplemental Scope of Analysis was issued and distributed on January 23, 2004. A public meeting to receive comments on the Draft Scope was held on Monday, February 23, 2004, at 6:00 pm at Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn. Written comments on the Draft Scope were accepted through March 4, 2003, the close of the public comment period. The oral and written comments were considered in the preparation of this Final Supplemental Scope. Changes to the Draft Supplemental Scope of Analysis are indicated as double-underlined text. Relevant oral and written comments received on the Draft Supplemental Scope are summarized in Appendix A, "Response to Comments."

## **DESCRIPTION OF THE REVISED NO BUILD CONDITION**

The Atlantic Yards Arena and Redevelopment Project is proposed for an approximately 24-acre site at the intersection of Flatbush and Atlantic Avenues at the southeastern edge of Downtown Brooklyn. The westernmost portion of the Arena project site is located within the project area boundary analyzed in the DEIS. The principal components of the project include an arena with a capacity of approximately 18,000 to 20,000 seats, to be used by a major league sports franchise; approximately 2 million square feet of Class A commercial office space; approximately 400,000 square feet of retail space; 5,500 mixed-income residential units; approximately 6.0 acres of public open space; and a parking facility to accommodate approximately 3,500 vehicles. The roof of the arena is also expected to accommodate approximately 52,000 square feet of publicly accessible recreational space. While this proposal is still in a preliminary stage, if approved, construction of the entire arena project is anticipated to be complete by 2013, the analysis year identified in the DEIS.

The mixed-use Arena proposal is independent of the Downtown Brooklyn Development project. These proposed projects are not linked to one another and are governed by separate environmental review and approvals processes. The Arena project will be the subject of its own separate environmental review in accordance with the State Environmental Quality Review Act.

## **REVISIONS TO THE DEIS ENVIRONMENTAL ANALYSES**

The proposed project actions, reasonable worst-case development scenario, and analysis year identified and analyzed in the DEIS will not change in the DSEIS, with one exception. It is now anticipated that the Empire State Local Development Corporation (ESLDC) will authorize funding in support of the development of the proposed visual and performing arts library, below-grade parking facility and outdoor public area on Block 2110. The analyses and methodologies will be consistent with the guidelines provided in the 2001 *City Environmental Quality Review (CEQR) Technical Manual*.

The DEIS did not require an analysis of Natural Resources or consistency with the City's Waterfront Revitalization Program. Similarly, no assessment of Natural Resources or the Waterfront Revitalization Program would be prepared for the DSEIS.

The Land Use chapter will be revised to include a description of the Arena project as part of the list of potential future development projects in the study area that could affect future land use patterns and trends. The analyses contained in the DEIS will be revised, where appropriate, to reflect the revised No Build condition. The scope of the analyses will be as described in the Final Supplemental Scope of Analysis for the Downtown Brooklyn Development project.

The analysis approach for public schools in the Community Facilities chapter will be adjusted to reflect the latest methodology used by the New York City Department of City Planning (DCP) for large-scale development projects. Future baseline changes in public school enrollment will be calculated by adding the number of students generated by No Build projects to the projected enrollment from the New York City Department of Education (DOE) and DCP. In addition, more recent school enrollment, capacity, and utilization data from DOE and updated school enrollment projections from DOE and DCP have become available subsequent to issuance of the DEIS and will be used to revise the analysis.

The Open Space chapter will incorporate a change in the methodology used to determine the recommended open space ratio of passive open space acres per 1,000 residents and workers. A weighted average of the amount of open space necessary to meet the DCP guideline of 0.50 acres of passive open space per 1,000 residents and 0.15 acres of passive open space per 1,000 workers is now considered in this analysis.

In the Air Quality chapter, vehicular exhaust emission factors will be computed using the EPA Mobile Source Emissions Model, MOBILE 6.2, which was recently released by the New York State Department of Transportation, instead of MOBILE 5B.

The principal consequence of the inclusion of the Arena project in the revised No Build condition is in respect of the transportation analyses. As part of the revised transportation analyses, reconfiguration of the traffic network associated with the Arena project, including the widening of Flatbush Avenue, will be considered. A subway line-haul analysis will also be provided. Furthermore, additional demand from the Arena project will be considered in the analyses of open space and community facilities.

The November 2003 conversion of Smith Street from two-way to one-way northbound operation between Atlantic Avenue and Schermerhorn Street as part of NYCDOT's ongoing Downtown

Brooklyn Traffic Calming Project, will be incorporated in the analysis of future baseline traffic conditions. In addition, updated data on the effects of the February 2004 restoration of full subway service across the Manhattan Bridge will be incorporated in the analysis of future subway conditions.

\*

**A. INTRODUCTION**

This appendix summarizes and responds to substantive comments received during the public comment period on the Draft Scope of Analysis for the preparation of a Supplemental Environmental Impact Statement (SEIS) for the Downtown Brooklyn Development project. Public review of the Draft Supplemental Scope began on January 22, 2004 with the publication and distribution of the Positive Declaration and Draft Scope of Analysis for the SEIS. A public scoping meeting was held on February 23, 2004 at Brooklyn Borough Hall to accept oral comments. The oral comments and written submissions on the Draft Supplemental Scope received through March 4, 2004, the close of the public comment period, were considered in the preparation of the Final Supplemental Scope.

Section B identifies the agencies, organizations, and individuals who commented on the Draft Supplemental Scope. Section C summarizes and responds to each substantive comment. The comments are organized by subject area. Because of the number of comments, where multiple comments were made on the same subject matter, a single comment has been selected to summarize the essence of those individual comments on the same subject. Following each comment is the list of people who made the comment identified by number as listed in Section B. Responses then follow each comment.

Where relevant, these changes have been incorporated into the Final Supplemental Scope. Revisions to the Supplemental Scope are indicated by double-underlining.

**B. AGENCIES AND ORGANIZATIONS WHO COMMENTED ON THE SCOPE****ELECTED OFFICIALS AND COMMUNITY BOARDS**

1. Community Board 2, oral comments presented by Irene E. Janner, First Vice Chairperson and written submission dated February 25, 2004
2. Community Board 2, oral comments presented by Nancy Wolf
3. Community Board 8, oral comments presented by Meredith Staton
4. Community Board 8, oral comments presented by Joseph T. Tanzi

**ORGANIZATIONS AND INTERESTED PUBLIC**

5. Tom Angelo, oral comments
6. David Blount, BUILD, oral comments
7. Darnell Canada, BUILD, oral comments
8. Joy Chatel, Duffield Block Association, oral comments
9. Alfred Chiodo, Downtown Brooklyn resident, written submission dated March 3, 2004
10. Steve deSeve, Impeach Marty Club, oral comments

## Downtown Brooklyn Development Draft SEIS

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11. Marilyn Findlay, University Tower resident, written submission dated February 25, 2004
12. Candace Jones Ford, oral comments
13. Nathaniel Frank, oral comments
14. Aimee German, oral comments
15. Philip Glaubeson, oral comments
16. Lewis Greenstein, Brooklyn Coalition For Urban Removal, oral comments
17. Heloise Gruneberg, President, Brooklyn Vision, oral comments and written submission dated February 23, 2004
18. Patti Hagan, Prospect Heights Action Coalition, oral comments
19. Schellie Hagan, Prospect Heights Action Coalition, oral comments
20. Ursula Hahn, Brooklyn resident, written submission dated March 4, 2004
21. Deb Howard, oral comments
22. Brian Ketcham, P.E., Executive Director, Community Consulting Services, oral comments
23. Carolyn Konheim, Chair, Community Consulting Services, oral comments and written submission dated March 3, 2004
24. Lucy Koteen, Fort Greene Association, oral comments and undated written submission
25. Ken Lowey, oral comments
26. James Maloblocki, oral comments
27. Judy Mann, oral comments
28. Daniel McCalla, oral comments
29. Margaret McNabb, Brooklyn resident, written submission dated March 4, 2004
30. Shabnan Merchant, oral comments
31. Diana Morrow, written submission dated February 27, 2004
32. Charlene Nimmons, Wyckoff Gardens Residents Association, oral comments
33. Adedayo Ologundudu, oral comments
34. Rob Puca, Brooklyn Vision, oral comments
35. Vanessa Roe, oral comments
36. Frank Rogers, oral comments
37. Thomas Rooney, Prospect Heights Action Coalition, oral comments
38. Raul Rothblatt, oral comments
39. Judith Sackoff, Dean Street Block Association, written submission dated February 25, 2004
40. Carolyn Schwartz, Develop—Don't Destroy Brooklyn, oral comments
41. JoAnne Simon, Boerum Hill Association, oral comments and written submission dated February 23, 2004
42. Monica Abels Stabin, Brooklyn resident, written submission dated March 4, 2004
43. Philip Truscott, oral comments
44. Scott Turner, oral comments
45. Tom Twente, oral comments
46. Sarah Wenk, written submission dated February 27, 2004
47. Zafra Whitcomb, oral comments
48. Ed Williams, oral comments
49. Patrick Witt, oral comments
50. Sue Wolfe, Boerum Hill Association, oral comments and written submission dated February 23, 2004

## C. RESPONSE TO COMMENTS

### ATLANTIC YARDS ARENA AND REDEVELOPMENT PROJECT COMMENTS

As noted in the supplemental scoping notice and at the SEIS public scoping meeting, an SEIS was deemed necessary by the lead agency due to the recently announced proposal for a mixed-use project to be located at the Atlantic Yards (Atlantic Yards Arena and Redevelopment Project). The proposed Arena would alter the future baseline (No Build) condition that formed the basis of the Downtown Brooklyn Development's impact analyses. The mixed-use Arena proposal is independent of the Downtown Brooklyn Development project. These proposed projects are not linked to one another and are governed by separate environmental review and approval processes. A number of comments made at the public scoping meeting on the Downtown Brooklyn Development project's SEIS related to the merits of the Arena proposal, including its location, size, use, public actions, and potential widening of Flatbush Avenue. Since the Arena project is independent of the Downtown Brooklyn Development project, those comments are not appropriately part of this EIS process. Accordingly, no responses are provided to those comments. Only responses to comments relating to the method or assumptions for including the Arena development as part of the Downtown Brooklyn Development Project's No Build condition are provided in this appendix.

### GENERAL / PUBLIC REVIEW PROCESS

**Comment 1:** Public notification of the scoping meeting was difficult to find. (27, 47)

**Response:** The Draft Scope of Analysis for the SEIS was issued on January 22, 2004. The availability of that document for review and the announcement of the public scoping meeting were publicly noticed in conformance with all applicable legal requirements. Approximately 100 copies of the draft supplemental scoping document were forwarded to elected officials, Community Board 2, other local civic groups, and persons who asked to be kept informed about the process. The announcement was noticed in the *City Record* on January 23, 2004 and *Environmental Notice Bulletin* on February 4, 2004.

**Comment 2:** How can this take place without input from the people who live in the area? (8)

Input and suggestion from the community has not been solicited in this planning process. (11)

**Response:** The project sponsors have undertaken and will continue their outreach to the community on the progress of the Downtown Brooklyn Development project. Further opportunities for public comment on the environmental analysis of the proposed actions will be available both at the City Planning Commission's public hearing on the DEIS and DSEIS and during the written public comment period, as well as during the City Council review period.

**Comment 3:** What happens if the EIS says development would make Brooklyn inhabitable? What changes are made as a result of these environmental studies? The EIS



needs to be done in great depth, and the impact has to be seen in the development that results from it. (27)

**Response:** The SEIS is a comprehensive disclosure document that provides the decision-makers with results of the impact analyses for the relevant environmental areas of concern. The SEIS will present the proposal's benefits, its potential significant adverse impacts, and recommended mitigation measures to avoid or reduce such significant adverse impacts, as well as any unmitigated significant adverse impacts, where improvements are not available or feasible. The SEIS will also present alternatives to the proposal that would avoid or reduce these potential significant adverse impacts and determine how well they meet the stated purpose and goals of the proposed project. The decision-makers will then weigh the advantages and disadvantages of the proposed project—taking into consideration the benefits, adverse impacts, and mitigation measures—in making their decisions on whether to grant the requested discretionary approvals.

**Comment 4:** Why is there a need for an SEIS when the Arena is doing its own environmental analysis? (47)

**Response:** The SEIS is being prepared to modify the future baseline, or No Build condition analyzed in the Downtown Brooklyn Development project's DEIS to account for the recently proposed Atlantic Yards Arena and Redevelopment project. The purpose of this SEIS is to incorporate the overall Arena project in the No Build condition in the same way that other unbuilt projects have already been accounted for in the DEIS. This SEIS is not linked to the approval of the Arena project or any of its components. It will only disclose what the impacts of the Downtown Brooklyn Development project will be if the Arena project, as currently proposed, is built by 2013, in addition to the other proposed projects that are already part of the No Build condition.

The Arena project will undergo its own separate environmental review, which has not been started, in accordance with the State Environmental Quality Review Act. It is anticipated that the Empire State Development Corporation will serve as the lead agency for environmental review of that project.

**Comment 5:** This is an opportunity to go back and fix the short-sighted and under-funded Downtown plan and its accompanying, crabbed DEIS. Many comments made in connection with the original scoping hearing remain unaddressed. (2, 41)

**Response:** The comments made on the Draft Scope of Analysis for the DEIS were considered and responded to as part of the Final Scope of Analysis for the DEIS. Where relevant to the EIS scope of work, the comments were incorporated into that Final Scope, which was the framework for the DEIS impact analysis.

**Comment 6:** This Downtown Brooklyn plan isn't community-led planning. There should not be any development in Downtown Brooklyn. To make Downtown Brooklyn bigger shows that City has no foresight on this issue. The Downtown plan was not developed to provide jobs. (45)

The future of Brooklyn is for neighborhoods, and neighborhood-based efforts to improve the quality of life should be considered. A strategy for each neighborhood's future and its development is needed. It should encourage connections between neighborhoods and the construction of attractive buildings of appropriate scale. (47)

**Response:** The Downtown Brooklyn Development project is a comprehensive, public planning effort whose stated goals include: 1) to increase opportunities for integrating commercial, residential, and academic growth in Downtown Brooklyn; 2) to promote connections between the area's commercial core and surrounding academic, cultural, and residential neighborhoods; and 3) to reinforce the positive character of surrounding neighborhoods. The potential development of large-scale commercial uses is balanced with mixed-use residential, retail, and academic facilities, as well as an improved streetscape and the creation of open space. The plan would also create appropriate massing and design guidelines to respond to the context of the surrounding buildings and uses and to create an attractive area that is an appealing place to live, work, and visit and transitions easily into neighboring residential areas.

**Comment 7:** Why shouldn't Brooklyn get the same as Manhattan? The size of development is four times the size of the World Trade Center and around as much as Hudson Yards; why does Manhattan get millions of dollars of new infrastructure but Downtown Brooklyn gets a new parking garage and perhaps a new transit entrance? (22)

**Response:** This comment refers to capital spending and does not pertain to the draft scope of analyses for the SEIS. The comment has been forwarded to the sponsoring agencies.

## PROPOSED ACTIONS

**Comment 8:** Why build skyscrapers for corporations that believe in slashing jobs to raise stock prices? It is a joke to put a skyscraper on Lawrence Street. If you want to create real jobs, put more research into this. (28)

Where will tenants for 6.5 million square feet of Class A office space come from? Office space is going begging in Manhattan; why is it realistic to plan for buildings unlikely to happen? Rethink the commercial building scenario. (50)

**Response:** The Downtown Brooklyn Development project is a comprehensive, public planning effort whose stated goals include: to reinforce Downtown Brooklyn's

role as a regional central business district; to provide viable development sites for future market cycles; to capture regional employment growth and strengthen New York City's economic base by attracting new businesses and retaining businesses considering relocation outside Manhattan.

**Comment 9:** Nothing has been said about children, schools, beautification of existing parks, helping people build their homes better, improving vacant homes. Where are we going to go? We might as well not buy homes if we're supporting the wealthy people who can take them from us. This is a land grab for the wealthy. (8)

**Response:** The DEIS included and the SEIS will include an assessment of the effects from the Downtown Brooklyn Development project on community facilities, (which include schools, libraries, and day care centers), and open space. Task 3, "Socioeconomic Conditions" of the Draft Scope of Analysis for the DEIS (which is also included in the Scope for the SEIS) will assess the project's potential for direct and indirect (secondary) displacement of businesses and residents in the area. The relocation of some businesses, residents, and/or institutions may result from or be encouraged as a result of the proposed actions. As described in Task 3, the EIS will identify relocation benefits that would be made available to those affected and efforts that would be made to relocate them within Downtown Brooklyn.

**Comment 10:** We need to ask ourselves whether Downtown Brooklyn can support a CBD-only if the program size is cut down by 95 percent. There is room for development in Downtown Brooklyn, but the plan is huge, it overruns the neighborhood, and needs to be better fit in. The traffic and transportation problems are too numerous to mention. (25)

**Response:** Comment noted.

**Comment 11:** The proposal to extend the life of the Atlantic Terminal Urban Renewal Plan (ATURP), dated September 2003, is an attempt done in utter secrecy by City Planning and the City bureaucrats. This is a failed urban renewal policy from 1968. (18)

**Response:** The proposed amendment of the ATURP was a listed action in the draft and final scoping documents for the DEIS. The discussion of the amendment was also included in the DEIS (page 1-16), issued in November 2003. The original intent of the ATURP was to encourage development and employment opportunities in the area; create new housing of high quality and/or rehabilitated housing of up-graded quality; and provide for community facilities, parks, retail shopping, and parking. The proposed amendment would not alter the goals of this plan.

## EIS FRAMEWORK

**Comment 12:** Why is the EIS being limited to such a small area? (27)

The study areas for virtually all the tasks are much too small for a project of this magnitude. The study areas chosen for the EIS is more appropriate for a single project. (1)

**Comment 13:** The boundaries of the study areas will vary depending on the environmental issue being examined in the SEIS. For example, the study areas for land use will differ from those for the traffic and cultural resources analyses. The study area boundaries, as proposed in the Draft Scope, were determined in conformance with the 2001 *City Environmental Quality Review (CEQR) Technical Manual* and in consultation with the involved and interested agencies such as the New York City Department of City Planning (DCP), the New York City Department of Transportation (NYCDOT), and the New York City Landmarks Preservation Commission (LPC).

**Comment 14:** Look at all the other projects going on: Brooklyn Bridge Park, Navy Yard, Carnival Cruise Line. (25)

Development in the DUMBO neighborhood, the waterfront (Brooklyn Bridge Park), the Brooklyn Navy Yard, Brooklyn piers 6 to 12, and Lower Manhattan are not addressed. (1)

The DEIS underestimates the number of new person trips a day to and through Downtown Brooklyn. It fails to adequately acknowledge the number of projects already in development in the area and their likely impacts, for example, Hoyt-Schermerhorn, the project on Court and Atlantic, the new Brooklyn Law School dormitory, Brooklyn Bridge Park, Piers 6-12, and now the massive Atlantic Yards proposal. If one considers the scope of the plans to rezone and develop plus what is already in the pipeline, the number of additional people traveling to and through Downtown Brooklyn daily will be nearly 1.5 million strong. (41)

The DEIS left out 7 million square feet of No Build projects. The SEIS should add the Arena site as well as the Empire Stores, Brooklyn Navy Yard Studio Complex, Piers 6-12, IKEA Red Hook, Lowe's Hardware at Gowanus, Fairway Food Market at Red Hook, Governor's Island, and the Whole Foods Market on Third Street. (23)

**Response:** As shown on Table 1-7, Chapter 1, "Project Description," of the DEIS (pages 1-27 through 1-29), the No Build list includes the Brooklyn Bridge Park (which includes the redevelopment of the Empire Stores), the Hoyt-Schermerhorn development (listed as ESDC/HS and as Schermerhorn between Hoyt and Bond Streets), the Atlantic and Court Development, and the Brooklyn Law School dormitory. The Navy Yard Studio Complex, Lowe's Hardware, Fairway Food Market, Whole Foods Market, and Governors Island are outside of the defined land use and traffic study areas. In addition, although the Governors Island

Preservation and Education Corporation has been formed, there are no defined plans as yet for the reuse of the island. Piers 6-12 are part of an ongoing study being conducted by the Port Authority of New York and New Jersey and the New York City Economic Development Corporation. It is possible that Pier 6 could be developed as open space as part of the Brooklyn Bridge State Park, and Piers 7 and 8 have recently been discussed by a private operator as a possible base of cruise ship operations, but these plans are still conceptual. There are no defined plans as yet for Piers 9 through 12. Therefore, the redevelopment of the piers is considered too speculative at this time for inclusion in the No Build analysis.

## **OPEN SPACE**

**Comment 15:** The scope of work should seriously consider the feasibility of more open spaces and mitigation recommendations that would mandate upgrading existing open space resources. (1)

**Response:** Task 5 of the Scope of Work for the EIS will examine the effects of introducing a substantial number of new workers and residents into the area on existing open spaces. It would also include the project's provision of new public spaces, as well as other proposed streetscape improvements that would help to alleviate the demand generated by the new worker and residential populations.

**Comment 16:** The open space analysis should consider more sidewalk widening both for ease of pedestrian flow and more planting. The analysis should explore rooftop planting as a means of energy conservation and air quality improvement. (1)

**Response:** Comment noted.

## **SOCIOECONOMIC CONDITIONS**

**Comment 17:** The jobs being created are not usually filled by neighborhood people; the jobs that are left are not very good. (33)

The local community needs jobs. (32)

**Response:** Comment noted. As described in Task 3, "Socioeconomic Conditions" of the Draft Scope of Analyses for the EIS (which is also included in the Scope for the SEIS), the EIS will assess the project's potential for job creation and direct and indirect (secondary) displacement of businesses and residents in the area.

**Comment 18:** Brooklyn doesn't need 4 million square feet of office space. The worry shouldn't be about jobs going to New Jersey; it should be about them going to India and other foreign countries. The only way these projects will be successful is if the state agencies come in and occupy them. (45)

**Response:** Comment noted.

**Comment 19:** The description of the work in the tasks speak only to analysis of trends and interviewing brokers and specialists in the real estate industry to project impacts on rents. There is no indication that studying models of successful developments of mixed income housing is planned. Studying rents based only on market-driven trends will result in the omission of proactive planning to ensure that mixed income housing is actually developed. Also, in dealing with secondary displacement, analysis of existing housing resources and the means to stabilize low income housing is needed. (1)

**Response:** The analysis of direct and indirect residential displacement will consider market trends specific to the project site and the study area, as well as likely future conditions in the study area without the proposed actions. It also will consider public subsidized housing programs, where the selection of tenants and rents are typically controlled by government regulations, and the presence of existing and proposed housing developed pursuant to such programs in the study area. The *CEQR Technical Manual* specifically recommends analysis of market trends in the study area and interviews with real estate brokers and does not require an analysis of how to stabilize low income housing. Studying models of existing mixed income developments in other neighborhoods in the city would not address the specific conditions experienced by existing residents in the study area, or residents likely to be added in the future without the proposed actions. The analysis will identify the total housing inventory in the study area, including protected units, vacant units, and units to be constructed in the future without the proposed actions, including a portion to be designated as "affordable."

Lastly, with respect to planning for mixed income housing, there currently exist public initiatives for the provision of mixed-income housing. The New York City Housing Development Corporation (HDC) provides tax exempt bond financing that has been successful in encouraging private development of mixed-income housing throughout the city. Given this role, HDC is an interested agency in this proposed project.

**Comment 20:** I'm in favor of the creation of jobs, which isn't conditional on the construction of the arena or on completely revamping Downtown Brooklyn. What about loss of jobs from displacement, eradication of businesses? (5)

I support this endeavor, but not with displacement. We need to work together to balance job creation and displacement. (48)

Hundreds of African-American residents would lose their jobs and business owners would be displaced by condemnation of Fulton Mall. Create new jobs without destroying the ones we have already. (43)

The Downtown Brooklyn plan will result in the displacement of businesses and residents. (11)

**Response:** As described in Task 3, “Socioeconomic Conditions” of the Draft Scope of Analyses for the DEIS, the EIS will assess the project’s potential for job creation and direct and indirect (secondary) displacement of businesses and residents in the area. The relocation of some businesses, residents, and/or institutions may result from or be encouraged as a result of the proposed actions. As described in Task 3, the EIS will identify relocation benefits that would be made available to those affected and efforts that would be made to relocate them within Downtown Brooklyn.

## **NEIGHBORHOOD CHARACTER**

**Comment 21:** People move to Brooklyn because of its calm, peaceful nature. The quality of life of residents need to be considered. (33)

**Response:** The SEIS will include a chapter discussing the effects of the proposed Downtown Brooklyn Development project on neighborhood character.

**Comment 22:** Historic areas near the Atlantic Yards site will be severely impacted by the increased truck, car, bus, and pedestrian volumes, particularly as the [Arena] plan calls for the closure of streets that currently serve as relief valves for Flatbush and Atlantic Avenues, and causing greater bottleneck conditions at new choke-points that are about to be created in our historic neighborhoods. (41)

**Response:** This comment is related to the proposed closure of streets as part of the Atlantic Yards Arena and Redevelopment project. For purposes of the impact analyses for the Downtown Brooklyn Development project, the future baseline (No Build) condition assumes that these closures would be in place. The Downtown Brooklyn Development project’s SEIS will reflect these potential street changes associated with the Arena, including the widening of Flatbush Avenue for likely bus stop use. However, the references to potential street closures and the widening of Flatbush Avenue in the scope are not proposed as part of the Downtown Brooklyn Development project and do not represent a commitment to or acceptance of this Forest City Ratner proposal by the City or State.

## **TRAFFIC AND PARKING**

**Comment 23:** Traffic congestion in Downtown Brooklyn is already discouraging. (33)

**Response:** Comment noted.

**Comment 24:** All additional traffic analysis previously requested for the DEIS was not done. It should be done this time in the SEIS, especially in light of the fact that there will be many more residents, workers, and arena visitors to the area, even in the No Build situation. (1)

**Response:** The comments made on the Draft Scope of Analyses for the DEIS were considered and responded to as part of the Final Scope of Analyses for the DEIS. Where relevant to the EIS scope of work, the comments were incorporated into the Final Scope, which was the framework for the DEIS impact analysis.

**Comment 25:** The City is obligated to disclose its basis for assumptions for the traffic analyses and the full impacts of all of these projects. The SEIS provides an opportunity to come out from behind the skirts of CEQR and uphold the intent of that law. The SEIS should properly disclose the real impact of all projects in and around Downtown Brooklyn. The DEIS reported that Downtown Brooklyn will be gridlocked by just 10 percent of the combined impact of the Ratner arena and 6.7 million square feet of new Downtown development. Clearly, if anything is to be built, real mitigation is needed, which must start with a real plan. (22)

**Response:** The assumptions utilized for the travel demand forecast and traffic impact analyses will be discussed in detail in the SEIS. The transportation impact analysis will take into account demand from new developments (No Build sites) that are expected to occur within the study area by 2013, including the projected demand from the Atlantic Yards Arena and Redevelopment project. All significant adverse transportation impacts from the Downtown Brooklyn Development project's 6.7 million square feet of projected new development will be fully disclosed in the SEIS. A detailed mitigation plan to address these impacts will also be presented in the SEIS.

**Comment 26:** There's going to be 40 million square feet of new development, generating more than 100,000 auto trips and 400,000 additional subway trips each workday. Roads and subways will be gridlocked and will require significant/meaningful mitigation. (22)

The SEIS should conduct traffic and public transit studies that cover the fully built-out Downtown Brooklyn Development Plan. (20)

There is special concern that the additional 2,000-plus parking spaces and large number of expected new workers and residents will further exacerbate already intolerable traffic congestion. (1)

This development will cause huge traffic jams on highways streets and mass transportation. Residents in the area will be inconvenienced by a lack of available parking. (11)

**Response:** Through 2013, it is expected that transportation demand in the Downtown Brooklyn study area will increase due to long-term background growth as well as the development of approximately 4.1 million square feet of new office/commercial space, 9,400 dwelling units, 2.9 million square feet of cultural and community facility space, 1.5 million square feet of court facility space, 1.07 million square feet of retail space and a new arena. The Downtown



Brooklyn Development project is expected to add approximately 6.7 million square feet of projected new development to this total. The transportation analyses in the SEIS will assess the effects of all of this new development on Downtown Brooklyn's street network, parking and transit services. The SEIS will also include a detailed traffic and transit mitigation plan for addressing the significant adverse impacts that would result from new demand generated by projected development sites associated the Downtown Brooklyn Development project

**Comment 27:** The final scope inadequately addresses traffic and transportation issues in a number of key ways. Existing traffic and transit treatments are inadequate, even for present volumes. The mitigation efforts proposed thus far are wholly inadequate and will be even more so with the addition of Atlantic Yards to the mix as the No Build condition. The timing of the lights on Atlantic Avenue causes backups on all the intersecting streets; that will not get better with more traffic. The data used from existing studies is flawed and have helped to produce misleading and inaccurate results; the SEIS must not make the same mistake. (41)

**Response:** It is generally recognized that congestion is common during peak periods at many locations within the existing Downtown Brooklyn street network, including along Atlantic Avenue. The SEIS transportation analyses will identify these locations as well as existing deficiencies in study area transit and pedestrian facilities. The SEIS will include a detailed mitigation plan to address traffic, transit and pedestrian impacts related to new demand generated by the proposed actions. Both the impact analyses and the mitigation plan will take into account new demand that will be added to Downtown Brooklyn's transportation systems by the Atlantic Yards Arena and Redevelopment project by 2013. Where appropriate, the transportation analyses will use data from existing studies that have been reviewed by the relevant City agencies. In many cases, these data have been validated and/or supplemented by more recent data collection efforts conducted specifically for this project.

**Comment 28:** The intersection of Adams and Tillary Streets is a problem that can't be mitigated, but restudy it now; perhaps there's a cost/benefit analysis that will show it's now worth doing improvements. (2)

**Response:** The intersection of Adams and Tillary Streets will be analyzed as part of the SEIS to account for changes in levels of service due to the addition of the Arena project in the No Build condition. The SEIS will then analyze the operations of this intersection, as well as the other 30 intersections in the study area, assuming the development associated with the Downtown Brooklyn Development project. For intersections with significant adverse impacts, mitigation measures will be explored to either avoid or minimize the impact.

**Comment 29:** Use Downtown Brooklyn as the springboard for a plan for the future of Brooklyn. Begin with a comprehensive traffic and transportation plan for and by Community Boards 2 and 6. Additional development in Downtown Brooklyn should be put on hold until this plan has been completed. (22)

Come up with a plan that looks at the entire infrastructure of Brooklyn. (16)

A comprehensive transportation study and master plan is necessary to even begin to assess the impacts of a project this size. A broad based plan requires a broad based solution, particularly where, as here, the City has committed to doing such a study. We have not yet heard about the scope of the 'blueprint' study. (1, 41)

**Response:** Comment noted. The purpose of an EIS is to identify the effects a proposed action or actions may have on the environment. To this end, the transportation sections of the Downtown Brooklyn Development SEIS will include analyses relevant to the identification, assessment and mitigation of impacts to the traffic, parking, transit and pedestrian systems that may result from the proposed actions. An area-wide master plan would examine a much broader range of issues, many of which are not relevant to the assessment of potential project impacts. NYCDOT has, however, announced that it intends to independently undertake a comprehensive transportation study (a "Transportation Blueprint") of Downtown Brooklyn and the surrounding area.

**Comment 30:** The DEIS does not seem to use any computer analysis, computer-generated methodology, graphics, modeling of traffic. (16)

The DEIS' reliance on the *Highway Capacity Manual 2000* methodology and standard CEQR procedures is shortsighted. The Highway Capacity Manual is inadequate for this type of use in New York City and must be supplemented by a realistic assessment of conditions here in Downtown Brooklyn and at Atlantic Yards using state-of-the-art modeling. The intersection-focused approach of the DEIS is even less valid with the addition of the Arena project to the No Build condition. Systemic assessments and mitigation measures are necessary. (41)

**Response:** It is questionable as to whether a local or area-wide traffic simulation analysis would prove more accurate at assessing the potential traffic impacts of the proposed actions than the standard HCM analysis. The HCM methodology expresses quality of flow at individual intersections in terms of level of service (LOS), which is based on the amount of delay that a driver typically experiences at an intersection. Levels of service range from A, with minimal delay (10 seconds or less per vehicle), to F, which represents long delays (greater than 80 seconds per vehicle). Changes in delay of as little as one second can be identified using this methodology. This sensitivity is critical to identifying impacts under the 2001 *CEQR Technical Manual* criteria which specify very low thresholds for determining the significance of an impact (e.g., delay changes of three to five seconds for any specific traffic movement). Whereas the

HCM methodology examines individual intersections, area-wide simulation analyses examine the effects of traffic within a network of intersections. To achieve the needed sensitivity on an intersection-by-intersection basis using area-wide simulation of the entire Downtown Brooklyn network is not feasible.

In addition, some area-wide traffic simulation analyses typically reassign vehicles to alternate paths as the most direct routes become congested. By contrast, an impact analysis using the HCM methodology conservatively assumes that all project traffic would traverse those intersections along the most direct routes to and from a development site, regardless of prevailing conditions. The full potential effects of new project-generated trips on individual intersections are therefore not as readily apparent in an area-wide simulation as they are using the more conservative HCM methodology.

Overall, for a heavily traveled network such as Downtown Brooklyn, the HCM methodology provides greater sensitivity to changes in delay at individual intersections, and is more likely to produce conservative results with respect to potential traffic impacts than would an area-wide simulation analysis. The HCM 2000 methodology is therefore the appropriate methodology for assessing impacts from the proposed actions.

**Comment 31:** The scope of the traffic studies was not large enough even for the Downtown Brooklyn plan. Traffic from the BQE, the Manhattan and Brooklyn Bridges is even more important now by adding the Arena project to the mix. The scope of the study must include BQE and the bridges as well. (1, 50)

The project study area remains too small; it should extend at least as far as the primary and secondary study areas in the *Downtown Brooklyn Traffic Calming Study*, extend northward to include Cadman Plaza, Fulton Ferry Landing, Vinegar Hill and DUMBO, eastward to include all of Clinton Hill and Prospect Heights, and southward to Eastern Parkway, Prospect Park West, and the Prospect Expressway. It must include the BQE, the on and off ramps to the current study area as well as the impact of the Manhattan and Brooklyn Bridges, so as to study the BQE from Williamsburg Bridge to at least Hamilton Avenue. (20, 41)

**Response:** The transportation study area for this project has been established in consultation with NYCDOT and other City agencies. It was selected to focus on the principal travel corridors to and from the projected development sites and incorporates those intersections with the greatest potential to be impacted by project-generated traffic.

**Comment 32:** The city should carry out a comprehensive plan of binding mitigation. (22)

**Response:** The development of mitigation measures for project-generated impacts will follow established CEQR criteria and will be subject to review and approval by the relevant public agencies (e.g., NYCDOT, New York City Transit, etc.). Mitigation measures typically address specific project impacts associated with

development of a project, and it would therefore be inappropriate to implement such measures prior to project commencement. This is especially true for the Downtown Brooklyn Development project as it is a large area-wide zoning proposal and the exact timing of the specific developments that may occur as a result of its implementation cannot be definitively established. It is anticipated, however, that mitigation measures would be implemented prior to the 2013 analysis year as individual sites are developed.

**Comment 33:** The SEIS must assert goals for a 30 percent reduction in traffic and for developing and implementing traffic improvements for the whole of Downtown Brooklyn and the surrounding residential communities. (41)

Appropriate traffic calming measures need to be implemented. (1)

Parking policies as well as facilities must be analyzed for impacts. Consideration should be given to the impacts of such measures as mandating public agencies to provide off-street parking for necessary vehicles and elimination of permit parking areas, providing residential parking permits in surrounding neighborhoods, etc. (1)

**Response:** The proposed project is a public planning effort to create opportunities for stimulating and integrating new development in the Downtown Brooklyn area. To the extent that the proposed actions result in significant adverse impacts on traffic, parking, pedestrian, and transit issues, the EIS will identify mitigation measures to avoid or minimize these impacts. Reducing traffic congestion and developing and implementing traffic improvements for the whole of Downtown Brooklyn and surrounding residential communities has been (and continues to be) the focus of a variety of transportation planning efforts such as NYCDOT's *1999 Downtown Brooklyn Traffic Improvements Study* and ongoing *Downtown Brooklyn Traffic Calming Project*. These goals will also likely be a focus of the "Transportation Blueprint" for the Downtown Brooklyn area that NYCDOT has proposed to undertake independent of this project.

**Comment 34:** The SEIS must address the effect of existing tolling policies and proposed attempts to equalize the tolling policies, and study equalizing the tolling policies of those bridges and tunnels that influence Downtown Brooklyn traffic the most—the Brooklyn, Manhattan, and Verrazano Narrows Bridges and the Brooklyn Battery Tunnel. (2, 20, 40)

The solution to gridlock is bridge tolls coupled with residential parking permits, which would generate \$1B a year. This could build a new transit tunnel and improve all subways and transform our buses into an on-time system that goes where it's needed. (22)

**Response:** An examination of the tolling policy on bridges and tunnels in Brooklyn is not directly relevant to the assessment of impacts from the proposed actions, and is beyond the scope of what is required under CEQR criteria. Moreover, the timing

of any potential changes to tolls on bridges and tunnels is highly uncertain, as the tolling proposal has been removed from the City's four-year financial plan, and any implementation of new tolls would be subject to an independent environmental review.

**Comment 35:** There is no real consideration of added trucks and their effects on congestion and air quality in the DEIS. It is wishful thinking to suppose that no deliveries will be made to the many new residential and commercial tenants in Downtown Brooklyn or the Atlantic Yards. Realistic assessment of truck trips to and through Downtown Brooklyn must be made. (1, 41)

**Response:** The SEIS traffic and air quality impact analysis will account for truck trips generated by the projected developments, and these new truck trips will be reflected in the No Build and Build traffic networks and the analysis of project impacts. Under the proposed zoning, the projected commercial developments would be required to accommodate off-street loading. NYCDOT's planned "Transportation Blueprint" will explore existing issues with respect to the management of truck activity in Downtown Brooklyn.

**Comment 36:** The DEIS assumes parking is on-street and free in the proposed scope, but reports on the availability of on-street parking so as to produce a rosy picture of available parking off-street. This is dangerous and misleading. Parking, especially free on-street parking, induces traffic. The area is choking in traffic and residents cannot find parking because of all the legal and illegal permit and other parkers. The way of analyzing parking in the DEIS needs to be redone (ignoring on-street parking shortfall); it's misleading. The assumption that parking at the Arena would all be underground is misleading; clearly drivers will look for free parking. Cars circling for parking and limos coming and going twice each evening will seriously increase traffic volumes and congestion at the intersection of Flatbush, Fourth, and Atlantic Avenues. (41)

The SEIS should assess the effects of a ban on all on-street parking of private automobiles displaying special permits in the Downtown Brooklyn Development Project's study area, on adjacent streets, and residential communities surround the project's study area. (20)

The development of the Downtown Brooklyn plan did not take into account Community Board 2's greatest concern, which is parking in no permit zones. (45)

**Response:** The SEIS will include an analysis of the project's impacts on parking supply and demand within the study area and evaluate the proposed zoning. NYCDOT's planned "Transportation Blueprint" will explore existing issues with respect to parking in Downtown Brooklyn. It is also anticipated that parking will be one of the primary issues to be addressed by the new Traffic Coordinator for Downtown Brooklyn.

## TRANSIT AND PEDESTRIANS

**Comment 37:** The DEIS proposed transit mitigations cannot absorb the massive increases expected from the Downtown Brooklyn Development project, never mind the effects of the Atlantic Yards proposal. The SEIS needs to correct that. (41)

**Response:** The SEIS transit analyses will identify all significant adverse transit impacts related to new demand generated by the proposed actions, and also identify specific mitigation measures to address those impacts. Both the impact analyses and the mitigation plan will take into account new demand that will be added to Downtown Brooklyn's transit systems by the Atlantic Yards Arena and Redevelopment project.

**Comment 38:** The DEIS must be expanded. The DEIS dismissed all ideas from the public as being more appropriate to a planning study than a project-specific EIS. The DEIS is an exercise in denial of transit impacts. The SEIS should fix this; it doesn't have to solve all of the impacts but it should be reported so that other people can solve them. (23)

Means to upgrade service and capacity of subways and bus routes all along the entire lengths of the routes coming into and through Downtown Brooklyn need to be explored. (1)

**Response:** The purpose of an EIS is to identify the effects a proposed action or actions may have on the environment. To this end, the transit sections of the Downtown Brooklyn Development SEIS will include analyses relevant to the identification, assessment and mitigation of impacts to transit systems that may result from the proposed actions. The scope of these analyses was developed based on an assessment of where new demand from projected development sites would be most concentrated, and includes a total of eight subway stations or station complexes within Downtown Brooklyn, as well as all local bus routes passing within ¼-mile of any of the projected development sites (a total of 15). In response to comments from the community, the scope of the transit analyses has been expanded to include an analysis of subway line haul conditions.

**Comment 39:** In the subway line-haul analysis, real data and assumptions on passenger trips at each link approaching downtown need to be provided. The SEIS must include background growth and an analysis of where heaviest demand has come from in the past. The study should include demand from southern Brooklyn and the Greenpoint-Williamsburg waterfront, Red Hook and DUMBO. Do not undermine the chances at getting a new subway tunnel by not spelling out the real growth of ridership. End the shortchanging of Brooklyn transit riders and build a transit system that really works. (23)

**Response:** In response to comments from the Downtown Brooklyn community, an analysis of subway line haul conditions has been included in the scope of the SEIS transit analyses. The purpose of this analysis will be to quantify any increases in congestion on subway trains that are a direct consequence of the proposed Downtown Brooklyn Development project. Available data on existing and projected passenger loading and the level of scheduled service at the peak load point and/or at the East River cordon line will be obtained from NYC Transit to serve as the basis of the analysis. All subway routes passing through Downtown Brooklyn will be included. The analysis will include demand from all No Build site developments within Downtown Brooklyn, as well as a background growth rate (0.5 percent per year) to account other more outlying developments and increases in demand not associated with a particular development. Demand from the Atlantic Yards Arena and Redevelopment project will also be incorporated in the No Build baseline.

**Comment 40:** The travel demand forecast in the SEIS should reflect the fact that 2000 Census county-to-county journey-to-work data indicate that 65 percent of Brooklyn work trips originate in Brooklyn. Assuming that 12 percent of trips to Downtown Brooklyn are made by LIRR is not supportable. (23)

**Response:** The travel demand forecast and mode choice assumptions that will be used for the SEIS will be based on accepted CEQR criteria, standard professional references, and studies that have been done for similar uses in Downtown Brooklyn. These sources will be supplemented by 1990 and 2000 Census data, Employee Commute Options (ECO) survey data from firms and governmental/educational institutions in Downtown Brooklyn, as well as recent data for Downtown Brooklyn from other sources. These data will be more reflective of conditions in Downtown Brooklyn than the county-wide data cited in the comment. For example, the 12 percent LIRR mode share assumption cited is based on ECO survey data from workers in Downtown Brooklyn.

**Comment 41:** There is no rationale given for the assignment of trips to subway stations. It would be an error to assign subway trips to stations based on their proximity to development sites. (23)

**Response:** Proximity to development sites will be only one of several factors that will be used in the SEIS subway impact analysis to determine the assignment of subway trips to individual stations. Census data and data on the travel patterns of existing journey-to-work subway trips to Downtown Brooklyn will also be key factors in determining the subway trip assignment.

**Comment 42:** The EIS needs to study the LIRR tunnel to Manhattan. Make sure there are new stops in Brooklyn. There has been some thought of using tunnels in existence.

The R subway line capacity needs to be studied with recent changes in service over the Manhattan Bridge. (2, 20)

With the recent removal of the N line subway service from the Montague Street tunnel, the SEIS should assess the effects of an increase in remaining service or addition of a line via this route on the Court Street, Lawrence Street and DeKalb Avenue stations. (20)

The SEIS should also assess the effectiveness of re-opening of the subway station at Myrtle Avenue/Flatbush Avenue and a subway hub connecting the Borough Hall/Jay Street/Lawrence Street stations. (20)

**Response:** The extension of LIRR service in Brooklyn to Lower Manhattan is a preliminary proposal, whose details and timing have yet to be defined and is too speculative for inclusion in the SEIS. The SEIS will include analyses relevant to the identification, assessment and mitigation of impacts to subway stations that may result from the proposed rezoning actions.

More comprehensive capital improvements as well as operational changes to subway services are generally under the jurisdiction of the MTA and New York City Transit and are not within the scope of this project. Coordination with the MTA and NYC Transit is ongoing, and any significant capital improvements or major service changes planned to occur by the project's 2013 Build year will be incorporated in the SEIS analyses as appropriate.

**Comment 43:** Pedestrian safety is an issue on Flatbush Avenue. (2, 11)

Pedestrian and cyclist safety and ease of movement must be made a priority. (1)

Don't let the intersection of Flatbush and Atlantic Avenues or anyplace in Brooklyn become like Queens Plaza/Queens Boulevard, which has the highest death rate for traffic fatalities. (45)

**Response:** The SEIS pedestrian analyses will fully assess, using approved CEQR criteria, the proposed improvements and the project's potential impacts on the public sidewalks, corner areas and crosswalks surrounding the projected development sites and along key corridors. The analyses will also identify high accident locations within the study area and discuss the potential effects of project demand at these locations.

**Comment 44:** Bus service to Downtown Brooklyn must be carefully assessed on a broad basis in the SEIS. Buses, like trucks, take up a lot of space on our roadways' footprint. The bus service to Downtown Brooklyn is in desperate need of improvement. The final DEIS scope of work and planned mitigation via tinkering with the B-25 bus misses the point on bus service as well. This must be corrected in the SEIS. (41)



**Response:** The analysis of local bus conditions in the SEIS will use CEQR-approved methodologies developed in conjunction with NYC Transit to examine all local bus routes passing within ¼-mile of any of the projected development sites (15 routes in total). The CEQR-approved methodologies that will be employed for analyzing traffic conditions in Downtown Brooklyn takes into account the effects of the presence of buses and bus stops on traffic flow.

## **AIR QUALITY**

**Comment 45:** The intersection of Atlantic and Flatbush Avenues has been a federal hot spot for air pollution for 20 years and nothing has been done to mitigate that. (41, 45)

**Response:** This comment is inaccurate. While it is true that the intersection of Atlantic, Flatbush, and Fourth Avenues was once identified as a “hot-spot” for elevated carbon monoxide (CO) levels that exceeded National Ambient Air Quality Standards (NAAQS), the New York City metropolitan area is now in attainment of the CO standards and there are no CO “hot-spots” in the City.

The City and State had taken great efforts to address the issue of CO non-attainment, starting with the revision and resubmission of its State Implementation Plan (SIP) to the U.S. Environmental Protection Agency (EPA). The revised SIP was submitted in November 1992, and demonstrated modeled attainment through the implementation of such measures as an enhanced vehicle inspection and maintenance program, use of oxygenated gasoline fuels in the winter, various contingency measures, a multi-state coordination commitment, and a new source review program.

In 1999, New York submitted to EPA a CO re-designation request which, through the use of NYS Department of Environmental Conservation (NYSDEC) monitoring data, demonstrated that the New York City metropolitan area had attained the CO NAAQS, and with a maintenance plan would continue to comply with the NAAQS. The data showed that at key CO monitors throughout the City, including a monitor located at Brooklyn Transit, had CO values consistently below the NAAQS since 1992. Based on the data supporting New York's re-designation request and maintenance plan, EPA officially accepted the request, and the NYMA was re-designated as an attainment area for CO, which became effective in May 2002.

## **CONSTRUCTION IMPACTS**

**Comment 46:** Construction impacts alone will influence and significantly impact congestion and air quality in an already unacceptably congested and polluted area. (41)

**Response:** The inclusion of the Arena project as part of the No Build condition would not alter the construction activities associated with the Downtown Brooklyn Development project. The DEIS addressed the issue of construction impacts

related to the Downtown Brooklyn Development project, and this issue will be considered in the SEIS as well.

## **PUBLIC HEALTH**

**Comment 47:** What will happen with the traffic from this project? A person from the National Safety Council has said that the Arena project is practically guaranteed to increase levels of pollutants from traffic increase. The result of the project will be increase in suffering for people with asthma. Please take that into consideration in your analysis. (5)

Trucks take up lots of room and emit serious, noxious emissions, further impairing the health and welfare of local residents and workers. Lost productivity due to asthma threatens our businesses and educational system. Throw Atlantic Yards into the mix and the likelihood of disaster increases. The SEIS must credibly assess these impacts. (41)

**Response:** Microscale air quality analyses will be conducted at traffic intersections that are expected to result in the highest concentrations of pollutants. Potential project impacts will be compared to standards and thresholds that have been established at levels that are protective of public health.

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