



**Empire State
Development**

AYCDC President's Report

March 23, 2015

President's Report Outline

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AYCDC: Relationship to ESD Directors and ESD Staff

- AYCDC is unique compared to other ESD subsidiaries:
 - No new Project funding to allocate. ESD, in the GPP, approved public funding.
 - Established after the approval of the Atlantic Yards GPP.
 - Role and recommendations are advisory to ESD Board of Directors.
- ESD's Atlantic Yards Project Team is available as a resource to the Board through AYCDC's Director, Tobi Jaiyesimi.

AYCDC: Scope of Advisory Role

- AYCDC serves in an advisory capacity to ESD Directors by:
 - Monitoring Project timeline and commencement/completion dates.
 - Advising on community's concerns.
 - Developing recommendations for efficient and effective flow of communication between Developer, government agencies, and the community.
 - Ensuring Developer's full compliance with the June 2014 Project modifications and other public commitments.
 - Reviewing proposed modifications to the GPP.
- AYCDC may provide reports to the ESD Directors as necessary.

How ESD and AYCDC Work Together

- Reports from ESD's Atlantic Yards Project Team to AYCDC Directors will include:
 - Community Relations Updates
 - Incident Report Log
 - Consultant Reports
 - Monthly STV & Quarterly HDR Summary Reports
 - Project Updates
 - Construction Alert: Two Week Look-Ahead
 - Community Update Meetings
 - Information regarding Community Update Meetings (formerly Quality Of Life Meetings), which are held every other month.

ESD's Project Oversight

Legal Framework of ESD's roles & responsibilities

- Project Development Agreement, includes:
 - Design Guidelines
 - Memorandum of Environmental Commitments (MEC)
 - Building Commencement and Completion requirements
- Project Site-by-Site Development Leases regulate building construction and operation

Housing and Commencement/Completion Requirements

Pursuant to June 2014 Project changes:

- Affordable Housing
 - B14 commenced construction December 2014 (298 Units)
 - B3 will commence construction by June 2015 (307 Units)
 - All 2,250 Affordable Housing units must be completed by 2025
 - If not, liquidated damages of \$2,000 per unit, per month will apply
- Market Rate Condos
 - Work on B11 has begun (278 Units)

Condemnation, Relocation and Property Management

- In September 2014, ESD condemned 7 Phase II properties, which contained 12 occupants and 1 storage facility.
- Relocation assistance was provided to all occupants through Cornerstone Group, ESD's relocation consultant.
- 8 occupants have already vacated; 2 more have voluntarily agreed to vacate by March 31; and the last 2 have been directed by the Court to vacate as of March 31 and April 30, respectively.
- The storage facility was surrendered to ESD in November 2014 with 478 individual "stomers". All but 21 of those stomers voluntarily relocated their possessions, and the possessions of the final 21 stomers have been moved by ESD to a Red Hook storage facility.
- ESD has a property manager on-site to maintain safe operation of the properties.
- Next and last phase of condemnation is expected to include Site 5 at a later date.



MEC: Environmental Commitments

- The Memorandum of Environmental Commitments (MEC) was prepared pursuant to ESD's Project review under the State Environmental Quality Review Act (SEQRA).
- The MEC obligates the Developer and its contractors to implement and comply with a broad program of measures to mitigate the environmental impacts of Project construction.
- The MEC is an exhibit to the Project's Development Agreement, and was updated when the SEIS was finalized in June 2014.

MEC: Environmental Commitments

- As a result of a modification to the MEC, the Developer is required to retain a qualified engineering firm to monitor, enforce and document construction related MEC compliance.
- In November 2014, Remedial Engineering was hired as an Onsite Environmental Monitor (OEM). Remedial currently has 5 engineers working on the Project, 3 of whom are full-time Mitigation Engineers.
- The field activities Remedial monitors include:
 - Truck Traffic
 - Air Quality/Dust Suppression
 - Construction Noise
 - Soil Remediation
 - Rodent Control

MEC: Environmental Commitments

- In addition, the Developer, as distinct from Remedial, has the responsibility to monitor certain MEC requirements. These include:
 - Historic Resources Mitigation
 - Community Facility Mitigation
 - Open Space Mitigation
 - Shadow Mitigation
 - Maintenance and Protection of Traffic (MPT) Implementation
 - Installation of double paned windows/alternate ventilation in certain residences

MEC: Environmental Commitments

- The MEC also requires the Developer to provide funding for an independent environmental monitor selected and retained by ESD.
- ESD retained HDR, in May 2007, to monitor compliance with the mitigation measures implemented by the Developer and its contractors.
- HDR conducts, generally twice weekly, site visits and has 5 professionals dedicated to this project, with the ability to call on other professional staff from within the firm as needed.

MEC: Environmental Commitments

- On a weekly basis, HDR reports to ESD on monitoring results. ESD will provide AYCDC Directors with written quarterly reports.
- HDR reviews the Construction Alert/ two week look-ahead and provides input based on field visit observations.
- HDR alerts ESD, the OEM and Developer when MEC non-compliance is observed and confers with the OEM if modification of activities is needed for compliance.
- ESD, not HDR, enforces compliance with the MEC. In appropriate cases, ESD may formally notify the Developer that contractors have failed to comply with the MEC.

MEC: Environmental Commitments

- Weekly meetings are held with the Developer, OEM, HDR and ESD.
- The Developer provides ESD and HDR with six month look-ahead reports that describe anticipated Project activities.
- Among other things, each six month look-ahead includes an assessment of the level of OEM staffing that should be deployed, during the relevant period, to properly monitor compliance with the MEC.
- HDR and ESD review these reports, which are submitted one month prior to the beginning of the documentation period.

MEC: Environmental Commitments

- Overall, the Developer has materially complied with the requirements of the MEC to reduce the environmental impacts of Project Construction. Issues continue to be addressed on an ongoing basis.
- Adherence to MEC requirements, and the retention of Remedial Engineering, has resulted in improvements to conditions at the Project site, reducing environmental impacts during construction (i.e. air quality, noise, traffic).

Construction Oversight

- ESD has maintained an Owner's Representative on site since commencement of construction, and STV has served in such capacity since March 2010.
- STV physically serves as ESD's "*eyes and ears*" on the Project site.
- STV conducts daily site visits and has 3 professionals dedicated to this project, with the ability to call on other professional staff from within the firm as needed.
- STV prepares regular reports to, and meets regularly with, ESD concerning Project site conditions, conformity with Project documents, construction schedule, and anticipated activities and issues.
- STV also provides input on the Construction Alert / two week look-ahead.

Construction Oversight

- STV Performs the following on behalf of ESD:
 - Reviews design and construction documents.
 - Monitors all aspects of Project construction including for conformity to the Project's General Project Plan, Design Guidelines, and other Project documents.
 - Reviews and monitors implementation of Developer's Site Safety Plan for protection of the public, including but not limited to provisions to:
 - Maintain construction barriers and fencing to ensure pedestrian safety
 - Monitor activities such as construction equipment and vehicles including the use of cranes
 - Attends regular progress meetings with Developer and its various contractors as necessary.
- STV cannot enforce compliance or issue a stop work order.

Community Relations

- ESD is committed to actively addressing community concerns related to the Project.
- ESD maintains a comprehensive incident report log of all inquiries and complaints made directly to the agency via email or phone.
- Nicole Jordan, Community Relations Director for the Atlantic Yards Project, works closely with the Developer, Project consultants, HDR and STV, and the community in addressing incidents and concerns.
- Community Update Meetings (formerly known as “Quality of Life” Meetings) are hosted every two months with representatives from the Developer, and State, and City agencies.
 - These meetings provide a public forum for agency reps to present their reports on the project.
 - Community members are offered the opportunity to ask questions directly and highlight areas of concern not previously discussed.