

“example’ - as an undifferentiated member of a category - is maintained throughout the interview. Although she calls the project “sexy, sexy, sexy,” she stresses that “Atlantic Yards is the same as any other development” (19). The only difference she acknowledges (sexiness aside) is that, unlike other developers in Brooklyn, Forest City Ratner was willing to talk to ACORN seriously about affordable housing, acknowledging and drawing on ACORN’s expertise in responding to its concerns. As one result of the failure to engage the project in its unprecedented specificity, Lewis presents herself as never having considered *w e e r* she ought to support it; acdsuppor

Lewis begins by defining Atlantic Yards as “an example of what’s going on across the country in urban environments, inner-ring suburbs” (18), and this initial characterization of the project as an

domain by New York State. And characterizing that footprint as in “downtown Brooklyn” fancifully relocates it there from the significantly *re i en i a l n e i g b o r o o* where it actually is, Prospect Heights - a recently designated Landmarks Preservation District<sup>4</sup> - and what it borders, the landmarked neighborhoods of Park Slope and Fort Greene. (For that matter, the site isn’t the “Atlantic Avenue Rail Yards”: “Atlantic Yards” is the name of the commercial project itself, a portion of which would be situated over the Vanderbilt Rail Yards.) Finally, like Lewis’s account, this one suppresses the fact that AY, by some counts, would receive close to 2 billion dollars in direct and indirect public subsidies and government backed financing ( *NYT* 4/14/2008).

The history of the Atlantic Yards Project is dauntingly complex. The best source of information is probably Norman Oder’s Atlantic Yards Report ([www.atlanticyardsreport.com](http://www.atlanticyardsreport.com)), but, for those unfamiliar with accounts other than Lewis’s and most of those in the mainstream media, I’ll try to call attention here to some of the major strands.<sup>5</sup> Forest City Ratner’s Atlantic Yards Project was publically announced in December 2003. It was an absurdly outscaled project: 16 skyscrapers and a basketball arena. Indeed, it called for high-rise residential construction in low-rise Prospect Heights that, according to Ron Shiffman, “would constitute the densest residential community in the United States and, perhaps, Europe, with the exception of some of the suburbs of Paris” ([dddb.net/php/reading/shiffman.php](http://dddb.net/php/reading/shiffman.php)).<sup>6</sup> It proposed to build on the 9 acres of the Vanderbilt Rail Yards, at the corner of Atlantic Avenue and Flatbush Avenue, but also on 13 acres in some neighboring blocks (including public streets), the buildings on which FCR proposed to acquire through eminent domain.


It wasn’t until two years later - well after the Mayor and Governor had thrown their support behind FCR’s plan - that the MTA actually issued a Request for Proposals to develop the yards, or at least went through the motions of doing so. Although the time allowed for responding to the RFP was unusually short (42 days), another developer, Extell Development Company, did submit a proposal, offering \$150 million for the rail yard development rights, as opposed to Ratner’s \$50 million. Extell proposed to develop the 9-acre rail yards only - without the taking and destruction of adjacent blocks, without any use of eminent domain - and in this and other ways (concerning scale and transparency of process) it was to a significant extent consistent with the UNITY Plan ([unityplan.org](http://unityplan.org)), a set of guidelines for the development of the rail yards that had been developed by a coalition of local community groups ([http://www.brooklynpaper.com/stories/28/28/28\\_28nets2.html](http://www.brooklynpaper.com/stories/28/28/28_28nets2.html)). With no public discussion, the MTA awarded the rights to FCR, despite its having bid \$100 million less than Extell; it later “renegotiated” the price to \$100 million (still the lower figure, and less than half of the independently appraised value of \$214.5 million). In June of this year, in response to Ratner’s self-described but unrevealed financial difficulties, the MTA “renegotiated” again, agreeing to accept only \$20 million now, the other \$80

million over 22 years, at a generously low 6.5% interest rate (this was just after the MTA had been given a bailout of over \$2 billion by the State Legislature, and was about to raise fares) and settle for a smaller rebuilt rail yard than was originally agreed upon, 7 tracks instead of 9, which would actually *re e* the yard’s current capacity. FCR had originally agreed to build a new, “state-of-the-art” rail yard, but that’s no longer the case.

The lead government agency in reviewing the Atlantic Yards proposal was the Empire State Development Corporation (ESDC), a state Authority whose members are appointed by the governor (who at the time was George Pataki, Bruce Ratner’s law school mate<sup>7</sup>). Thus, the project bypassed all city processes entirely, especially the City Planning Commission and the City Council, silencing all the local and democratically elected voices that would have been involved if the approval process had, as is common, gone through the city’s Uniform Land Use Review Procedure (ULURP). The state takeover also meant a complete zoning override of all city zoning regulations, including heights, density and uses. On the state level, no legislative hearing was held on Atlantic Yards until May 2009. The power to approve the project’s financing rested in only 3 elected officials - the Governor, and the Leaders of the Senate and Assembly (Pataki, Bruno, Silver) - who, after a discussion of 15 minutes, approved it in December 2006. Thus, the largest project proposed in Brooklyn’s history and the largest by a single developer in the City’s history, depending upon at least hundreds of millions in public subsidies and the State’s powerful eminent domain tool, *never* faced a legislative vote on the City or State level.


Atlantic Yards has received massive public subsidies (direct and indirect). Although estimates vary, the *NYT* has put the total as \$2 billion (April 14th, 2008); at the least, in the view of Norman Oder, writer of the comprehensive blog Atlantic Yards Report, there has been “hundreds of millions in tax breaks” in addition to the direct subsidies (which Ratner puts at \$305 million). (Atlantic Yards Report, 7/02/2009). There has been *no bli o bene i anal i* of the project as whole, though the New York City Independent Budget Office recently reported that “over a 30-year period, the arena would cost the city nearly \$40 million more in spending under current budget plans than it will generate in tax revenues” - would, that is, generate a financial loss for the city - in addition to \$181 million in opportunity costs ([www.ibo.nyc.ny.us/iboreports/AtlanticYards091009.pdf](http://www.ibo.nyc.ny.us/iboreports/AtlanticYards091009.pdf)).

Not only has there been no such analysis, but because of Ratner’s failure to fulfill the original plan, a Revised Project Plan has replaced it, which hasn’t been made public, making any real cost benefit analysis impossible. Based on Ratner’s statements, the new Phase 1 of the project consists only of the arena (heavily subsidized by the public but, again, producing a negative fiscal impact) and a single other building, providing only 200 affordable residential units, not many more than the project would displace. (Originally,



the proposed arena was designed by Frank Gehry, whose cachet was a key element in selling the whole project to the public, but, in a bait-and-switch, Ratner dropped Gehry; the new proposed arena is said to cost about \$750 million, a savings from \$950 million, the latest figure for the Gehry arena, though still more than the \$637 million officially approved by the state in December 2006.). Most of the affordable housing is planned for Phase 2, for which there is no deadline (and no proposed timeline for construction) and, if it were ever to get built, would take “decades” (as recent president ESDC CEO Marisa Lago put it).

The affordability of the “affordable housing,” moreover, stretches



presence of two ongoing lawsuits; one, challenging various aspects of the Environmental Impact Statement presented and approved by the ESDC, and the other challenging its decision to use eminent domain, the appeal of which NY State's highest court - the Court of Appeals - has agreed to hear, on October 14th. (Both lawsuits are organized and funded by Develop Don't Destroy Brooklyn, a coalition of community groups opposed to the project.) In the meantime, on September 17th the ESDC Board approved a heavily revised version of the AY project - despite the fact that no detailed new plan or renderings have been made public. (What is clear, however, is that the original plan has been drastically altered, prompting many in the community to argue that the ESDC is legally required to produce a new Environmental Impact Statement; the failure to do that, DDDDB has indicated, will be a key element in a likely suit challenging the legality of the ESDC's approval of the new plan.) At the required public hearing the ESDC held on July 29th and 30th (where no Board members attended), during the period designated for written public comment ending August 31, and at the September 17th meeting, members of the public who wished to offer comment on the plan were - as if in a Kafka novel - compelled to do so in its absence.<sup>14</sup>

Despite this opaqueness (characteristic of the non-transparent

## CALENDAR: LOCAL & NATIONAL EVENTS: FALL-WINTER 2009

### **NY METRO**

**August 30** Seventh Annual Long Island Labor Picnic. Sponsored by the Long Island Federation of Labor, this is a day of picnic food, games, music and other entertainment that will run from 12 - 5 pm at Eisenhower Park in East Meadow. Tickets are \$17 per person, but children under 5 are FREE. If you have any questions, contact Kerri at the L.I. Fed. at (631) 348-1170 ext. 307 or e-mail her at [kerri@lilabor.org](mailto:kerri@lilabor.org).

**Sept 12** New York City Labor Day Parade Starts 10 a.m. at Fifth Avenue and 44th Street. For info, visit: [www.nycccl.org](http://www.nycccl.org).

**October 8-9** International Federation of Workers Education Associations (IFWEA) Special Conference: "Worker's Education in the Global Economy - New developments" at East Brunswick Hilton East Brunswick New Jersey. Conference focus is on new developments in workers education, from new approaches to trade union leadership education to new directions in education for informal economy workers. For more info on participations, email [schurman@dceo.rutgers.edu](mailto:schurman@dceo.rutgers.edu) and/or visit: <http://www.ifwea.org>.

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