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October 26, 2026

Hon. Hope Knight
President, CEO and Commissioner
Empire State Development
633 Third Avenue
New York, New York 10017

Re: Atlantic Yards Redevelopment Project — Draft Scope of Work for Second Supplemental Environmental Impact Statement

Dear Commissioner Knight:

These comments address the August 24, 2026 Draft Scope of Work for the Second Supplemental Environmental Impact Statement ("SSEIS") for the Atlantic Yards Redevelopment Project. The comments focus on several areas where the Final Scope should be expanded so that the SSEIS provides an adequate current record for ESD's SEQRA and Modified General Project Plan ("MGPP") determinations.

The Draft Scope proposes substantial changes to the remaining portions of a project first approved in 2006 and subsequently modified in 2009, 2014, and 2019. Among other changes, the current proposal would increase density and building heights on the remaining sites, modify the affordable-housing program, reorganize open space, change construction phasing, eliminate Buildings 1 and 8, and potentially include a hotel and accessory parking at Site 5. (Draft Scope at 1–2, 5–9.)

At the same time, the Draft Scope states that the existing MGPP, as amended, remains in full force and effect and that the Second Amended Memorandum of Environmental Commitments ("MEC") remains operative. The August 2026 Memorandum of Understanding ("MOU") likewise treats the full approximately 22-acre MGPP area as the "Project Site," even though the Draft Scope defines the present "Proposed Project" more narrowly for purposes of the SSEIS. (Draft Scope at 2–5; MOU §§ 6, 15.)

Those circumstances make this SSEIS different from the environmental review of a wholly new development. ESD is considering substantial amendments to an integrated project whose environmental impacts, mitigation obligations, public benefits, financing arrangements, and implementation history now extend over approximately two decades. The SSEIS should make use of that history rather than treat it as analytically irrelevant.

I. The SSEIS Should Use a Whole-Project Framework Where Prior Impacts, Mitigation and Public Benefits Remain Relevant

The Draft Scope defines the "Proposed Project," for purposes of the SSEIS, as the modified development remaining to be constructed on Blocks 927, 1120 and 1121 and the adjacent bed of Pacific Street. It states that the SSEIS will focus on environmental impacts associated with those remaining development parcels and whether the Proposed Project would result in significant adverse impacts not previously identified and considered. (Draft Scope at 2.)

That definition is useful for identifying the incremental physical development now proposed. It should not, however, become an analytical boundary that excludes relevant conditions associated with the Atlantic Yards project as a whole.

The MOU defines the "Project Site" as the full approximately 22-acre area governed by the MGPP, expressly including both areas already developed in Phase I and areas remaining to be developed in Phase II. (MOU § 6.) The Draft Scope likewise recognizes that the MGPP, as amended in 2009, 2014 and 2019, remains in force and that the Second Amended MEC continues to govern commitments relating to socioeconomic conditions, open space, transportation, pedestrian improvements, air emissions, noise, infrastructure, construction and other environmental matters. (Draft Scope at 4–5.)

Accordingly, the SSEIS should apply a whole-project framework where an environmental issue cannot reasonably be understood by looking only at the remaining parcels. This should include circumstances in which a completed project component continues to generate environmental effects; an existing mitigation commitment applies across completed and future phases; the effectiveness of prior mitigation can now be evaluated using actual operating conditions; a proposed modification changes a public benefit evaluated at the project-wide level; or new development combines with completed components to affect the same environmental resource.

The purpose of this request is not to require ESD to reopen every technical analysis performed in 2006 or 2014. Completed construction may appropriately form part of the present environmental setting for many technical analyses. The SSEIS should instead determine, topic by topic, whether completed portions remain relevant to the environmental question now before ESD.

Project-Wide Status of Prior Impacts, Mitigation and Public Benefits

The SSEIS should include a concise project-wide accounting of the major environmental impacts, mitigation measures and material public benefits identified in the 2006 FEIS and Findings, as supplemented in 2014. For each material item, the SSEIS should identify whether it is completed or fully implemented; partially implemented; continuing and subject to ongoing compliance obligations; modified by the Proposed Actions; eliminated or superseded; or not yet delivered.

This accounting should include, at minimum, major transportation and pedestrian mitigation, open-space commitments, affordable housing, community facilities, construction mitigation, and other commitments embodied in the continuing MEC. Where an existing commitment remains applicable, the SSEIS should evaluate whether the Proposed Project requires that commitment to be retained, strengthened, modified or supplemented.

Actual Performance of Prior Mitigation Is Relevant Evidence

The passage of approximately twenty years since the original approval gives ESD information that was unavailable when the 2006 FEIS was prepared. Where a completed element has been operating for years, the SSEIS should use actual experience to evaluate the adequacy of prior assumptions and mitigation where that experience bears directly on the impacts of the Proposed Project. Actual Arena-event traffic can inform cumulative transportation analysis; actual construction experience can inform construction-mitigation requirements; housing actually delivered can inform the affordable-housing public-benefit analysis; and existing open space and completed residential population can inform whether the remaining open-space program adequately serves the eventual project population.

Public Benefits Should Be Evaluated on a Consistent Project-Wide Basis

If ESD relies upon benefits accumulated across the entire Atlantic Yards project—such as housing production, affordable housing, open space, transit improvements, rail-yard improvements, community facilities or economic development—in making its current findings, then the SSEIS and related decisional record should identify those benefits consistently on a project-wide basis. Completed portions may constitute the

environmental baseline, but their continuing effects, mitigation obligations and contribution to project-wide public benefits should be included where relevant to the current action.

II. ESD Should Reassess the Current Factual Basis for the Project's Blight-Removal and Land-Use-Improvement Purpose

The 2006 Blight Study was prepared to support ESD's findings under the Urban Development Corporation Act ("UDC Act") for a land-use improvement project. The UDC Act requires ESD, for such a project, to make findings concerning a substandard or insanitary area and its tendency to impair or arrest sound growth and development. The issue presented by the current amendment is not whether the 2006 finding automatically ceased to have legal effect. It is whether the factual conditions now existing continue to support the same land-use-improvement findings and public-purpose rationale, and to what extent.

The 2006 study examined an approximately 22-acre area. Approximately nine acres—about 40 percent of the site—consisted of the open Vanderbilt Yard and related MTA facilities. The study found that 51 of 73 parcels, or approximately 70 percent of the parcels and 86 percent of the site's land area, exhibited at least one of four identified blight characteristics: significant physical deterioration, at least 50 percent building vacancy, development at 60 percent or less of allowable FAR, or vacant-land status. Eleven parcels contained buildings considered sufficiently deteriorated to present structural or public-safety concerns. (2006 Blight Study, Executive Summary and §§ B–C.)

The study also advanced a broader causal theory. It identified the open below-grade Vanderbilt Yard and the expense of constructing a platform over it as one of the principal reasons that the project site remained physically deteriorated and relatively economically inactive while surrounding areas experienced substantial revitalization. It further concluded that the yard had a blighting influence on adjoining blocks south of Pacific Street. (2006 Blight Study, Executive Summary.) Those factual predicates should now be tested against current conditions.

A. Identify Which 2006 Blight Conditions Remain

The SSEIS and amended MGPP record should update the 2006 analysis using current parcel and land-area conditions. For the parcels examined in the original study, ESD should identify whether the conditions relied upon in 2006 remain, have been eliminated through Atlantic Yards development, have otherwise changed, or are no longer relevant because the parcel has been redeveloped. The result should permit comparison between the area-wide conditions supporting the original 22-acre finding and the conditions that actually remain today.

A current analysis is particularly appropriate because substantial portions of the original project area have been transformed. The Arena, eight residential buildings, approximately three acres of publicly accessible open space and the reconstructed LIRR yard are now complete. Numerous deteriorated structures and vacant or underutilized parcels identified in the 2006 study no longer exist in their prior condition. ESD need not mechanically repeat every element of the 2006 study, but it should update the factual indicators upon which it continues to rely.

B. Separately Test the Remaining Rail Yard and Its Claimed Effect on Surrounding Development

The SSEIS should distinguish between two related but different questions. The first is whether the remaining uncovered rail yard itself constitutes a continuing physical or land-use condition warranting remediation. The second is whether that remaining condition continues to impair or arrest development of surrounding property to the degree asserted in 2006.

The 2006 study described the below-grade yard as a substantial gap in the urban fabric and a physical and visual barrier between surrounding neighborhoods. It also expressly attributed deterioration and economic inactivity on surrounding project blocks in part to the presence of the yard. Twenty years of subsequent experience now provide an opportunity to test that proposition empirically.

In particular, Block 1129 has been substantially redeveloped with residential buildings immediately adjacent to the still-uncovered eastern rail yard. That development does not establish that the yard has no adverse influence, nor does it resolve the statutory question. It does, however, constitute relevant evidence bearing on the earlier assertion that the uncovered yard materially inhibited surrounding investment and development.

The current analysis should therefore examine appropriate contemporary indicators—including development activity, occupancy and vacancy, property utilization, investment, street activity and other relevant land-use or real-estate measures—on Blocks 1127, 1128 and 1129 and in the surrounding area. It should state whether the remaining uncovered yard continues to impair or arrest sound growth and development and, if so, identify the nature and geographic extent of that effect.

C. Distinguish Blight Already Remediated From Conditions the Proposed Actions Would Remedy

The original blight determination was area-wide. The 2006 study did not conclude that every parcel independently exhibited the same conditions; some parcels were occupied, physically sound or fully utilized even at that time. The current record should similarly distinguish among: conditions already eliminated through earlier phases of Atlantic Yards; conditions that remain on Site 5; conditions attributable to the uncovered portions of Blocks 1120 and 1121; any continuing blighting influence on adjacent developed property; and conditions that would actually be remedied by the proposed 2026 actions.

This distinction is necessary to understand the remaining land-use problem the amended project is intended to solve, rather than attributing to the current proposal the remediation of conditions eliminated years earlier.

D. Explain the Relationship Between Remaining Blight and the Scale of the New Development Program

The existence of a continuing physical impediment does not, standing alone, explain the scale and density of development proposed to address it. The current record should distinguish among the physical and financial requirements of constructing the remaining rail-yard platforms; the development necessary to eliminate or ameliorate remaining substandard conditions; development necessary to support a particular financing structure; housing-production objectives; and other present-day public-policy purposes.

This is not a request that ESD establish a mathematical ratio between the amount of blight and the amount of permissible floor area. The UDC Act imposes no such formula. It is instead a request that ESD make clear what public purpose is supporting what component of the substantially revised development program. If financial feasibility remains an important rationale for current density, that should be identified as such rather than treated interchangeably with a factual finding of blight.

E. Use Current Evidence for Current Findings

Some of the evidence relied upon in 2006 was inherently time-specific, including 2004 and 2005 crime statistics, vacancy, utilization, building condition and development activity. If ESD continues to rely upon any such indicator in support of current findings, contemporary data and an appropriate current methodology should be used. If ESD does not rely upon a particular indicator today, there is no need to reproduce it simply because it appeared in the 2006 report. Current findings should rest on current evidence.

F. The Updated Analysis Should Inform, Not Predetermine, the UDC Act Determination

The requested analysis does not presume that the remaining rail yard cannot constitute a substandard or insanitary condition, nor does it presume that ESD is unable to make the findings required by the UDC Act. Rather, any current finding should be based upon the conditions that exist today and the project now proposed, rather than relying without reexamination upon a 2006 factual record addressing a materially different 22-acre site.

Accordingly, the Final Scope should require the SSEIS to update the factual record supporting the project's land-use-improvement purpose; quantify which material conditions identified in the 2006 Blight Study remain and which have been eliminated or materially changed; separately evaluate the remaining rail yard and its

present effect, if any, on surrounding development; and explain the relationship among remaining blight remediation, platform costs, project financing, housing production and the scale of the Proposed Project.

III. The SSEIS Should Evaluate the Material Change in the Project-Wide Affordable-Housing Public Benefit

Affordable housing has been a central public benefit of Atlantic Yards since the project's original approval. The previously approved program contemplated 6,430 total residential units and 2,250 affordable rental units—approximately 35 percent of all project housing. The current MOU continues to describe the previously approved requirement as 2,250 affordable rental units, while summarizing the permissible income range as 30 to 165 percent of AMI. (MOU § 7.)

The environmental review, however, evaluated a more specific affordability profile. The 2014 FSEIS analyzed Phase II affordable housing through five income bands: 30–40 percent AMI, 41–50 percent AMI, 60–100 percent AMI, 101–140 percent AMI, and 141–160 percent AMI. Under the Extended Build-Out Scenario, 1,799 Phase II affordable units were distributed as 185, 555, 353, 353 and 353 units in those five bands, respectively. The environmental record therefore evaluated not merely a number of "affordable units," but a particular depth and distribution of affordability.

The SSEIS should distinguish between two different concepts: units satisfying the contractual or programmatic definition of "affordable housing," and the affordable housing public benefit actually evaluated in the prior SEQRA record. A unit may qualify as affordable under a governmental regulatory agreement without necessarily providing the same depth or distribution of affordability assumed in the environmental analysis.

That distinction is material here. Based on the building-level apartment inventory used for these comments, the completed project contains approximately 3,210 apartments, including 1,374 income-restricted apartments. Among those completed affordable units are 326 units restricted at 165 percent AMI. Those units may satisfy the governing project agreements, but they fall above the upper income band expressly analyzed in the 2014 FSEIS.

The proposed Phase II program also adopts a substantially different structure. Site 5 and B6 would provide 25 percent affordable rental units at an average of 60 percent AMI, with no restricted unit above 100 percent AMI, expressly described in the MOU as consistent with RPTL § 485-x. B5 and B10 may average 80 percent AMI, with restricted units extending to 120 percent AMI, while B7 and B9 may average 90 percent AMI with the same 120 percent cap. (MOU § 9.)

Project-Wide Affordable-Housing Distribution Using Building-Level Data

Income Level	Final Project Units
40% AMI	232
60% AMI	635
80% AMI	315
90% AMI	24
100% AMI	244
110% AMI	261
120% AMI	149
130% AMI	433
165% AMI	326
Total income-restricted	2,619

Using the most granular building- and income-band values available for these comments, the proposed completed project would contain approximately 8,810 apartments, of which approximately 2,619—or 29.7 percent—would be income-restricted. (Because the illustrative MOU table contains small inconsistencies between certain row and column totals and the sum of the individual building-level AMI cells, this analysis uses the more granular building-level values. ESD should reconcile those discrepancies in the SSEIS.)

Viewed against the five bands used in the 2014 FSEIS, the final project would contain approximately 232 units in the 30–40 percent range, no units in the 41–50 percent range, 1,218 units in the 60–100 percent range, 843 units in the 101–140 percent range, and 326 completed units at 165 percent AMI. Because the prior record used different band endpoints, the SSEIS should group the completed and proposed units into comparable AMI ranges so that the current program can be meaningfully compared with the affordability distribution evaluated in 2006 and 2014. It should also explain the treatment of units above the earlier 160 percent upper band.

The SSEIS should expressly compare the approximately 35 percent project-wide affordable share reflected in the prior program; the five-band affordability distribution evaluated in the 2006/2014 SEQRA record; the actual affordable units delivered to date; the affordability mix proposed for the remaining buildings; and the final project-wide result.

The analysis should evaluate the housing need served rather than treating all income-restricted units as interchangeable. It should compare the programs against current rent burden and severe rent burden among New York City tenants by household income; local populations vulnerable to displacement based upon demographic trends; and representative working- and middle-income household incomes. Where the SSEIS quantifies economic and fiscal benefits of the Proposed Project, it should similarly quantify the change in housing benefit.

Public Assistance and Depth of Affordability

The proposed affordability program should also be evaluated together with the public financial assistance on which Phase II depends. The MOU states that Phase II requires tax exemptions to be financially feasible and to achieve the proposed affordability program; contemplates as-of-right exemptions, PILOT structures or other measures; describes the PILOT and tax-payment assumptions contained in the developer's underwriting as essential to the viability of Phase II; and contemplates a residential rental ground-lease and/or PILOT structure

providing a full property-tax exemption for 40 years, subject to the payments ultimately required by the transaction documents. (MOU § 13.)

The MOU also states that the Block 1120 platform underwriting depends on $350 million of State funding, of which $175 million had been appropriated when the MOU was executed and the remaining $175 million had not yet been identified. (MOU § 12.)

Accordingly, the SSEIS should identify the material public financial assistance associated with each principal development component and evaluate it together with the affordability produced, including the nature and duration of property tax or PILOT benefits, State platform subsidies, other material governmental subsidies or exemptions, the affordability percentage and average AMI produced by each building or component, and the extent to which alternative affordability programs would require additional, reduced or differently structured public assistance.

This comparison is particularly relevant because Site 5 and B6 are proposed with an affordability profile corresponding to the generally available 485-x program, while the remaining Phase II buildings are permitted higher average AMIs and higher income caps even though the MOU separately contemplates project-specific PILOT or other exemption structures for Phase II. The SSEIS should provide sufficient information for ESD to understand the relationship between public resources committed and the affordable-housing public benefit obtained.

Consequences of Extending the 2025 Affordable-Housing Deadline and Modifying the Delay Remedy

The 2014 amendments to the Project Documents required 2,250 Project Site Affordable Housing Units to receive temporary certificates of occupancy by May 31, 2025. They also established a monthly liquidated-damages remedy equal to $2,000 multiplied by the Affordable Unit Shortfall, with payments directed to the New York City Housing Trust Fund administered by HPD. The associated settlement documents contemplated use of those funds for the creation and preservation of affordable housing in Brooklyn Community Districts 2, 3, 6 and 8, thereby providing a compensating housing benefit if Atlantic Yards affordable units were delayed. (2014 Omnibus Amendment § 3(b)(ii); 2014 NYC Letter.)

The May 2025 deadline passed with a shortfall of roughly 877 affordable units. The proposed Phase II framework now contemplates completion of Site 5 and Block 1120 obligations by the end of 2037 and Block 1121 buildings by 2040, subject to the funding and extension provisions described in the MOU. (MOU § 14.) The SSEIS should therefore disclose the affordable-housing consequences of replacing the prior delivery schedule and delay remedy with the proposed Phase II program rather than evaluating only the number of units ultimately expected at full build-out.

The SSEIS should quantify, by year, the affordable-unit shortfall that would remain under the proposed development schedule and the amount of liquidated damages that would accrue under the existing formula as qualifying units receive temporary certificates of occupancy. It should identify any payment, settlement or other consideration proposed or accepted in lieu of that remedy and compare its value with the affordable-housing resources that otherwise would have been available to the City.

Because the Housing Trust Fund payments were intended to support affordable housing in the communities surrounding Atlantic Yards, the SSEIS should also evaluate the reasonably foreseeable housing benefit those resources could provide. That analysis should consider identifiable affordable-housing development opportunities in the eligible surrounding area, including projects and publicly controlled sites advanced through the Atlantic Avenue Mixed Use Plan and the Gowanus Neighborhood Plan, and estimate the extent to which such resources could accelerate, deepen or expand affordable-housing production. Those projects need not be treated as predetermined recipients of the funds; they demonstrate that a concrete pipeline of nearby affordable-housing opportunities now exists.

This analysis need not resolve any contractual dispute concerning enforceability of the liquidated-damages provision. Its purpose is to permit ESD and the public to compare the affordable-housing consequences of the previously established delay remedy with those of the proposed revised Phase II schedule, and to ensure that

the public-benefit analysis does not credit future delayed housing without accounting for the compensating benefit that was established when the earlier deadline was adopted.

IV. The Urban Design Analysis Should Place the Proposed Density and Building Form in Comparative Context

The Draft Scope appropriately provides for an urban-design and visual-resources analysis, including three-dimensional representations, view-corridor assessments and a pedestrian wind study. (Draft Scope at 24–25.) Given the magnitude of the proposed increase in density and building heights, the analysis should also place the Proposed Project in a comparative context capable of identifying the types of impacts and mitigation measures associated with development of similar intensity.

The SSEIS should identify a reasonable primary set of high-density residential or mixed-use developments in New York City and, where useful, other U.S. cities, using consistent measures such as FAR, dwelling units per acre, floor area per acre, building height, lot coverage, tower floorplate and tower spacing. The purpose should not be to establish a ranking or to suggest that density alone constitutes an environmental impact. It should be to determine whether projects of comparable intensity have generated relevant urban-design, shadow, pedestrian-wind, open-space, transportation, infrastructure or neighborhood-character issues and what design or operational measures have been employed to address them.

The comparison should expressly account for differences in physical setting. Where a comparator is located on a waterfront or other site with substantial open edges, the SSEIS should consider whether that condition materially changes the effects of height, bulk, shadows, wind, views, pedestrian experience or transitions to established surrounding neighborhoods. A density precedent should not be treated as directly comparable without examining the context in which that density occurs.

International examples may also be considered selectively where they provide relevant evidence concerning a particular design or mitigation issue—for example, tower spacing, podium design, wind mitigation, sunlight access, open-space configuration or pedestrian circulation. Such examples should be used as issue-specific design case studies rather than as direct regulatory, market or transportation comparators, and material differences in climate, regulation, transportation patterns and development context should be identified.

The results of this comparative analysis should inform both the assessment of the Proposed Project and the Reduced Scale / Density Alternative, including whether reasonable changes in massing, tower spacing, height distribution, open-space configuration or other design features could reduce identified effects while retaining substantial housing production.

V. Arena-Event Transportation Conditions Should Be Reassessed Using Actual Operating Experience

Barclays Center is a completed component of the Atlantic Yards project whose transportation effects were extensively analyzed in the prior environmental reviews. The 2006 FEIS evaluated weekday and Saturday event conditions, including the overlap between residential commuter traffic and pregame Arena demand, and identified substantial significant adverse traffic impacts. The 2014 FSEIS reiterated those analyses and the associated mitigation program.

The passage of more than a decade of actual Arena operations provides information that was unavailable when those forecasts were prepared. Because the Proposed Project would add thousands of residents and additional retail, hotel and other activity to the same street, transit, pedestrian and curb network, the SSEIS should evaluate current Arena-event transportation conditions rather than treat all effects of the completed Arena as analytically fixed.

The purpose of this reassessment should not be to reopen every transportation conclusion from 2006. It should determine whether the assumptions, mitigation measures and operating conditions relied upon in the prior

environmental review remain reasonably representative of current conditions and whether the proposed additional development would interact with actual Arena operations in ways relevant to the current action.

The analysis should include field observations during representative Arena conditions, including at least a high-attendance weekday evening event and a major weekend event. Where materially different operating conditions occur for concerts, special events or private events, representative examples should also be considered.

The SSEIS should compare observed conditions with prior assumptions concerning mode split and transit utilization; vehicular arrival and departure patterns; intersection congestion during pre- and post-event periods; on-street and off-street parking demand; charter and group-bus activity; taxi and for-hire-vehicle pickup and drop-off; temporary street closures and traffic diversions; curbside standing, loading and illegal parking; pedestrian crowding and crossing conditions; conflicts among pedestrians, cyclists, buses and other vehicles; and implementation and effectiveness of transportation demand management measures.

The analysis should also distinguish between conditions caused by Arena operations alone and cumulative conditions resulting from Arena activity plus the Proposed Project. Where current conditions indicate that previously adopted mitigation is insufficient or has not operated as assumed, the SSEIS should evaluate reasonable additional mitigation, including improved bus staging, anti-idling controls, designated or geofenced for-hire-vehicle pickup areas, revised curb regulations, targeted enforcement, restrictions on event-related standing or staging on residential blocks, improved pedestrian management and event-specific transportation-management procedures.

Because the Arena is a completed component of the same integrated project and its transportation effects were part of the environmental basis for the prior approvals, actual Arena operations are part of the current environmental setting and should be considered where they interact with the impacts of the Proposed Project.

VI. The SSEIS Should Evaluate Whether the Proposed Site 5 Access Plan Is Compatible With Pacific Street's Residential and Pedestrian Context

The Draft Scope concentrates several different Site 5 functions on Pacific Street. Residential pedestrian access would be located there; hotel access, if a hotel is constructed, would be provided from Pacific Street and Flatbush Avenue; and both the loading docks and accessory parking would be accessed from Pacific Street. (Draft Scope at 8.)

At the same time, Site 5 could contain two towers, a substantial residential program, retail uses, a potential 180-room hotel, and up to 240 accessory parking spaces. The parking facility is expressly identified as optional rather than required. (Draft Scope at 6–7.)

The SSEIS should therefore analyze Pacific Street not merely as an access point, but as a shared operating environment in which residents, pedestrians, service vehicles, delivery trucks, hotel guests, taxis and for-hire vehicles, and potentially hundreds of garage users may interact.

For each Site 5 development option, the analysis should quantify daily and peak-hour vehicle trips associated with the residential, hotel, retail and parking components; truck and service-vehicle trips, including expected vehicle types and delivery periods; hotel taxi, for-hire-vehicle and passenger drop-off/pick-up activity; residential move-in, delivery and servicing activity; garage entries and exits attributable to the optional 240-space facility; curb demand and dwell time by vehicle type; pedestrian volumes associated with residential entrances and the surrounding transit network; and conflicts among pedestrians, cyclists, loading vehicles, taxis and other traffic.

The analysis should map anticipated truck and passenger-vehicle routes to and from the Site 5 access points rather than examining only conditions immediately adjacent to the curb cuts. If planned or reasonably foreseeable changes to the direction, design or operation of Pacific Street would affect those routes, the SSEIS should incorporate those conditions into the analysis.

Particular attention should be given to the cumulative effect of placing residential entrances, hotel activity, loading and garage access along the same relatively short street frontage. The relevant question is not simply whether each individual function can technically be accommodated, but whether the combined operating condition is consistent with safe and comfortable pedestrian use, nearby residential uses and the public-realm objectives of the Proposed Project.

The analysis should extend, where appropriate, across the transportation, pedestrian-safety, air-quality, noise, neighborhood-character and urban-design chapters. Idling trucks or passenger vehicles, repeated curbside queuing and loading activity can have consequences that would not necessarily be captured by intersection level-of-service analysis alone.

Reduced-Vehicular Site 5 Configuration

Because the Draft Scope expressly provides that the Site 5 garage may be eliminated, the SSEIS should evaluate a reduced-vehicular-impact configuration as a meaningful alternative rather than merely treating elimination of the garage as an incidental design option. That alternative should consider, individually or in combination, elimination or substantial reduction of the optional 240-space garage; relocation or redesign of loading functions where practicable; alternative hotel servicing and passenger-management arrangements; time restrictions or appointment systems for deliveries; separation of major pedestrian entrances from loading and garage conflicts; and curb-management measures that minimize standing, double parking and prolonged idling.

The SSEIS should compare the transportation, air-quality, noise, pedestrian-safety and neighborhood-character consequences of that configuration with the maximum vehicular program.

VII. Transportation Study Areas Should Reflect the Full Geographic Reach of Project-Generated Trips and Current Street-Network Changes

The Draft Scope states that an appropriate study area or multiple study areas will be defined for each technical analysis based on the geographic area likely to be affected, and that the transportation Level 2 screening and Travel Demand Factors memorandum will identify the locations for quantified analysis. For traffic, however, the Draft Scope does not yet identify the intersections or geographic limits of the study area; it states that critical intersections will be selected based on project trip generation and CEQR guidance in consultation with DOT. (Draft Scope at 13, 27–29.)

That framework should be strengthened for this project. The Level 2 screening should assign project-generated vehicle, transit and pedestrian trips far enough through the transportation network to identify locations at which those trips, alone or in combination with changed roadway conditions, could materially affect operations. The study area should therefore include appropriate portions of Atlantic Avenue, Flatbush Avenue, Fourth Avenue, Vanderbilt Avenue and other streets to which project traffic is reasonably expected to be assigned or diverted, including upstream or downstream intersections that function as significant bottlenecks. The detailed study area should be expanded where the trip assignment shows substantial project-generated traffic beyond an initially selected boundary rather than being limited to a predetermined radius.

The No Action and With Action networks should also incorporate committed and reasonably foreseeable changes in street configuration and capacity. NYC DOT is implementing center-running bus lanes and related pedestrian, loading and traffic changes on Flatbush Avenue between Downtown Brooklyn and Grand Army Plaza, directly adjoining Site 5 and the Arena. DOT is also advancing a redesign of Grand Army Plaza and the surrounding Prospect Heights public realm that could alter circulation, turning movements, bus operations and traffic distribution at the southern end of this same corridor. (NYC DOT, Flatbush Avenue Bus Priority Project, 2025–26; Grand Army Plaza/Prospect Heights Public Realm Study, 2026.) The SSEIS should reflect the completed, committed or reasonably foreseeable configuration of these projects, including changes in general traffic capacity, turning movements, circulation, curb regulations, loading, pedestrian facilities and bus

operations, and should evaluate whether those changes cause project-generated traffic to redistribute onto parallel or connecting streets or other affected intersections.

The transit analysis should likewise extend beyond subway-station capacity where screening indicates potential effects. It should evaluate effects of project-generated traffic, turning movements, loading and curbside activity on bus operations and reliability, particularly on Flatbush Avenue and other heavily used bus corridors serving the Project Area. Recent operating data should be used where route or street conditions have materially changed.

Finally, the Draft Scope includes a weekday evening pre-game period in its trip estimates and transit analysis, but the listed detailed traffic periods are weekday AM, midday and PM and Saturday midday/afternoon. (Draft Scope at 27–28.) Given the potential overlap between Arena activity and the Proposed Project, the SSEIS should explain that distinction and include detailed roadway analysis of the evening pre-game period wherever screening or actual Arena operating experience indicates that material traffic effects could occur.

VIII. The SSEIS Should Quantify Peak Electrical Demand and Evaluate Grid Capacity During the Build-Out Period

The Draft Scope proposes only a qualitative screening-level energy assessment, reasoning that new structures will comply with the New York State Energy Conservation Code. It states that the SSEIS will disclose projected long-term energy consumption and discuss potential effects on available energy supply. (Draft Scope at 27.) That approach may be appropriate for many individual developments, but the scale, electrification requirements and extended build-out period of the Proposed Project warrant a more quantitative assessment of electrical demand and system capacity.

The SSEIS should quantify both annual electricity consumption and projected peak electrical demand for the Proposed Project, by major development component and, to the extent practicable, by build year. The Draft Scope separately states that electric-powered equipment would be used for project heating, cooling and hot water in light of current City requirements. (Draft Scope at 29.) The analysis should therefore distinguish annual energy consumption from seasonal and system peak demand, including the contribution of all-electric building systems during extreme-temperature conditions.

The timing is material. New York City's FY 2027 Climate Budgeting report states that electricity demand is rising as buildings and transportation electrify and reports that Con Edison projects potential shortages in New York City electricity supply on peak-demand days beginning in 2032. (NYC OMB, NYC Climate Budgeting: FY 2027 at 20.) That period overlaps directly with the proposed Atlantic Yards build-out. The SSEIS should evaluate the Proposed Project against reasonably foreseeable grid conditions during the years in which each major component is expected to become occupied.

The analysis should identify the Con Edison distribution facilities expected to serve the remaining development; determine whether material distribution, substation or other utility upgrades are reasonably anticipated; describe the timing and responsibility for such improvements; and consider cumulative demand from reasonably foreseeable development where relevant to the same local infrastructure. It should also evaluate practicable demand-management and resilience measures, including high-performance building envelopes, load shifting, thermal storage, demand response, on-site renewable generation, and code-compliant stationary energy storage systems where technically feasible, together with other measures capable of reducing peak demand or maintaining critical functions during outages or grid stress.

This need not become an open-ended study of the entire New York City electric system. It should provide enough quantitative information to determine whether a development of this scale can be reliably served under reasonably foreseeable future conditions and whether additional conservation, demand-management, storage or resilience measures should be incorporated into the Project or MEC.

IX. The Stormwater and Sewer Analysis Should Reflect Current Development, Combined-Sewer Conditions and Climate Risk

The Draft Scope appropriately recognizes that detailed water and sewer analysis is warranted. It proposes to describe existing drainage and sewer infrastructure, estimate future stormwater generation, calculate runoff volumes and peak discharge rates using DEP methodologies, describe proposed best management practices, estimate sanitary sewage generation and assess effects on the Red Hook Wastewater Resource Recovery Facility. (Draft Scope at 25–26.) The Final Scope should require that analysis to address current wet-weather and combined-sewer conditions more explicitly.

The SSEIS should identify the combined-sewer drainage area and facilities that would receive sanitary and stormwater flows from each portion of the Proposed Project and should evaluate cumulative wet-weather loading from reasonably foreseeable development tributary to the same collection or overflow system. Since the prior Atlantic Yards environmental reviews, substantial development has been approved in nearby Brooklyn, including through the Gowanus Neighborhood Plan. To the extent that such development contributes to the same collection, pumping or CSO system, it should be reflected in the No Action condition rather than considering Atlantic Yards runoff and average treatment-plant capacity in isolation.

The analysis should distinguish treatment-plant capacity from wet-weather collection-system and combined-sewer-overflow performance. To the extent practicable, it should evaluate whether the Proposed Project would change CSO frequency, volume or pollutant loading under relevant storm conditions and explain how the project's projected flows relate to current DEP sewer planning and the Gowanus Canal CSO-control program. The analysis should use current DEP assumptions and should identify whether the Proposed Project's sanitary and stormwater loads are incorporated into those planning assumptions.

Climate conditions should also be addressed directly. The SSEIS should test the performance of the proposed drainage and stormwater-control system under appropriate present and reasonably foreseeable future rainfall conditions, including sensitivity to more intense cloudburst-type events. The purpose is not to predict a particular future storm, but to determine whether proposed controls remain effective as rainfall intensity increases and whether additional storage, controlled release or other resilience measures are warranted.

The feasibility of on-site stormwater controls should be demonstrated for the proposed platform development rather than deferred entirely to later building permitting. The Atlantic Yards buildings completed to date incorporated detention facilities, but buildings constructed above rail-yard platforms may face different structural and spatial constraints. For each building on Blocks 1120 and 1121, with particular attention to platform areas, the SSEIS should identify feasible locations and capacities for required retention or detention, anticipated structural loading, pumping requirements where applicable, discharge rates and alternative design approaches where conventional below-grade storage is impracticable.

The analysis should apply current stormwater requirements, including DEP's Unified Stormwater Rule and the NYC Stormwater Manual's retention-first approach, and should evaluate practicable measures beyond minimum compliance where they could materially reduce wet-weather flows. Such measures may include larger or distributed storage, blue or green roofs, stormwater reuse, controlled release timed to sewer capacity, landscape-based retention within public open space and coordination of discharge rates across Blocks 1120 and 1121. The objective should be to demonstrate that the revised project can achieve reliable wet-weather performance under the physical constraints of the platform and current climate conditions. (NYC DEP, Unified Stormwater Rule and NYC Stormwater Manual.)

X. The SSEIS Should Analyze the Environmental Consequences of Substantial Delay or Noncompletion of Block 1121

The Draft Scope assumes that the Proposed Project will be substantially complete and operational by 2040, while acknowledging that construction could extend beyond that date. The MOU provides additional

information demonstrating that completion of Block 1121 is materially more contingent than completion of the earlier phases.

The proposed development sequence prioritizes Site 5 and Block 1120 before Block 1121. The MOU states that the project will proceed in a specified sequence designed to prioritize income-restricted housing and platform infrastructure, but also recognizes that the sequence may be adjusted in response to market conditions and logistical considerations. (MOU § 14.)

The financing and milestone provisions treat Block 1121 differently from Block 1120. For Block 1120, the MOU identifies a $350 million State funding requirement and states that $175 million had already been appropriated, with ESD working to identify the remaining $175 million. By contrast, the parties have not yet established the Block 1121 underwriting standards; those standards are to be negotiated later in the Transaction Documents. (MOU §§ 12, 14.)

The MOU also provides that B9 and B10 may not be transferred until the Block 1121 platform has commenced, and commencement must include identified capitalization of the B8 open space. The B8 open space itself must be completed before B9 receives its initial temporary certificate of occupancy. Block 1121 has a December 31, 2040 completion milestone if a funding agreement has been timely executed and a separate December 31, 2042 milestone regardless of completion of such a funding agreement. Earlier portions of Site 5 and Block 1120 must also have commenced before a development lease for Block 1121 vertical construction may be executed. (MOU § 14.)

These provisions do not establish that Block 1121 will fail to be completed. They do, however, establish that its timing depends on multiple future financing, construction and sequencing conditions. The SSEIS should therefore examine more than a generic prolonged-construction scenario. It should analyze a reasonably foreseeable partial-build condition in which Site 5 and Block 1120 are completed and occupied while the Block 1121 platform, Buildings 9 and 10, and some or all of the associated open space remain substantially delayed.

That analysis should quantify the total housing and affordable housing delivered; the amount and location of publicly accessible open space actually available; the resulting open-space-per-resident condition; which portions of the remaining approved open-space system would not yet have been delivered; the continued physical condition of the uncovered Block 1121 rail yard; effects on residents of the completed buildings on Block 1129; pedestrian connections between Blocks 1121 and 1129; urban-design and neighborhood-character conditions; construction staging, fencing, maintenance, dust, noise and other quality-of-life effects associated with a prolonged unfinished condition; environmental mitigation measures whose effectiveness depends upon completion of Block 1121; and material public benefits credited to the Proposed Project that would remain undelivered.

Treatment of Contingent Public Benefits

The SSEIS and subsequent findings should distinguish between public benefits that are already delivered or fully funded and benefits whose delivery remains contingent upon future capitalization, funding agreements, platform construction or later vertical development. For material benefits and mitigation measures, the SSEIS should identify whether each is already complete; contractually committed and fully funded; committed but dependent upon future financing or approvals; or dependent upon future development of a later phase.

Interim Mitigation and Open-Space Phasing

The SSEIS should identify automatic interim measures that apply if Block 1121 misses specified milestones. Such measures could include enhanced screening or landscaping along the yard edge; interim pedestrian improvements; temporary publicly accessible space where structurally feasible; restrictions on prolonged construction staging or material storage; enhanced dust or noise monitoring; maintenance and security standards; and improved treatment of the interface with Block 1129.

The SSEIS should also analyze whether the B8 open-space component or other portions of the Block 1121 public realm can be delivered independently or earlier than the full B9/B10 development.

XI. The SSEIS and Revised MEC Should Establish Measurable Construction-Accountability and Complaint-Response Requirements

The Proposed Project contemplates major construction extending for many years and involving Site 5, two rail-yard platforms, multiple high-rise buildings and extensive public open space. The Draft Scope proposes detailed construction analyses addressing traffic, air quality, noise, vibration and other construction effects. It also confirms that the existing Second Amended MEC remains in effect and may be revised to incorporate commitments resulting from the SSEIS. (Draft Scope at 34–36.)

The MOU separately commits the Development Team to assign construction-monitoring and quality-of-life personnel, establish a staffed telephone number and email address for affected residents, conduct quality-of-life meetings, and establish processes for collecting and addressing community concerns. (MOU § 18.) Those commitments should be converted in the SSEIS and revised MEC into a transparent and measurable system.

A. Complaint-Response Standards

The revised MEC should establish response standards appropriate to the seriousness of the reported condition. These standards should be framed as enforceable project-management requirements rather than simply aspirational communications policies. A reasonable framework for evaluation in the SSEIS would include prompt acknowledgment during active construction hours; rapid field investigation of continuing noise, dust, vibration, traffic, unsafe-condition or access complaints; immediate response to conditions presenting a potential health or safety risk; documented interim mitigation where a condition cannot be permanently corrected immediately; written disposition within a defined period; escalation to ESD and the environmental monitor for unresolved or recurring complaints; and a corrective-action plan for recurrent conditions.

The particular time periods should ultimately be set by ESD in consultation with its technical consultants and relevant agencies. The point of the scoping request is that measurable standards should exist. The prior environmental record provides a useful reference point: in responding to comments on the 2014 FSEIS, ESD reported that the project Community Liaison Office had responded within 24 hours to the construction-worker complaints then registered with it. That statement did not establish a generally applicable legal response-time requirement, but it demonstrates that prompt complaint response was already treated as part of the project's construction-management framework.

B. Public Complaint and Compliance Dashboard

The SSEIS should evaluate inclusion in the revised MEC of a publicly accessible construction-accountability dashboard. Each complaint or automatically detected exceedance should receive a unique tracking number, with appropriate privacy protections, and the system should record the date and time received; general location and complaint category; entity receiving the complaint; contractor or agency to which it was referred; date and time of acknowledgment; date and time of field investigation; monitoring data, photographs or other relevant observations where applicable; interim corrective action; permanent corrective action; agency referral or enforcement action; status and final disposition; and whether the same condition subsequently recurred.

The dashboard should distinguish referral from resolution. A complaint sent to a contractor, NYPD, DOT, DEP, DOB or another agency should not be recorded as resolved merely because it was forwarded. Where action by a City agency is relevant, the system should separately identify the governmental response and any project-level mitigation undertaken by the Development Team or ESD.

C. Performance Metrics and Automated Monitoring

Aggregate data should permit evaluation of whether the system is working. Public reporting should include, at reasonable intervals, metrics such as median acknowledgment and investigation times, percentage of

complaints meeting the applicable response standard, number of repeat complaints by location or subject, age of unresolved complaints, enforcement actions, monitoring exceedances and recurrence following corrective action. Underlying non-confidential data should be available in a machine-readable format.

Where construction monitoring systems identify an exceedance or potentially actionable condition—for example, noise, vibration or particulate-matter monitoring—the protocol should not depend upon a resident first filing a complaint. The SSEIS should identify when automated monitoring results require notification to the contractor, environmental monitor or ESD; field investigation; corrective action; and public reporting.

D. Responsibility Should Remain Traceable Through the Full Chain

Because construction may involve the Development Team, multiple contractors and subcontractors, ESD staff, environmental monitors and City regulatory agencies, the revised MEC should clearly identify responsibility for intake, investigation, mitigation, escalation and closeout. The final system should ensure that a member of the public does not have to determine which contractor or government agency has jurisdiction before a complaint can be addressed.

The purpose of these measures is not merely to improve communications. It is to make compliance with construction mitigation observable, measurable and correctable over a construction program that may extend for more than a decade. The Final Scope should therefore require the SSEIS to evaluate measurable complaint-response, escalation, public-reporting and monitoring requirements for incorporation into the revised MEC.

XII. The Alternatives Analysis Should Be Expanded

The Draft Scope presently identifies a No Action Alternative and a No Unmitigated Impact Alternative, while expressly providing that the alternatives to be evaluated "include, but are not limited to" those two scenarios. (Draft Scope at 36.) Given the magnitude of the proposed amendments—including increased density and building heights, a materially different affordability program, new public financing arrangements, changes in open-space configuration and substantial uncertainty concerning later phases—the SSEIS should evaluate a broader set of reasonable alternatives capable of illuminating the principal choices before ESD.

A. Existing Approved / 2014 Program Alternative

The SSEIS should compare the Proposed Project with a reasonable representation of the development and public-benefit program that would remain permissible under the existing approved MGPP and associated project documents. The comparison should permit decision-makers and the public to understand the differences among No Action, the Existing Approved Project, and the Proposed 2026 Project.

The analysis need not assume that every detail of the earlier program remains economically or physically feasible. Where ESD concludes that a component of the approved program can no longer reasonably be implemented, the SSEIS should identify the engineering, market, financing or other factual basis for that conclusion rather than assume infeasibility.

B. Project-Wide Affordability Restoration Alternative

The SSEIS should evaluate whether the final Atlantic Yards project can be brought, to the greatest extent practicable, toward both the approximately 35 percent project-wide affordable share reflected in the previously approved residential program and an affordable-unit distribution substantially aligned with the income bands evaluated in the 2006 and 2014 environmental review.

Using the building-level data available for these comments, the proposed final project would contain approximately 8,810 units, including approximately 2,619 income-restricted units, or about 29.7 percent. An approximately 35 percent share would require roughly 3,084 affordable units—approximately 465 additional affordable units.

The SSEIS should treat already-completed housing as fixed, determine the closest practicable final project-wide approximation to the prior quantity and income distribution, and identify where exact restoration has

become mathematically or practically impossible. The analysis should account expressly for completed affordable units, including the substantial number at 165 percent AMI, that cannot now be redistributed.

Crucially, financial feasibility should be tested together with the public financing structure. The MOU contemplates $350 million of State resources for the Block 1120 platform and substantial PILOT or tax-exemption arrangements for Phase II. (MOU §§ 12–13.) The analysis should therefore evaluate whether the same or comparable public resources could support materially greater or deeper affordability rather than treating the Development Team's current underwriting assumptions as immutable.

An alternative should not be deemed infeasible merely because it does not fit the developer's current underwriting assumptions if reasonable changes in the contemplated public financing structure could make that alternative practicable. Conversely, if ESD concludes that materially deeper or more extensive affordability cannot reasonably be achieved even with the contemplated public assistance, the SSEIS should disclose the financial assumptions and factual basis supporting that conclusion.

A meaningful restoration alternative must address both quantity and depth. Preserving the prior income-band proportions while allowing the overall affordable share to fall substantially below approximately 35 percent would not reproduce the earlier housing benefit. Nor would restoring approximately 35 percent affordability while materially shifting the units toward higher-income households.

C. Reduced Scale / Density Alternative

The SSEIS should evaluate a materially reduced development program that still accomplishes the central remaining public purposes of the project, including completion of necessary rail-yard infrastructure, substantial housing and affordable housing, publicly accessible open space and community facilities.

The comparison should disclose effects on total and affordable housing production; platform financing requirements; State funding and tax/PILOT assistance; transportation and pedestrian conditions; schools and community facilities; water, sewer and stormwater infrastructure; energy and peak electrical demand; shadows and pedestrian wind; neighborhood character and urban design; open-space demand; and construction duration and intensity. The comparative-density analysis requested above should inform whether alternative massing, tower spacing or height distribution could reduce impacts without requiring a proportionate reduction in housing output.

This alternative would permit ESD to distinguish among density necessary to accomplish remaining physical and public purposes, density associated with housing-production goals, and density necessary to support the particular financing structure proposed by the Development Team.

D. Site 5 Reduced-Vehicular-Impact Alternative

For the reasons discussed in Section VI, the SSEIS should evaluate a Site 5 configuration that materially reduces vehicular activity on Pacific Street. At minimum, that analysis should test elimination or substantial reduction of the optional 240-space garage and reasonable modifications to loading, hotel servicing and curbside operations. Because the parking facility is not required by the Proposed Project, this alternative is closely related to the project now under consideration rather than an entirely different development concept.

E. Block 1121 Open-Space-First / Alternative Phasing

The SSEIS should evaluate whether the Block 1121 platform and some or all of the B8 and related public open space could be delivered before, or independently of, Buildings 9 and 10. The MOU already requires commencement of the Block 1121 platform and identified capitalization of B8 before transfer of B9 or B10, and completion of B8 before B9 receives an initial TCO. (MOU § 14.) The alternatives analysis should determine whether those sequencing protections can be strengthened so that a substantial delay in later vertical development does not also indefinitely postpone the public realm.

If ESD determines that earlier independent delivery is impracticable, the SSEIS should identify the engineering and financing basis for that conclusion.

F. Partial-Build Sensitivity Analysis

Separate from the formal alternatives, the SSEIS should analyze a foreseeable implementation condition in which Site 5 and Block 1120 are completed and occupied while Block 1121 remains substantially delayed. That condition is grounded in the MOU itself: Block 1121 underwriting standards remain to be negotiated; its timing depends upon a future funding agreement; later development is sequenced behind Site 5 and Block 1120; and B8 capitalization and Block 1121 platform commencement are prerequisites to later vertical development. (MOU §§ 12, 14.)

The sensitivity analysis should disclose the resulting housing and affordable-housing totals, open-space delivery, open-space-per-resident ratios, rail-yard condition, effects on residents of Block 1129, construction/staging conditions, outstanding mitigation obligations and undelivered public benefits.

Common Feasibility Standard for the Alternatives

Where ESD concludes that an alternative is not feasible, the SSEIS should identify the nature of the constraint with reasonable specificity. Engineering infeasibility, insufficient market demand, platform cost, lack of governmental subsidy, reduced developer return, inconsistency with current underwriting assumptions, and incompatibility with another project objective are not necessarily the same constraint and should not be treated interchangeably. Where feasibility depends materially upon public financing, PILOT arrangements or State subsidy, the analysis should disclose that relationship sufficiently to permit meaningful comparison of the alternatives.

XIII. The SSEIS Should Distinguish Blight Remediation, Financial Feasibility and Current Housing Policy

Finally, the SSEIS should clearly distinguish among three rationales that may support elements of the Proposed Project: eliminating the remaining physical rail yard condition and completing the original land-use-improvement purpose; providing sufficient development value to finance expensive platform construction; and pursuing current State housing-production objectives.

Those rationales may overlap, but they are not identical. The SSEIS should explain the relationship among the remaining physical conditions, platform cost, State and other public assistance, proposed development density, affordable-housing requirements, and current housing-production objectives.

The environmental and decisional record should make clear whether a particular element of density is principally justified as necessary to remedy a remaining physical condition, to support a financing structure, to produce housing, or to advance another current public purpose. That transparency will also improve the alternatives analysis by allowing ESD and the public to understand which objectives are fixed and which assumptions are capable of adjustment.

Conclusion

The proposed amendments represent a substantial reconfiguration of the remaining Atlantic Yards development after approximately two decades of implementation. The SSEIS provides an important opportunity to evaluate those changes against current conditions, actual project performance, continuing mitigation obligations, the public benefits previously relied upon, and the financing structure now proposed.

For the reasons above, the Final Scope should require the SSEIS to:

- use a whole-project framework where continuing impacts, mitigation obligations or public benefits make that necessary;
- update the factual assessment of remaining blight and the alleged external blighting influence of the rail yard;

- quantify the project-wide affordable-housing benefit, compare the prior and proposed income distributions with current housing need and working-household incomes, disclose the relationship between affordability and public financial assistance, and account for the consequences of extending the 2025 delivery deadline and modifying the associated delay remedy;
- place the proposed density and building form in comparative context using relevant New York City, U.S. and, where useful, issue-specific international examples to identify impacts and practicable design or mitigation measures;
- assess actual Arena-event transportation and curbside conditions and evaluate additional mitigation where appropriate;
- analyze whether the Site 5 access plan is compatible with Pacific Street's residential and pedestrian context and evaluate a reduced-vehicular configuration;
- define transportation study areas through actual trip assignment and current and reasonably foreseeable street-network conditions, including the Flatbush Avenue bus-priority project and the Grand Army Plaza redesign, and analyze affected bus operations and event-period roadway conditions where warranted;
- quantify annual and peak electrical demand, assess local grid capacity and reasonably anticipated utility upgrades during the build-out period, and evaluate demand-management and resilience measures;
- evaluate stormwater and combined-sewer effects under current development and climate conditions, including cumulative wet-weather loading, CSO effects where practicable and the feasibility of retention or detention on the rail-yard platforms;
- evaluate the environmental consequences of substantial delay or noncompletion of Block 1121 and the feasibility of earlier open-space delivery;
- establish measurable construction-response, monitoring and public-accountability standards for incorporation into the revised MEC; and
- expand the alternatives analysis to address the principal programmatic, affordability, financing, density and phasing choices now before ESD.

These additions would produce a more transparent environmental record and allow ESD and the public to compare the environmental consequences, feasibility and public benefits of the Proposed Project with reasonable alternatives before final decisions are made.

Respectfully submitted,

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Brooklyn Community Board 6
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