



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

September 27, 2006

Honorable Charles Gargano, Chairman
Empire State Development Corporation
633 Third Avenue, 37th Floor
New York, NY 10017

Re: Comments on the General Project Plan for the Atlantic Yards Civic and Land Use Improvement Project

Dear Chairman Gargano:

The City Planning Commission (the "Commission") has reviewed the General Project Plan (the "GPP") for the Atlantic Yards Civic and Land Use Improvement Project (the "Project"), dated July 18, 2006. The GPP is subject to Commission review pursuant to the provisions of Subdivision 3 of Section 16 of the New York State Urban Development Corporation Act which provide that a planning board or commission may recommend approval, disapproval or modification of a general project plan, whenever such plan requires the override of local law or regulation for implementation or the acquisition of property by eminent domain.

The Project proposes the override of the Zoning Resolution and other local law with respect to: use regulations; floor area and open space regulations; height and setback controls; minimum distance between buildings; signage; parking regulations; loading requirements; special permit requirements relating to development in railroad right of way or transit air space; and certain land use controls of the Atlantic Terminal Urban Renewal Area (ATURA) Plan. These overrides are described in more detail in Exhibit A attached hereto.

The goal of the Project is to redevelop a large underutilized area adjacent to Downtown Brooklyn and one of the city's best-served transit hubs with a large, mixed-use project that would include: a state-of-the-art arena for the Nets basketball team bordered by new class A office buildings; new housing, including a significant amount of affordable housing; retail; active ground floor streetscapes; a large, publicly-accessible open space; and a relocated, modern rail yard for the Long Island Railroad. The Project site is located

in an area roughly bounded by Flatbush and Fourth Avenues to the west, Vanderbilt to the east, Atlantic Avenue to the north, and Dean and Pacific Streets to the south.

The Arena would have seating for 18,000 visitors for sports events and up to 20,500 visitors for other events. With respect to other Project components, the General Project Plan permits Commercial and Residential Variations which would allow flexibility in the amount of office, hotel and residential space to be developed. Under the Residential Variation, the Project would provide approximately 6,790,000 square feet (6,860 units) of new rental and home-ownership housing, approximately 600,000 square feet of Class A office space and a 165,000 square-foot, 180-room hotel. Under the Commercial Variation, the Project would provide approximately 5,730,000 square feet (5,790 units) of housing and 1.8 million square feet of class A office space. Under both Variations, approximately 2,250 units of rental housing would be critically-needed affordable housing units for low-, moderate- and middle-income residents, expected to be financed through tax-exempt bonds provided under existing and proposed City and State housing programs, such as the City's 50-30-20 program.

A new, at least seven-acre open space with multiple access points, wide walkways, and active and passive recreation areas would serve the Project's and the area's residents and would join together the surrounding neighborhoods. Almost 250,000 square feet of new ground-level retail spaces, glass facades and public amenities along the sidewalks would activate the street frontages and result in a vibrant streetscape. Community facilities, anticipated to include a health care center and an approximately 15,000 square foot intergenerational facility, would also be part of the Project. A new direct subway connection to the transit hub at the intersection of Atlantic and Flatbush Avenues would accommodate those attending Arena events, as well as visitors and workers in the Project's hotel and offices, and the Project's residents. The existing, below-grade LIRR rail yard would be relocated to a more efficient location on site and replaced with a new state-of-the-art rail storage, cleaning, repair and inspection facility. Finally, the Project would incorporate sustainability and green design elements through comprehensive sustainable design goals that would make efficient use of energy, building materials and water.

The Commission believes that the Project builds on the City's ongoing efforts to continue the growth of Downtown Brooklyn, the city's third-largest central business district, by utilizing the area's excellent transit infrastructure to provide new entertainment, commercial and residential uses. Development of a state-of-the-art arena would allow the return of a major-league sports franchise to Brooklyn while also providing a first-rate sports arena for the City's colleges and local academic institutions and a new venue for a variety of other events. The new arena, surrounded by a mixture of commercial office and residential uses, together with an active streetscape of ground-floor retail, glass facades and public amenities and open space, would transform an area currently dominated by a below-ground rail yard into a vibrant new mixed-use community. The new office buildings would complement efforts by the City to add to the existing class A office space in Downtown Brooklyn. The new housing, approximately 2,250 units of which would be affordable to middle-, moderate- and low-income residents, would

further the City's goals with respect affordable housing. The seven acres of new, publicly-accessible open space would be a significant new open space resource for Project and area residents.

The Commission is pleased that the ESDC and the developers have consulted with the Department of City Planning during the course of the design of this Project, and that this has resulted in several major improvements to the Project's urban design features and amenities. In particular, the Commission is pleased that with City Planning input, the glass-enclosed Urban Room at the intersection of Flatbush and Atlantic Avenues will function as an important public gathering place. In addition, the Commission notes that the Department of City Planning advocated at an early date for the inclusion of Design Guidelines to govern the building forms, signage, streetscape and open space on the Project Site and is pleased that this has resulted in the development of detailed Design Guidelines that will help ensure that this new development will reflect design excellence and enhance the future urban fabric of the area. The Design Guidelines govern the development of the Arena block, the adjoining residential blocks to the east of Sixth Avenue and the related open space.

Under the Design Guidelines, the arena block, located between Atlantic Avenue, Flatbush Avenue and Sixth Avenue, will be designed with a new, state-of-the-art arena as its centerpiece, surrounded by four towers. Building 1's distinctive architectural profile will contain an exterior clad in sculptural panels of glass and metal, and provide a distinct visual relationship with the Williamsburgh Savings Bank to the west. Height limits are established for each tower as well as detailed envelope controls. The arena's design will include maximum glazing to allow views into the arena's circulation space and the "arena bowl", emphasizing the importance of its location. The Urban Room will be located at the apex of Atlantic and Flatbush avenues, enhancing the project's iconic status and providing direct links to the mass transit hub below ground. The Design Guidelines for the arena block also include provisions governing the streetscape that will enhance the pedestrian environment by providing widened sidewalks, specifying the locations of ground-floor retail and encouraging the maximum amount of retail and glazing possible. The Design Guidelines also provide for arena event-related signage which will activate the Arena block facades in specified zones along Atlantic and Flatbush Avenues with illuminated non-advertising signs. Signage along Dean Street and Sixth Avenue will be limited to local neighborhood retail signage.

The Design Guidelines for the residential blocks to the east of Sixth Avenue establish a framework for a dynamic urban landscape, blending distinctive architectural forms with more traditional building types. The design provides an undulating skyline along Atlantic Avenue, creating a street wall presence that is appropriate for an avenue of this width. Development along Dean Street will step down to provide a transition to the low-rise Prospect Heights neighborhood to the south. As in the case of the Arena Block, the Design Guidelines for the residential blocks provide for a series of required setbacks and architectural features that serve to break down building scale, as well as promote visual interest and architectural innovation. In addition, the guidelines require that a minimum

distance between the residential buildings will be provided to assure maximum light and air and generous public access to the Project's open space. To provide an active, vibrant street level presence along Atlantic and Vanderbilt Avenues, the guidelines specify ground-floor retail and encourage the maximum amount of retail and glazing possible.

The Design Guidelines for the open space require a variety of active and passive uses, water features, walking paths, seating areas and landscaping to serve both project residents and members of the public. The guidelines require generous entrances to the open space along Atlantic Avenue that are aligned with the street grid to the north, to emphasize connections between Fort Greene and Prospect Heights, and will contain ample seating and planting to promote their use.

The Commission notes that the ESDC and the developers, in consultation with DCP staff, continue to refine the streetscape provisions of the Design Guidelines to better ensure that the ground floors of the Project would be active and vibrant. On the Arena Block, these changes have ensured that a maximum amount of retail will be provided. They include a 180-foot "sidewalk market" along Atlantic Avenue, and requirements that 70 percent of the ground floor along the Sixth Avenue frontage, and 30 percent of the Dean Street frontage be devoted to retail. In addition, a minimum of 70 percent glazing requirement up to a height of 12 feet would apply to all of the ground floor retail uses, except the sidewalk retail market. Increased glazing will also be required for the area of the Arena above the concourse level. On the residential blocks, these changes have ensured the maximum amount of retail along the Atlantic and Vanderbilt Avenue frontages of the residential blocks with similar glazing requirements as on the Arena Block. On Site 5, these changes have ensured that retail use would be required along the Fourth and Flatbush Avenues frontages; and that a minimum glazing requirement of 70 percent would also apply.

While the Commission supports the Project and the exercise of the ESDC's statutory authority, the Commission recommends that the ESDC consider and address the following additional changes and reductions in the Project's design and size.

Building 1

The Commission supports the concept of an iconic building at the intersection of Atlantic and Flatbush Avenues. Building 1 is envisioned to rise above a 150-foot tall base containing the 'Urban Room' with a middle section and a tower to a height of 620 feet. The building's middle section, or 'shoulder', is proposed to be 234 feet wide along Atlantic Avenue and 241 feet wide along Flatbush Avenue. Two transparent 'wings' attached to the shoulders would add an additional 65 feet to the building's width.

The Commission notes, however, that the Design Guidelines for Building 1 provide an envelope that would allow a width of up to 270 feet on Atlantic Avenue and up to 300 feet along Flatbush Avenue, with an additional 65 feet for the transparent 'wings'. This flexibility in the Design Guidelines envelope could result in a building shoulder that is excessive. Therefore, the Commission recommends that the Design Guidelines be modified so that the maximum envelope for the 'shoulder' of Building 1, exclusive of the

transparent 'wings', be limited to a width of 250 feet wide on Flatbush Avenue and a width of 250 feet on Atlantic Avenue.

Building 3

Building 3, located on the Arena Block at the corner of Dean Street and Sixth Avenue, is proposed to rise to a height of 428 feet and contain approximately 530,000 zoning square feet. The composition of the Arena Block's four buildings was carefully analyzed, and the Commission believes that Building 3 creates an excessive building wall which diminishes the prominence of the arena's location. The Commission therefore recommends that the height of Building 3 be reduced to approximately 220 feet and approximately 275,000 zoning square feet, to provide a stronger composition of buildings surrounding the arena, and to better reflect the existing built context of nearby buildings.

Building 6

This building is proposed to rise to a height of 334 feet and contain approximately 535,000 zoning square feet on Atlantic Avenue between Sixth and Carlton avenues. The Commission believes that Building 6's proposed height should be reduced in order to fully realize the careful balancing of building heights along Atlantic Avenue, which is an important architectural and urban design feature of the Project. Reducing its height to approximately 220 feet and approximately 355,000 zoning square feet would enhance the undulating skyline of the buildings along Atlantic Avenue between Sixth and Carlton avenues.

Site 5

Site 5, located on a site bounded by Atlantic, Fourth and Flatbush avenues, is proposed for a height of 350 feet and to contain approximately 572,000 zoning square feet. The Commission recognizes the prominence of this site, which is located across from both the Williamsburgh Savings Bank and Building 1 of the Arena block, as well as directly adjacent to the low-rise buildings west along Atlantic Avenue and the terminus of the Fourth Avenue corridor. The Commission believes that Site 5's height should be carefully assessed within this context. Given this location, the Commission therefore recommends that Site 5 be reduced to a height of 250 feet with a reduction of approximately 180,000 zoning square feet to approximately 392,000 zoning square feet in order to provide a more varied composition of building heights and to provide a stronger transition to the Fourth Avenue corridor to the south.

Open Space

As currently proposed, the project will provide a minimum of seven acres of open space. Given the project's size, and location, we believe that the amount of open space provided should be maximized to the extent practical, given the high level of use the space is likely to receive. Consistent with the current Design Guidelines, eight acres of open space can be accommodated. The Commission therefore recommends that the Design Guidelines be revised to reflect that there shall be a minimum of eight acres of open space.

As a transit-oriented development with new connections to the borough's largest transit hub, and given its unique location in Downtown Brooklyn, in close proximity to other high-density commercial uses, and at the intersection of three of the borough's major commercial thoroughfares, the Project is appropriate for significant density and a mix of entertainment, commercial, retail and residential uses. The changes proposed herein would enhance the architecture and urban design of the Project while reducing the overall size by eight percent, an amount equivalent to approximately 616,385 zoning square feet of floor area, and are consistent with project goals and objectives that recognize the unique opportunities afforded by the site's location.

Affordable Housing

The Commission is pleased to note that, following the Commission's Review Session on September 25, the developers have reaffirmed their commitment that the entire project will generate at least 2,250 units of affordable housing on site, and have agreed that at least 30% of the units built in Phase 1 (approximately 550 units) will be affordable. Phase I is defined as the Arena Block. The developers have further committed that the balance of the affordable units will be built in Phase 2. The units are expected to be built as part of the Mayor's New Housing Marketplace Plan. The Commission understands that these commitments are not reflected in the current GPP, but will be embodied in the City's Funding Agreement with the developers.

This letter of recommendation was adopted by the City Planning Commission on September 27, 2006 (Commissioner Williams recused).

Sincerely,

Amanda M. Burden, AICP
City Planning Commission Chair

c: Dan Doctoroff, Deputy Mayor
Shaun Donovan
David Karnovsky
Richard Barth
Larry Parnes
Ellen Ryan
Regina Myer

Exhibit A

i) Use Regulations to allow: (a) Commercial uses in a residential district and commercial uses above the height of the first or second floor in commercial overlay districts; (b) Residential uses in a manufacturing zone; (c) Community facility use in a manufacturing zone without obtaining a special permit from the City Planning Commission; (d) Arena use in a residential and residential/commercial overlay district, and arena use in C6 and C4 commercial and M1-1 manufacturing districts located closer than 200 feet from a residential zone and without obtaining a special permit from the CPC; (e) Uses within the beds of City streets; (f) Commercial and residential uses to occupy portions of the development without regard to the location restrictions contained in the Zoning Resolution; and (g) Physical culture establishments without obtaining a special permit from the New York City Board of Standards and Appeals.

ii) Floor area and open space regulations to allow: (a) Commercial and residential floor area in excess of that permitted in the underlying districts; (b) Location of residential floor area without regard to open space ratio or lot coverage requirements, where applicable; and (c) Location of floor area in the bed of mapped City streets.

iii) Height and setback controls, including modification of minimum base heights in contextual districts and Special Downtown Brooklyn District streetwall controls, and modification of maximum base heights, setback requirements, sky exposure planes, and maximum building heights.

iv) Minimum distance between buildings on a single zoning lot.

v) Signage regulations to allow arena signage to exceed the applicable height, surface area, and illumination controls on the arena block.

vi) Parking regulations to allow for accessory parking to be provided on zoning lots within the Project Site without regard to requirements regarding restrictions on location of accessory off-street parking spaces.

vii) Loading requirements for commercial uses on the Project Site.

viii) Zoning Resolution special permit requirements to allow for a platform over or within a railroad right of way or transit air space to be included within a zoning lot and used for development.

ix) Land use controls of the Atlantic Terminal Urban Renewal Area (ATURA) Plan, as they relate to Site 5 and Site 6A to the extent the ATURA Plan requires compliance with zoning.

x) Restriction on the use of streets shown on the City Map as it relates to Pacific Street between Flatbush and 6th Avenues, 5th Avenue between Flatbush and Atlantic Avenues

(inclusive of the small traffic island), Pacific Street between Vanderbilt and Carlton Avenues and an area underneath 6th Avenue between Atlantic Avenue and Pacific Street.