

October 23, 2004

Dear Community Board 2, 6, 8 Member,

We understand that it is not customary to contact individual board members directly, but under these unusual and urgent circumstances waiting until your next committee meeting would be too late to get our message to you. We should also like to clarify that in no way does this letter indicate that we support the CBA process as a substitute for the ULURP process. The ULURP process was brought into existence in the 1970s as a way to standardize direct negotiations between developers and communities, to ensure that all members of the effected communities are equally represented and that all our elected council members eventually vote on the negotiated points. We consider it unfortunate that certain elected representatives are seeking to shortchange Brooklyn in this regard and urge you to continue to fight to ensure that this project will go through the ULURP process. The excuse that this cannot be done because part of the project is on State land is unacceptable; the Atlantic Terminal Mall sits entirely on State-owned MTA land, yet that proposal went through ULURP.

We have watched with concern the process by which the Community Benefits Agreement (CBA), negotiated between Forest City Ratner Companies (FCRC), Brooklyn United for Innovative Local Development (BUILD), ACORN, and the Downtown Brooklyn Advisory and Oversight Committee (DBOAC), is being rushed through without any true, meaningful participation from the community. We understand that the parties have requested comments from members of the Community Boards (CBs) by the end of October. We urge you to consider the impact of offering your comments by the imposed deadline and also to play a more active role in ensuring that the CBA will truly represent the wishes of the affected communities.

CBAs are traditionally the result of a negotiation process between the developer and representatives from the affected communities. In these negotiations, the developer agrees to provide specific community benefits, and in exchange the community groups promise to support the proposed project.<sup>1</sup> The developer's interest in getting the CBA signed is that it facilitates the ability to obtain government subsidies, while giving the project the imprimatur of community support.

Accordingly, we urge that you be cautious about giving input into the CBA, as doing so might result in your unwittingly endorsing the project. At the very least, you will be legitimizing the closed, under-inclusive process.

The undersigned organizations urge their CB members to pass resolutions and take appropriate steps such that the CBA will truly represent the affected communities. To that end we ask that you:

**PUT ON RECORD** that you are not in a position to give input on behalf of the community until you have received input from the community in a widely advertised community wide hearing where each citizen attending can speak for 3 minutes. Each community board's public meeting should take place on different nights so the public is able to attend each hearing.

**PUT ON RECORD** that the communities need to be fully apprised of all the particulars of the proposal before any meaningful comments can be offered. This should include a full accounting of all public subsidies being requested. This process should also include fact-finding on alternative development options such as the community plan initiated by Councilmember Letitia James and lead architect Marshall Brown ([www.dddb.net/pubic/AYDWS.pdf](http://www.dddb.net/pubic/AYDWS.pdf)).

**PUT ON RECORD**, if you find that the proposed counterparties to the CBA (ACORN, BUILD and DBAOC) do not provide sufficient representation of the affected communities—and recent studies by an independent urban planning group indicate they do not<sup>2</sup>—the CBs must work to identify a group of organizations that represent a genuine cross section of our communities. CBA negotiations ideally include

those community groups who have vigorously voiced a wide range of concerns about the proposal. The integrity of your Board must not be compromised by creating a false impression, of support and representation, among the citizens of your community that only serves the developer's goals.<sup>3</sup>

**PUT ON RECORD** that it is a disservice to require the CBs to offer comments in two weeks. The CBs should not be rushed when what is needed is a far-reaching effort to gather the concerns of members of the community – a process that will require a few months.

While the CBs are being told that this might be their last chance to give input into the project and that not doing so would be irresponsible of them, the truth is that FCRC recognizes that an illusion of support from the communities and CBs facilitate the receipt of government subsidies and allay investors' concerns of delay. Thus, we urge the CBs to recognize that they are in the advantageous position to make the CBA truly representative of the communities' concerns and needs, and, therefore, they should not be rushed into "approving" an agreement representative of a flawed process.

Upon reviewing the CBA outline, the Traffic and Transportation Committee and the Land Use Committee of CB2 passed resolutions on October 19 and 20 stating that they will not participate in any CBA until the community has received all information about, and full disclosure on public financing for the proposed project, and until public meetings on the project take place.

We urge all the community boards to pass similar resolutions on behalf of our communities.

- (1) See "Community Benefits Agreement: Making Development Projects Accountable," by Julian Gross, Greg LeRoy and Madeline Janis-Aparicio. (<http://www.goodjobsfirst.org/pdf/cba.pdf>)
- (2) See "Prospect Heights Neighborhood Survey", by the Pratt Institute Center for Community and Environment Development. (<http://picced.org/pubs/prospectsurveyreport.pdf>)
- (3) Just this week Forest City Ratner mailed hundreds of thousands of Atlantic Yards promotional fliers to Brooklynites. The contents of this flier imply that CB 2,6, 8 are supporting the FCR proposal.

Respectfully yours,

Atlantic Avenue Betterment Association (AABA)

Brooklyn Bear's Community Gardens

Brooklyn Vision

Dean Street Block Association.

Develop – Don't Destroy Brooklyn (DDDb)

Fort Greene Association (FGA)

Friends and Residents of Greater Gowanus (FROGG)

Park Slope Greens

Pratt Area Community Council (PACC)

People Against Urban Removal

Prospect Heights Action Coalition (PHAC)

Prospect Heights Neighborhood Development Council (PHNDC)

South Portland Block Association

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Cc: Members of Community Boards 2, 6, 8  
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Council Member Letitia James  
Council Speaker Gifford Miller  
State Senator Velmanette Montgomery  
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Senate Majority Leader Joseph Bruno  
Congressman Major Owens

