

March 29, 2006

To: Council Members Dan Garodnick, Maria Baez, Inez Dickens, Andrew Lanza, Melinda Katz, Charles Barron, James Oddo, Helen Foster, Maria del Carmen Arroyo, Melissa Mark Viverito, Thomas White Jr., Miguel Martinez

From: Good Jobs New York (212-414-9394), New Yorkers for Parks (212-838-9410), NYPIRG (212-349-6460), Sustainable South Bronx (718-617-4668), Pratt Center (718-636-3486), Tri-State Transportation Campaign (212-268-7474)

Re: Yesterday's testimony by city agencies and the NY Yankees

We were impressed by the tough questions subcommittee and other Council members had prepared for yesterday's hearing. We urge you to keep up the pressure for answers where the agencies and Yankees were not entirely clear, and to:

- minimize the loss of natural parkland and mature trees
- reduce public subsidies for private development, and
- ensure the project is as mass-transit oriented as possible and not built in a way that generates additional car trips and traffic congestion.

We write today to provide perspective on some of the claims you heard during yesterday's subcommittee meeting on the Yankee Stadium Redevelopment project.

Some of the testimony provided by city agency representatives was factually inaccurate.

- Parks Dept. Assistant Commissioner Laird grossly mis-stated the planned increase in parking spaces. Project documents have constantly changed this number, but the 32% increase that Mr. Laird used in the hearing is far off of any conceivable calculation from any project document. The numbers in the scoping document showed the project will result in a 73% parking increase. (According to the scoping document, there are currently 7,079 spaces, the project will displace 1,270 spaces, the new parking garages will add 5,235, and 1,200 new spaces will be available for Yankees fans at Gateway Center. Gateway Center, which will be right next to the stadium, is actually constructing 3,216 spaces as part of its development. The Yankee Stadium EIS assumes that Yankees fans will only park in 1,200 of these spaces – if the total number of Gateway Center spaces is included in the equation, the parking increase would be an even higher percentage.) The Final EIS shows a 65% increase. (According to the FEIS, there are currently 6,995 spaces, 1,796 spaces will be displaced as part of *both* the stadium and Gateway Center projects, the project will add 5,111 spaces, and 1,200 Yankees fans will park at Gateway Center.)

- City DOT Assistant Commissioner Primeggia is simply wrong in his assertion that parking availability is a minor factor in individual decisions to drive. Parking constraints in urban areas are one of the main reasons that mass transit is competitive with driving. One well-known California parking expert likens the oversupply of parking to a “fertility drug for cars.” Provision of parking begets driving, period. Absence of parking makes driving more difficult and leads individuals with a choice to consider other travel methods. That is why the state’s plan to meet U.S. Clean Air Act targets limits construction of parking in the Manhattan central business district and why the city’s environmental law says construction of parking garages is likely to cause significant environmental impacts [*CEQR Technical Manual* at 3Q-3].

Of course other factors like congestion factor into decisions to drive, and we agree with Council Member Arroyo that building more event-related parking spaces in a small area will worsen congestion in the area around the stadium. Congestion will not lessen significantly because of additional ramps from the Deegan (which may also blight the neighborhood and make it more difficult for pedestrians to navigate) nor because of small changes in traffic signal timing, the NYC DOT’s standard answer to every congestion problem.

The unfortunate fact is that the project EIS states that not one more car trip will be attracted to the stadium despite construction of thousands of new parking spaces, and city government is now stuck defending that position despite its towering illogic and the double-talk it requires city officials to publicly espouse.

- Mr. Primeggia was also out of his element in discussing the applicability of resident parking permits to the area around the stadium. He stated that the city DOT had concluded that parking permits will not work in city neighborhoods “where the number of cars already exceeds the number of parking spaces.” That may be true for Brooklyn Heights, where the DOT has conducted a study of the issue, but it is patent nonsense regarding the South Bronx, at the other end of the city’s socio-economic spectrum and the neighborhood with the lowest rate of car ownership in New York City. Indeed, stadium redevelopment proponents claim that there are excess on-street parking spaces in the neighborhood, which is why fans create a problem trying to park for free in the community. [A game-day permit system appears to be working well in the wealthy neighborhood around Wrigley Field in Chicago, for comparison.](#)

NYC DOT has long maintained an institutional opposition to the introduction of resident parking permit systems in New York City and likely opposes their introduction near Yankee Stadium because once they are functioning in one NYC neighborhood, other communities will request them as well. That is why the agency is citing studies of Brooklyn Heights to representatives from the South Bronx.

- With respect to parkland, Mr. Laird stated that the City would contribute \$160M (up from \$135M) for infrastructure improvements and new parkland. It is important to note that maintenance funding for the 27 acres of replacement parkland being offered by the Yankees is sadly inadequate. The Yankees' pledge to provide \$100,000 in annual park maintenance funds works out to roughly less than \$4000 per acre. The Yankees call the new replacement parkland a "Central Park for the Bronx"; however, Central Park spends \$16,014 per acre on maintenance each year. The FEIS fails to address the environmental and public health impacts of creating parkland that cannot be properly maintained.

- Two assertions frequently made about the Yankee Stadium project and repeated during yesterday's proceedings are not accurate: 1) the stadium project is entirely financed by the Yankees themselves; 2) the project represents a public investment that will contribute to the revival of the South Bronx and eventually generate economic benefits to offset its costs to taxpayers.

The Yankees have agreed to pay about \$800 million to build the actual stadium but this complex project entails many additional costs that would be borne instead by taxpayers. Aside from the \$210 million in taxpayers are spending on the replacement parks other subsidies include:

- Property tax break - \$44 million
- Parking garages- \$70 million
- Foregone sales tax revenue on construction materials - \$24 million
- Mortgage Recording Tax break - \$8 million
- Tax-exempt bonds – \$158 million

In an unusual move, the New York City Industrial Development (the agency that the Yankees have applied to for tax breaks and \$866 million in tax-exempt bonds) has not provided the public with the true costs of the project. While IDA documents indicate the proposal includes breaks on sales and mortgage recording taxes and tax-exempt bonds, the IDA has not quantified these costs. An estimate of the costs is available at www.goodjobsny.org.

While the subcommittee hearing yesterday was necessary for the land-use approvals, the Council must also approve the Yankees request for a payment-in-lieu of taxes (PILOT) arrangement. These payments would pay back the tax-exempt bonds issued for the Yankees, instead of being collected by the city. It is not clear how the city can issue such a large amount of tax-exempt bonds since, under federal law, these bonds must be repaid by PILOTs. Because of the generous as-of-right subsidies available to the Yankees it is unclear how these PILOT payments would be enough to service such large debt obligations. A hearing is tentatively scheduled for April 7th.

Comptroller Thompson expressed reservations on the proposed PILOT financing at the IDA's board meeting earlier this month.

- Yesterday, Randy Levine stated that the Yankees are negotiating a Community Benefits Agreement. This could not be further from the truth since the “agreement” discussed yesterday is being negotiated in the eleventh hour and with politicians, not with the community. This is a stark contrast to CBAs in other parts of the country and in particular with the landmark Staples CBA in Los Angeles. CBAs are deals between developers and coalitions of community organizations, addressing a broad range of community needs — they are safeguards to ensure that affected residents share in the benefits of major developments. CBA’s allow community groups to have a voice in shaping a project, to press for community benefits that are tailored to their particular needs, and to enforce developer’s promises. For more information on CBA’s visit www.communitybenefits.org and www.goodjobsny.org/cba.htm.

- Finally, you should know that the Tri-State Transportation Campaign on February 2, 2006 filed a freedom of information request to obtain the travel surveys by which the project EIS says it bases many of its transportation findings. Some discussion between Council Member Foster and Mr. Primeggia about these surveys ensued in yesterday’s hearing, but it is significant that no one outside the study team has ever seen the surveys.

The request also asked for information prepared as part of the parkland “conversion” (to parking garages) under the federal Land and Water Conservation Fund.

The Parks Dept. responded with a letter stating, “we anticipate some records becoming available for disclosure within twenty (20) business days from the date we received your request.” However, other records will be available in forty (40) business days.

Despite the generous one- and two-month deadlines the agency gave itself, it has yet to turn over any documents. A call to the agency yielded the response that some of the information would be ready “next week” – but that was over two weeks ago.

Anything you can do to obtain these documents for timely public review would be very helpful.