

DOCUMENT TITLE: PRINCIPLES FOR RESPONSIBLE COMMUNITY DEVELOPMENT ON THE VANDERBILT RAIL YARDS

SECTION 1: BACKGROUND

In 2003, residents of Brooklyn heard for the first time that Forest City Ratner Companies (FCRC) was making development plans for the Metropolitan Transportation Authority's (MTA's) rail yards at Atlantic Avenue and for several surrounding blocks - an area totaling some 23 acres of land. Subsequently, neighborhood and civic groups affected by the proposed development met to discuss the FCRC proposal and the potential of the 367,000 SF (8.4 acre) rail yards for development.

Our first realization was that the 8.4 acre rail yards, owned by MTA, are situated in a world-class location and are an incredibly valuable parcel of land. The rail yards are:

- adjacent to a local and regional transportation hub connecting the site to all points in New York City and Long Island.
- surrounded by neighborhoods that contain high-quality housing for all income groups. Some have historic designation by the NYC Landmark Preservation Commission.
- near Brooklyn's premiere cultural institutions and community assets, such as the Brooklyn Academy of Music, 651 Arts, Urban Glass, the Brooklyn Music School, Fort Greene Park, Brooklyn Museum, Main Branch of the Brooklyn Library, Prospect Park, and Brooklyn Botanic Garden, among others.
- within walking distance of 6 colleges and universities: Long Island University, Pratt University, St. Joseph College, St. Francis College, NYC Technical College and Polytechnic University.
- within walking distance of the downtown Brooklyn business center.
- close to several retail strips with high-quality shops and restaurants: Fulton Street, 5th Avenue, 7th Avenue, DeKalb Avenue, Atlantic Avenue and Flatbush Avenues.

For these and other reasons there is general consensus in the surrounding community that development over these rail yards would be very desirable. There is also consensus that any development should physically transform the site into a culturally and economically productive one, while conforming to the context of the surrounding neighborhoods.

Site Description

The MTA's rail yards, which function in a below-grade open cut bridged by 6th and Carlton Avenues, sit near the intersection of Atlantic and Flatbush Avenues, a major crossroads in New York City. If covered or decked over, these rail yards would contain a potential 8.4 acres (almost 3 city blocks) of fallow land. Although this 3-block long trench now forms a barrier between Fort Greene, Prospect Heights and Northern Park Slope, new development could open up new connections between these neighborhoods.

Another 14.5 acres of land is identified by Forest City Ratner Companies for development, most of this land is made up of occupied buildings and/or are privately held land.

SECTION 2: GENERAL PRINCIPLES FOR DEVELOPMENT IN OUR COMMUNITIES

These groups have agreed on general principles for neighborhood development that should guide any new development in our communities. We have divided these recommendations into two categories: **Developer Recommendations** (for *any* developer that responds to the MTA's Vanderbilt Rail Yards RFP) and **Government Recommendations** (for the City and State governmental bodies and agencies that will set the agenda and overall process for *all* potential developers). Developer Recommendations are numbered as **GP-D#** (General Principle – Developer #) and Government Recommendations are numbered as **GP-G#** (General Principle – Government #).

We submit that *any* developer proposing to develop the Vanderbilt Rail Yards should:

- GP-D1.** Disavow taking private property through eminent domain.
- GP-D2.** Volunteer to adhere to the Uniform Land Use Review Process (ULURP) to allow for maximum input by residents, community boards, City Planning Commission and elected officials.
- GP-D3.** Maximize percentage of affordable housing and offer community preferences.
- GP-D4.** Maximize local job opportunities.
- GP-D5.** Maximize opportunities for local contractors and subcontractors.
- GP-D6.** Respect the context and scale of the existing architecture in host communities.
- GP-D7.** Propose development that benefits the surrounding neighborhoods and residents culturally, economically and environmentally.
- GP-D8.** Include a diversity of uses (mixed retail, residential, commercial, active and passive recreation).
- GP-D9.** Agree to community benefits through participation by a broad-based stakeholder group.

We submit that the governmental bodies and agencies responsible for the Vanderbilt Rail Yards site should treat these rail yards as a valuable public resource and maximize the public benefit of development by committing to an open process, both in planning for a new community on the rail yards and in bidding them out to developers. We therefore recommend that our elected representatives, community boards, and State and City agencies:

- GP-G1.** Disavow taking private property by eminent domain.
- GP-G2.** Create a level financial playing field for all potential developers by offering similar subsidies while also achieving the maximum benefit for the community and the City.
- GP-G3.** Mandate transparency and accountability during the planning, bidding and implementation process.
- GP-G4.** Foster competition and maximize public benefit by bidding the rail yards through an RFP (Request for Proposals) or RFEI (Request for Expressions of Interest) process developed with extensive community participation.
- GP-G5.** Bid the rail yards out as multiple parcels if it maximizes the benefit to the MTA.
- GP-G6.** Commit to financial transparency (disclosure of governmental subsidies *de facto* and *de jure*) and independent fiscal review by the City Independent Budget Office including a cost/benefit analysis for New York City.
- GP-G7.** Adhere to the Uniform Land Use Review Process (ULURP) to allow for maximum input by residents, community boards, City Planning Commission and elected officials.
- GP-G8.** Ensure a thorough environmental review. The EIS needs to include meaningful mitigations for all negative impacts. An EIS that concludes that negative impacts “cannot be mitigated” is not acceptable.
- GP-G9.** Mandate an EIS scope that takes into account all current and future development projects proposed for downtown Brooklyn, whether through specific building proposals or

made possible by rezoning plans. It should not treat the development of the rail yards as an isolated event.

GP-G10. Commit to community involvement in scoping for the draft Environmental Impact Statement (EIS).

GP-G11. Budget for meaningful community participation in planning, scoping and monitoring.

SECTION 3: SPECIFIC DEVELOPMENT GUIDELINES FOR THE VANDERBILT RAIL YARDS: A COMMUNITY VISION

In addition to its General Principles, these groups have a strong vision for the development on the rail yards, developed as part of the extensive community planning process described on Page 2 of this document. We have developed the following guidelines that reflect our community's desires with the hope that any development will fulfill as many of these guidelines as possible. Like the General Principles, we have divided these Specific Guidelines into **Developer Guidelines** and **Government Guidelines**. Developer Recommendations are numbered as **SG-D#** (Specific Development Guideline for Vanderbilt Rail Yards – Developer #), Government Recommendations are numbered as **SG-G#** (Specific Development Guideline for Vanderbilt Rail Yards – Government #), and joint recommendations are numbered **SG-DG#**.

Zoning Guidelines (DEVELOPER and GOVERNMENT):

The Vanderbilt Rail Yards RFP issued by the MTA does not propose any specific zoning for the Yards, instead asking the developer to assume that “the Site could be rezoned or could have the current zoning overridden to attain higher FAR reasonable.” However, all risk associated with “potential rezoning of the Site will be borne fully by the Selected Developer.” We therefore ask the Developer and the Rezoning Authority to work together to establish a *Special Zoning District* that would:

- SG-DG1.** Mandate a height and bulk of buildings consistent with the host communities.
- SG-DG2.** Encourage a diversity of uses,
- SG-DG3.** Create incentives for affordable housing development
- SG-DG4.** Create incentives for sustainable, “green” development
- SG-DG5.** Set aside land for open space and new streets,
- SG-DG6.** Establish design guidelines that will give the overall development the shape and quality that our community deserves

We ask the Selected Developer and our elected representatives, community boards, and State and City agencies to work together to include the following provisions in any Rezoning for the Vanderbilt Rail Yards:

- SG-DG7. Height:** Building heights should be limited by Contextual Zoning Regulations (i.e. R Zones with A and B suffixes) although the zoning could allow for greater height in exchange for the development of low and moderate-income housing. Taller buildings should not cast excessive shadows on historic landmarks, including the Williamsburgh Saving Bank Building and public open spaces, including community gardens.
- SG-DG8. Bulk:** The overall residential density should not exceed a 6.0 Floor Area Ratio (FAR) – similar to adjacent C6-1 and C6-2 zones, but well above the 2.0-4.0 FAR allowed by surrounding residential areas.
- SG-DG9. Uses:** Development should create a diversity of uses with zoning allowing for mixed retail, commercial and residential uses, as well as community facilities and recreational and open space. Zoning should be an appropriate mix of R districts (Residential) with C1 and C2 overlays (to allow for Local Service and Local Retail) combined with a C5 district (Restricted Central Commercial) to allow for a wider range of commercial and retail uses.
- SG-DG10. Parking:** Given the proximity of new development to a major mass transit hub, no more parking spaces than are required under existing zoning regulations should be allowed in the area.
- SG-DG11. Connections:** New development should promote linkages among neighborhoods by avoiding superblock development and by creating additional streets. South Elliott, South Oxford, Cumberland, Adelphi and Clermont Streets should be extended over the rail yards to

connect adjoining neighborhoods and to extend the current street grid into the new development. Doing so would create more lot frontages, improve pedestrian connections, and better integrate the development into surrounding communities. No currently open street should be closed and the current street grid should be maintained.

Housing Guidelines (DEVELOPER and GOVERNMENT):

The development should encourage affordable housing development through the use of existing subsidies, tax credits and possibly inclusionary zoning.

We submit that *any* developer proposing to develop the Vanderbilt Rail Yards should:

SG-D1. Partner with established affordable housing advocacy groups and experienced non-profit housing developers such as ACORN, Fifth Avenue Committee, and Pratt Area Community Council to maximize the percentage of affordable housing using all available subsidies and tax credits.

SG-D2. Seek to guarantee that 30% of the new housing units are owner occupied.

SG-D3. Maximize the mixed-income nature of each residential building.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G1. Offer equal subsidies and incentives to any and all developers interested in building affordable housing on the Vanderbilt Rail Yards.

Job Training and Opportunities Guidelines (DEVELOPER and GOVERNMENT):

The development of the rail yards must make provisions for local residents and minority and women owned businesses.

We submit that *any* developer proposing to develop the Vanderbilt Rail Yards should:

SG-D4. Guarantee at least 20 % of all construction work to minority and women owned contractors and sub contractors.

SG-D5. Use union labor.

SG-D6. Provide job training and placement opportunities for local residents in new commercial/retail sector jobs by working with community based job training and development agencies.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G2. Establish a Small Business Service Center including a loan/ grant program to allow local entrepreneurs to take advantage of opportunities created by development.

Commercial and Retail Space Guidelines (DEVELOPER):

The development should encourage a variety of commercial activities in order to help integrate the new development into the surrounding communities and Downtown Brooklyn.

We submit that *any* developer proposing to develop the Vanderbilt Rail Yards should:

SG-D7. Design retail space to encompass flexibility but discourage big boxes. The development should allow for a variety of different retail spaces, from less than 2,000 sf to a maximum of 20,000 sf.

SG-D8. Include a variety of ground floor local retail uses serving the needs of the residential neighborhoods. Larger commercial establishments could be concentrated on the Western end

of the site.

SG-D9. Maximize opportunities for local small businesses in the new development (e.g. create a diversity of floor plate sizes) to expand local ownership and opportunities.

Environmental and Sustainability Guidelines (DEVELOPER and GOVERNMENT):

Any new development should provide a net positive environmental benefit to the neighborhood and surrounding communities. The environmental impact of the proposed higher concentrated use of the site can be mitigated through the use of sustainable design practices. A sustainable development could bring no additional impact, while reducing current air, noise, and water pollution levels.

We submit that *any* developer proposing to develop the Vanderbilt Rail Yards should:

SG-D10. Recognize the value of sustainable development strategies in creating value for the development and increasing the quality of life for the new residents and the city as a whole.

SG-D11. Minimize the impact of construction on the quality of life of surrounding neighborhoods.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G3. Ensure that 100% of storm water run-off from the Vanderbilt Rail Yards site goes into a sewage treatment plant rather than directly into local waterways (with an exception for those 3-6 heavy rain storms that occur each year).

SG-G4. Ensure that any new development will not have a negative impact on air quality or impede the improvement of current air quality (which is already below currently accepted environmental standards).

SG-G5. Establish sustainable infrastructure and building design goals for the new development on Vanderbilt Rail Yards. These goals could be based on existing guidelines (e.g. NYC Department of Design and Construction's *High Performance Building Guidelines* or LEED Standards) and could include increasing energy efficiency, utilizing alternative energy sources, reducing water consumption by increasing efficiency and using "grey water" when possible, and reducing urban heat island effects among others.

SG-G6. Offer financial incentives to promote green development on the site.

Transportation and Transit Guidelines (DEVELOPER and GOVERNMENT):

Through car traffic in and around downtown Brooklyn should be reduced by various means such as improved mass transit, car pooling, congestion pricing, traffic calming, parking policies and other measures that limit the capacity for traffic and thereby reduce overall traffic. For issues surrounding Parking and Connections: see Zoning Guidelines section.

We submit that *any* developer proposing to develop the Vanderbilt Rail Yards should:

SG-D12. Should keep parking spaces to the minimum required by zoning regulations.

SG-D13. Should promote linkages among neighborhoods by avoiding superblock development and by extending existing streets to create new connections.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G7. Plan for future vehicular traffic and transportation needs taking into account all development projects and road construction proposed for the downtown Brooklyn area.

SG-G8. Increase safety and capacity of mass transit serving new development.

SG-G9. Use traffic calming, congestion pricing, truck route enforcement and other measures

to reduce the impact of car and truck traffic on residential neighborhoods and retail streets. **SG-G10.** Implement a multi-modal transportation network among neighborhoods (including walking, bicycling, skating and accessibility for people with disabilities).

Open Space Guidelines (GOVERNMENT):

Brooklyn needs more parks. Any new development on the rail yards could help meet that need by including publicly-owned green space for both active and passive recreation, possibly either as a park and/or as a greenway.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G11. Set aside an appropriate amount of public open space as part of the rezoning process.

SG-G12. Mandate that any open space be publicly owned and easily accessible so as to maximize public access. Care should be taken to ensure that open public space is designed to maximize use by the public and to discourage exclusionary, de-facto private uses.

SG-G13. Ensure that streets are open and in the public domain.

Community Facilities and Services Guidelines (GOVERNMENT):

If new development brings several thousand new residents to the Atlantic Avenue area, then the City must make provisions for the community facilities needed to serve them. Our elected representatives will need to work with the Selected Developer to ensure that there is adequate planning for the provision of public services.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G14. Plan for proper fire and police protection given new population levels.

SG-G15. Plan for an adequate elementary school, a new day care center, and a recreation center to serve the surrounding areas.

SG-G16. Provide affordable community space for environmental education groups.

Safety and Security Guidelines (GOVERNMENT):

Any new development needs to allow for adequate safety and security. We have witnessed how security concerns derailed the planning at Ground Zero. With proper planning, new development at the Vanderbilt Rail Yards can address any concerns.

We ask our elected representatives, community boards, and State and City agencies to:

SG-G17. Address any security concerns created by new development.

SECTION 4: COMMUNITY PLANNING PROCESS

In cooperation with City Council Member Letitia James, a team of architects and urban designers came together in March 2004 with hundreds of citizens, elected officials (State Senator Velmanette Montgomery and Congressman Major Owens), designers and developers to imagine a community-based model for urban design and development at the site and to look at issues such as affordable housing, ecology, public open space, traffic, retail, jobs and infra-structure. This workshop was organized by the Atlantic Yards Development Workshop, (AYDWS)

The *UNITY Plan*, a community-based vision for development on the rail yards, evolved out of this workshop. The *UNITY Plan*, in response to residents' needs and concerns, proposes to create:

- **new street extensions to link Fort Greene to Prospect Heights and Park Slope.** The new streets would divide the rail yards into 1-acre blocks to allow for smaller local development and construction firms to participate.
- **a new public park system** with active and passive recreational opportunities.
- **2,300 units of housing.**
- **600,000 sf of new retail and commercial space** for small local businesses and local jobs.
- **new public amenities and facilities** such as a recreation center, a new school and a day care center.

Simultaneously and subsequently neighborhood organizations drafted resolutions in opposition to the FCRC proposal. **The *UNITY Plan* was presented at community meetings as follows:** Dec. 6, 2004 at a membership meeting of Develop Don't Destroy Brooklyn; Dec. 15, 2004 at the Land Use Committee of Community Board #2; Jan. 20, 2005 at a membership meeting of the Atlantic Avenue Betterment Assoc.; Jan 31, 2005 at a membership meeting of Park Slope Neighbors; Feb. 16, 2005 at a membership meeting of the Boerum Hill Assoc., Feb. 24, 2005 at a Democracy and Development Panel sponsored by ministers of local churches of the Downtown Brooklyn Leadership Council and local elected officials; Feb. 28, 2005 at a membership meeting of the Fort Greene Assoc.; April 4, 2005 at a public forum hosted by the Prospect Heights Neighborhood Development Council; and May 26, 2005 at a community presentation at Pratt Institute sponsored by State Senator Velmanette Montgomery.

In early 2005, several organizations from the communities surrounding the Vanderbilt Rail Yards took up the task of putting together Guiding Principles for development over the Rail Yards based on the principals embodied in the UNITY plan. This document was put together based on the discussions that took place in those meetings. The groups that have endorsed these guidelines are available on request.