

Barclays Center Neighborhood Protection Plan

Boerum Hill Association
Park Slope Civic Council
Prospect Heights Neighborhood Development Council

Long-standing and historic residential neighborhoods in the immediate vicinity of Barclays Center (Boerum Hill, Fort Greene, Park Slope and Prospect Heights) need protection from the onslaught of vehicular traffic, patron activity and negative externalities caused by this type of magnet destination.

We believe the only effective way to protect our neighborhoods is through a Neighborhood Protection Plan (the “**NPP**”) that is implemented jointly by (a) the State of New York through the Empire State Development Corporation, (b) the City of New York through various City departments and agencies, and (c) Forest City Ratner Companies and its affiliates including Atlantic Yards Development Company, LLC and Brooklyn Arena, LLC (collectively, the “**Parties**”). The NPP is needed because the Final Environmental Impact Statement dated November 2006 (the “**2006 FEIS**”), the Technical Memorandum dated June 2009 (the “**2009 Tech Memo**”), and the Amended Memorandum of Environmental Commitments for the Atlantic Yards Project dated as of December 21, 2009 (the “**2009 Amended Memo**”) only *minimally address mitigation of the operation of the arena on adjacent neighborhoods*.

The Neighborhood Protection Plan has nine components:

1. Arena Operations
2. Public Safety and Crowd Control
3. Pedestrian Circulation
4. Sanitation
5. Open Space
6. Traffic and Parking
7. Transportation Demand Management
8. Citizen Information and Communication
9. Documentation, Monitoring, Accountability and Oversight

Each component of the NPP is briefly summarized below. This document provides only a short summary of the proposed elements of each component, which will be developed in detail by the Parties and the community working together in good faith over the next several months, prior to the arena’s opening. Elements of this NPP have been developed from best practices relating to operation of venues similar to Barclays Center, in particular Wrigley Field, which similarly is located in a low-rise Chicago residential neighborhood. Selected examples of best practices are cited throughout this document.

1. **Arena Operations**

With more than 220 events planned annually and up to 18,000 patrons per event, Barclays Center's operations will have significant impacts on the adjacent neighborhoods. Arena operators and event promoters must adhere to the following operational aspects.

- Brooklyn Arena LLC must adopt and enforce a ***code of conduct for arena patrons***, which will include a cut-off of alcoholic beverage sales inside the arena not only prior to the end of Nets games before the start of the third quarter but also at least one hour prior to the end of all events, with an absolute limit of 10:00PM.
- Policies for use of the ***interim plaza*** west of the arena must adhere to NYC noise regulations and lighting must be directional such that a minimum of light escapes the perimeter of the Plaza after 11:00 PM.
- Because many events will have limited runs and require their own equipment and props, there will be continual set-up and knock-down operations and access to and from the ***arena loading dock***. Brooklyn Arena LLC must establish and enforce rules for hours of operation and access to/from the arena loading dock to prevent truck queuing and traffic disruption on Dean Street and Flatbush Avenue. All trucks leaving the arena loading dock must turn left on 6th Avenue to reach Atlantic Avenue and must not use Dean Street east of 6th Avenue.
- The ***broadcast support station*** must be located and operated so that vehicle idling, generators and lighting do not impact residences.
- ***Arena- and event-related vehicles and equipment*** must not be staged on residential streets or sidewalks.

2. Public Safety and Crowd Control

Barclays Center is located at the edge of four police precincts: two blocks from the eastern boundary of the 84th Precinct, at the southern boundary of the 88th Precinct, at the western boundary of the 77th Precinct, and at the northern boundary of the 78th Precinct. In addition, the 76th Precinct will also be impacted by arena-related traffic. The arena is only one short block from the 78th Precinct station house.

As it operates from the closest station house to the arena, ***the 78th Precinct should be responsible for the arena as well as enforcement of traffic and parking rules, protection of pedestrian safety and regulation of public behavior (e.g., liquor license rules) in the surrounding neighborhoods that will be impacted by the arena.*** This responsibility zone should extend at least a ½-mile radius from the outside edges of the arena block. (Also see #3, #6 and #7 below.)

3. Pedestrian Circulation

The arena is near six pedestrian collectors that are not located on the arena block and therefore are accessible only by crossing streets that already have substantial traffic, which will increase when the arena opens:

- a. the arena patron parking lot on Block 1129 one block east of the arena between Carlton

- and Vanderbilt Avenues,
- b. the Bergen Street “2/3” subway station one block south at 6th Avenue/Bergen Street,
- c. the Pacific Street “D/N/R” subway station on the other side of Flatbush Avenue at Pacific Street/4th Avenue,
- d. the LIRR Atlantic Terminal on the other side of Atlantic Avenue at Hanson Place,
- e. the Fulton Street “G” subway station two blocks north at Lafayette Avenue/South Elliott Place, and
- f. the Lafayette Avenue “C” subway station two blocks north at Fulton Street/South Portland Avenue.

The 78th Precinct must be responsible for pedestrian circulation and safety from/to these collectors. (Also see #6 below.)

In addition, ***FCRC must be responsible for snow removal on sidewalks*** between the arena and the six pedestrian collectors, in particular the FCRC-owned parking lot on Block 1129.

4. Sanitation

FCRC and/or its affiliates must be responsible for ***maintaining cleanliness*** on both the arena block and within a ½-mile radius of the arena block in the surrounding neighborhoods. The arena operators must:

- ***Collect refuse from patrons*** as they depart the arena.
- Provide and maintain NYC designated ***recycling bins*** on the arena block.
- Provide at least one additional ***street basket at each corner*** within the ½-mile zone and, if a block association requests, in the center of each long block within the ½-mile zone.
- ***Empty all street baskets and clean streets and sidewalks*** within the ½-mile zone by 8:00 AM on each day after an event has occurred at the arena.
- ***Power wash sidewalks*** on the arena block and the immediately surrounding streets (Pacific Street from 4th Avenue to Carlton Avenue, Dean Street from 4th Avenue to Vanderbilt Avenue, and 6th Avenue from Dean Street to Flatbush Avenue) at least once per month or more if necessary.

Benchmark Example: The Chicago Cubs are responsible for garbage bin disposal and street cleanup in about a two square mile area around Wrigley Field.

5. Open Space

No new open space is contemplated by the 2006 FEIS and 2009 Tech Memo until Phase II of the Atlantic Yards Project, likely to be more than 10 years in the future. The December 2010 “Technical Analysis of an Extended Build-out” recognized the Extended Build-Out will have a “...temporary significant adverse open space impact in the non-residential (¼-mile) study area...” Therefore, FCRC and/or its affiliates must:

- ***Deliver on its Atlantic Yards site permanent and publicly accessible open space*** early in the project, timed to the creation of residential housing.
- ***Open Pacific Street between Vanderbilt and Carlton Avenues*** to the public for vehicular, pedestrian and bicycle use.

- Provide annual funding, as established by the NYC Parks and Recreation Department, for a **permanent Parks Associate position** to serve the two existing impacted public open spaces near the arena, Dean Playground and South Oxford Park.
- Within the first year of the arena opening, **plant street trees** in the following areas: the eastern side of 6th Avenue between Pacific and Dean Streets, the northern side of Dean Street between Carlton and Vanderbilt Avenues and the western side of Vanderbilt Avenue between Pacific and Dean Streets.

6. Traffic and Parking

Private vehicles are anticipated to transport a substantial number of arena patrons, even after the implementation of the Transportation Demand Management measures included in the 2009 Amended Memo as further expanded in this NPP (see #7 below). Non-congested residential streets are needed to ensure that fire, ambulance and police vehicles can reach emergencies in the surrounding neighborhoods without delay.

The traffic and parking elements of the NPP must include:

- Installation of **signage** clearly directing pedestrian and vehicle traffic, including directing vehicles to use arterial roads (see below). Signage located on public streets within historic districts is subject to review and approval by the Public Design Commission of the City of New York as well as the Landmarks Preservation Commission.
- Deployment of a robust number of **Traffic Enforcement Agents**, to be funded by FCRC and/or its affiliates. The 2009 Amended Memo provides that “FCRC shall enter into discussions with NYCDOT to determine the extent of FCRC’s financial responsibility for traffic enforcement agents (“TEAS”) required to manage traffic flow for major arena events...”

Benchmark Example: During 2011 through September 19, 2011 the Chicago Cubs reimbursed \$383,448 of City of Chicago TEA costs.

- **Regulation** of the following, to be determined by NYCDOT in conjunction with local elected officials and Community Boards:
 - **Shuttle and charter buses**, including routes, drop-off/waiting/pickup locations, parking, idling, and hours of operation.
 - **Taxis, black cars and “dollar vans,”** including drop-off/waiting/pickup locations, parking, and idling.
 - **Vehicle noise, music, and honking.**
- **Enforcement by NYPD** of the above regulations as well as parking laws and regulations for double parking, parking at hydrants, other no parking restrictions, and residential parking permit restrictions, if applicable (see #7 below)
- **Protocols for emergencies** (community notices, street and/or lane closures, response routes, etc.) to be determined by the appropriate City agencies in conjunction with local elected officials and Community Boards.

ESDC gave the Arena Company the right under the Arena Lease Agreement to have access to and operate no less than 1,100 on-site parking spaces on one or more parcels within the

Atlantic Yards project site, subject to reduction or relocation if the Arena Company agrees. The currently contemplated site for this parking is Block 1129, which is bordered by Carlton Avenue, Dean Street, Vanderbilt Avenue and Pacific Street. This land was assembled in part by the State's use (or threatened use) of eminent domain.

The NPP provides that:

- Block 1129 parking will be **limited to no more than 500 spaces** for the sole use of arena patrons, NYPD employees, and construction workers.
- **Public signage and FCRC direction maps to the arena, the Block 1129 parking lot and any private parking facilities** shall identify the use of arterial routes (4th Avenue, Atlantic Avenue, Flatbush Avenue, 6th Avenue north of Flatbush Avenue, and Vanderbilt Avenue), and not identify the use of residential streets (including northbound Carlton Avenue, eastbound Dean Street, and Pacific Street between 6th Avenue and Carlton Avenue), as driving routes to the arena and the parking lot.
- During the two hours prior to the beginning of arena events, **no turns should be allowed from the above arterial routes onto residential streets** in Boerum Hill, Fort Greene, Park Slope and Prospect Heights. Turning restrictions should be enforced by a TEA on each relevant corner.
- **Design and landscaping** of the parking lot will conform to NYC zoning requirements for landscaping surface parking lots.
- **Lighting**, except for minimal security lighting, will be used only during parking lot operating hours.
- **Operating hours** will begin no more than three hours before events begin and end no more than one hour after events end.
- **Public toilets** will be available at the lot during its hours of operation and maintained by the parking lot operator.
- **No use** of the parking lot for arena operations staging or as the site of events other than community-approved or initiated events.
- Parking lot operators must use **pay-on-foot stations or other prepayment technology** to minimize queuing of vehicles entering and exiting the lot.

7. Transportation Demand Management

The 2009 Amended Memo sets out a number of Transportation Demand Management ("TDM") strategies that FCRC is to use, but the NPP requires FCRC and the City of New York to implement additional TDM measures, including:

- **Use TDM measures for all Barclays Center events**, not just Nets games.
- **Reserve minimum HOV spaces for all Barclays Center events**, not just Nets evening events.
- NYS's authorization and NYC's creation and enforcement of a **robust Residential Parking Permit program** to disincentivize arena patron use of private vehicles.

Benchmark Examples: The City of Chicago and District of Columbia RPP programs near Wrigley Field and the Nationals Ballpark provide strong precedents for sports venues sited adjacent to residential neighborhoods.

- **Price and regulate metered parking on and near commercial streets** in order to preserve parking for patrons of local businesses and discourage arena patrons from parking when meter restrictions expire in the evening.
- **Impose a NYS/NYC arena parking tax surcharge** on all hourly parking lot and garage use within ½-mile of the arena during all arena events plus one-hour shoulder times.
Benchmark Example: The State of New Jersey authorized the City of Newark to impose a “special Event Parking Tax Surcharge” on fees paid for parking, garaging or storing of motor vehicles within all lots or garages located with a designated area of Newark near Prudential Center and during weekday evenings or at any time on weekends and holidays. The City ordinance imposing the 7% parking tax surcharge has been in effect since 2008.
- **Analyze the impact** of remote parking lots and shuttle bus services on East River bridges and on local streets beyond a ½-mile radius.
- **Establish traffic reduction goals** that are tied to 2012 baseline traffic conditions, rather than to out-dated 2006 baselines and projections for arena operations, with continuing annual review by NYC DOT, including liquidated damages for non-performance.

All revenue collected from the parking tax surcharge, as well as liquidated damage payments for non-performance with respect to traffic reduction goals, are to be used for public transit improvements on subway and LIRR lines that serve the Atlantic-Pacific station/terminal.

8. Citizen Information and Communication

FCRC and its affiliates shall provide **real-time and continual information** to neighborhood residents and 311 operators about arena operations, events and conditions.

FCRC shall establish and continually operate an **on-site operations coordination office** that can receive ongoing comments from residents as well as meet at least bi-monthly in a public meeting with local elected officials and civic associations to discuss arena operational issues that affect neighborhoods adjacent to Barclays Center.

FCRC shall fund a **dedicated call center/hotline and NYPD command center** to which 311 calls keyed as “Barclays Center” will be directed, so that the public can easily report pedestrian, traffic, parking, sanitation, public hygiene, noise, lighting or other problems that relate to the operation of the arena and the problems can be immediately addressed.

Benchmark Example: The Chicago Cubs fund operating costs of a City of Chicago Police Department hotline and command center.

9. Documentation, Monitoring, Accountability and Oversight

The NPP should be documented initially through a modification of the existing 2009 Amended Memo that is signed by ESDC and FCRC. The revised Amended Memo should also be countersigned by the City of New York. The satisfaction of NPP obligations should be included in **appropriate Project documentation**, as is required for all provisions of the 2009 Amended

Memo.

Annual monitoring of all obligations in the NPP is required. This is in contrast to the current 2009 Amended Memo, which provides for only a one-time review of the TDM program only four months after the arena opens. Ongoing monitoring should include summaries of incident reports in all components of the NPP, not only TDM. Objective measures should be used, not self-reporting by arena patrons which can be inaccurate with respect, for example, to the distance they are parking from the arena. More rigorous traffic evaluations should include the number of patrons' cars parking on local streets; level of service at intersections, crosswalks and sidewalks; number of riders on transit; and utilization of remote parking lots. Sanitation measures must use the NYC Department of Sanitation cleanliness measures at a minimum. Public safety and traffic obedience measures should use NYPD data. Noise measures should conform to the 2007 NYC code provisions.

An **annual report** should be (a) produced by FCRC or its affiliates, (b) provided to ESDC, State and City elected officials who represent the neighborhoods included in the NPP and Community Boards 2, 6 and 8, and (c) posted on the ESDC website.

Benchmark Example: The Chicago Cubs prepare an annual report on neighborhood protection activities, which is posted on the team's MLB website.

In addition, the NPP provides for accountability through the imposition of **monetary penalties if FCRC and its affiliates do not undertake required activities or fail to achieve defined goals or standards that are specified in the NPP**. Specifically, the NPP should include monetary damage payments if a specific sanitation, public safety, traffic, etc. standards are not achieved.

Benchmark Example: The Chicago Cubs paid the City of Chicago a \$73,634 penalty in 2011 due to low utilization of its satellite parking lot.

Finally, the NPP only is effective if there is **continuing oversight and review**. **FCRC shall fund a full-time staff person employed by ESDC** to oversee implementation of the NPP and monitor its performance. In the future, this function should be incorporated within the proposed ESDC subsidiary for the Atlantic Yards project, which should also include outside directors appointed by local elected officials.