

Foreword

In a Decision and Order dated July 13, 2011 (the Order), the New York State Supreme Court for New York County (the Court) directed Empire State Development (ESD) to prepare a supplemental environmental impact statement (SEIS) assessing the environmental impacts of a delay in Phase II¹ construction of the Project; conduct further environmental review proceedings pursuant to the State Environmental Quality Review Act (SEQRA) in connection with the SEIS; and issue further findings on whether to approve ESD's general project plan for Phase II of the Project. According to its Order, the supplemental environmental review required by the Court is limited to a delay in Phase II because, among other things, the Project had been approved initially by ESD in 2006 "only after preparation of a Final Environmental Impact Statement (FEIS) and public hearing, the sufficiency of which was affirmed on appeal"; and the challenge before the Court to the Project modifications approved by ESD in 2009 did not "involve a claim that further environmental review is required of the essential substantive features of the Project."

In compliance with the Court Order, ESD has prepared this draft SEIS to determine whether a delay in completion of Phase II of the Project would result in new or materially different significant impacts as compared to the impacts identified in the FEIS prepared by ESD in 2006. In considering the effects of an extended delay in Phase II construction, ESD first selected a "build year" for the analyses that assumes construction of the last Phase II building would not be substantially completed until 2035. This year coincides with the date specified in certain Project agreements as the Outside Phase II Substantial Completion Date. In order to comply with the Court Order, ESD selected a 2035 build year to allow for the analysis of a very long period of Phase II construction in this SEIS. The selection of a 2035 build year for analysis purposes in the SEIS does not preclude a different and more rapid construction schedule.

To address construction period impacts, this SEIS includes three hypothetical construction phasing plans that are intended to be illustrative of a reasonable range of construction sequences and schedules that may occur with an assumed 2035 build year. Other sequences and schedules ultimately may be followed in building Phase II, but the three illustrative construction phasing plans were developed to facilitate the identification of the environmental impacts of prolonged construction and practicable measures to mitigate such impacts.

¹ For planning purposes, the Project was divided in the 2006 FEIS into two phases: Phase I and Phase II. Phase I comprises: site clearance and environmental remediation; relocation of utilities and specified transportation improvements; six new buildings (including the Barclays Center Arena) west of 6th Avenue and associated below-grade permanent parking facilities; the new subway station entrance adjacent to the Arena; a reconstructed and improved Vanderbilt Yard for the Long Island Rail Road and associated rail facilities; a new Carlton Avenue bridge spanning the rail yard; and temporary surface parking facilities. Phase II comprises: a platform over the reconstructed rail yard; eleven buildings east of 6th Avenue and associated below-grade permanent parking facilities; additional infrastructure improvements; and the creation of 8 acres of publicly accessible open space.

Atlantic Yards Arena and Redevelopment Project DSEIS

In order to identify the operational impacts that would be caused by Phase II upon its completion after the hypothetical delay in construction until 2035, ESD first performed the studies needed to establish environmental conditions as they exist today. In accordance with standard SEQRA methodology, it then projected how those conditions would be expected to change between now and 2035, in the absence of Phase II (the “Future without Phase II” condition). It did so by assuming that there would be general background growth, as well as growth associated with discrete development that could reasonably be anticipated to occur by the assumed 2035 build year. ESD has determined that Phase I of the Project should be accounted for in this SEIS by assuming it is completed before 2035 and is therefore included in this Future without Phase II condition. This approach to Phase I is consistent with the directive under the Court Order to perform a supplemental review of a delay in construction of Phase II, and because: Phase I was previously subject to a judicially validated environmental review; ESD’s 2006 approval of Phase I was not disturbed by the Court Order; and construction of Phase I is now well underway.

In addition to addressing the issues required by the Court Order, as summarized above, this SEIS examines the potential effects of two changes proposed to the program for the Project by the project sponsors. The first such proposed change would shift approximately 208,000 square feet of floor area that had been approved for construction as part of Phase I of the Project into the buildings to be constructed under Phase II. This shift would not increase the total floor area of the Project, the maximum number of the Project’s residential units, or the approved maximum bulk of any of the individual Phase II buildings, each of which would remain subject to the same Design Guidelines that ESD approved for the Project in 2006.

The second requested change would reduce the parking required in connection with the Project from 3,670 parking spaces to 2,896 parking spaces. ESD is also considering a further reduction in the number of required parking spaces; this assessment is set forth in the alternatives chapter of the SEIS. *