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impasse over a line that referred to creating human settlements only with buildings with both “vertical and horizontal walkability” (that is, without mechanical lift systems—which would limit supported development to six stories or fewer). Supporters and opponents of the proposed wording argued emotionally for their sides, with supporters of the language associating tall buildings with the most nightmarish problems of state-subsidized and -managed housing projects. Many in attendance, however, argued that for the movement to remain relevant, it couldn’t take a universal stand against more dense development. Eventually, the entire proposal was whittled to a future committee meeting for clarification.

Some level of committee referral is to be expected as a response to a proposal like this from the floor; clearly, wordsmithing becomes an absurd art from the history of Esperanto is the language movement has engendered. Some level of opinion expressed at the meeting, much time was devoted to discussion of real and perceived slights towards the movement, instead of encouraging new initiatives. Clearly, a constructive response like supporting the work of existing envoys to per- ceived outsider groups like academia, environmentalism, or the smart growth movement. A real lesson for New Urbanism from the history of Esperanto is the list of enemies the international lan- guage movement has engendered. Esperantists have also defied the efforts of international bodies like the United Nations because those groups have relied on more traditional means of solving the problem of inter- national communication (adding more languages, hiring more interpreters and translators, and ensuring that all employees are multilingual). New Urbanists should avoid such rigid positions. While it’s clear they deserve a seat when issues of sustainability are being discussed, they should focus on being good tablemates, even if the Transect is not what is being served.

To its credit, the CNU has never adopted a rigid decision-making structure or membership criteria, pre- ferring a flexible and grassroots-based system. But early on, CNU leaders also recognized the dangers of allowing individual actors to employ the term “New Urbanism” to describe work that at best accidentally misun- derstood the principles of the move- ment. Eventually, the entire proposal was whittled to a future committee meeting for clarification. Some level of committee referral is to be expected as a response to a proposal like this from the floor; clearly, wordsmithing becomes an absurd art from the history of Esperanto is the language movement has engendered. Some level of opinion expressed at the meeting, much time was devoted to discussion of real and perceived slights towards the movement, instead of encouraging new initiatives. Clearly, a constructive response like supporting the work of existing envoys to perceived outsider groups like academia, environmentalism, or the smart growth movement. A real lesson for New Urbanism from the history of Esperanto is the list of enemies the international language movement has engendered. Esperantists have also defied the efforts of international bodies like the United Nations because those groups have relied on more traditional means of solving the problem of inter- national communication (adding more languages, hiring more interpreters and translators, and ensuring that all employees are multilingual). New Urbanists should avoid such rigid positions. While it’s clear they deserve a seat when issues of sustainability are being discussed, they should focus on being good tablemates, even if the Transect is not what is being served.

Note

1. The Green Council has met five times previously. Other CNU councils include, for example, a Classical Architectures Council. CNU members are invited to participate in councils that are relevant to their work, and the results are reported back to the general membership on the organization’s website and at its annual meeting. Specific recommendations from a council can be taken to the board of directors for consideration as official policy, including potential revisions to the Charter of the New Urbanism.

Atlantic Yards: This Generation’s Penn Station?
Norman Oder

To proponents, the $4 billion Atlan- tic Yards project in Brooklyn, New York, is a model of urban redevelop- ment. Designed by the architect Frank Gehry and consisting of sixteen towers and a basketball arena on 22 acres, it would extend and revitalize Brooklyn’s downtown, add residential density near a transit hub, and include subsidized housing. It also would return professional sports to the borough, which hasn’t been “major league” since the baseball Dodgers left for Los Angeles in 1958.

To detractors, however, Atlantic Yards represents “extreme density” and the corruption of public pro- cesses. Including nearly three hundred apartments per acre, it would encroach on surrounding historic lowrise neighborhoods, burden local infrastructure, and create a deaden- ing pattern of superblocks. Critics also claim its present form depends on hundreds of millions of dollars in public subsidies, tax breaks, and increased development rights, plus the use of eminent domain to benefit politi- cally powerful special interests. Kent Barwick, president of New York’s venerable Municipal Art Society (MAS), sponsor of a recent exhibi- tion on the work of Jane Jacobs, has suggested that Atlantic Yards might be “this generation’s Penn Station” because of the “absurdity” of the public processes involved. Just as the demo- lition of that landmark structure in 1963 for an arena and office complex accelerated the preservation move- ment, the battle over Atlantic Yards has prompted new outrage in the city about single-source deals and inad- equate community consultation.

Above: The architect Frank Gehry and the developer Bruce Ratner are tweakd in references to a legal battle and traffic woes. Photo by Tracy Collins/ecm.com; artwork by Patti Hagan and Schelke Hagan.
Details in Dispute

Atlantic Yards was announced to national fanfare in December 2003 by the Brooklyn developer Forest City Ratner Companies (FCRC), an arm of the Cleveland-based company Forest City Enterprises. The firm had spotted opportunities during Brooklyn’s decline and subsequent rebound, building architecturally undistinguished malls and an office complex. However, this project, on a six-block site, 8.5 acres of which are occupied by yards used by the Long Island Railroad, would be more complex and far-reaching. Its initial narrative emphasized the prestige of a professional sports franchise for the borough—the New Jersey Nets, which a group headed by FCRC’s Bruce Ratner bought in 2004. Gehry’s role suggested the developer’s newfound concern for high-profile architectural design in Brooklyn’s continuing revival.

Early plans called for the arena to be open by 2006, but the project’s construction has been delayed by the environmental review process, protests, lawsuits, the credit crunch, and a lack of affordable housing bonds. The project’s configuration has also changed dramatically. Initially, the four mixed-use towers wrapping the arena (two of them at least fifty stories high) would have included space for ten thousand office jobs. Citing market changes, FCRC swapped offices for condos, then restored some office space. Housing remains the largest component of the project. Of 6,430 approved units, 4,500 would be rentals—with 2,250 of these subsidized (900 for low-income residents). The gain, however, might be offset by displacement in nearby neighborhoods. A substantial advertising campaign for the project has also consistently avoided the issue of scale, showing no buildings taller than fifteen stories.

The last three years such controversy has turned public hearings on the project into street theater. In general, poorer, mostly minority Brooklynites—many from groups supported and funded by the developer—and union construction workers have touted the jobs and housing the project would create, while closer-in residents have criticized its density and traffic impacts.

Critics argue that, while the project would border Brooklyn’s largest transit hub, where ten subway lines and a branch of the Long Island Railroad converge, it would also compound traffic at corners already plagued by gridlock. The project would also include 1,100 arena parking spaces and more than 2,500 spaces for the housing, thanks to antiquated city policies that require 0.4 spaces per household in outer-borough projects, no matter the adjacency of transit. Critics also point out that the arena, Gehry’s first, would not only be wrapped by highrise structures but also sit directly across one street from row houses. (The state must still override zoning that bans sports facilities within two hundred feet of residences.)

On two sides, the arena would also present glass walls near major avenues, an effort at openness that has raised security qualms. And for construction staging, the developer would capitalize on a dubious claim of blight to snag a 100-foot wide rectangle, later to house a 272-foot building, at least five times as tall as its neighbors.

The State Override

Other neighborhood complaints, resonating citywide, have targeted the way permits have been issued by state and local agencies. Typically, such a project would have to go through New York City’s Uniform Land Use Review Procedure (ULURP)—a post-Robert Moses reform which requires an advisory vote from affected local community boards, mandated public hearings, and approval by the City Planning Commission and City Council. But Atlantic Yards was fast-tracked via the Empire State Development Corporation (ESDC), the alter ego of the state Urban Development Corporation. The agency, formed in 1968 in the wake of the assassination of Martin Luther King, Jr., was granted “amazing powers”—in the words of the noted planner Alex Garvin—to override zoning and pursue eminent domain to assist the poor.

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Above: Photosimulation by local photographer Jonathan Barkey, based on 2006 plan (since trimmed), shows perspective from south side of Dean Street below project’s center. Image from www.pbase.com/AtlanticYards.
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Today, the ESDC typically shepherds megaprojects like the Times Square redevelopment and Ground Zero reconstruction. Thus, while the ESDC conducts public meetings to collect testimony during the Atlantic Yards environmental review, the process produced few changes—and a lawsuit-proof record of more than 22,000 pages. Perhaps the most contentious claim made by the developer, and development is that the site—an irregular area chosen by the developer, not by public process—is blighted. Among other blight criteria, the ESDC has cited building conditions for blight, and a lawsuit-proof record of more than 22,000 pages.3

Years of Contention

Atlantic Yards has generated great contentiousness, and its future remains murky. Barwick’s MAS and some neighborhood groups have accepted the project’s inevitability and lobbied for revisions—in particular, criticizing "interim surface parking" and open space (designed by Laurie Olin) that appears private, as well as calling for a new administrative process to oversee the project’s construction.4

However, the grassroots coalitionDevelop Don’t Destroy Brooklyn has organized two lawsuits with support from residents in adjacent gentrified neighborhoods and several civic groups, and watchdog blogs like "No Land Grab" and my own "Atlantic Yards Report" have maintained persistent online analysis and criticism of the project. Of the two lawsuits, one was a federal challenge to the use of eminent domain.5 The plaintiffs argued that the project was a sweet heart deal, benefiting the developer more than the public. Among other things, they pointed out that city and state officials had backed the Atlantic Yards proposal eighteen months before the railyard was even put up for bid.6 However, both the trial and appeals courts have ruled that judges must defer to the public benefits (housing, sports facility, improved transit facilities, blight removal, etc.) found by the ESDC, and that nonblighted properties may be added to a project outline. A long-shot Supreme Court Appeal has been filed.

The other suit, in state court, charged inadequacies in environmental review. It, too, was defeated in the trial court. While Forest City Ratner sought a speedy schedule to resolve the inevitable appeal, hoping to open the arena by 2010, a state appellate court scheduled oral arguments for September of 2008, making it unlikely the developer will be able to meet this timetable. Even though the developer has begun demolishing buildings it owns and constructing a temporary railyard, it can’t start arena construction until the lawsuits are cleared.6

Indeed, the developer acknowledged in March 2008 to the New York Times that all but the arena was on indefinite hold, blaming lawsuits and the credit crunch.7 The newspaper also reported that the developer was taking the unusual step of essentially cold-calling office tenants for the flagship tower. Faced with the looming possibility of a standalone arena sans tenants, Times architecture critic Nicolai Ouroussoff, who called Gehry’s design for the arena block “a tour de force,” urged the architect to walk away from the project.8

On May 4, Bruce Ratner asserted in a New York Daily News op-ed piece that the project would be completed by 2018, the next day new designs for three buildings were released. (Missing was the promised green roof on the arena.) Still, there’s ample reason to question the timetable, and thus the delivery of promised public benefits, such as eight acres of open space and subsidized housing.8 An ESDC document shows that, after approving a project, “anticipated” to last a decade, the agency has now given the developer up to six years after the close of litigation and the exercise of eminent domain to build the arena, up to twelve years to build the first five towers, and an unspecified amount of time for the rest of the project. The developer has begun marketing 130 luxury suites, averaging $2,000 a year.9 This would offer a good chunk of the cost of building the arena—assuming it ever gets built.

Notes

1. As approved in December 2006, the project would cost $4 billion. Rising construction costs have already boosted the expected arena tab from $657.2 million to $850 million, for the project’s inevitability and lobbied for revisions—in particular, criticizing indefinite “interim surface parking” and open space (designed by Laurie Olin) that appears private, as well as calling for a new administrative process to oversee the project’s construction.6

2. The controversy over eminent domain decision, which set out criteria for legitimacy (such as an open bid process and commitment of public funds before most private beneficiaries were known) to last a decade, the agency has now given the developer up to six years after the close of litigation and the exercise of eminent domain to build the arena, up to twelve years to build the first five towers, and an unspecified amount of time for the rest of the project. The developer has begun marketing 130 luxury suites, averaging $2,000 a year.9 This would offer a good chunk of the cost of building the arena—assuming it ever gets built.

3. While numerous states have reformed eminent domain (However, the ULURP process has its own problems, such as an open bid process and commitment of public funds before most private beneficiaries were known) to last a decade, the agency has now given the developer up to six years after the close of litigation and the exercise of eminent domain to build the arena, up to twelve years to build the first five towers, and an unspecified amount of time for the rest of the project. The developer has begun marketing 130 luxury suites, averaging $2,000 a year.9 This would offer a good chunk of the cost of building the arena—assuming it ever gets built.4

4. The developer also has a $400 million arena naming rights deal with Barclays Capital and several other “partnerships” in the wings. 

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6. About 35 of 334 residents remain, as well as a handful of 33 businesses, along with a homeless shelter, many of the developer’s buyouts have been accompanied by gag orders.

7. They drew significantly on Supreme Court Justice Anthony Kennedy’s notorious concurrence joining the controversial 2005 Kelo v. New London eminent domain decision, which we see criteria for legitimacy (such as an open bid process and commitment of public funds before most private beneficiaries were known) to last a decade, the agency has now given the developer up to six years after the close of litigation and the exercise of eminent domain to build the arena, up to twelve years to build the first five towers, and an unspecified amount of time for the rest of the project. The developer has begun marketing 130 luxury suites, averaging $2,000 a year.9 This would offer a good chunk of the cost of building the arena—assuming it ever gets built.8

8. However, the limited pool of affordable housing financing provided the credit crunch. 

9. The developer also has a $400 million arena naming rights deal with Barclays Capital and several other “partnerships” in the wings. 

For more on the Atlantic Yards project, visit the following websites: FCRC.com—Forest City Ratner Companies; AtlanticYards.com—official Atlantic Yards site; AtlanticYardsReport.com—author’s site; 1000R.com—Develop Don’t Destroy Brooklyn, NoLandGrab.org—No Land Grab, www.empire- saws.nyc.us/Arthur-Yards/“ESDC’s Atlantic Yards site; AtlanticLocals.com—Municipal Art Society site.

Opposite: A May 2008 version of the arena block shows a newly revealed office tower and an arena with glass doors and a new metal skin. Model/rendering by Gage Partners.
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Friends of Atlantic Yards (FYA), who have criticized the lack of government planning and public input during the early stages, as well as an absence of consistent public oversight over the long term.

7. The complete project probably will not be successful in any case without the enactment of larger policy changes to reduce traffic impacts, like proposed congestion pricing.

8. However, the limited pool of affordable housing financing protracted the cranes.

http://www.nytimes.com/2008/11/13/stre-
designs.html

9. Ratner stated, “We anticipate finishing all of

Atlantic Yards by 2018.” However, his cousin, Chuck
Ratner, CEO of the parent company Forest City Enterprises, in 2007 told investment analysts (in response to Thraintus about those other projects), “As you know, in our business, those things take a very long time, most often, frankly, longer than we anticipate.”

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ny.us/AtlanticYards—ESDC’s Atlantic Yards site; AtlanticLots.com—Municipal Art Society site.

Opposite: A May 2008 revision of the arena block shows a noticeably taller office tower and an arena with glass and a new metal skin. Model/rendering by Gadye Parmelee.