"Historic Preservation and the Changing Face of Large-scale Redevelopment Projects in New York City: An Analysis of the Brooklyn Atlantic Yards Project"

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The proposed Brooklyn Atlantic Yards project is poised to irreversibly change the face of Brooklyn and the difficulties of making preservation claims are ample. They involve every type of barrier and encompass the ways in which the project planning process is taking place as well as the inherent limitations of preservation tools available to manage this type of redevelopment. Notwithstanding these barriers, the answer to whether or not preservation is possible at the Brooklyn Atlantic Yards site is a resounding yes. Beyond possible, it is of tremendous importance to understand the greater implications for both the borough of Brooklyn and the future of historic preservation efforts that appear to resist economic growth development. Preservation is possible at the Brooklyn Atlantic Yards and is taking place on websites, in meetings, articles, and expressed in the voices of the city.

Though the proposed Brooklyn Atlantic Yards project is an anomaly in terms of scope and scale in relation to the history of development in Brooklyn, it signals a larger trend in New York City's redevelopment policy. This trend involves concessions in public funding, bypassing of standard public review processes, broad support from state and city government, and is now backed by legislation that has determined economic development to serve the 'public purpose'. Government, also viewing property development as economic development, goes to great lengths to attract expansion activities, often ignoring the damaging social and infrastructure aspects of such projects. This is clearly the case at the Brooklyn Atlantic Yards, where it is continually claimed that the project, and the way it is being carried out, ultimately serves the greater good of the city.

The egregious scale of the proposed Brooklyn Atlantic Yards project demonstrates why it is so critical for preservation planning to find its voice in light of this type of development. Since before the project's announcement, and despite a limited public review process, efforts have been made towards historic preservation. Though less involved with existing buildings, community groups and advocates have formed to provide accurate information about the injustices of the project planning process, the anticipated impact to historic resources, quality of life, diversity, and sense of place. These groups have taken the initiative to organize and educate themselves and the greater community towards a productive dialogue about the implications of what it means to have this type of development unfold at the heart of several historic residential neighborhoods. They have appealed to local government officials and worked to verbalize the stakes, while attempting to demonstrate that they are neither opposed to growth nor succumbing to the "not-in-my-backyard" syndrome (NYMBYism). The final challenge for these groups remains to more firmly establish that preservation efforts need not hamper new housing, job opportunities, and economic development. Rather, that these goals should be realized within the context of a more open process towards a more equitable development that balances "a forward-looking vision with respect for Brooklyn's heritage."

HISTORIC PRESERVATION AND THE CHANGING FACE OF LARGE-SCALE REDEVELOPMENT PROJECTS IN NEW YORK CITY:

AN ANALYSIS OF THE BROOKLYN ATLANTIC YARDS PROJECT

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Submitted in partial fulfillment for the degree
Master of Science in Historic Preservation

Graduate School of Architecture, Planning and Preservation

Columbia University

May 2006

Photographs found in Appendices B & C are by the author.

My most sincere appreciation goes to my thesis advisor, *Carol Clark*, who went well above and beyond the call of duty in support of my work. Her knowledge and enthusiasm were invaluable to me at all times.

I would also like to enthusiastically thank *Dorothy Miner* who was both advisor and reader, and who saved me more than once during this long process.

I would like to thank my second reader, *Robert Beauregard*, for his wisdom and inspiration throughout the past semester. Andrew Dolkart for his contagious love of New York City history.

This thesis could not have happened without the wonderful staff of the *Avery Architectural and Fine Arts Library* and *The Brooklyn Collection* at the Brooklyn Public Library, nor without the people who took the time to answer my calls and questions. This thesis would also not have been possible without the valuable input and knowledge of all of the professors in the Historic Preservation program, as well as my wonderful, fellow classmates. There is a little bit of each one of them in this thesis.

My deepest appreciation goes to my *friends and family* for sticking with me, being supportive, and lending an ear through what was often a challenging year.

I would like to give my most heartfelt thank you to *Conrad Bakker*. You inspire me every single day with your good cheer, strength, and gentle nature. Your kindness, patience, and constant encouragement the last months were so, very important to me in every way…

Para mi mamá.

1.1 Introduction to the Thesis Question

Throughout New York City efforts are underway to fill its empty spaces, to redevelop 'improved' sites towards greater financial returns and to renew the urban fabric. New York City's development climate at present is strong following a period of sustained growth, which has led to a large volume of construction and for which the current Mayor's office is often credited. Within the last four years, four areas have been rezoned to promote higher densities including Hudson Yards and West Chelsea in Manhattan, and Greenpoint/Williamsburg and Downtown in Brooklyn. These endeavors speak to New York City's strong renewal function, and to its ability to plan for and implement strategies that accommodate growth and change. In the midst of this changing landscape, however, is the desire to preserve the places and objects of value to the cultural heritage of the city. As cities increasingly prioritize economic growth from real estate development over social interests, including preservation of the city's valuable patrimony, changes are taking place within the field of historic preservation.

The purpose of this thesis is to voice concern about the place of historic preservation within the larger context of this ongoing growth and redevelopment. It will answer the question of what role historic preservation plays within the context of contemporary large-scale redevelopment projects taking place as part of New York City's growth agenda. To this end, it will investigate one project in particular that is located at the intersection of three neighborhoods in Brooklyn, on a site which has seen several redevelopment attempts fail to come to fruition over a span of more than fifty years. The partially vacant site is prime real estate as determined by a variety of factors including its land value, air rights, location adjacent to a massive transit hub, and proximity to gentrifying neighborhoods. At a moment where the political and economic climate is especially favorable to new development, the project that has been proposed is larger than any other in the borough's history. In light of the proposed project and the city's growth agenda, preservationists and others that value participatory planning,

development that carefully considers context and the historic value of urban places are challenged with finding their place within a changing process.

Approaching the proposed Brooklyn Atlantic Yards project from the position of a preservationist allows for a distinct perspective that has brought to light two key issues. They ultimately serve to encourage a relatively new type of preservation dialogue. The first area of focus deals with the ways in which both changes in the practice of urban planning and urban redevelopment policy have impacted the ability of historic preservation to take place. Specifically, changes are taking place in how large-scale projects are carried out that result in minimized or even eliminated public review mechanisms, which are known to provide a forum for preservation concerns. The second area of focus involves the use of 'history' to support redevelopment projects, shifting away from the blank canvas mentality of urban renewal to a new history-based approach. This second area of focus is of particular interest to the practice of historic preservation in that it raises the question of *which* history should have priority when eliciting action on the urban form by way of new construction or preservation of existing architecture and communities. Historic preservation, a field that is fundamentally based on making a case for the preservation of both objects and places based on historical significance, now must contend with developers and city officials that are able to interpret history in different ways to dramatically different ends. The proposed Brooklyn Atlantic Yards project serves as the case study by which to examine these issues while in search of an answer to what the role of preservation may be, and more importantly, where it should be headed.

1.2 Why Now? Planning, Politics, and Preservation

Framing the proposed Brooklyn Atlantic Yards project within the present-day status of the preservation and urban planning fields is a worthwhile pursuit for several reasons. It first helps to set the backdrop for the current political climate of development in New York City, which in this moment not only has increased the power of developers to change the landscape of the city, but also provides them with the public funding to do so.

Urban planning is of significance because changes in this field during the previous fifty years contribute to the shift away from large-scale plans to a more project-based approach. The proposed Brooklyn Atlantic Yards project emphasizes how this shift has manifested itself at a moment when large-scale urban projects are possible, but only so long as they are negotiated outside of the public realm first. The unsuccessful urban renewal projects, helped to encourage development based on historic preservation values. These, in addition to the wave of urban restoration via community-led efforts, worked to create increasing interest in historically-informed redevelopment. This interest was then reinforced by federal and state laws, tax credits, and preservation planning tools. The proposed Brooklyn Atlantic Yards project however, creates a condition in which it becomes extremely difficult to make preservation claims. The difficulty is related to the problematic nature of arguing for the often intangible social value of preservation versus the economic and social benefits resulting from the project.

The evidence of mistakes made throughout the 1950s and 1960s resulting from the use of Title 1 of the 1949 Housing Act in New York City remain throughout the five boroughs. These projects are still today remembered for the wholesale demolition involved, for the displacement they generated, the anonymous modernist architecture they employed, the long delays between demolition and construction, and the social problems they perpetuated. Following this extensive destruction of urban fabric and communities, planning efforts shifted to less destructive, but still large-scale housing projects. These changes eventually led to the Model Cities program in the 1960s, which called for affected citizens to participate in the planning of redevelopment projects. These changes followed increased community-based opposition to displacement and other negative impacts. In the 1970s, large federal and state programs were substantially cut back and by the 1980s, it was believed that large-scale city projects were impossible to

accomplish based on a lack of program funding and citizen objection to top-down initiatives.[1]

The effect for urban planning was profound. In the classic urban renewal model, public officials would create plans for areas of the city that they determined to be blighted and in need of revitalization, condemn property to clear the land, and then sell that cleared land with incentives to private developers, who would eventually redevelop the site. After urban renewal, private developers began to take initiative in planning urban redevelopment, approaching city officials with specific project proposals. Because local and state governments rely on own-source revenues to fund public services, their emphasis is on encouraging investment, which in turn leads to a great deal of power being conferred on big developers and property owners. For the past fifteen years, public planning has been marginalized and consigned to a more passive role by elected officials, who in their efforts to contribute to the competitiveness and economic viability of the city, focus on approval of large-scale private investment rather than projects based on broad public interests and needs. This has fundamentally shifted planning, which traditionally looked to address issues of diversity while maintaining a democratic process and serving the needs of communities, to a project-based planning approach.[2] The proposed Brooklyn Atlantic Yards project fits this model well and exists as a testament to the manifestation and strength of this shift in the present. It symbolizes the shift away from attempts at comprehensive planning to a backward system where project negotiation often takes place between a few key individuals, leaving planners, preservationists, and, most importantly, public citizens scrambling to find their place.

As seen, changing trends in the planning of urban development and redevelopment policies have led to profound changes in the way that projects take place

[1] Susan S. Fainstein, "The Return of Urban Renewal: Dan Doctoroff's Grand Plans for New York City," *Harvard Design Magazine 22* (Spring/Summer 2005): 1-5.

[2] Robert A. Beauregard, "Mistakes Were Made: Rebuilding the World Trade Center, Phase 1," *International Planning Studies 9* (May-August 2004): 147.

in New York City since the late 1980s. Mayor Michael Bloomberg, the 20th Mayor of New York, was elected in November 2001 and re-elected in 2005, and is often described as having brought a top-down, statistical results-based approach to management of the city. Together with key members of his staff, the administration seeks to place its mark on the city's growth and development on a scale that harkens back to the time of Robert Moses in terms of scope and volume.[3] During his terms, more than sixty-five major economic initiatives have been announced including proposals in all five boroughs, with rezonings in Manhattan's Hudson Yards and West Chelsea, Greenpoint and Williamsburg and Downtown in Brooklyn, which allow up to 30,000 housing units on 300 city blocks. Based on the New York City 2012 Olympics bid, the Mayor made his case to the City Planning Commission for land use action in key locations throughout the city while embracing the public-private partnerships that result.[4] Though the Olympic bid was lost, the legacy of this initiative will resonate throughout the city for decades as areas rezoned for greater density are built-out. In effect the process has been reversed. The ideal sequence of events would be that local government creates a plan for an area, analyzing the potential impacts to environmental and historic resources, and then mitigates those, eventually either executing it themselves or requesting proposals from private developers. Instead, now a private developer comes up with a plan, gets government officials to back it, and completes an environmental impact statement that is catered to the project they have already envisioned. The review process limits valuable community input and brings to light some of the major planning and preservation issues that should have been identified earlier in the process. This is precisely the type of process currently taking place at the proposed Brooklyn Atlantic Yards project.

Brooklyn, which has a population of over 2.5 million people and growing, is home to a complex mix of residents, a well-preserved building stock, underutilized waterfront,

[3] Fainstein, "The Return of Urban Renewal," 1.

[4] Kimbery Miller and Mark Alexander, "The City Builds Where There is No Room to Grow: Rezoning in Manhattan and Brooklyn, *The Stamford Review* (Spring/Summer 2006): 14-15.

and a myriad of other issues and concerns. The attacks of September 11th created demand for commercial office space for companies looking to decentralize for security purposes or to expand outside of Manhattan. City officials anticipate that Brooklyn, with its lower costs and convenient location, could serve to fill the gap for new commercial development. The recent rezoning of Downtown Brooklyn focuses on the traditional business district in the hopes of creating a regional district that works together with Lower Manhattan and Midtown to maintain the city's commercial competitiveness. Downtown Brooklyn, though a relatively contained area, is surrounded by a number of low-scale residential neighborhoods, sometimes leading to conflict between the area's commercial and residential interests. Though the Atlantic Yards site is located outside of the Downtown Brooklyn rezoning boundaries, it signals the first steps taken towards the realization of long-running plans for the borough.

It was proven, beginning in the 1960s, that redevelopment could be preservation-oriented as deteriorated urban areas were revived first using federal funding and later through private investment. In the time since, the practice of preservation has undergone rapid development. Initial reaction in the 1960s to destruction of the built fabric and of complex social dynamics within cities sought to stabilize society by retaining physical manifestations of the past.[5] Throughout the 1960s, 1970s, and 1980s federal and local government attention to preservation increased via laws, creation of programs, and financial incentives. The large number of New York City Landmarks, Historic Districts, and National Register Properties and Districts are a testament to the growing interest of the ensuing years in preserving neighborhoods by preserving the object.

In the 1990s, however, preservation practice began a perceptible shift away from the physical object, to the management of meaning and significance within the context of a complex social framework. This fundamental change is still underway today, and increasingly is less concerned with preservation of historic structures for the benefit of a

[5] James Marston Fitch, *Historic Preservation: Curatorial Management of the Built World* (New York: McGraw Hill, 1982).

small percentage of homeowners and developers. Instead, a new generation of preservationists now looks to the cumulative histories of a place, including those of different social and ethnic groups, with emphasis on underrepresented groups, in an effort to find a balance towards the interpretation of significance. The result is preservation planning that looks to preserve buildings, sense of place, while taking into account the impact of their efforts on immigrant and lower-income populations. In this process, preservation practice is hampered by the shift away from urban planning efforts that more readily addressed broad community interests. The result is that, in addition to proactive preservation planning such as landmark and district designation and participation in participatory planning, preservation must also be more reactive, working within the limitations of already-planned projects.

Within both the context of existing preservation tools and a field in the middle of a fundamental shift, the proposed Brooklyn Atlantic Yards project presents an extremely complex challenge in several ways. One issue is that the actual Atlantic Yards site contains few, if any, buildings of significance as determined by eligibility for New York City individual landmark designation or listing on the National Register of Historic Places. Additionally, the site itself, as determined by the blocks on which the project will be constructed, has a fragmented sense of place. The proposed project presents a challenge in terms of quantifying its impact on the physical historic resources when none of them stand to be directly impacted, the site is clearly ripe for redevelopment, and many of the resources surrounding it are already protected. Preservationists and community activists are left with making an argument for the project's impact on surrounding historic resources, such as the large number of unique neighborhoods, continuously evolving communities, historic districts, and landmarks. The shift from preservation of the object to preservation of more subjective characteristics of culturally and politically constructed places, only deepens the dilemma due to the fact that no recourse exists for effectively making these claims except for participation in a public process, which has, in the case of the proposed Brooklyn Atlantic Yards project, been seriously restricted. Another difficulty

exists in how to make effective preservation claims in light of the financial and economic development logic involved in this type of project such as jobs, affordable housing, public space, and tax revenue. A thorough investigation of the proposed Brooklyn Atlantic Yards project and its implications for the field, allow for a solution to emerge that points to the inevitability of a more interdisciplinary approach to historic preservation.

1.3 The Brooklyn Atlantic Yards Case

The Brooklyn Atlantic Yards project is a $3.5 billion dollar endeavor looking to transform a 22-acre site in the heart of Brooklyn from vacant rail yards and low scale buildings to a complex of sixteen high-rises, a new arena for the Nets, and 7 acres of open space. The developer, Forest City Ratner Companies (FCRC), has a long history of development in Brooklyn, having successfully completed MetroTech Center, and the Atlantic Center and Atlantic Terminal Shopping Malls. Because the site includes state-owned land by way of the Metropolitan Transit Authority's Vanderbilt rail yards, the project qualified for state agency sponsorship from the Empire State Development Corporation (ESDC). Potentially involving the use of eminent domain to acquire the necessary land, the ESDC's presence in the project has lent it an air of amnesty from standard city development procedure.

The proposed Brooklyn Atlantic Yards project has been underway officially since late 2003 and is, as of early 2006, undergoing the first steps of its environmental review process. Typically, the project has garnered a great deal of support as well as a great deal of opposition. The proposed project is both a unique case study as well as indicative of larger trends in urban redevelopment. Unique to the project are its enormous scale, the fact that it is the first attempt in several years to bring a major sports team to the borough, and its good timing in being proposed during a political administration that fosters growth. The selection of Frank Gehry as the project's architect is not without significance to how the project fits into the larger trends in large-scale redevelopment. It highlights a strategy, growing in popularity in cities worldwide that increasingly uses

global arts and entertainment complexes as urban redevelopment tools. To this end, projects employ high-end, iconic architecture to create a destination.[6] Additionally, the elements that make it a good study, rather than a unique one, has to do with the ways that the project is being opposed and supported by community interests. This component of the proposed project provides a wealth of insight into how the impacts of the project are to be leveraged within the context of the area historic resources.

1.3.1 History as Redevelopment Tool

To ignore the way in which the proposed Brooklyn Atlantic Yards project is being historically framed, is to ignore an increasingly powerful tool towards development projects.[7] Both developer and city officials have included in their press releases, meetings, and public announcements several historic issues meant to foster support for their project. This use of history is not an innovation of the Forest City Ratner Companies; it is based in the growing use of history to sell projects that was reinforced by the success in the 1980s and 1990s of festival marketplaces, whose charm was largely based on the use of history as a marketing tool. A new appreciation for historic buildings has taken hold that continues today. In New York City and in Brooklyn specifically, the 'brownstoning' movement crystallizes not only the desire of the middle-class to rediscover the joys of urban life, but also to own a piece of city history. The same idea applies to the conversion of former manufacturing and warehouse buildings into artist and condominium lofts, bringing residents in touch with the city's industrial past and allowing them the privilege of living in a non-traditional space. Though the proposed

[6] Graeme Evans, "Hard-Branding the Cultural City – From Prado to Prada," *International Journal of Urban and Regional Research 27.2* (June 2003): 419.

[7] In the Introduction to the *Redevelopment of Times Square*, by Alexander Riechl (Lawrence, Ka,: University of Kansas Press, 1999), the author notes a similar framing, where the project was portrayed as an attempt to restore the early twentieth century "Great White Way." This title refers to the stretch of theater district along Broadway and Forty-second Street during its peak period.

Brooklyn Atlantic Yards project as-planned does not include the reuse or romanticizing of any historic structures, a similar concept applies.[8] More specifically, the project's supporters are using the power of history, by way of nostalgia to reach the consciousness of those that may not be supportive of the project.

Three different histories have emerged during the project's early phases and continue to appear as it moves slowly, but steadily forward. The first involves the City of Brooklyn, or more specifically, not the *borough* of Brooklyn. In the language used throughout the proposed Brooklyn Atlantic Yards project runs a subtle undercurrent that plays into the pride that Brooklyn still holds towards once having been an independent city. Or more importantly, that were it not for the 1898 consolidation, Brooklyn would be second to no one but simply a great city unto itself. The inclusion of the new Nets Arena as part of the proposed project serves to address the second of the histories being used – the memory and nostalgia surrounding the Brooklyn Dodgers' departure for Los Angeles.

Since the project's first announcement, public statements by the developer and the Brooklyn Borough President have included mention of the Brooklyn Dodgers and the many ways in which bringing a professional sports team to the borough will fill a space left empty by the team's move in 1957. As a matter of fact, the date '1957' appears in a startlingly large percentage of project press mentions. The media has drawn further similarities between the Nets and the Dodgers, namely that both teams were at some point looking for a new home under a deadline, which for the Nets is 2008 and for the Dodgers was 1958. The two teams have also been compared in terms of one needing highways to bring in fans and the other needing mass transit to do so.

The third, and last, history involves the misconception that Brooklyn is still the dangerous and embattled place that it was during its period of urban decline. The concept here is that the proposed Brooklyn Atlantic Yards project, by bringing a glossy new development to an 'ugly' section of Downtown Brooklyn [sic], will truly complete the

[8] On the contrary, all traces of history on the site as evidenced by existing buildings are scheduled to be demolished.

borough's emergence out of its violent and difficult past. There is no lack of hubris on the part of FCRC's Bruce Ratner, who envisions himself as being the visionary capable of permanently changing Brooklyn's urban landscape. The end result of these various plays on the sentiments of Brooklynites, is manifested in confusion, hope, excitement, frustration, and wonderment.

1.3.2 Role of the Community & Public Process

Another compelling aspect of the proposed Brooklyn Atlantic Yards project, and one which will become increasingly important as this analysis nears its conclusion, is the role of community response to the proposed development; in other words, the ways that spatial politics and racial divides function in the landscape of development opposition and support. This concept is one that is exploited by FCRC in the way that the public benefits are presented to the public, so that arguments against the development seem to also go against equity issues. Following deindustrialization of Brooklyn following World War II, the borough has struggled to adjust from an industrial to service economy, whose jobs traditionally pay less and provide fewer benefits. This factor, in combination with increased immigration into the borough, issues of poverty abound. Gentrification that took place in the borough beginning in the 1960s led to a rise in property values that has served to increasingly displace lower income residents. In combination with the existing housing crisis in the city, affordable housing remains a hot topic and one of the primary agendas of the current Mayoral administration. Opponents of the project in this case have to contend with making community preservation claims in neighborhoods where populations valuing jobs and affordable housing can often no longer afford to live. A look at community opposition and support strategies at the proposed Brooklyn Atlantic Yards project give insight into this dynamic in addition to raising more questions about preservation in a diverse area with divergent interests and needs.

1.4 Methodology

The thesis is divided into five additional chapters each of which is meant to work independently as well as together towards a conclusion that deals with the ways that historic preservation can thrive in light of the current trends in development and redevelopment policy. Each section includes a historical narrative of each component and is the product of both research and interviews. The first section, *History of a Site in Brooklyn*, highlights key moments in Brooklyn's history that enrich the discussion, as well as outlining past development attempts at the Atlantic Yards site. The section is intended to frame the proposed project in a historical framework leading to a more thorough understanding of the motivating factors for the proposed project and for the growing efforts to stop it. The second section, *The Proposed Brooklyn Atlantic Yards Project*, discusses at length the proposed project and the various policy tools being used towards its completion. It includes an extensive discussion of eminent domain as one of the tools that could potentially be used by the Empire State Development Corporation to gather properties. A recent Supreme Court decision has brought eminent domain to the surface, providing a renewed opportunity to analyze the ways in which it has historically worked for and against historic preservation.

The *Inventory of Area Resources* deals primarily with the neighborhoods surrounding the Atlantic Yards. The inventory serves two purposes: to both construct a sense of place using historical analysis and to highlight recent developments in the area that provide insight into the current conditions. The fourth section on *Community Role*, deals primarily with the role of the community in terms of both opposition and support for the project. This discussion leads to the final section, *Impact to Historic Resources and Conclusions,* which addresses urban design issues and the anticipated impact to surrounding neighborhoods if the project is completed as-proposed. The conclusions to this thesis address the ways to frame a historic preservation dialogue by making it relevant to the needs of today's Brooklyn. It looks to balance growth with attention to preserving what is valued about the borough including its scale, the sense of community

found in its neighborhoods, quality of life concerns, and the rich architecture. The conclusion will also provide some suggestions for mitigation of anticipated impacts to historic resources. It will also look at the limitations of existing preservation tools for dealing with this type of project and for changes in the approach to preservation planning.

2.1 Introduction to the History of a Site in Brooklyn

In the analysis of a proposed redevelopment project, it is of value to first identify key historical events that enrich an understanding of that project by placing it within the greater context of major developments. In the case of the proposed Brooklyn Atlantic Yards project it is also particularly valuable to describe the history of past development attempts on the site. Both of these histories, the greater and the more contained, provide insight into recurring patterns in community opposition to development of the site, and the ways that changes in the population of the area over the past fifty years has affected development and historic preservation. They provide a rich context by which to analyze the proposed project that goes far beyond the existing built fabric and further into the interrelation between development, planning, and preservation. Additionally, the past proposals emphasize the effects of changing perceptions about the role of Downtown Brooklyn within greater New York City, the power of local government officials in how land is developed, and the effects of changing urban redevelopment policies on community involvement in project planning. In a city as historically rich as New York, it is often the case that buildings on any given site have seen a series of incarnations, the stories of which provide a wealth of information about architecture, economics, planning, populations, social constructs, planning, and preservation. The Brooklyn Atlantic Yards, as a site, are no different in their ability to tell a rich story.

2.2 Importance of Key Moments in the History of Brooklyn's Development

The interpretation of the Atlantic Yards site and of the anticipated impacts of the proposed project on that site is enriched by an understanding of the history of development in Brooklyn, and its relationship to the growth and prosperity of New York City. The historic context established by identifying key moments in history and the effect of those moments on the economic, social, and built fabric of a particular urban area, is of value to many aspects of any analysis. More specifically, a glimpse into Brooklyn's

history provides preservationists, developers, and city officials with perspective that informs their respective objectives. For example, it is particularly relevant to the way in which the proposed Brooklyn Atlantic Yards project is being marketed, that Brooklyn was initially developed as an independent city undeniably linked to, but not one with Manhattan, even after the consolidation with greater New York City in 1898. Another relevant factor is that the nature of development in Brooklyn during the nineteenth century established Brooklyn as a residential community for a constantly-changing population that brought with it increased demand for homes, community, and places of worship. These two factors inform our understanding of how and why the borough developed as it did, namely at a relatively low scale due to the large collection of residential row houses, with an abundance of civic buildings, industrial sites, and with its own Downtown area. More significantly, it provides some background with which to sketch a picture of Brooklyn's sense of identity, namely that it has, throughout its history, identified itself as much more than just a borough.

Various themes emerge from an historic overview of Brooklyn that relates to the dynamics of the proposed project, its anticipated impacts, and why it is important to understand within the context of this moment in the field of historic preservation. For example, the changes that the borough underwent following World War II tell a story about the rationale, planning processes, successes and failures of redevelopment efforts and the changing role of historic preservation within that context. The events leading to the departure of the Dodgers from Brooklyn provide insight into how much or, sometimes surprisingly, how little the processes of redevelopment and preservation have changed. The nostalgia expressed to this day for the Brooklyn Dodgers is in many ways much more than simply about the team, but instead about a moment in Brooklyn's history when residents of the borough felt it had a more cohesive identity, that many may sense has since been lost. They give insight into the changing populations of the borough through displacement from other parts of the city, immigration, and gentrification, which then provide a framework in which to view changing needs and requirements of growth. The

history also provides insight into the ways that recent reinvestment in the borough has impacted the historic resources.

2.2.1 Growth, Decline & the Departure of the Brooklyn Dodgers

The development of Brooklyn was marked in the early nineteenth century by several key events. In 1814, regular steam ferry service was established between Manhattan and Brooklyn Heights, the first middle-class suburb outside of the City.[1] Based on its proximity to the central business district of the country's busiest port, Brooklyn Heights would continue to flourish as a residential area and set precedent towards the development of other residential areas. In April 1834, Brooklyn officially became a city despite protests from Brooklyn residents and New York City officials. Regardless, Brooklyn continued to grow through the 1830s and 1840s.[2] Brooklyn made even greater advances on the way to making itself a true city when the *Brooklyn Daily Eagle*, then named the *Brooklyn Eagle and Kings County Democrat*, was founded in 1841. The first editorial in *The Eagle* stated that the lack of a daily newspaper in the City of Brooklyn, second in population in the State was, "a reproach which we have now resolved to remove."[3]

Development in Brooklyn differed greatly from that which took place in Manhattan where areas would be destroyed and rebuilt according to changing uses and fashions. In Brooklyn, development continued to expand further out into the borough rather than redeveloping areas from residential to commercial within a restricted geography. Building spread out to parts of what is presently Cobble Hill, Boerum Hill, and Carroll Gardens,

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[1] Ellen M. Snyder-Grenier for The Brooklyn Society, *Brooklyn! An Illustrated History* (Philadelphia: Temple University Press, 1996), 7.

[2] Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York to 1898* (New York: Oxford University Press, 1999), 581-582.

[3] "The Eagle," *Brooklyn Eagle, and Kings County Democrat*, October 26, 1841, *Brooklyn Daily Eagle Online: 1841-1902.* http://www.brooklynpubliclibrary.org/eagle/.

annexing neighboring areas as it went, so that by 1860 Brooklyn was ranked the third-largest city in the country.[4] Catering to the growing middle-class and marketed by developers as suburban retreats, a frenzy of new development spread further inland. The opening of the Brooklyn Bridge in 1883, served to further facilitate the rapid development of more areas, increasing the ease of movement to and from Manhattan. Its completion also supported a massive surge of immigrant migration into the increasingly desirable residential area. With the increasing population came an increasing amount of industry and commerce leading to the development of Brooklyn as a place to both live and work. "In 1865 Brooklyn had five hundred factories; by 1870, a thousand; by 1880, over five thousand."[5] By the time Brooklyn became a borough of New York City in 1898, the population had reached over 1.2 million people.[6] The consolidation into Greater New York City in that year was a mutually beneficial arrangement to provide needed infrastructure and financial support for the growing borough and to, in return, provide a larger tax base for Greater New York. Sometimes referred to as the "great mistake" by Brooklynites, the consolidation marks a fundamental shift in Brooklyn's history that resulted in a collective sentiment that the borough would become a secondary service node.[7]

Before and after the consolidation of Greater New York City, the construction of row house areas in Brooklyn were the product of nineteenth and twentieth century speculative development at the hands of entrepreneurial local builders looking to tap into urban middle-class demand for good housing. The traveling time between these newly-developed areas would continue to decrease as roads, then trolley cars, then elevated lines, and much later the subway, connected distant areas of the borough to each other and to Manhattan. The start of the twentieth century in Brooklyn saw more growth

[4] Snyder-Grenier, *Brooklyn! An Illustrated History,* 7.

[5] Edwin G. Burrows and Mike Wallace, *Gotham: A History of New York to 1898,* 933.

[6] Kenneth T. Jackson, introduction to *The Neighborhoods of Brooklyn*, consulting editor John B. Manbeck (New Haven: Yale University Press, c2004), xxii-xxiv.

[7] Susan S. Fainstein, *The City Builders: Property Development in New York and London, 1980-2000*, 2d ed., rev. (Lawrence, Ka.: University Press of Kansas, 2001), 148.

sparked by additional transportation links such as the Williamsburg Bridge in 1903, the Manhattan Bridge in 1909, and extended public transportation availability.[8] Speculative developers were allowed to petition for public transportation stops on the Brooklyn-Rapid Transit (BRT), later Brooklyn-Manhattan Transit Company (BMT), and paved roads near to their developments, which contributed to the borough leading the country in housing construction in both 1922 and 1923 and to the creation of countless residential communities.[9]

The designs for these buildings were often either copied from other recently built blocks or standard plans were purchased from a draftsman.[10] From the end of the American Revolution to the early 1930s, row house design in Brooklyn switched styles from Federal, to Greek Revival, to Gothic Revival, to Italianate, to French Second Empire, to Renaissance and Colonial Revival. Each new style manifested itself in the approach to detailing and proportion, though the buildings remained at a height of two or three stories above a raised, rusticated basement. These shifts in architectural tastes, in combination with the vast amount of construction occurring in Brooklyn during these years, produced block upon block of row houses that were reflective, through their design, of the time at which the specific area was developed.[11] On some row house-lined streets one side is designed in a simple fashion denoting a speculative builders hesitation to invest more heavily in an area unknown to catch on, while the other side is lined in more ornate houses marking the area's subsequent success.

Of the row houses in Brooklyn, several key features characterize homes in the borough. The exterior stairs, moving people up from the raised basement into the parlor floor is a well-known feature of Brooklyn so much so that the 'stoop' has become a

[8] Snyder-Grenier, *Brooklyn! An Illustrated History,* 10-11.

[9] Jackson, introduction to *The Neighborhoods of Brooklyn,* xxiv.

[10] Charles Lockwood, *Bricks and Brownstone: The New York Row House 1793-1929*: *A Guide to Architectural Styles and Interior decoration for Period Restoration* (New York: Abbeville Press, 1972), xiii.

[11] Ibid, xi-xii.

cultural phenomenon and a well-documented element of Brooklyn street-life. In addition to stylistic similarities, scale, and the often-present stoop, these clustered blocks are also unified by their iron-work, pressed-metal cornices, and the use of brownstone on the façade. The dark sandstone has become synonymous with the Brooklyn row house though many of the houses are also clad in brick or limestone. These homes all form part of the identity of large areas of Brooklyn and a large part of what residents and visitors have come to understand as its essential character. *See Figure 1.*

FIGURE 1. View of typical brownstone row house street in Fort Greene, Brooklyn, 2006.

From the start of the twentieth century to the late 1950s, Brooklyn continued to grow and develop through the success of its many residential neighborhoods, the Brooklyn Navy Yard, the many other industrial activities, and the borough's various recreation destinations. Elliot Willensky's, *When Brooklyn Was the World: 1920 to 1957,* presents this period in vivid, sentimental fashion, outlining major events and compelling images of Brooklyn's past. Willensky describes the construction boom of the 1920s that

made its contribution to the downtown Brooklyn skyline with the 415 foot 66 Court Street, the 390 foot 16 Court Building, the 348 foot New York Telephone Company Brooklyn Headquarters, and the Williamsburgh Savings Bank completed in 1929, serving as the borough's tallest building.[12] The book goes on to outline the many changes taking place from the construction of major roads, extensions to the subway system, development of outlying areas, to the diverse ethnic composition of the population from one area to another, to the effects of World War II, and lastly to the start of a period of decline that would be made more dramatically devastating by the departure of the Brooklyn Dodgers.

Even before the conclusion of World War II Brooklyn, like most other older urban areas, began to decline as critical industrial jobs flowed out of the city and the middle-class fled to the suburbs on new highways, heading to more spacious single-family homes. Post-war prosperity, government policies for home ownership, highway construction, increasing affordability of automobiles, and growing concerns about the safety of urban centers all contributed to migration of families to the suburbs. Increasing numbers of African Americans and Puerto Ricans flowed into Brooklyn from other parts of the city and elsewhere. To address issues of urban abandonment and the problems that arose from growing racial tensions and poverty, New York City began an aggressive strategy to take advantage of funding through federal sponsorship programs. The emphasis of these programs on slum clearance, road and housing construction, park construction, other large-scale redevelopment projects, and the construction of civic sites throughout all five boroughs would have a lasting impact on Brooklyn, as in all of New York City.

The person who would come to be most closely associated with these efforts was Robert Moses, sole Commissioner of the New York City Department of Parks, City Construction Coordinator, and member of City Planning, among other positions. One of

[12] Elliot Willensky, *When Brooklyn Was the World: 1920–1957* (New York: Harmony Books, 1986), 49.

the most memorable figures in the history of New York City redevelopment history, Moses was responsible for a vast number of projects completed throughout the five boroughs first by way of parks and roads and later by way of housing and civic projects. In Brooklyn, Moses' work includes the Brooklyn-Queens Expressway, the Brooklyn Battery Tunnel, and significant changes to Coney Island. In city employ from 1934 to 1968, his postwar work is regarded as having taken a turn away from the inherited structure of the city and towards an increasingly pragmatic management of slum clearance and traffic alleviation.[13] Under Title 1 (Slum Clearance and Urban Development) of the Housing Act of 1949 and through sponsorship by the Mayor's Committee on Slum Clearance, which was headed by Moses, Brooklyn would receive a large amount of high-density urban renewal public housing projects.[14] Urban renewal projects undertaken in Brooklyn would include the Fort Greene and Atlantic Terminal urban renewal areas.

Beyond, the Housing Act, Moses was adept at successfully acquiring large amounts of federal money for city projects and for redirecting city dollars away from social-welfare and mass-transportation into physical construction. During his over thirty-year career, Moses would change the face of the City, sparking a movement away from formal large-scale urban planning, which was subsequently viewed as having exacerbated many urban problems, and more towards historic preservation and community involvement in redevelopment efforts. As was the case throughout most of New York City, Moses' legacy in Brooklyn included an extensive record of demolition, massive projects that involved little or no public input, and generally unsuccessful urban renewal projects that negatively affected both the built and social fabric of the borough.

In the midst of Moses' reign, the Brooklyn Dodgers signed Jackie Robinson in 1947, contributing to the breakdown of racial barriers in baseball. In 1955 the team won

[13] Robert A.M. Stern, Thomas Mellins, and David Fishman, *New York 1960: Architecture and Urbanism Between the Second World War and the Bicentennial* (New York: The Monacelli Press, 1995), 37.

[14] Ibid, 901-902.

the World Series.[15] At the time of their victory, the team's home stadium was Ebbets Field, an architectural and social icon of Brooklyn pride and identity built in 1913 by Charles Ebbets. Prior to the Dodgers' win at the World Series, it became apparent that the 30,000-seat Ebbets Field was outdated and that a new stadium would be needed for the team. Located in Crown Heights, a once fashionable residential area near to the cultural heart of Brooklyn, the area had experienced a fundamental shift in the composition of its population and by 1955 had mostly changed from a middle-class neighborhood to a home to mainly low-income African American and Puerto Rican residents. For Walter Francis O'Malley, the team's owner, this fact provided yet another reason to move the team out of Ebbets Field.[16] Soon after the World Series victory rumors began to circulate that if new accommodations were not secured by 1958, the Dodgers would consider moving either to New Jersey, where they were already playing some games, or to Los Angeles.[17] Flight of the original fan-base to the suburbs, unavailability of parking, the growth of radio and later television transmissions, as well as increasing fears about security in the stadium's neighborhood steadily decreased game attendance. By the time the Brooklyn Dodgers played their last home game, they did so before a fraction of their original spectators.[18] *See Figure 2.*

Finding a new site for the team involved a highly political battle waged between O'Malley, Robert Moses, and a number of other political figures including Brooklyn Borough President John Cashmore and then Mayor Robert F. Wagner. The most coveted site for a new Dodgers Stadium was located at the intersection of Flatbush and Atlantic Avenues. The fight for a stadium in Brooklyn ended with the departure of the Brooklyn Dodgers for Los Angeles - to the heartbreak of many Brooklynites. In 1960, Ebbets Field

[15] Peter Ellsworth, "The Brooklyn Dodgers' Move to Los Angeles: Was Walter O'Malley Solely Responsible?" *NINE: A Journal of Baseball History and Culture 14.1* (2005): 19.

[16] Ibid, 21.

[17] Ibid, 20-22.

[18] Sam Roberts, "Brooklyn, the Borough that Begs for Nothing," *New York Times*, January 25, 2004, Pg. 4.

was demolished to make way on the 5.5-acre site for Ebbets Field Apartments, a middle-income housing project.[19]

FIGURE 2. Ebbets Field at 55 Sullivan Street in Crown Heights, Brooklyn, date unknown.

The reality of the Dodger's departure from Brooklyn has been retold countless times, analyzed, romanticized, and mourned for many years. However, three considerations related to the Dodgers' history in Brooklyn remain most relevant to the analysis of the proposed Brooklyn Atlantic Yards project. The first is that the team's departure was inextricably linked to postwar urban conditions in Brooklyn and the influence of Robert Moses on the rejection of a new stadium on the team's most desired site at Atlantic and Flatbush Avenues. The second is that nostalgia for the Brooklyn Dodgers abounds and that this is inherently linked to nostalgia for the 'old Brooklyn,' the period documented and memorialized by writers such as Elliot Willensky before the white, middle-class residents moved away. The third is that nostalgia for a sports team in Brooklyn and for the borough's perceived pre-World War II golden age has been

[19] Stern, *New York 1960,* 916.

exploited by both the developer and public officials towards acceptance of the proposed Brooklyn Atlantic Yards project. Though the Dodgers are a large part of Brooklyn's history, other more recent developments in terms of population, culture, construction, community-building, and preservation provide greater insight into the current needs of the borough. At the very least, the realities of a sports complex within an urban center should be presented for what they are, an economic development initiative and nothing more.

2.2.2 Renaissance, Historic Preservation & Conversions

In the post-War years, Brooklyn's building stock deteriorated as neighborhoods struggled following the massive loss of people and jobs, and as government investment was directed away from older urban centers. As the borough's population changed, welcoming new immigrants into homes vacated by the middle-class, new problems were created, challenging local and federal government officials to find solutions for growing poverty and urban strife following a period of little investment. Urban renewal initiatives, often fueled by federal funds, had often proved to be not only destructive to the urban fabric but to exacerbate these challenges. In the midst of this struggle, a more organic, self-renewal began in areas that had long been host to some of the oldest communities and neighborhood associations in the city. Small-scale, community-based initiatives would soon begin to take hold, leading to a slow and steady renewal of the social and built fabric as neighborhoods sought to better themselves from within towards the prevention of indiscriminate redevelopment. Community efforts started by this newer generation of Brooklynites would soon be advanced by an incoming group of middle-class residents who were returning to Brooklyn for the same reasons they had come in the nineteenth century, namely, Manhattan's high land costs, a desire for more space, light, a true sense of community, and a rediscovery of the joys of urban life.

As early as the 1950s, American cities began to see a trend towards the restoration of nineteenth century row houses leading to the renewal of entire

neighborhoods. This trend coincided with a growing interest in issues of historic preservation that had grown in response to the amount of demolition taking place within urban centers as part of urban renewal projects. 'Brownstoners,' or people who purchase row houses and carefully restore them for habitation, play a critical role in neighborhood renewal, urban vitality, and the way in which preservation efforts take place. In Brooklyn, the trend towards rehabilitating dilapidated homes that were either abandoned, city-owned, or occupied as rooming houses for the city's poor began in Brooklyn Heights. As early as the 1950s, old and new residents in the neighborhood began the task of restoring row houses, rebuilding community networks, and organizing themselves to fight battles against destructive development, crime, and continued neighborhood deterioration. In the 1960s, and throughout much of its peak period, brownstoning began in architecturally rich areas, sparking reinvestment from banks that provided renovation loans to private owners once an area began to show steady signs of resurgence.[20] In addition to looking for architecturally rich, affordable housing, brownstoners came to Brooklyn in search a real sense of community, which was readily available in smaller-scaled areas where working towards an area's revitalization was seen as a common cause. Similar to the original development of the borough, the trend worked its way south and east to areas such as Carroll Gardens, Cobble Hill, Boerum Hill, Clinton Hill, Fort Greene, Prospect Heights, Park Slope, parts of Bedford Stuyvesant, and Crown Heights. Beginning in Brooklyn Heights the Brownstone Revival Committee, now the Brownstone Revival Coalition began publishing a newsletter, titled "The Brownstoner" in 1968. Distributing information about row house neighborhoods, the newsletter helped to create a greater sense of community among the groups of people working on homes throughout the City. Also supporting the brownstoning trend was the publication in 1972 of Charles Lockwood's, *Bricks and Brownstone: The New York Rowhouse, 1783-1929*, which provided a comprehensive account of row houses in New York at precisely the

[20] "Houses Bloom in Brooklyn," *Progressive Architecture 49* (July 1968): 54.

moment that people were turning their attention towards the City's historic building stock.

Preservation through owner-based restoration of Brooklyn's historic residential building stock marks a new history of development in the borough that is based on a natural, though no less enthusiastic, resurgence. It also departs from the perception that preservation is simply about protection when it proves, in reality, to be a form of active development. By way of a gentle evolution, entire urban areas have been revived, spurning additional reinvestment, and creating neighborhoods that are sustainable. Valuable to this analysis is an understanding of brownstoning as an integral part of smaller, multifaceted initiatives that present viable alternatives to urban renewal projects or other large-scale redevelopment, often lacking in fundamental understanding of their social and psychological impacts upon increasingly-complex and diverse urban communities. Issues of displacement and gentrification form a large part of the dialogue surrounding preservation and are often traced back to brownstoning initiatives in Brooklyn. Recent preservation literature and conferences such as that held by the Historic Districts Council in 2006, increasingly address issues of racial, economic, and social impacts of preservation.[21]

The establishment of the New York City Landmarks Preservation Commission in 1965 established systems towards the preservation of buildings, as well as the potential for landmark designation of historic districts. Neighborhoods whose building stock represents an architecturally cohesive character such as the row house areas in Brooklyn,

[21] A distinction between "incumbent upgrading" and "gentrification" in the arena of neighborhood reinvestment is made in the Introduction to *Livable Cities: A Grass-Roots Guide to Rebuilding Urban America* (New York: Holt, Rinehart and Winston, 1980) by Robert Cassidy. Here, he sheds light on the difference between neighborhood improvements by way of existing residents and those made by incoming affluent residents that subsequently lead to rising land values, leading to the displacement of long-time residents. *Gentrification Amid Urban Decline: Strategies for America's Older Cities* (Cambridge, Ma.: Ballinger Publishing Company, 1982) by Michael H. Lang also provides a particularly rich analysis of gentrification that includes a discussion of neighborhood life cycles and the numbers associated therein. Roberta Brandes Gratz's "Gentrification and Displacement" chapter in *The Living City* (New York: Simon and Schuster, 1989) provides a clear, concise outline of gentrification and displacement issues in a variety of urban areas in addition to some proposed solutions to these problematic trends.

at the heart of brownstoning movements, are in many cases designated Historic Districts. In late 1965, Brooklyn Heights was designated the first historic district following its listing on the National Register of Historic Places List.[22] Soon thereafter the adjacent neighborhoods of Carroll Gardens, Cobble Hill, and Boerum Hill were heard for their own Landmark Districts, soon followed by Park Slope and Fort Greene. In Brooklyn's case, historic districting helped to increase access to tax credits that provided people with greater incentives to rehabilitate and the framework within which to do so responsibly. It also supported the maintenance of architectural integrity in neighborhoods within the ever-changing landscape of the city at large.[23]

Understanding movements from the past fifty years that sought to both restore individual buildings and rebuild fractured neighborhoods is particularly relevant to how the Atlantic Yards site is interpreted within the greater context of Brooklyn. The site is at the hub of historic Brooklyn with landmarks and designated historic districts emanating from its center. The changes that these neighborhoods have undergone between the late 1950s to the present document a history that is significant to the overall history of Brooklyn and that forms a part of the lessons learned for redevelopment policy. They demonstrate the renewal function of the area and the community's capacity to successfully effect change from the ground, up. They also inform the ways in which the proposed project is perceived by local communities in terms of how the new development fits, or more importantly, does not fit in with the history of more recent, successful development in the area.

In addition to brownstoning, Brooklyn also has had to manage a stock of historic, largely obsolete industrial buildings. Buildings abandoned following the departure of a large percent of the city's manufacturing businesses after World War II, were often situated along the Brooklyn waterfront and remain a crucial components of

[22] Stern, *New York 1960,* 1143-1144.

[23] Dennis E. Gale, "The Impacts of Historic District Designation: Planning and Policy Implications," *APA Journal* (Summer 1991): 337-339.

neighborhoods such as Red Hook, DUMBO (Down Under the Manhattan Overpass Neighborhood), Williamsburg, Greenpoint, and the Navy Yard. Though many of these areas have remained partially industrial, housing valuable city jobs, recent years have seen increased pressure to adapt to higher revenue residential areas. Whereas in Manhattan[24], many remaining industrial buildings were demolished long-ago to make use of the valuable land for residential or commercial use, in Brooklyn many of the buildings remained through the 1960s and 1970s. In many cases, these buildings would be colonized by artists who were drawn to the large, cheap spaces for live/work and who were unconcerned with the lack of amenities and often deteriorated conditions in the surrounding neighborhood.[25] As is often the case, savvy developers soon followed and began the steady conversion of these buildings into residential units, responding to demand for unique housing, reusing historic buildings, and changing formerly underutilized areas into highly-desirable, high property value nodes.

The National Trust defines adaptive use as "the process of converting a building to a use other than that for which it was designed" and is an increasingly common practice for managing a stock of historic buildings.[26] In Brooklyn, the conversion of empty buildings to a completely new use began in Brooklyn Heights where in 1963 an 1885 six-story warehouse building at 20 Henry Street was converted into live/work space for artists. In 1973, a former toilet-seat factory at 8 Fulton Street was also converted into housing, though it struggled to find residents.[27] Additionally, the 1893, seven-story Eagle Warehouse and Storage Company building at 28 Old Fulton Street in Fulton Ferry was

[24] Several exceptions in Manhattan including the South Street Seaport, which before being transformed into a festival marketplace and luxury residential area, spent some years housing artists in the former counting houses and warehouse buildings.

[25] One classic case of this condition is seen in Manhattan's SOHO where a formerly industrial area has been fully transformed into a residential and retail neighborhood.

[26] William J. Murtagh, *Keeping Time: The History and Theory of Preservation in America, 3rd ed. (*Hoboken: John Wiley & Sons, Inc., 2006), 99.

[27] Stern, *New York 1960,* 912-913.

successfully converted to condominiums in 1980.[28] In the mid-1990s, DUMBO was targeted by a small group of developers who saw opportunity in the area's many abandoned manufacturing buildings. Offering large living space and spectacular views of the Manhattan skyline, these developers cashed in on a tight housing market and a strong economy. Often requiring extensive rezoning and infrastructure improvements, developers in DUMBO also converted several existing buildings into office space, upgraded warehouses, and artist studios in the hopes of creating an entirely repositioned community along the waterfront. DUMBO is today viewed as a success story in adaptive use and has led to the creation of its own LDC, the Downtown Brooklyn Waterfront Local Development Corporation.[29] The success in DUMBO sparked a conversion frenzy throughout Brooklyn and other areas, which are now facing increased pressure to reuse their industrial building stock to meet housing demand and the associated profit opportunities. A valuable development tool, conversions have often been supported by the current administration under Mayor Michael Bloomberg.[30]

Conversion trends have spread throughout Brooklyn, including manufacturing and warehouse buildings in inland areas such as several blocks surrounding the Atlantic Yards site. Here, the conversions were undertaken to respond to increased demand for housing from the surrounding neighborhoods such as Fort Greene, Prospect Heights, and Park Slope. In 1998, the area saw its first conversion at 535 Dean Street where a former Daily News Plant was adapted to residential use, requiring a zoning change that sparked redevelopment of surrounding buildings on Pacific and Dean Streets. In 2002, two other

[28] Francis Morrone, *An Architectural Guidebook to Brooklyn* (Salt Lake City: Gibbs Smith Publisher, 2001), 109-110.

[29] Rachelle Garbarine, "A Neighborhood Called Dumbo Has High Hopes," *New York Times*, August 7, 1998, Pg. B8.

[30] Several organizations, such as New York Industrial Retention Network (NYIRN), have emerged to combat the indiscriminate conversion of former manufacturing and warehouse structures to the detriment of a diverse economy and employment for the City's. Mayor Bloomberg has also recently proposed IBZs, or Industrial Business Zones, to help preserve a relatively small percentage of remaining industrial areas throughout the city, a large percent of which are located in Brooklyn.

buildings were converted including 636 Pacific Street, an eight-story, 1924 warehouse that became 31 apartments. This building is one of four proposed for National Register listing, though the eligibility is questionable due to the large number of windows that were cut through to support residential use. Additionally, two low-rise buildings at 616-630 Dean Street became 21 apartments.[31] The conversion of these buildings, which had long been seen as contributing to the deteriorated appearance of the area immediately surrounding the Atlantic Yards, spurred additional development including the renovation of nearby row houses. Work space for artists and other crafts have also subsequently developed in many of the low rise buildings and former garages around Pacific and Dean Streets.

The planned demolition of some of these, recently-converted buildings raise several issues for preservation. Namely, that reused manufacturing or warehouse buildings adapted to housing, from a use for which they are no longer viable, are subsequently be no longer eligible for preservation using traditional tools such as Landmark designation or National Register listing. This issue is problematic on the Atlantic Yards site because it is likely that the converted industrial buildings on the site, though successful as both real estate endeavors and as housing, have been sufficiently compromised to warrant their demolition at any time and increasingly so in light of a large-scale redevelopment project. So adaptive use, which is often viewed as a positive use of existing structures to prevent their decay and for use as alternative housing, becomes an opportunity for redevelopment. In the case of the Atlantic Yards site, these buildings form one of the few traditional preservation issues. However, the surrounding neighborhoods and the issues of community preservation pose a greater challenge in that they present a relatively new aspect of the field that, thus far, has provided few quantifiable success stories and therefore proves difficult to manage.

[31] Rachelle Garbarine, "2 Brooklyn Business Sites Converting," *New York Times*, August 30, 2002, Pg. B6.

2.3 Importance of the History of the Atlantic Yards Site

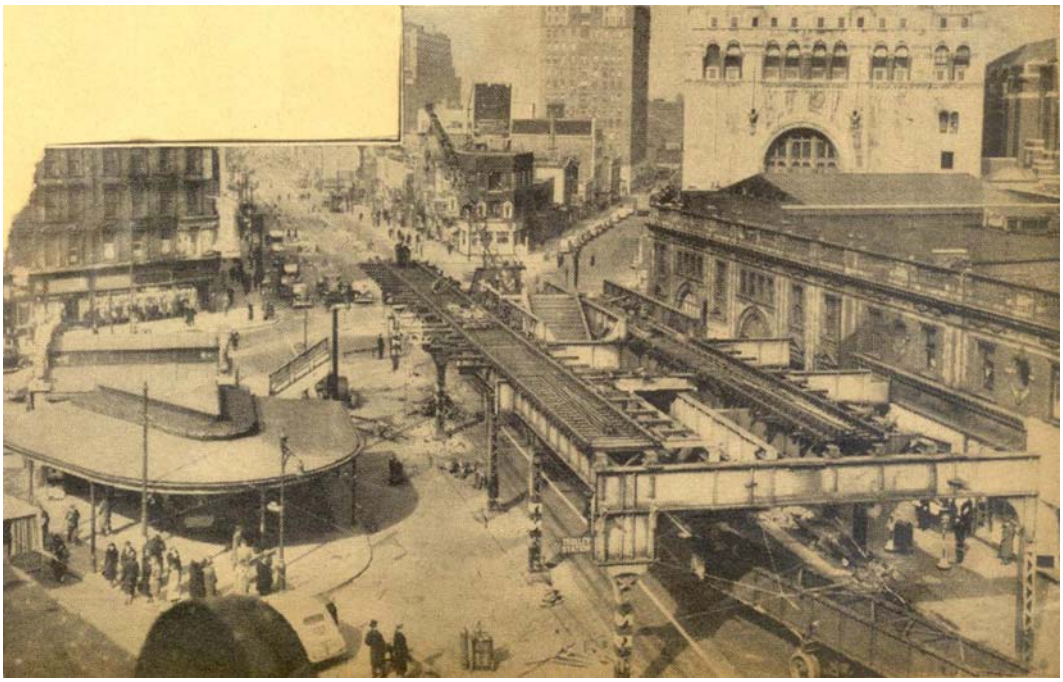

FIGURE 3. Intersection of Flatbush and Atlantic Avenues during El track construction. Middle right, Flatbush Avenue Terminal of the Long Island Railroad; center, El track under construction; middle left, Times Plaza with entrance to LIRR, date unknown.

In the late nineteenth century, the area surrounding the intersection of Flatbush and Atlantic Avenues was a busy, crowded hub. Long Island Railroad (LIRR) service continually ran to Flatbush Avenue since the 1870s and later, an El line ran along Atlantic Avenue.[32] Times Plaza, the triangular island at the intersection of the Avenues now houses a kiosk, but formerly held a formal entry to the subway and LIRR lines below the streets.[33] The area was also formerly an industrial hub housing the Fort Greene Meat Market and a number of other warehouses and manufacturers. Beginning in the 1950s, however, the area, which was often choked with traffic and exhibiting signs of severe decay, began the long road to redevelopment. Proposals for the site included the failed

[32] "Subways and Trains" *Forgotten New York Website*, http://www.forgotten-ny.com/SUBWAYS/LIRRstations/LIRRstations.html.

[33] "History of Atlantic Avenue," *Atlantic Avenue Betterment Association Website*, http://www.atlanticavenuebkny.com/index.cfm?objectid=EDFB0630-3048-7098-AF5E7F2EF0673F86.

Dodger Stadium plans from the mid-1950s, a new campus for Baruch College, and eventually led to the creation of the Atlantic Terminal Renewal Area after which additional attempts were made to build a mixed-use complex. The many plans for the site provide lessons about changing urban redevelopment policies and also inform the understanding of why this site, in particular, poses such a difficult challenge for developer and city planners, past and present. *See Figure 3.*

The changing composition of proposed uses from stadium, to office space, housing, retail, and now back to sports complex gives insight into the priorities established by city administrations for economic development, growth, and public policy. The history of development attempts depict the power of key political and real estate figures. They also highlight the changing role of the community, as plans for the site increasingly took into account the surrounding residential neighborhoods. Furthermore, an investigation of past proposals provides historical background to the buildings that exist on the site today and, sometimes more significantly, the buildings that do not such as the Flatbush Avenue Terminal of the Long Island Railroad. Beyond that, the history of the site is significant in that the many attempts and subsequent failures to effectively develop the site, linking neighborhoods to the north with those to the south, providing needed benefits for the community, as well as necessary tax revenue for the City, create a sense of urgency being exploited by the developer. In response to the many failed proposals and the fragmented nature of the completed projects, the developer offers a large-scale redevelopment project that provides a unified, sweeping vision for itself, a hope at success through lessons learned where others have failed.

The site of the proposed Brooklyn Atlantic Yards project, or the Atlantic Yards site, is located in the Atlantic Terminal Urban Renewal Area, adjacent to the largest transportation hub in Brooklyn at a parcel of land partially occupied by the Vanderbilt storage rail yards with their corresponding air rights. The storage yards create one of the largest challenges in that relocation and decking of the space raises development costs beyond the range of most developers. The Atlantic Yards site is located at the intersection

of two of Brooklyn's largest and most-used thoroughfares, Atlantic and Flatbush Avenues, the intersection of which is a zone of lively pedestrian activity as well as negative impacts from pollution caused by vehicular traffic. Not without significance are the many self-renewing areas that surround the site, located at the intersection of some of the most historic neighborhoods in Brooklyn. The renewal in these areas has served to preserve the nineteenth century buildings but has also worked to attract new development efforts including the proposed Brooklyn Atlantic Yards project. The site also lies at the cultural heart of Brooklyn, within walking distance of the Brooklyn Academy of Music, Prospect Park, the Botanical Gardens, and the Brooklyn Museum. It is also located immediately adjacent to the Atlantic Terminal station that houses the Long Island Railroad, is the transfer point for seven subway lines, provides a direct link to three others, is within walking distance of still three more, and near to seven bus line stops. Despite these many advantages, the Atlantic Yards site remains something of an anomaly, weathering several large-scale development plans with relatively little actual development.

2.3.1 Dodgers Stadium

The Brooklyn Dodgers, in the years between their World Series victory in 1955 and their departure from Brooklyn in 1957, publicly considered the Atlantic Yards site, at the time referred to as the Atlantic-Flatbush Avenue site, as a possible home for a new stadium. Construction of a new Dodgers Stadium at the Atlantic-Flatbush Avenue site was viewed by many as providing a possible

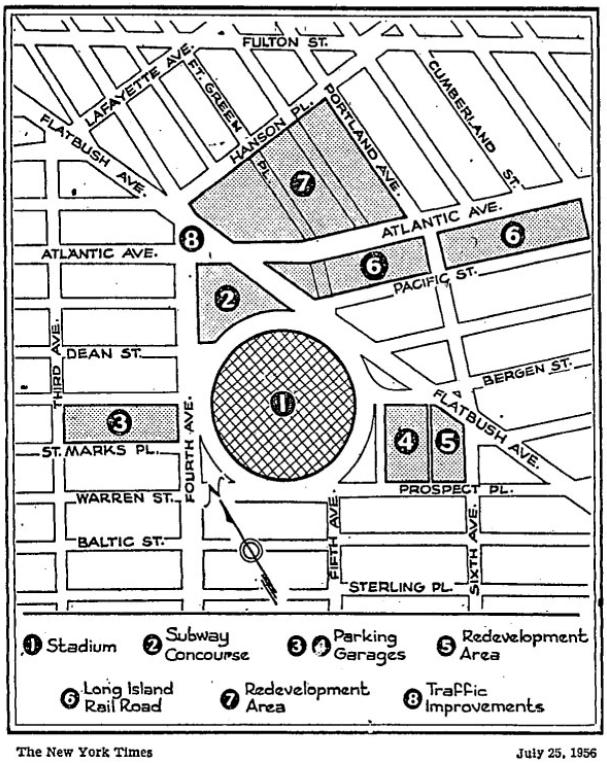

FIGURE 4. Site plan showing location of proposed Dodgers Stadium, 1956.

solution to the various problems plaguing the team at Ebbets Field. The new site was easily accessible via public transportation and highways, land could be made available for both the stadium and required parking, and the presence of the Long Island Railroad Station would facilitate the attendance of fans from new suburbs. However, to build a new stadium on the Atlantic-Flatbush Avenue site, O'Malley would need to engage the support of Robert Moses, then Commissioner of the Parks Department and Chairman of the Mayor's Committee on Slum Clearance. *See Figure 4.*

To expedite the accumulation of land at the site, it became increasingly appealing to utilize urban renewal provisions under Title I of the Federal Housing Act, requiring Moses' support as Chairman of the agency wielding that power. Brooklyn Borough President John Cashmore, a strong proponent of keeping the Dodgers in Brooklyn, went to great lengths to secure the site for the new stadium, proposing that the land be accumulated using Title 1 and that plans be created for the redevelopment of a 110-city-block, 480-acre area around the site.[34] At the time, the Atlantic-Flatbush Avenue area was considered a blighted and run down area of Brooklyn. It housed, among other structures, the antiquated Fort Greene Meat Market and the Flatbush Avenue Terminal of the Long Island Railroad Terminal, which was already considered obsolete though it had only been completed in 1908. The Meat Market was also described as unsanitary and outmoded. The existing deteriorated conditions made it possible to build a case for use of Title 1. Robert Moses, however, would continually express doubt about using eminent domain to assemble land for a stadium and would eventually be responsible for the proposed stadium's failure.[35]

[34] Charles G. Bennett, "Big Dodger Stadium Outlined to Mayor," *New York Times,* July 25, 1956, Pg.1.

[35] Ellsworth, "The Brooklyn Dodgers' Move to Los Angeles," 26.

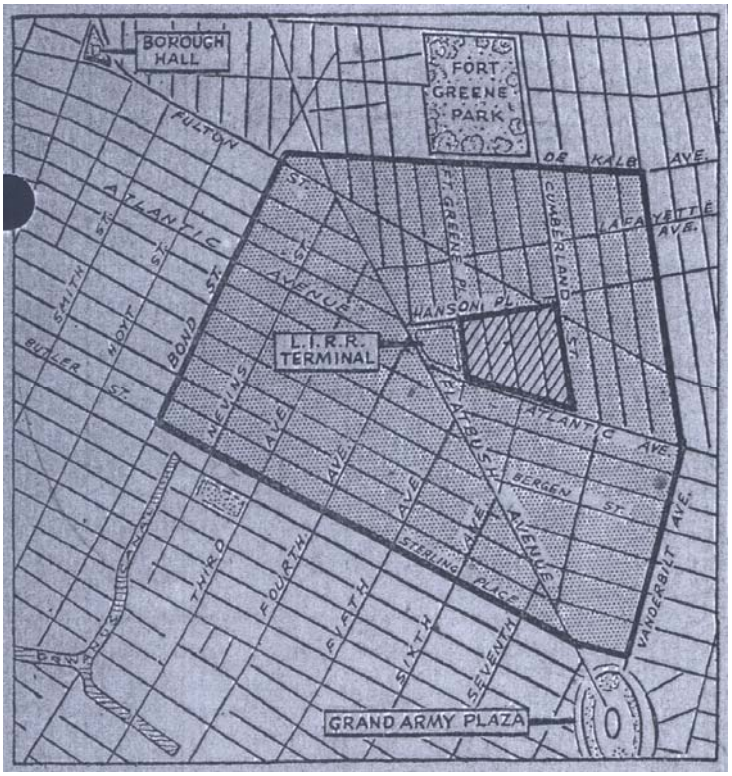

FIGURE 5. Site plan of 110-block area to be managed by the Brooklyn Sports Center Authority, 1956.

In 1956, Borough President Cashmore and Mayor Wagner proposed the creation of the Brooklyn Sports Center Authority to administer redevelopment of the area surrounding the Atlantic-Flatbush Avenue site. The Agency would have eminent domain powers to aid in gathering land, authority to sell bonds towards financing construction, administer construction, operate a state-owned stadium that would then be leased to the Dodgers, and function free of taxes.[36] It was charged with facilitating the redevelopment of a 110-block area and would be responsible, not only for building Dodgers Stadium but also for building a new subway concourse adjacent to the site, redevelopment of the Long Island Rail Road Terminal, moving of the Fort Greene Meat Market, improvements to traffic circulation, and building several parking structures.[37] *See Figure 5.*

The bill to create the Authority passed in 1956 following a great deal of objection and debate mostly to do with the constitutionality of using the condemnation power to aid a profit-making enterprise.[38] Ongoing opposition would continue to claim that creation

[36] Henry Lee, "Sports Center Okd; Has Dodgers Stadium," ---, February, 6, 1956. Archive of The Brooklyn Collection, Brooklyn Public Library.

[37] Bennett, "Big Dodger Stadium Outlined to Mayor."

[38] The use eminent domain is critical here, in that it raises the question of whether or not baseball could broadly be considered a "public purpose." The concept of using eminent domain

of the Authority was really just a ruse to use city funds and resources to condemn private land for a private purpose.[39] Opposition would plague the Authority throughout its existence, initially questioning the existence of a market for selling the required bonds as well as resisting the creation of more independent authorities. Later, the most damaging issue emerged, namely, that by making the 110-city block area property of the state, too much tax revenue to the city would be lost. This factor would eventually lead to the Authority's end several years later though when passed, the Bill also stipulated that the Authority could not borrow additional funds to finance the stadium if it proved impossible to sell the necessary bonds, and that any plans for the area would have to be approved by both the City Planning Commission and the Board of Estimate. These barriers indicate the hesitation and doubts surrounding the creation of the Authority, though for the most part, Brooklynites, especially those that nostalgically recalled the borough's glory days, were passionate about not losing the Dodgers.

Despite the many doubts, plans for redevelopment of the area by the Brooklyn Sports Center Authority continued through 1957, and a stadium remained part of the discussion for future uses at the Atlantic-Flatbush Avenues site. Walter O'Malley, whose plans for a new stadium went as far back as 1946, went so far as to unveil preliminary designs in 1956 for a new 55,000-seat Dodgers Stadium that would include a dome with retractable roof to create a "modern, all-season sports complex" and serve as a new landmark for both Brooklyn and the City at large.[40]

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as a broader redevelopment policy tool towards economic development projects has been in the headlines recently due to the *Kelo V. New London* case verdict and will be discussed later in this chapter.

[39] James Desmond, "Legislature Gets City's Bill To Give the Dodgers a Home," *The News,* January 7, 1956. Archive of The Brooklyn Collection, Brooklyn Public Library.

[40] Richard C. Wald, "Mayor Offers Plans for Sports Center to House Dodgers," *New York Herald Tribune*, 1956, Pg. 1.

Dodgers Stadium was presented as essential to maintaining the competitive position of New York City by providing needed space for meetings, exhibitions, civic and community uses, and general public interests.[41] Robert Moses, however, was unconvinced by the fact that the stadium would not be privately owned, as well as by the ways in which its public use was being pushed to the forefront. Though both the Mayor and the Borough President supported the project, Moses continued to stall efforts towards preparing the Atlantic-Flatbush site and eventually plans for the site were abandoned. *See Figure 6.*

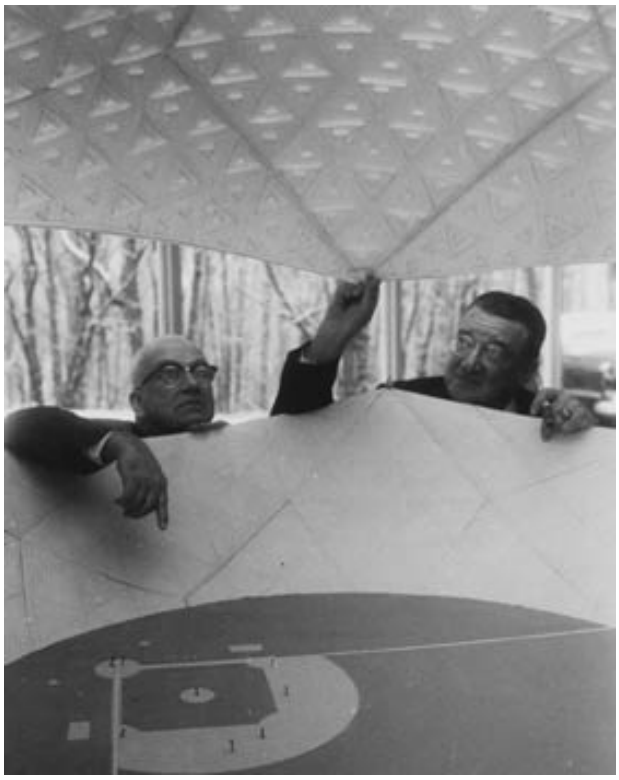

FIGURE 6. Walter P. O'Malley, right and Buckminster Fuller, left with model of domed stadium, 1956.

2.3.2 Atlantic Terminal Urban Renewal Area

After plans to build Dodgers Stadium at the Atlantic-Flatbush Avenue site failed and the team moved to Los Angeles, the entire redevelopment plan for the decaying area was abandoned. Four years later, in 1962, a new Brooklyn Borough President, Abe Stark, revisited redevelopment of the area. Stark made clear his desire to revive the area by finally relocating the Fort Greene Meat Market, building new housing, new commercial

[41] Henry Lee, "Sports Center Okd; Has Dodgers Stadium," ---, February, 6, 1956.

buildings, rearranging the Long Island Rail Road tracks, and reconstructing the major street intersections to help with the persistent traffic congestion.[42]

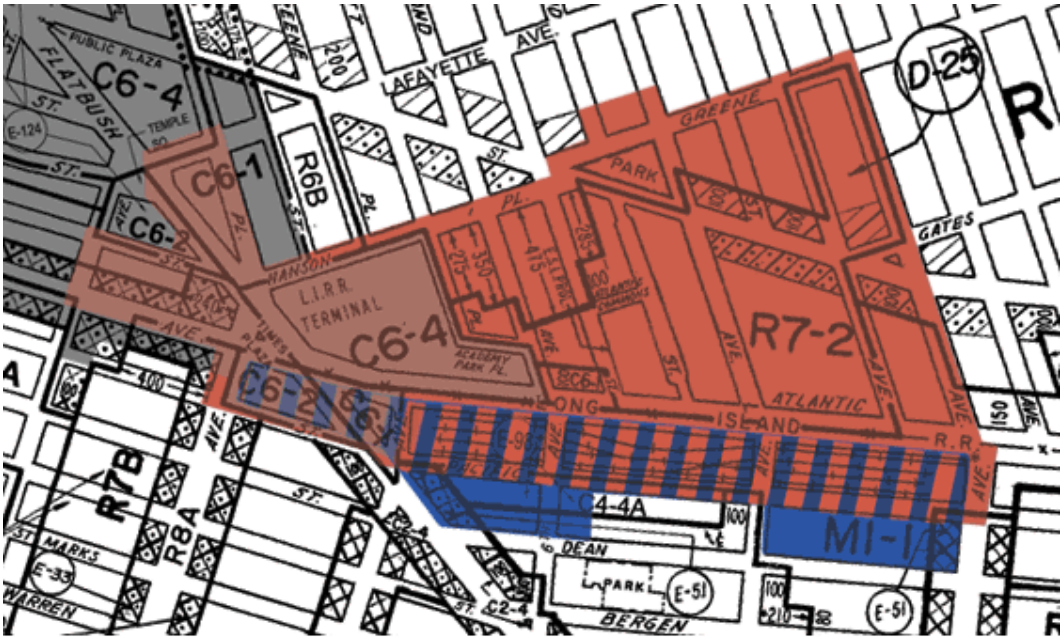

FIGURE 7. Atlantic Terminal Urban Renewal Area, red and Brooklyn Atlantic Yards Site, blue showing existing zoning, 2006.

In 1963, the 104-acre Atlantic Terminal Urban Renewal Area (ATURA), roughly bounded by Vanderbilt and Greene Avenues, Hanson Place, Lafayette, Flatbush and Third Avenues, and Pacific Street was created. The objectives of the new urban renewal area were clear. The plan, created by the City's Office of Housing and Development, called for the creation of a connected network of new businesses and institutional functions around the busy Atlantic and Flatbush intersection. To accomplish these things, tasks were outlined which included the relocation of the Fort Greene Meat Market, the construction of 2,400 units of low- and middle-income housing on a superblock, some light industrial buildings, two parks, and a new fourteen-acre campus for the City University's Baruch College.[43] Approved by both the City Planning Commission and the Board of Estimate, the redevelopment plan would also include the renovation of 170 existing row houses and of

[42] Charles G. Bennett, "Brooklyn Seeks Urban Renewal," *New York Times*, January 12, 1962, Pg. 36.

[43] Stern, *New York 1960,* 912.

the mass transportation and Long Island Railroad terminals. It would finally deck over the exposed storage rail yards towards the creation of a new mixed-use center.[44] *See Figure 7.*

Responding to accusations that the Mayor's administration had neglected boroughs outside of Manhattan, Mayor Lindsay, later in that same year announced a master plan pledging to bring office buildings, apartments, retail, and a major academic institution to the Urban Renewal Area. Because private investors were already interested in building there and other needs had been identified, it seemed as though this redevelopment attempt would be feasible. In a plan much like one created for Lower Manhattan during Lindsay's administration, goals were established for the area which included creating a true 'downtown' in Brooklyn that extended over to the Atlantic Terminal area, including office space to address overflow and back office space needs from Manhattan. Further, the plan called for the City to remove the two main obstacles to construction in the area; fragmented ownership which made it difficult to assemble large plots and the restrictive zoning which seemed to preclude construction of viable office towers. Under the Mayor's new plan, land would be assembled through condemnation and the entire area would be rezoned to allow for a much higher density.[45] In reality, very little construction took place in the period immediately following demolition of large areas on the site. As with other urban renewal areas, it proved difficult to both draw investments to the still-deteriorated area as well as to build consensus about how and by what the area should be developed. It was not until the late 1970s that the area saw some construction by way of several middle-income apartment buildings and Atlantic Terminal Houses all completed in 1976.[46]

[44] Seth S. King, "Sponsor is Named for Brooklyn HUB," *New York Times*, April 6, 1969, Pg. 50.

[45] David K. Shipler, "$500-Million Development Plan for Brooklyn Shown By Mayor," *New York Times*, October 17, 1969, Pg. 1.

[46] Stern, *New York 1960,* 912.

2.3.3 City University of New York Baruch College

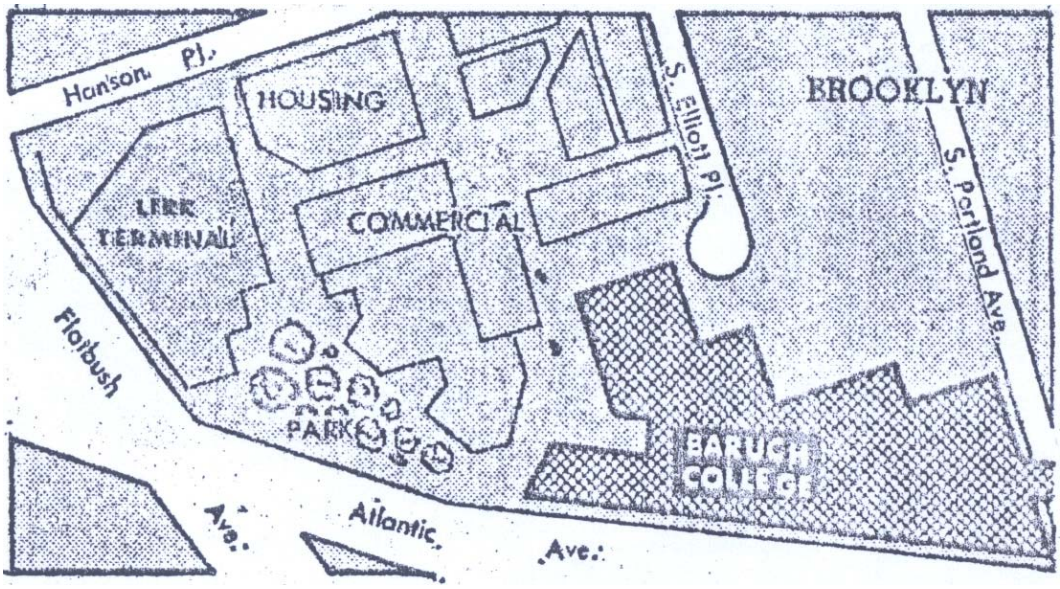

FIGURE 8. Site plan showing location of proposed Baruch College campus, 1973.

In 1972, despite efforts and approved proposals for new housing in the area that could never quite manage to be constructed, a new proposal surfaced reintroducing the idea of a coliseum at the Brooklyn Atlantic Yards site. The new plan would also create a complex including a hotel and convention facilities.[47] At the same time, however, City officials were brokering a deal for the relocation of Baruch College onto ten acres of the Renewal Area, as had been originally planned. Both the borough president and city planners believed that the presence of Baruch would trigger new development throughout the area. The exact location of the new campus was moved from an area over the exposed storage rail yards to solid ground due to the high cost of building the required deck.[48] An increasingly bitter battle was launched when the College, which had verbally agreed in 1967 to move to the site, continued to doubt their decision, finally reneging on their commitment in 1972. Soon critics began to blame the College for the lack of action at the ATURA. These critics cited, among other claims, that without the presence of

[47] John Belmonte, "Bigwigs to Talk on Coliseum," *New York Daily News*, February 4, 1972, Archive of The Brooklyn Collection, Brooklyn Public Library.

[48] Mark Lieberman, "Vows Fight to Keep College From Shifting in Manhattan," *New York Daily News*, March 12, 1973, Archive of The Brooklyn Collection, Brooklyn Public Library.

Baruch, the area would continue to sit vacant because investors would be unwilling to invest in a deteriorated site with no anchor. *See Figure 8.*

The battle to bring Baruch College to the ATURA continued through 1975. The College argued that the costs and long-term time commitment of construction were too great, making it more sensible for the school to remain in Manhattan. Advocates for the new Brooklyn campus offered to turn the project over to the State Urban Development Corporation rather than the State Dormitory Authority, which would expedite the campus' construction. A report completed in 1973 by the Office of Downtown Brooklyn development stated that because the Baruch College campus would be built using public funding, "its location must be evaluated in terms of the highest value for the city." In that same report it was calculated that building a new facility was actually less expensive than renovating an existing building in Manhattan due to the loss of tax revenue from a public project in a building that could otherwise be earning dollars for the city rather than an empty site. [49] Area community groups and residents were mostly in support of the proposed campus while strongly opposing a sports arena proposal that was still being considered for other parts of the renewal area. *See Figure 9.* The new campus was also supported by the Housing and Development Authority, which figured that the college campus would not conflict with the housing planned for the site or the surrounding residential neighborhoods.[50] The Brooklyn site was additionally seen as advantageous because it would allow Baruch to spread into a more spacious campus-style setting. Despite the warm welcome, and many notices of the College's intention to move to Brooklyn, Baruch would ultimately never move to the ATURA due to a lack of funding during the city's fiscal crisis.

[49] John Blackmore, "Tug of War for Baruch Nearing Decision," *The Pheonix*, December 6, 1973, Archive of The Brooklyn Collection, Brooklyn Public Library.

[50] Mark Liff, "HAD Roots for Baruch vs. Sports Arena," *New York Daily News*, December 12, 1974, Archive of The Brooklyn Collection, Brooklyn Public Library.

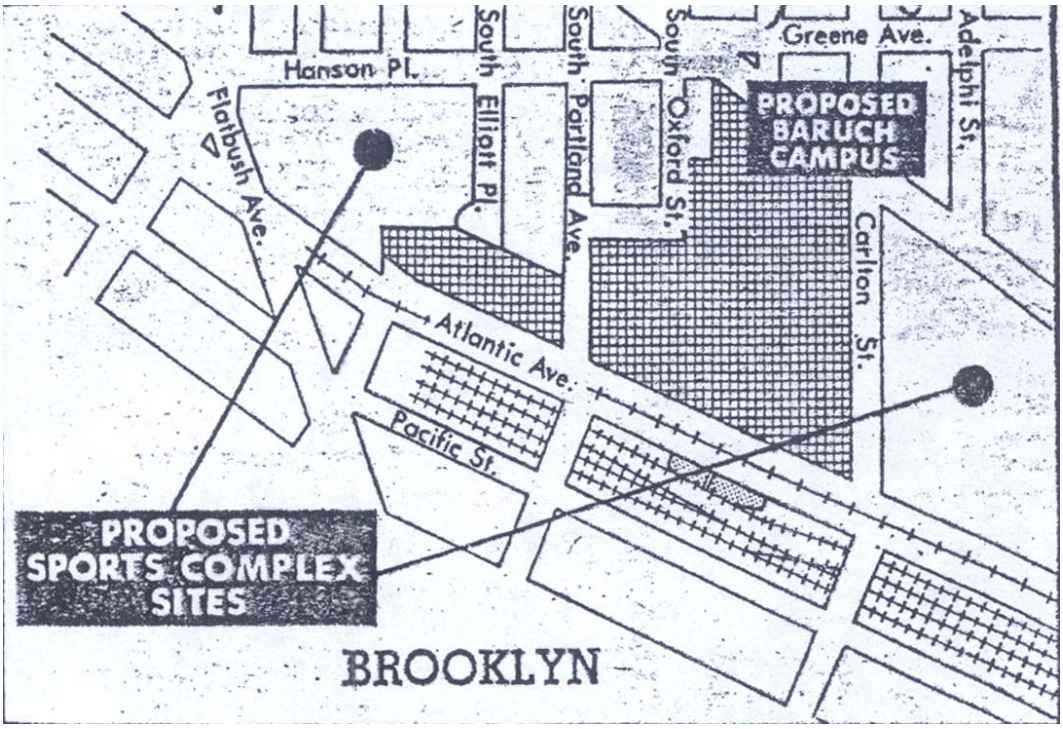

FIGURE 9. Site plan showing proposal for both Baruch College and new Sports Complex on ATURA site, 1974.

2.3.4 Brooklyn Atlantic Yards Site: 1970s to Present

At the end of the long battle with Baruch College, which concluded with no hope for a new campus in Brooklyn, city and state officials continued to propose improvements for the Brooklyn Atlantic Yards site with the idea for a stadium or arena continually resurfacing. Plans were finalized in 1972, to construct Mitchell-Lama housing on a portion of the Renewal Area, resulting in nine to fifteen-story buildings that required a commercial to residential zoning change.[51] In early 1975, a lawsuit filed by the Fort Greene Nonprofit Improvement Corporation effectively managed to block a proposed arena feasibility study. At the time, the Brooklyn Borough President, Sebastian Leone, conceded that the economics did not favor spending city dollars on an arena in that moment but that an indoor facility for cultural and sports activities would be needed in

[51] Polly Kline, "Atlantic Terminal Renewal Set for Hearing December 13," *New York Daily News*, December 2, 1972, Archive of The Brooklyn Collection, Brooklyn Public Library.

the future. Again, the Atlantic Terminal area was considered one of the best alternatives for this type of facility because of its access to mass transportation and the thought that the immediate area was less residential than other proposed sites in Brooklyn. The next year, in 1976, the Sports Authority was removed from the state budget.[52] However, in 1982, yet another stadium study was announced and this one had already won approval from Albany. The New York State Urban Development Corporation was assigned the task of completing the study for a 55,000-seat domed stadium though this would ultimately yield no definitive plan, much less an actual stadium proposal.[53]

Meanwhile, in 1977, a major mixed-use complex with an office building, supermarket, parking garage, and shopping center was proposed directly on the site of the Flatbush Avenue Terminal of the Long Island Rail Road. The existing terminal would be transformed into a glass-enclosed, one-story, street-level commercial space with the main terminal moved into a complex underground system. Space for the terminal would be made smaller to allow for the construction of the office building.[54] A large community group organized to battle against the demolition of the existing 1908 terminal building, to no success, as the Landmarks Commission was unwilling to designate it as an individual landmark. The project was to be funded using the 1974 Rail Preservation Bonds though it later became clear that the funding was insufficient to cover the costs of the proposed project. Demolition of buildings surrounding the terminal were begun in 1980, despite protests and lack of funding. Two years later, in the spring of 1982, major improvements to the interior of the Long Island Railroad Terminal were finally dedicated. Though the exterior remained largely unimproved, the Terminal could finally accommodate more modern ten-car trains and many believed that its completion would provide impetus for

[52] Max H. Siegel, "Brooklyn arena Study Halted," *New York Times*, February 23, 1975, Pg. BQL171.

[53] Peter Kihss, "$30,000 Approved By Albany to Study A Brooklyn Stadium," *New York Times*, February 15, 1982, Pg. A1.

[54] Peter Haley, "LIRR Railroad Terminal $20 Million Face-lift Set for Summer Start, *The Pheonix*, March 16, 1978, Pg. 5.

the long-awaited redevelopment activity and revitalization in the area. Because of the ease with which commuters could travel in from Long Island, it was also seen as a step forward in bringing more businesses to the borough as well as increased attendance to the nearby Brooklyn Academy of Music. [55]

True to predications, soon after the completion of the Long Island Railroad Terminal Improvements, a major new project for the area was made public. The Atlantic Terminal Project was announced in 1985 by developer Rose Associates and was to bring the largest mixed-use development to date in Brooklyn. The project would cover 26-acres, with office buildings, low-rise housing, two new parks, a large supermarket, a multiplex cinema, and a 1,000-car garage. The developer hired the firm Skidmore Owings & Merrill to prepare the master plan and was supported by the New York City Partnership.[56] The new project was viewed as providing new office space at a time when Manhattan office rents were skyrocketing and was in keeping with long-standing growth plans for Downtown Brooklyn. The project's program is also representative of the time in which it was developed, where city officials were focused on commercial development to stimulate economically productive activities and less concerned with quality of life issues or residential development.[57] With its mixed-use program, which included substantial amounts of housing, the Atlantic Terminal Project was ahead of its time. Using various public grants, loans, and city-financed site improvements, a master plan for the area was completed in July 1985 with an initial occupancy date set for 1987. *See Figure 10.*

[55] John Henry, "Improved Platform Dedicated," *New York Daily News*, May 18, 1982. Archive of The Brooklyn Collection, Brooklyn Public Library.

[56] Alan S. Oser, "Brooklyn Launches Its Biggest Office-Building Effort," *New York Times,* January 27, 1985, Pg. R7.

[57] Fainstein, *The City Builders,* 2.

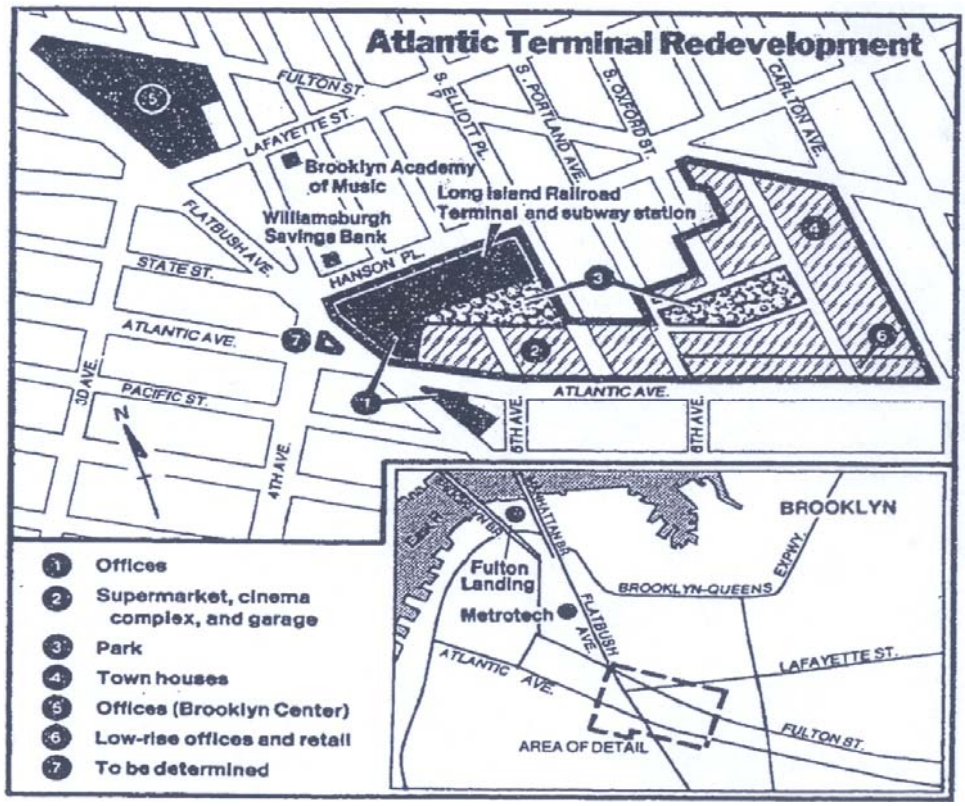

FIGURE 10. Site plan showing redevelopment proposal by Rose Associates, 1985.

The office component at Atlantic Terminal was extremely important to the entire project and was viewed, from an economic development standpoint, as providing Brooklyn with the critical mass of office development when combined with office developments at Metrotech and Fulton Landing. The new offices would create a viable alternative to regional competitive pressure for businesses priced out of first-class office space in Manhattan. Additionally, the project was seen as opening up an invisible psychological barrier to commercial development in Brooklyn to the east. It was also the product of a shift in city initiatives to provide Brooklyn sites with millions of dollars in capital investments and deferred tax dollars, towards encouraging commercial development outside of Manhattan.[58] Endorsed by city officials and in response to

[58] Kirk Johnson, "Development Activity Advances in Brooklyn," *New York Times,* August 11, 1985, Pg. A1.

apparent demand for office space outside of Manhattan, Rose's Atlantic Terminal commercial buildings grew to two 24-story masonry buildings and Forest City Ratner Properties became part of the development team. Office space in the development would be designed to have the large floor-plates often required by companies at the time and would all be housed in towers ranging from ten to twelve stories. As with the Downtown Brooklyn Metrotech project, being planned simultaneously, the Atlantic Terminal project would require a vast amount of financial subsidies and incentives. In an effort to draw more investment and keep businesses in the city rather than see them move to New Jersey, officials were increasingly willing to support private investment. The project was granted tax exemption on anything over its initial assessed value for thirteen years to be phased back to full assessment over the following ten years, a $10.7 million federal urban development grant, a base-rent-paying 99-year lease, and over $25 million in additional government aid. Additionally, the city spent $16 million in demolition and site improvements.

Town houses, housing 642 middle- and upper-income condominium units would be developed as a second-phase with the assistance of the City's Department of Housing Preservation and Development as well as the Housing Partnership.[59] The housing component would be localized primarily on the east side of the site. In 1986, however, a community opposition group filed a lawsuit against the federal Department of Housing and Urban Development (HUD) when the agency approved the use of an Urban Development Action Grant (UDAG) towards development of the housing component. In 1991, a federal judge ruled that HUD had failed to compile information about the racial composition of the surrounding neighborhood, making it impossible to consider the gentrification impact of the proposed project and halted the $10 million federal grant.[60] Soon thereafter Rose Associates withdrew from the project, leaving Forest City Ratner

[59] Oser, "Brooklyn Launches Its Biggest Office-Building Effort."

[60] Frances McMorris, "Atlantic Terminal Illness? Judge Halts 10 M Grant Over Racial Impact," *Daily News*, May 23, 1991, Archive of The Brooklyn Collection, Brooklyn Public Library.

Properties to complete their work at Metrotech and assume responsibility for work at Atlantic Terminal. The Atlantic Terminal Urban Renewal Association, the leading local project opposition group formed in 1986 when the project was first announced, was a constant presence as plans for the site continued.

Following the completion of Metrotech Center in 1990, however, confidence in the area grew and the Rose Associates/Forest City Ratner Properties venture was revived to complete the retail portions at Atlantic Terminal. To address the many issues and problems raised by the Atlantic Terminal Urban Renewal Association, an Atlantic Terminal Advisory Committee was set up in 1992 which effectively managed to remove the office component from the project, change the income mix of the housing component, and lessen the neighborhood impacts of the parking.[61] By 1993 a newly reconfigured Atlantic Center was proposed with several discount retailers leasing large spaces that included underground parking. The 380,000 square foot Atlantic Center Mall opened in 1996. *See Figure 11.* The housing component had also changed from duplex condominiums to three-family houses for a buyer and two renters, reflecting in the design and configuration some of the needs identified by the Mayor and local residents for affordable housing. 107 of these brick-clad, three-family homes were built under the Department of Housing Preservation and Development's and New York City Housing Partnership's New Homes Program to great success. The program had been designed to help make homeownership affordable by providing rental units to supplement owner mortgage payments. The contextual design and scale of the homes as well as their immediate success proved to developers that the residential market in Brooklyn was as strong as ever.

[61] Fainstein, *The City Builders,* 154-157.

FIGURE 11. Atlantic Center Mall, 2006.

Though the Atlantic Center Mall endured difficulty, continually losing tenants and money, another retail component was soon underway. In 2004, the second retail complex, developed by the Forest City Ratner, opened immediately adjacent to the Atlantic Center Mall. The Atlantic Terminal retail complex brought a 10-story office building and a sizeable amount of large brand-name retail stores, including Target, to the site. After September 11th, 2001, the Atlantic Terminal project was the first to receive tax-exempt Liberty Bonds, warranted because the anchor tenant in the office space would be the Bank of New York, displaced by the terrorist attacks.[62] Following the attacks, priority increased for developing office space throughout the city to help both decentralize and prevent companies from seeking space in New Jersey. However, by the time both Atlantic Center and Terminal projects were completed, the character of the site had been dramatically changed. The Atlantic Terminal complex, having finally replaced the original Atlantic Terminal Rail Station, had created a new retail destination for Brooklynites in search of bargains by way of large chain stores. *See Figure 12.*

[62] Patrick Gallahue, "Fed Bonds to Build Atlantic Terminal," *Brooklyn Papers*, September 16, 2002, Pg. 5.

FIGURE 12. Atlantic Terminal Retail Complex, 2006.

At the end of the long journey, the Atlantic Yards site remains unlinked to the greater Downtown Brooklyn area, existing instead as an 'isolated' area in the middle of thriving neighborhoods. The ten-block Metrotech Center development in Downtown Brooklyn proper created a large amount of office space but did not induce more commercial development and certainly did not connect to the existing fabric. Forest City Ratner's retail projects along Atlantic Avenue, developed with a large amount of tax subsidies, had done little to promote additional projects and instead created an island of retailing. Both projects increased traffic problems. Only the latest low-scale residential component appeared to be a success on all counts. The successful completion of these projects did, however, establish that Forest City Ratner, and its president Bruce Ratner, were capable of complete complex projects in the borough. In the early 1990s, in the midst of the Downtown Brooklyn planning and building cycle, the New Jersey Nets approached Forest City Ratner with a radical proposal – that he buy the team and build

them a new arena on his project site. The developer initially dismissed the idea knowing that past stadium schemes had been attempted in the past and that they had failed.[63]

[63] Notes from conversation held with Paul Travis, former Vice-President, Forest City Ratner, January 20, 2006.

3.1 Introduction to the Proposed Brooklyn Atlantic Yards Project

The proposed Brooklyn Atlantic Yards project follows a long line of redevelopment attempts on the site. As seen, the history of these attempts provide insight into a variety of issues related to the Atlantic Yards site including revelations about why the area has posed such a difficult challenge to developers and city planners. It provides insight that extends beyond the existing built fabric to site's role in satisfying the changing needs of the surrounding neighborhoods. These needs include the linkage of neighborhoods to the north with those to the south, the inclusion of needed benefits for the community, housing, as well as necessary tax revenue for the city. The site's proximity to a major transportation hub and to Brooklyn's central business district, in addition to the current development climate in the city create a sense of urgency to move forward with redevelopment. The project proposed by Forest City Ratner Companies (FCRC) offers an expansive solution that is meant to resolve the troubles faced by previous attempts with a sweeping vision for itself, a hope at success through lessons learned, and a public-private partnership. The evolution of the proposed Brooklyn Atlantic Yards project, following its public announcement in 2003, speaks to the politics of development in the city at this moment in time. It also speaks to the growing challenge for preservationists and planners who are faced with proposals that must be dealt with reactively rather than proactively. The planning and strategic development of the proposed project provides insight into the unavoidably political nature of such projects and how this affects the planning process.[1]

The policy tools used towards completion of the proposed Brooklyn Atlantic Yards project also tell a story of how the processes that normally allow for community input have been avoided by way of state agency involvement. FCRC as the developer has made decisions that have impacted the way in which the planning process is taking place and the ways the project has been received and reacted to by the public. The proposed

[1] Susan S. Fainstein and Norman Fainstein, "City Planning and Political Values: An Updated View," *Center for Urban Planning Research Working Paper No. 72*, (1994): 1.

project has all of the elements for success; it is supported city officials, public land review processes have been limited by state agency involvement, land can be made available through condemnation of private property using eminent domain, and the Metropolitan Transportation Authority is being cooperative.

Recent changes in eminent domain case law pose a particularly vexing challenge for preservationists and their role in large-scale redevelopment projects. The public subsidies offered to developers pose another challenge. Namely how to reconcile the fact that city and state dollars go to projects of which the anticipated public economic benefits have been determined by studies commissioned by FCRC and promoted by the Empire State Development Corporation (ESDC), the parties with the most to gain from positive findings. In many ways the policy analysis is troubling from a preservation perspective in that it truly emphasizes a fundamental shift in the way that government dollars are spent towards a redefinition of the urban landscape.

In January 2004, Bruce Ratner bought the New Jersey Nets for $300 million.[2] Purchase of the team had been preceded by the December 2003 announcement of a new, large-scale, mixed-use project to be constructed at the Atlantic Yards site in Brooklyn. The project would include a new arena for the Nets whose lease would expire in 2008. At the time of the project's announcement, it had already gained the support of both New York City Mayor Michael R. Bloomberg and Brooklyn Borough President Marty Markowitz, who Ratner claims asked him to buy the Nets, build an arena, and bring them to Brooklyn. At that time, the project was presented as providing thousands of jobs and a large volume of apartments affordable to Brooklynites of every income-level. The $2.5 billion complex was to house a 19,000-seat arena, 300,000 square feet of retail space, 2.1 million square feet of office space, and up to 4,500 residential apartments.[3] The proposed Brooklyn Atlantic Yards project would be directly linked to the Atlantic Terminal

[2] See Appendix A: Chronology of the Brooklyn Atlantic Yards Project.

[3] Charles V. Bagli, "A Grand Plan in Brooklyn For the Nets' Arena Complex," *New York Times*, December 11, 2003, B.1.

transit hub and would create a series of high-rises buildings surrounding a sculptural Nets Arena. The developer had already tapped world-renowned architect Frank Gehry to design the master plan and arena, preliminary designs of which were presented in December of 2003 at the American Institute of Architect. Laurie Olin of Battery Park City and Bryant Park fame, also a world-renowned designer, formed another key part of the team, scheduled to work on the landscape design of the spaces surrounding the project. At that time, Bruce Ratner pledged to create as open a process as possible but signs already pointed to the secrecy and back-room deal-making surrounding the project.

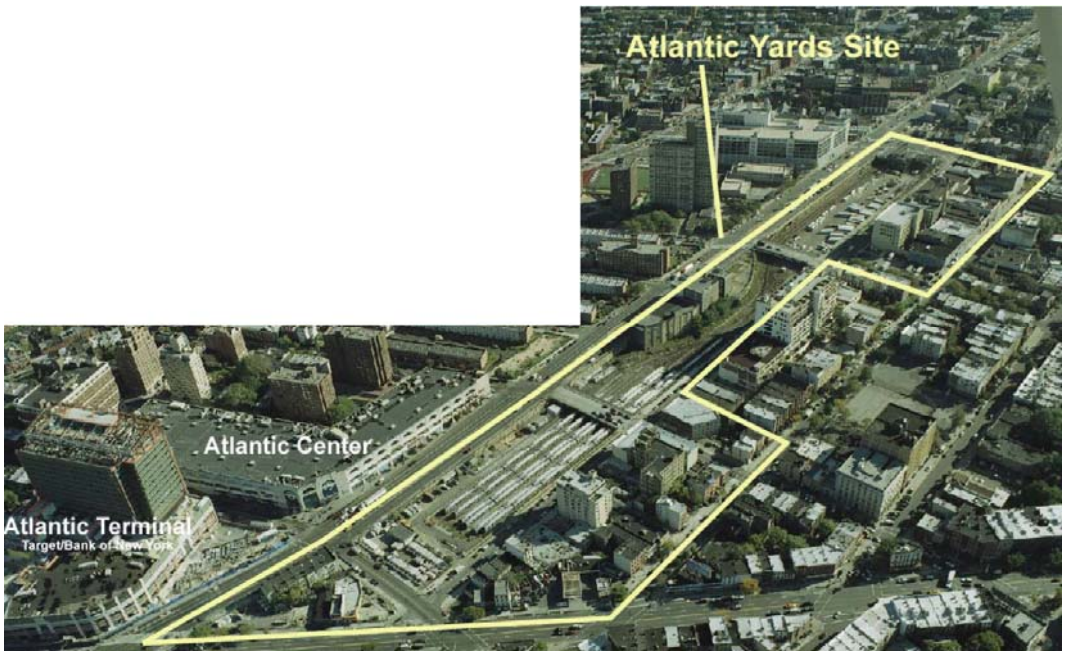

FIGURE 13. Existing conditions of the Atlantic Yards site, 2005.

The proposed Brooklyn Atlantic Yards project is proposed for an approximately 21-acre site bordered by Atlantic Avenue to the north, Dean Street to the south, Flatbush Avenue to the west and Vanderbilt Avenue to the east. The six-block area includes the three blocks containing residential and small businesses that have been in the process of being bought by FCRC or may be condemned through eminent domain. The other three blocks hold the Vanderbilt rail yards that will be decked over as part of the project. Over the past two and a half years, the scope of the project has grown significantly leading to

an unveiling of Frank Gehry's preliminary design, which shocked and scandalized many due to its massive scale.[4] The overall development cost has jumped to $3.5 billion dollars, former commercial office buildings have been switched to condominiums to help offset rising costs, the number of residential units have escalated, and the amount of available public open space has fluctuated. *See Figure 13.*

The proposed fourteen-million-square-foot project will, as of early 2006, include sixteen buildings, some of which would rise to over 620 feet or approximately sixty stories. The proposed design would close Pacific Street between Flatbush Avenue and Sixth Avenue as well as Fifth Avenue between Flatbush and Atlantic Avenues, creating a superblock site on which to house the ambitious program. The plan is split into two phases; the first portion will include the arena, office space, some residential space including the associated retail/open/parking space, and has an anticipated completion date of 2009. Phase 2 includes the Vanderbilt rail yards which would be decked over during Phase 1 to support residential buildings and the associated support spaces, and would be completed by 2016. Though the Metropolitan Transit Authority put out a request for proposals (RFP), and despite having received a higher competing bid, it eventually settled on dealing only with FCRC for development of the site. *See Figure 14.*

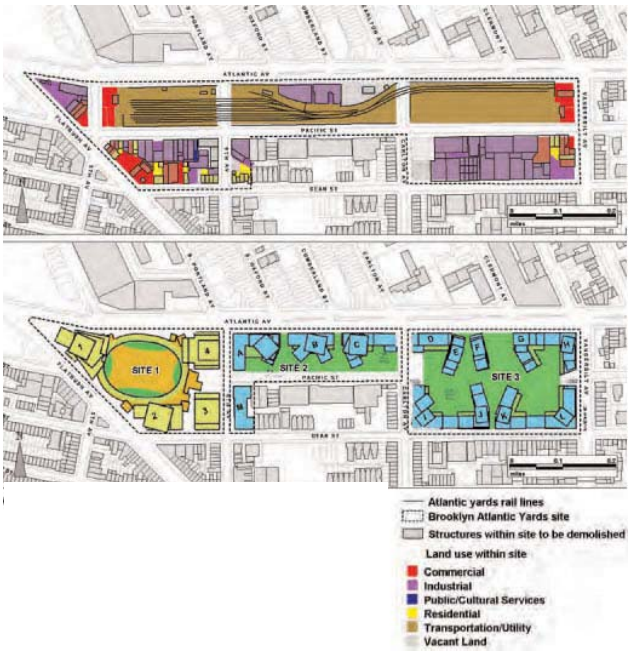

FIGURE 14. Existing and proposed plan for Atlantic Yards site, 2005.

[4] Following the unveiling, Brooklyn Borough President Marty Markowitz, one of the project's staunchest supporters, stated that the project should be scaled down.

Though it is tempting to invest a large amount of time dissecting the various changes, announcements, and politics surrounding the proposed Brooklyn Atlantic Yards project, it is more fruitful for this analysis to address several key issues. The first relates to the ways that the project has engaged the community and how public benefits, initially presented, have begun to diminish during the project's planning phase. For example, one of the key selling points of the project was initially the large amount of jobs it would bring to the borough. This figure has continued to decrease, as market demands require program changes from commercial to residential. This change has also decreased the amount of affordable housing units stipulated in the agreement, leading to the question of whether the negative impacts of the projects are sufficiently mitigated by the diminishing public benefits. Another issue specific to the proposed Brooklyn Atlantic Yards project deals with the demolition of six buildings in the project footprint prior to the completion of the approvals process. This action, in light of the fact that no efforts had been taken to ensure public safety prior to plans for demolition, are suspect and reminiscent of urban renewal sites, which once cleared remained vacant, contributing to the perception of blight. Language used in the Draft Scope of Analysis for and Environmental Impact Statement is problematic in two ways. It identifies the site as "blighted" which is troublesome because the condition implied enables the use of eminent domain. The Scope also lists "economically underutilized properties" as one of the main problematic conditions on the site. This concept is of particular significance to historic preservation in that it reveals the ways in which developers may be able to make a case for new, more profitable construction on almost any site, such as the many vacant lots in Boerum Hill that are surrounded by a wealth of historic resources.

3.2 Brooklyn Atlantic Yards – Redevelopment Policy Analysis

To move forward with the proposed Brooklyn Atlantic Yards project, FCRC has employed a wide range of policy tools. Background into each of these policy tools reveals their significance not only to the proposed project, but also to broader issues of urban

redevelopment policy and the ability of historic preservation to take place. For example, use of a state agency in this case signifies that the review process is limited in terms of local government oversight as well as in terms of public review. The recent Supreme Court decision regarding the use of eminent domain towards economic development has several implications for the proposed project. It makes it possible to take private property towards the proposed development, has affected the ways that the public has received the project, and may ultimately impact if the project is able to receive public funding.

The Brooklyn Atlantic Yards project has been proposed by a single developer, herded through the approvals process by city government, and has not involved a transparent nor participatory planning process. No alternative plans for the site were properly considered and the proposed project is not part of a larger plan for the area. The project's planning did not involve community input, nor does its program truly address the specific needs of existing residents. It will use public subsidies, public land, and discretionary actions without the direct involvement of the public or of the city's planning agencies. If completed as proposed, bring a large number of residential units, a sports complex, and development to a site that is ripe for development. Overall, the proposed Brooklyn Atlantic Yards project is unique in terms of its scale, the ways that it is being herded through the various review processes, in terms of developer ingenuity, excellent timing in terms of real estate climate, and other factors. However, an analysis of the policy tools employed reveals some of the commonalities between this and other large-scale city projects. Additionally, the analysis provides context for some of the other issues relating to the project that inform an understanding of its impact to the area historic resources.

3.2.1 The Empire State Development Corporation

Because the proposed Brooklyn Atlantic Yards project is located on Metropolitan Transit Authority (MTA) property and requires the use of eminent domain, the coordinating agency is the Empire State Development Corporation, originally called the

New York State Urban Development Corporation (NYSUDC). Traditionally, an urban development corporation (UDC) is an agency, usually organized outside of the typical constraints of a like agency of government, working to advance the economic development goals of government within the framework of a public/private partnership. In other words, an UDC works to create a bridge between private developers and public agencies as a 'public purpose corporation.'[5] Though they operate like private firms and have public power, UDCs are less responsible for adhering to standard public processes such as holding public meetings, completing extensive reports, and accommodating community participation.[6] The NYSUDC was New York's first public agency of this type, created under State legislation in 1968 with broad authority. The NYSUDC Act states that the agency's goal was:

> "… to promote the safety, health, morals, and welfare of the people of the state and to promote the sound growth and development of our municipalities through the correction of such substandard, insanitary, blighted, deteriorated conditions, factors and characteristics by the clearance, replanning, reconstruction, redevelopment, rehabilitation, restoration or conservation of such areas…" and "…the provision of adequate, safe and sanitary dwelling accommodations and facilities incidental or appurtenant thereto for persons and families of low income…"[7]

It was, in the end, viewed as a tool towards the improvement of the physical environment for low and moderate-income families. More importantly, it had the power to override local zoning laws and to bypass New York City's Uniform Land Use Review Process (ULURP). In the 1970s, the NYSUDC's original focus shifted to encourage commercial and middle- and upper- income housing within central business districts. Its purpose became to serve as a "catalyst for land development" to, in effect, promote

[5] Eleanor L. Brilliant, *The Urban Development Corporation: Private Interests and Public Authority* (Lexington, Ma.: Lexington Books, 1975), 6.

[6] Susan S. Fainstein, *The City Builders: Property Development in New York and London, 1980-2000*, 2d ed., rev. (Lawrence, Ka.: University Press of Kansas, 2001), 107.

[7] New York State, *New York State Urban Development Corporation Act: As Amended through June 1971* (New York: New York State Urban Development Corporation, 1971), 5-6.

economic development. "It acquired land, made initial investments, formulated plans, and then recruited private investors and developers to carry out the projects."[8]

In 1995, the New York State Urban Development Corporation was renamed the Empire State Development Corporation (ESDC). Since then the agency has participated in a variety of economic development projects throughout New York State as well as in the city, most recently including the Times Square Redevelopment. Now, the ESDC is the sponsoring state agency at the proposed Brooklyn Atlantic Yards project in a proposal that fully conforms to the new goals of the agency as they have developed and changed since 1968. Sponsorship by the ESDC means several things for the proposed project including the fundamental issue that final decisions regarding the proposed Brooklyn Atlantic Yards project would rest in the hands of the agency's board of directors rather than elected city officials that are more likely to represent the concerns of the impacted communities. Most importantly it means the developer has access to the state's power of eminent domain to assemble privately-owned land, can override New York City zoning regulations with respect to use, bulk, and other requirements, and can bypass ULURP.

Under the City Charter, ULURP was created to provide for public review and "reflected two trends underway in the 1950s and 1960s: the increasing involvement of the city's Community Boards in the development of the city and a substantial increase in community participation in many aspects of government."[9] It is an elaborate land use review process, normally triggered when a project involves city action such as changing of the City Map, creation of a new zoning district, when City Planning Commission (CPC) special permit is required, when development of a city facility takes place on a site, projects on urban renewal sites, etc. It is meant to give community residents the opportunity to voice their concerns, via public hearings and approvals from several

[8] Alexander J. Reichl, *Reconstructing Times Square: Politics and Culture in Urban Development* (Lawrence, Ka.: University Press of Kansas, 1999), 91.

[9] "The Uniform Land Review Process: The Evolution of ULURP," *New York City Department of City Planning Website,* http://www.nyc.gov/html/dcp/html/luproc/ulpro.shtml.

government offices, for redevelopment activity, and additionally give city officials an opportunity to consider all planning and environmental concerns related to a project. Local community boards hold public hearings, and later submit written recommendations to the City Planning Commission that are added to those from the Borough President and voted upon. The process may sometimes also involve approval from the City Council.[10] A rigorous and time-consuming process for developers, ULURP has served the goals of preservation by placing additional controls on the largest and most complex projects.

3.2.2 New York State Environmental Quality Review

The ESDC is required to complete New York State's Environmental Quality Review (SEQR), which ensures that government agencies consider the environmental effects of their projects and that they work to mitigate the resulting negative impacts. SEQR has been in effect since the State Environmental Quality Review Act of 1978. It first requires the completion of an environmental assessment form to determine if an Environmental Impact Statement (EIS) is necessary. The EIS, to a lesser degree than ULURP, attempts to collect public input in scoping the Draft Environmental Impact Statement (DEIS), in reviewing SEQR documents, and through participation in related hearings.[11] In September 2005, almost two full years after the proposed project's announcement, the ESDC announced the first public scoping meeting with the intent to complete the DEIS. Attached to the announcement was the "Draft Scope of Analysis for An Environmental Impact Statement." A thirty-five page document, the Draft Scope includes detailed information about the project, the site, schedule, and methodology. Within the document, "Cultural Resources," including archeology, are categorized as a Task to be completed as part of the EIS. It lists designated landmarks and historic districts in the immediate vicinity of the site. The EIS will include a map, description of all designated or National

[10] Timothy Bradley, *New York City's Development Review Process* (New York: Municipal Art Society of New York and National Resources Defense Council, 1990), 13-14.

[11] "Introduction to SEQR," *New York State Department of Environmental Conservation Website*, http://www.dec.state.ny.us/website/dcs/seqr/seqr_1/html.

Register resources within 800 feet of the proposed project, and an assessment of direct physical impacts from the proposed project.[12] ESDC would then accept public comments through the end of October. The project would also require the completion of an environmental assessment form as part of the City Environmental Quality Review (CEQR) to help identify the proposed effects on various environmental areas of analysis including historic resources.

The Council of Brooklyn Neighborhoods (CBN), a stakeholder coalition of 23 community organizations representing the areas neighboring the proposed Brooklyn Atlantic Yards project site, submitted a comprehensive response to the ESDC in the time allotted. CBN was following initiatives begun by Borough President Marty Markowitz, a supporter of the project, to create a more transparent process, further engage the community, and to ensure that the environmental review process explores alternatives to development on the Atlantic Yards site.[13] In response to the Cultural Resources Task identified in the Draft Scope, the CBN response includes several additions and the results from an area survey of community residents. It states that three particular areas of interest are lacking, namely, an examination of row house blocks in the area not protected by historic district regulations, an identification of places of worship that may be negatively impacted, and several unique properties not mentioned. These buildings include: the A.G. Spalding Warehouse building at 24 Sixth Avenue, Freddy's Bar at the corner of Dean Street and Sixth Avenue, the Atlantic Art Building at 636 Pacific Street,

[12] Empire State Development Corporation, "Attachment A," in the *Atlantic Yards Arena and Redevelopment Project Draft Scope of Analysis for Environmental Impacts Statement,* (New York: Empire State Development Corporation, 2005), 21-22.

[13] In an attempt to stem community outrage following the project's announcement, the Brooklyn Borough President's Office created the Atlantic Yards Committee in 2004. Comprised of the Borough President, members of the City Council from the 33rd and 35th Council Districts, the chairpersons of Community Boards 2, 6 and 8, and one designated representative of the Brooklyn delegation of the City Council, the Committee was proposed to serve as a "vehicle for research, information and advocacy for Brooklyn during the planning, construction and post-construction phases of the project." It would hold educational public meetings and have the opportunity to meet with representatives of FCRC and of the ESDC. The success of this effort has been extremely limited. From the *Brooklyn Borough President Website*, http://www.brooklyn-usa.org/Pages/Atlantic_Yards/AYAP.htm.

the former Ward Bakery Building at 800 Pacific Street, and the Pacific Street Library.[14] The goal of the entire CBN response was to expand the range of the Draft Scope, which has received criticism for being extremely limited. The quarter-mile principal study area and half-mile secondary study area proposed in the Scope do not adequately address the potential impacts to historic resources, nor further out to the many pedestrian and residential areas, and to contiguous neighborhoods. The Scope also contains language that has created a great deal of outrage and opposition, primarily to do with the use of the word 'blight,' as descriptive of the area surrounding the Brooklyn Atlantic Yards site.

3.2.3 Eminent Domain

The term, 'blight' is particularly contentious because of its association with one of the most problematic and controversial policy tools being proposed towards the completion of the proposed Brooklyn Atlantic Yards project - eminent domain. When the project was first announced in 2003, it included the proposed condemnation of several buildings located on blocks surrounding the Vanderbilt rail yards to be included as part of the footprint. At the time, these blocks included approximately 140 residences and over 25 businesses employing more than 200 people.[15] That figure at times has been estimated to be five times higher within an ethnically, economically, and commercial diverse zone of Brooklyn. FCRC, in an attempt to curb anger over the use of eminent domain, began to buy properties and continues to do so, hoping to own all related properties by the time the review process is complete. Opponents of the project claim that owners often sell their properties fearing complications emerging from the use of eminent domain and FCRC continually states that it pays higher than market-rate in a good-faith effort. However, it is suspect that these buy-outs include signed contacts that

[14] Council of Brooklyn Neighborhoods, *Forest City Ratner Atlantic Yards Development Proposal: Scoping Response to the Empire State Development Corporation*, (Brooklyn: Brooklyn Council of Brooklyn Neighborhoods, 2005).

[15] Diane Cardwell, "Arena Developer Rethinking Condemnation of Houses," *New York Times*, May 5, 2004, Pg. B8.

stipulate that sellers must never comment publicly on their sales or publicly oppose the project in any way. FCRC, working with the ESDC, is familiar with the eminent domain process; both Brooklyn's MetroTech Center and the New York Times Company Headquarters building on Eighth Avenue in Manhattan employed eminent domain to gather the land needed. The ESDC has also recently employed eminent domain at the New York Stock Exchange, Seven World Trade Center, and in the 42nd Street Redevelopment Area.

To make a claim for eminent domain, the ESDC has to allege that the area to be condemned is 'blighted,' in other words exhibiting severe urban deterioration. To this end, FCRC and the ESDC, as seen in the Draft Scope, have repeatedly used the word to describe the area surrounding the Atlantic Yards site, using the real need for affordable housing and jobs in the area to justify the taking of private property.[16] Beyond the proposed Brooklyn Atlantic Yards project, issues dealing with property rights, the use of eminent domain, and the subsequent impact for the field of preservation have most recently been affected by the Supreme Court ruling in the *Kelo v. City of New London*, though it was a ripe issue for analysis prior to that decision.

As defined by Black's Law Dictionary, eminent domain is "the power to take private property for public use." This definition goes on to clarify that it is within the right of eminent domain, through the rights of the state, to reassert its dominion over any land for the public good.[17] Eminent domain is recognized in the United States Constitution's Fifth Amendment, in the section that states: "No person shall…be deprived…of property, without due process of law…*nor shall private property be taken for public use, without just compensation*."[18] This portion of the Amendment, referred to as the Public Use or

[16] "What's Wrong with Ratner's Proposal?" *Develop Don't Destroy Website*, http://www.dddb.net/cbid.php.

[17] Henry Campbell Black, M.A., *Black's Law Dictionary: Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern* (St. Paul: West Publishing Co., 1968).

[18] "United States Fifth Amendment," *Findlaw Website*, http://caselaw.lp.findlaw.com/data/constitution/amendment05/.

Takings Clause, is at the heart of how eminent domain is constitutionally interpreted. As past cases attest, eminent domain has been wielded as a tool of destruction by way of blight removal or economic development and also as a way for government to acquire historic buildings in danger. In this way, eminent domain is viewed as a double-edged sword for historic preservation and cases that attest to both protective and destructive versions of its use exist leading up to *Kelo.*

The landmark *Berman v. Parker* case of 1954, greatly increased government power over private property. (*Berman v. Parker*, 348 U.S. 26 (1954)) Before this case, public use had been literally interpreted to mean the creation of roads, schools, hospitals, and other obvious 'public uses' relating to health and safety. After, the path was cleared for the taking of private property to serve a 'public purpose' so long as just compensation was given, effectively changing the language of the Fifth Amendment. The problem of how it could possibly be constitutional to take property from owner A and transfer it to owner B, was reconciled by explaining that if such a transfer were carried out towards the execution of a greater, carefully orchestrated plan serving the public, then it satisfied the Public Use Clause. *Hawaii Housing Authority v. Midkiff,* a case extensively cited in Kelo, is another important case for development of eminent domain case law. Hawaii Housing Authority v. Midkiff 467 U.S. 229 (1984) In this case, property was taken from one owner and given to another using eminent domain. Because the land was taken to mitigate negative effects from a historic land oligopoly, the use was authorized and supported by the courts. Several cases including *City of Tacoma v. Zimmerman* [19] (2004) and *City of Albany v. Abate*,[20] exist where eminent domain was used to the advantage of

[19] In *City of Tacoma v. Zimmerman*, the City of Tacoma reclaimed the Old Elks Temple, located within the Old City Hall Historic Special Review District, which had been the victim of 'demolition by neglect.' When it became clear that the building posed a public threat, the City reclaimed and rehabilitated it for use. *City of Tacoma v. Ronald and Steffi Zimmerman*, 119 Wn. App. 738 (2004).

[20] In a similar case, *City of Albany v. Abate*, the City of Albany condemned St. Joseph's using eminent domain for emergency stabilization for historic preservation purposes following severe owner neglect. *City of Albany v. Elda C. Abate*, 779 NYS2d 632, (2003).

preservation efforts by helping to establish the ways that cities and towns could seize blighted historic structures from neglectful owners that refused to sell or properly maintain their buildings. These cases are often decided based on the fact that historic preservation has already been determined to serve a public purpose. In a similar way, the growing range of interpretation for 'public use' has come to include economic improvement as serving a public purpose.

In New York City, eminent domain has frequently been used for large-scale urban projects that transform entire neighborhoods such as at the New York Stock Exchange, Seven World Trade Center, and in the 42nd Street Redevelopment Area, to name a few. Like other states, New York State has an Eminent Domain Procedure Law (EDPL), adopted to guide and limit the power of government to exercise the power of eminent domain. Like other states the goal is to provide a framework for how eminent domain can be used to avoid abuse and how steps can be structured to enable good and lawful practice. These laws usually contain language about how to determine which areas or buildings warrant condemnation, how comprehensive plans must be created and how planning prior to taking must be done in public, following careful procedures. The EDPL specifies, as part of its approvals process, that the condemning authority must provide public notice, hold a public hearing, specify the public use, benefit and purpose of the project as a way to ensure that eminent domain is not abused and that the taking has a 'proper use' and will result in a 'conceivable public purpose'. The assumption is that, in cases where eminent domain is used towards economic development, resulting private benefits are secondary to the economic and social benefits that go to the general public. These benefits, however, are difficult to quantify.[21]

The *Kelo v. City of New London* case has caused a great deal of controversy since the Supreme Court decision came down in the summer of 2005. The implication of the ruling is that private property can be taken through eminent domain towards the

[21] John R. Nolon and Jessica A. Bacher, "Confirming a Century of Case Law: Kelo v. City of New London," *Written Submission to the New York State Bar Association Joint Fall Meeting, Municipal Law and Environmental Law Sections* (September 2005): 3-12.

completion of a private development that legislature has deemed will provide economic benefit to the public. Though the Berman case opened the door for this type of ruling, some argue that the Kelo case is a departure in that it fully embraces the concept that economic development is truly a public purpose. The danger lies where public groups abuse the power of eminent domain to the benefit of wealthy developers or a particular group while losing sight of the constitutionality of taking private property and transferring it to another private party. The dissenting opinions within the ruling outline the potential hazards of making such a tool available for economic improvement when few definite boundaries exist for where to draw the line for 'highest and best use'.

Following the ruling, many states have acted to introduce stricter rules about eminent domain locally. New York State has been slow to amend its eminent domain laws though bills introduced in the House and Senate, could bar development firms from receiving federal subsidies if eminent domain is granted on their projects. More than 90 members of Congress signed on as co-sponsors to the House bill that is an extension of measures already taken to restrain federal funds to economic development projects that utilize eminent domain. [22] In August 2005, a Brooklyn City Council member introduced legislation that could bar city funds from going towards projects that use eminent domain.[23] As of May 2006, no further developments have been made related to these efforts.

In New York City, the climate under the current Mayoral administration is one that aggressively seeks economic development for the city, lending added significance to the *Kelo* case. This ruling managed to justify that when property stood in the way of economic development, harm was being inflicted on the interests of the public. This, in addition to the varying interpretations of blight and public purpose are extremely

[22] Daniel Hemel, "Legislation in Congress Could Bar Forest City Ratner From Subsidies," *New York Sun*, July 12, 2005, Pg. 2.

[23] "City to Bar City Funds From Eminent Domain Introduced to Council," *New York Sun*, August 18, 2005, Pg. 3.

significant to preservation efforts and to how we view the boundaries between public and private. If historic buildings are to be preserved, but lie within the boundaries of a new redevelopment plan or an area deemed to be blighted, then what are the steps that we can take to aid in their survival? In answering this question, it is very important to review local legislature for ways that the process of condemnation through eminent domain can become a truly collaborative and open process between public agencies, private developers, and the average citizens that will be impacted by the taking of their property and the plans for their communities. Acquiring the specific information will enable preservationists and community groups to ensure that they are being enforced by both developers and public advocates.

In 1956, objections were raised regarding the creation of the Brooklyn Sports Center Authority because it was felt that the bill granted an unconstitutional use of the condemnation power to aid a profit-making, private enterprise.[24] Walter O'Malley attempted to argue that baseball, a spectator sport, was a public spectacle, validating the 'public use' logic. He also emphasized that the stadium would be part of a larger redevelopment plan for the area, which would serve to renew an extremely troubled area. In Albany, Republicans argued that if the power were opened to one sports club, then they would have to open it to every team and rejected the idea of government stepping in to aid a particular thriving business. A member was quoted as saying: "if the government steps in every time some prosperous business wants help, where would we be? They're not broke."[25] Later Republicans and Democrats found themselves in agreement over the fact that approval of the Authority would establish precedent from which they would have a difficult time extricating themselves. It is surprising how similar the 1956 language used is to the 2004 language. More shocking, however, is the

[24] James Desmond, "Legislature Gets City's Bill To Give the Dodgers a Home," *The News*, February 7, 1956, Archive of The Brooklyn Collection, Brooklyn Public Library.

[25] David Wise, "Albany Killing Dodger Stadium, Why Not One for Schenectady Bluejays, Too? Republican Ask," *The News*, February 8, 1956, Archive of The Brooklyn Collection, Brooklyn Public Library.

profound shift in Courts-supported redevelopment policy that has occurred in the intervening forty-eight years, which today makes it possible to transfer private property from one owner to the other with uncertain public benefits.

3.2.4 Public Subsidies, Memorandum of Understanding, and Other Costs

The proposed Brooklyn Atlantic Yards project is the largest development in the city outside of Manhattan in the last twenty-five years. A substantial amount of its $3.5 billion price tag will be paid for by public subsidies. Though few preservation issues are directly related to this element of the project, it is compelling to note how much and in which ways financial incentives are offered to private developers. This factor is particularly interesting to note because other public interests such as education, job creation and retention, health insurance, and countless other social concerns are left to less proactive measures. In addition to the use of eminent domain, the project would also include approximately $500 million in public financing which the city hopes to regain in fiscal gain.[26] It would also require the MTA, a state agency, to sell the rail yards land at a much lower price than it is worth, while also seeking infrastructure improvements and other spending from the municipality. The entire planning process for the project has been highly collaborative between the city and FCRC making it a challenge to track the exact benefits.

A Memorandum of Understanding (MOU) was signed between FCRC, the City of New York, the New York City Economic Development Corporation, and the ESDC in March 2005. The MOU is comprehensive and includes a large amount of legal terminology relating to the use of eminent domain, the MTA's involvement, and treatment of the LIRR Vanderbilt rail yards. More significantly, however, is the fact that the MOU sets up the responsibilities of the city, the ESDC, and FCRC to the site, to each other, and put in place a variety of fail-safes for changing market conditions. A Fiscal Brief prepared by the

[26] Jarrett Murphy, "The Battle of Brooklyn," *Village Voice Online*, July 19, 2005, http://www.villagevoice.com.

New York City Independent Budget Office analyzes the various fiscal implications of the proposed Brooklyn Atlantic Yards project for the city. It states that the MOU set up potential financial contributions to the project from the city and the state including $100 million from each towards site preparation for the arena and the surrounding land, cost of condemning land through eminent domain, low-cost construction financing and leasing for the arena. It goes on to outline other components of the MOU, breaking down how payments, in lieu of property taxes and low-cost financing, will flow between the city, FCRC, and the ESDC. It concluded that, "the arena will generate a modest fiscal surplus for the city over the 30-years financing period."[27]

[27] New York City Independent Budget Office, *Atlantic Yards: A Net Fiscal Benefit for the City?* New York: New York City Independent Budget Office, 2005).

4.1 Introduction to the Inventory of Area Resources

The following inventory of area resources is somewhat non-traditional. Rather than listing buildings, their year of completion, and architects; this inventory is more focused on the neighborhoods immediately surrounding the proposed Brooklyn Atlantic Yards project. The Atlantic Yards site is viewed as being ripe for new development because it is largely occupied by the Vanderbilt rail yards, is located adjacent to a major transportation hub, and has seen growing development in recent years. Because the site is mostly devoid of any one extremely significant structure, much less a cohesive district, the inventory is more focused on the most valuable resource, namely, the adjoining neighborhoods. These neighborhoods contain the architectural building stock to be impacted. More significantly, they also house the communities that both oppose and support the project, creating one of the most compelling areas of analysis with regard to finding the place for preservation within large-scale development projects. The buildings located on and surrounding the Atlantic Yards site are diverse, representing each moment in Brooklyn's architecture from nineteenth-century row houses, to converted industrial buildings, from the beloved Underberg Building to the problematic Vanderbilt storage rail yards. Housing projects of varying heights and quality border the north, while recent Forest City Ratner retail malls line Atlantic Avenue at the Flatbush intersection.

The Atlantic Yards site is located at the intersection of several neighborhoods including Prospect Heights, Fort Greene, Park Slope, Boerum Hill, and Downtown Brooklyn. The question of which neighborhood the Atlantic Yards site exactly lies in, is dependent on which source you consult. City officials and FCRC claim that the site is part of Downtown Brooklyn, while most others consider the area to be part of Prospect Heights. The most important reality about the site though is not which particular neighborhood it is a part of, but rather that fact that it lies at the crux of an amazing collection of diverse community resources. Within these neighborhoods exist a multitude of historic resources, some of which have been recognized as either designated New York

City Individual Landmarks or Historic Districts and others as National Register Listed Buildings or Historic Districts. Other resources exist such as buildings that lie outside of any one historic district or that are of minimal architectural or historical value. These resources instead have significance to the community as visual and cultural landmarks. *See Figure 15.*

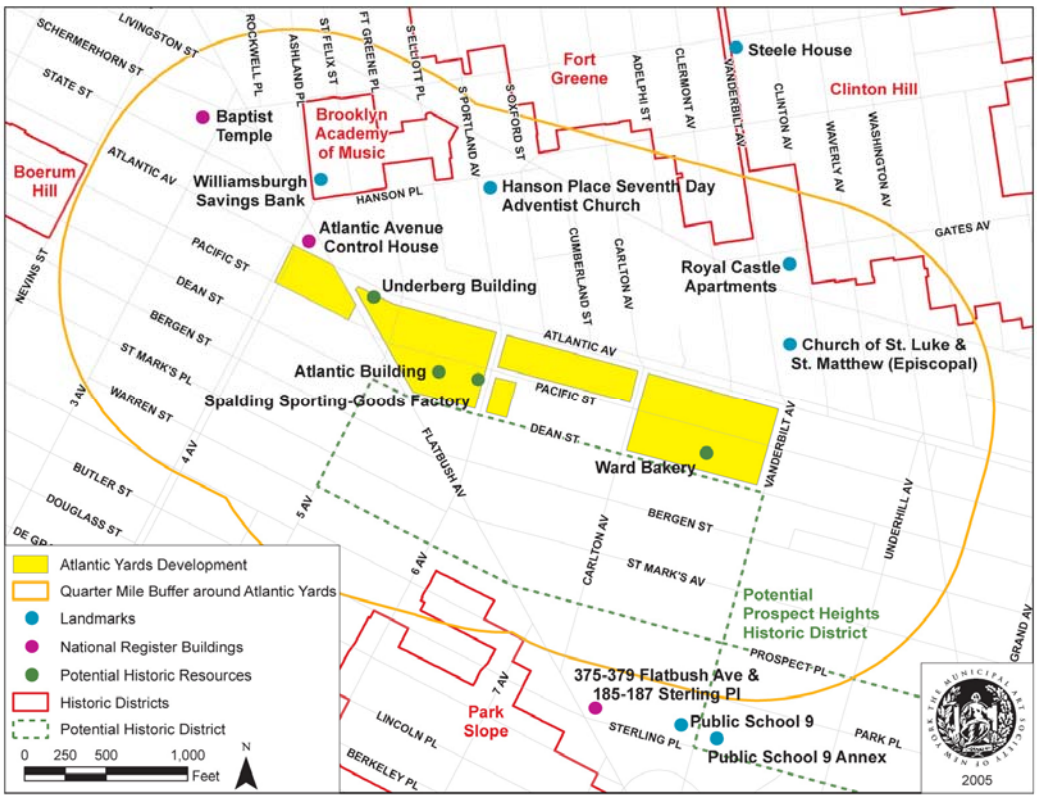

FIGURE 15. Map of historic resources surrounding the proposed Brooklyn Atlantic Yards project site, — 1/4 mile buffer, 2005.

The surrounding neighborhoods include a large number of designated historic districts. *See Figure 16.* The process completed towards their designation is extensive and significant to this analysis because of the amount of community initiative needed to move it forward. It formally begins with a request to have a potential New York City historic district evaluated by the Landmark Preservation Commission (LPC) by completing a *Request for Evaluation (RFE)*. Prior to this step, a great deal of information needs to have already been gathered by groups interested in designation such as community organizations, preservation groups, and individuals. More importantly, however,

neighborhoods looking to be designated a historic district must amass as much community support as possible.[1] The steps that follow completion of the RFE are arduous and include a series of meetings and evaluations to make the final determination. The steps include: evaluation of RFE by the LPC, calendaring and commission review, public hearing, discussion and designation report followed by LPC vote, a report completed by the City Planning Commission, and finally a City Council vote.[2] The LPC prioritizes their list of potential historic districts according a variety of factors such as: active community interest, whether there is community opposition to landmarking or if any political resistance exists, and if there is imminent threat from development. Because the City Council is ultimately responsible for approval of a district, the LPC is also concerned with the level of political support. One of the key principles throughout the process, however, is that the designation must involve a substantial amount of

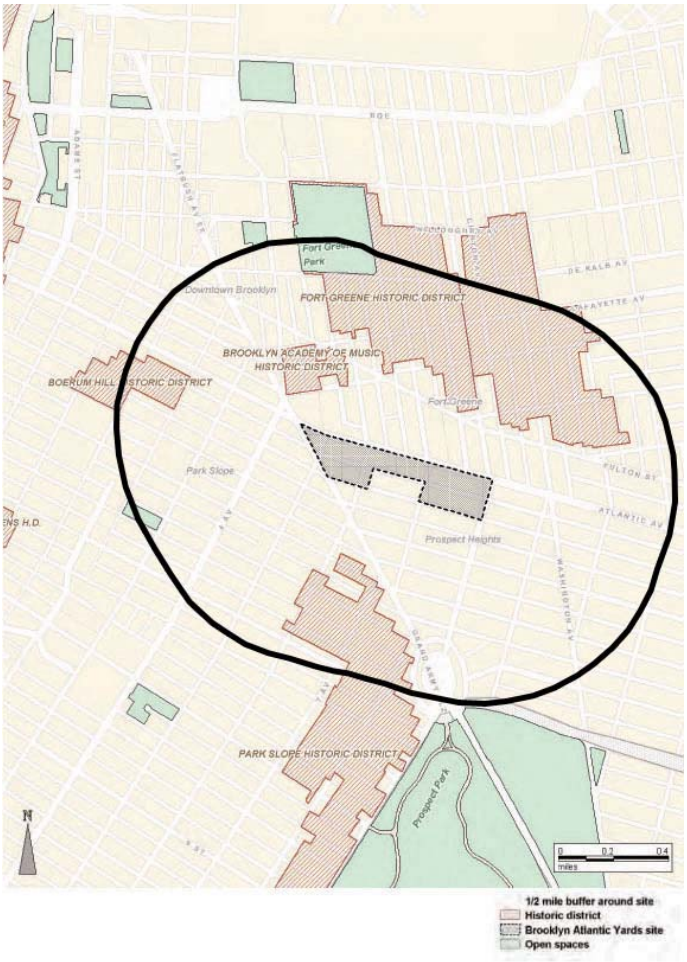

FIGURE 16. Map of historic districts and open spaces surrounding the proposed Brooklyn Atlantic Yards project site, — 1/2 mile buffer, 2005.

[1] "Preserving Your Historic Neighborhoods: New York City Designation Process," *Historic Districts Council Website*, http://www.hdc.org/preservingnyc.htm.

[2] "Frequently Asked Questions About the Designation Process," *The New York City Landmarks Preservation Commission Website,* http://www.nyc.gov/html/lpc/html/faqs/faq_designation.shtml.

community involvement and enthusiasm.[3] What this indicates is that the neighborhoods surrounding the proposed site, whose historic districts were largely designated by the 1970s and early 1980s, have valued the nineteenth century character of the neighborhoods for many years so much so that they were willing to undergo the arduous designation process.

The number of historic resources that stand to be impacted by the proposed Brooklyn Atlantic Yards project depends on how far the study area boundaries are drawn around the project site. This concept of a 'study area' is of significance when the task at hand involves understanding the range of a project's impact, and when attempting to compile a complete inventory of area resources. For obvious reasons, the developer and state agency would like to see the study area boundaries be smaller in order to limit the scope and expedite their projects through the various land use approval processes. For a preservationist, the temptation is often to focus on the management of a limited physical object. However, as the field changes and expands, the management of larger areas and more intangible heritage becomes the norm. Preservation planning is the initial plan to preserve an object, district, or cultural landscape. Additionally, it is the process of looking at the impacts of new projects to historic resources and then, conversely, at how preservation affects communities. In this process, a new generation of preservation planners are coming to terms with the concept that a place is often socially constructed, rather than physically determined and that efforts to preserve need to consider both aspects in order to remain relevant in a changing and increasingly global society.[4]

In more concrete terms, if a quarter mile ring were to be drawn around the site of the proposed Brooklyn Atlantic Yards project, the area would include parts of the following Historic Districts: Prospect Heights National Register of Historic Places Historic

[3] Eric W. Allison, Creating *An Historic District: A Guide for Neighborhoods* (New York: Historic Districts Council, Inc., 1993), 47.

[4] Peter Marcuse, "Study Areas, Sites, and the Geographic Approach to Public Action," in *Site Matters: Design Concepts, Histories, and Strategies*, ed. Carol J. Burns and Andrea Kahn (New York: Routledge, 2005), 26.

District, the Brooklyn Academy of Music, Fort Greene, Park Slope, and Clinton Hill Historic Districts and if the study area were expanded to a half mile ring, these would also include the Boerum Hill Historic District. Other contiguous neighborhoods, regardless of whether or not they house historic districts, stand to be affected by the development.[5]

See Figure 17.

FIGURE 17. Map of area surrounding the proposed Brooklyn Atlantic Yards project site, showing 1/2 & 1/4 mile study area boundaries, 2005.

Some perspective into the development of Downtown Brooklyn is valuable to this discussion in that it provides the rationale on which commercial development in the area is proposed today. Having undergone a great number of changes towards its becoming a

[5] The neighborhood boundaries used throughout this thesis, unless otherwise specified, are based on maps used in the second edition of *The Neighborhoods of Brooklyn* (New Haven: Yale University Press, c2004).

successful central business district, history shows the various efforts undertaken in the area beginning with the construction of Brooklyn Borough Hall in 1849 to the 2004 rezoning by way of the Downtown Brooklyn Plan. The focus of various redevelopment efforts, Downtown Brooklyn has proved a challenge to planners and preservationists in the past and in the present. In most plans, the northwest tip of the Atlantic Terminal Urban Renewal Area, where the Atlantic Yards project is sited, is included as a part of Downtown Brooklyn though in reality, the area rarely reaches the other side of Atlantic Avenue. Immediately bordering the proposed project site, both Prospect Heights and Fort Greene are residential neighborhoods with diverse populations, building stocks, and histories. The work of these neighborhoods towards community preservation and improvement extent as far back as the period of urban abandonment, lending support for an analysis of their present role in the proposed Brooklyn Atlantic Yards project. These neighborhoods are the most intrinsically linked to the site as they stand to be either better connected by the redevelopment of the Atlantic Yards site, or further separated.

The history of development in the areas and neighborhoods surrounding the site fits into the broader history of Brooklyn and the evolution of the borough into a place so varied, as to presently contain over ninety distinct neighborhoods, and so populous, as to be the country's fourth-largest city were it independent of New York City.[6]

Many historic resources in these areas remain unprotected and susceptible to loss of integrity by the limitations of the tools presently available to preservationists and planners. In addition to buildings of significance that lie outside of any one district boundary and others that lie within the project footprint and will be demolished, other less tangible characteristics include sense of place, view corridors, and the vitality of major thoroughfares such as Atlantic and Flatbush Avenues. Identification of some of the less obvious resources in the area is an effective tool towards raising awareness, as is identifying redevelopment efforts underway in each of these neighborhoods. This

[6] John B. Manbeck, consult. ed., *The Neighborhoods of Brooklyn*, *2nd ed.* (New Haven: Yale University Press, c2004, xiii.

inventory will ultimately help to place into context the work to be undertaken as related to the proposed Brooklyn Atlantic Yards project.

4.2 Downtown Brooklyn Past and Present

Downtown Brooklyn is a complex area comprised of various distinct nodes such as Fulton Ferry, DUMBO, Vinegar Hill and Farragut, named for the housing projects found there. The boundaries are not fixed and at times include portions of Brooklyn Heights, Fort Greene, the Brooklyn Navy Yard, and Boerum Hill. Downtown developed as the commercial, government, and financial center of Brooklyn. It is home to City Hall, changed to Brooklyn Borough Hall following the 1898 consolidation. City Hall was constructed in 1849 and has been a New York City Landmark since 1966, just one year after the City's Landmarks Law passed. Rapid development took place in Downtown Brooklyn from the late nineteenth through the early twentieth century, particularly following the completion of the Brooklyn Bridge in 1883 when hotels, theaters, businesses, and newspaper offices began to be constructed around City Hall. In addition to the Brooklyn Bridge, Downtown is also the landing place of the Manhattan Bridge, completed in 1909. The area has a large number of individual landmarks including the Fulton Ferry Historic District, designated in 1977. Individual landmarks include the Brooklyn Fire Headquarters, the United States Post Office's Brooklyn Central Office, the Dime Savings Bank and the Interborough Rapid Transit System (IRT) underground station at Borough Hall. It is also home to several colleges and universities including Brooklyn Law School, Long Island University, New York Technical College, and Polytechnic University.[7]

Characteristically, in the late 1950s and through the 1960s, Downtown Brooklyn faced loss of both population and investment as businesses were lured to other areas and shoppers moved to shopping centers in Manhattan or outside of the city altogether. Once

[7] Manbeck, *The Neighborhoods of Brooklyn*, 91-93.

a bustling shopping and civic center, Downtown was left with a few government offices, one large department store, a large group of small retailers, and the Brooklyn Academy of Music.[8] The situation was compounded by misguided planning efforts that, beginning as early as the 1940s, sought to revive the business district by completing a series of large-scale projects in the area. A plan completed in 1941 by the City Planning Commission identified several key projects to launch revitalization efforts: improvements to the Brooklyn Bridge, expansion of the Navy Yards, construction of the Fort Greene Houses, completion of the Brooklyn-Battery Tunnel, and the creation of a defined Civic Center. Also part of the plan was the creation of the Brooklyn-Queens Expressway, proposed by Robert Moses, which was one of the most ambitious and controversial projects in the borough's history, taking almost ten years to complete and ending in the loss of many buildings, despite community preservation efforts.[9] The Fort Greene houses, completed in 1944, contained 3,501 units of housing for Navy Yard workers and were spread over a thirty-eight-acre site that would, only five years later, be considered one of the most troubled projects in New York.[10] Additional urban renewal projects continued to be constructed in Downtown Brooklyn including the Farragut Houses which occupy a large area to the west of the Navy Yard, requiring the demolition of an entire neighborhood around Sands Street in the early 1950s and now housing about 3,000 residents.[11]

Construction of the Brooklyn Civic Center called for the wholesale clearance of forty-five acres of land, made up of over 300 buildings including the Brooklyn Savings Bank and the Kings County Courthouse. The Civic Center would create eight superblocks by demapping several streets, creating wide internal boulevards and mall-like open

[8] Susan S. Fainstein, *The City Builders: Property Development in New York and London, 1980-2000*, 2d ed., rev. (Lawrence, Ka.: University Press of Kansas, 2001), 148.

[9] Robert A.M. Stern, Thomas Mellins, and David Fishman, *New York 1960: Architecture and Urbanism Between the Second World War and the Bicentennial* (New York: The Monacelli Press, 1995), 896.

[10] Ibid, 901.

[11] Manbeck, *The Neighborhoods of Brooklyn*, 96.

spaces around monumental, modernist buildings. Begun in 1944 to address the borough's historic core and heralded at the time as "an asset to all the greater City," as well as the "pride of Brooklyn," the Civic Center plan was the largest postwar civic center project in the country, portions of which would be continually constructed through the mid-1960s. The hope was that the new Center would revive the central business district and spurn new development in the surrounding area. In the end, the Civic Center would only stimulate the construction of one sizeable office building and two school buildings.[12]

The Cadman Plaza urban renewal project, which was in progress from 1959-1973, highlights the changes taking place in urban renewal and historic preservation during the intervening years. A controversial project from the start, it originally proposed to demolish several blocks of nineteenth-century buildings using Title 1 under the Mayor's Committee on Slum Clearance. The project's program shifted from small luxury rental apartments, to tax-paying cooperatives, and finally, to a mixed-income development. During the project's extensive planning phase, interest in landmark and community preservation grew, leading to a call for protection of some of the buildings on the site. The portion of the project completed in 1967 included two, boxy towers and a series of townhouse. Though the townhouses were meant to be more contextual with the preserved buildings, the project was generally viewed as a negative contribution to the area. The second phase of the project, completed by different architects and a different developer in 1973, was comparatively better than the first, though by that time it was completed it was "seen as inappropriate to a neighborhood that was increasingly mindful of its nineteenth century scale and character."[13]

In 1968, the Downtown Brooklyn Development Committee was founded by business and civic leaders looking to take charge of planning efforts that they felt had severely neglected their district following completion of the Civic Center. The Committee

[12] Stern, *New York 1960,* 905-908.

[13] Ibid*,* 903-904.

soon began work on a neighborhood report, including as part of the study area, the northwest tip of the Atlantic Terminal Urban Renewal Area. The report concluded that Downtown Brooklyn was growing in terms of retail activity, that higher education institutions were also expanding, and that the Civic Center provided 17% of all job opportunities in Downtown Brooklyn. It also noted that the brownstone neighborhoods surrounding Downtown had begun to be rehabilitated with no governmental or institutional encouragement and established three perspectives for the area's future planning. They were: Downtown Brooklyn as a center for people who live in the area, for Brooklyn residents who live in other neighborhoods as their business and government hub, and finally as a potential extension of the lower Manhattan central business district. The last one was, and continues to be, the most prevalent in terms of targeting government development initiatives in the area.[14]

In 1969, the Committee proposed a fifteen-year plan to address a forty-acre area of Downtown Brooklyn and some parts of Boerum Hill. Around this time the Office of Downtown Brooklyn Development was established, bringing to the area a group to specifically administer large projects. In the 1970s, plans were approved for the Brooklyn Center Project and for the Schermerhorn-Pacific Urban Renewal Area. Efforts at these two sites signaled an end to the period of large-scale redevelopment projects in the business core that started in the 1940s. They also brought to the forefront the problems that these projects had often generated which included a great deal of demolition with long periods between clearance and construction in addition to the equity and racial implications of work completed. However, they also contributed to the appearance of increasingly organized and informed community interest groups, including historic preservation.

Since this period, several efforts have been made to refocus on the improvement of Downtown Brooklyn in terms of retail activity and commercial development. In 1977 the Fulton Street Mall was conceived of as an attempt to lure back shoppers lost in the

[14] Downtown Brooklyn Development Committee, *Downtown Brooklyn, A Reconnaissance: Annual Report* (Brooklyn: Downtown Brooklyn Development Committee, 1969), 3.

previous decade and was to become New York's first pedestrian mall. In 2006, the Pratt Center for Community Development completed a study titled, "Fulton Street Mall: New Strategies for Preservation and Planning," a values-based preservation plan to "preserve and nurture the Mall as a unique and vibrant public space." This plan signals one of the first preservation-planning efforts that looks at recognizing places as being made meaningful by their use and users and how that meaning changes over time. [15] In the 1980s, a multitude of small businesses were created to satisfy the populations of middle-income residents in the surrounding brownstone areas and the lower-income Caribbean immigrants. Also around this time, new initiatives were launched by New York City officials to reconstruct Downtown Brooklyn as a way to remain competitive with New Jersey for back offices of major companies. The hope was to create in Brooklyn another node of Manhattan's business district, the first step of which became the MetroTech Center project.

4.2.1 MetroTech Center

MetroTech was launched in 1984 when Polytechnic University released a request for proposals to develop sixteen-acres in Downtown Brooklyn following almost ten years of planning for improving the area around the campus. The hope was to create new space to house telecommunications and information technology industries, a Silicon Valley-style research and development campus, as well as to address the needs of the several city financial companies.[16] The new high-tech center was to be located in an urban renewal area around Flatbush Avenue and would be developed jointly by Polytechnic, Forest City Ratner Companies (FCRC) with the Public Development Corporation (PDC), now the Economic Development Corporation (EDC), serving as city agency. Following Board of Estimate approval in 1987, PDC condemned the land and demolished buildings housing

[15] Vicki Weiner, "Executive Summary," *Fulton Street Mall: New Strategies for Preservation and Planning (*Brooklyn: Pratt Center for Community Development, 1970), 1.

[16] George Bugliarello, "The City as an Adaptive Entity," *Journal of Urban Technology 2* (August 1999): 9-10.

approximately 100 families and 60 businesses located on the sixteen-acre site leading to the construction of seven new buildings around a commons.[17] Not only was the development granted massive financial incentives from the City, it also received federal funds by way of the Urban Development Action Grant (UDAG). Firms moving into MetroTech Center also received substantial discounts and incentives including tax reductions under the Industrial and Commercial Incentives Program (ICIP).[18] Tenants were provided with tax credits for each job they created over twelve years.[19] The city was determined to create a major business center in Downtown Brooklyn. Though several community opposition battles were waged and lawsuits filed, in the end, the development was constructed mostly as initially planned.

Mostly completed by 1996, today MetroTech Center is largely considered a success in terms of area revitalization, though it can be argued that revival in the area was already underway by way of the self-renewing communities surrounding it. The development contains the second tallest building in Brooklyn after the Williamsburgh Savings Bank at 4 MetroTech, housing J.P. Morgan Chase and Co. and the MetroTech Business Improvement District (BID) office. The completion of Renaissance Plaza on Jay and Adams Street in 1998, the first hotel to be constructed in Brooklyn's in over 50 years, is attributed in part to the perceived success of MetroTech Center. Master-planned by the firms of HLW and Ehrenkrantz Eckstut Whitelaw, MetroTech Center is an eleven-building complex, around a landscaped commons. The design of the buildings has often been described as unremarkable and bland, though it does provide some outdoor public space. Recently, questions have been raised about how 'public' the space truly is, with critics stating that the commons is unwelcoming to those not involved with the campus. In terms of urban design, the campus is relatively detached and isolated from the

[17] Todd Bressi, "Downtown Brooklyn: Turning a Corner?" *Urban Land 10* (October 1997): 29.

[18] Fainstein, *The City Builders,* 149-152.

[19] "Two Mega-Projects Bring a Boon to Brooklyn," *Building Design & Construction 13* (November 1983): 15.

brownstone and retail neighborhoods surrounding it, creating a barrier to the natural flow of pedestrian traffic.[20] In addition to the uninspired design, claims have been made about the reality of jobs created for Brooklyn residents. Groups have claimed that the project simply brought existing Manhattan employees into the area, not truly generating substantial new employment opportunities.[21] In the end, MetroTech Center succeeded in creating the technology campus desired by city officials and Polytechnic, though it appears to fail at connecting to its context in terms of design, flow, and sense of place. *See Figure 18.*

FIGURE 18. Artist rendering of MetroTech Center, Downtown Brooklyn, date unknown.

4.2.2 Downtown Brooklyn Rezoning, 2004

In May 2004, the City Planning Commission unanimously voted to approve a comprehensive rezoning of a sixty-block area of Downtown Brooklyn. The rezoning area is roughly bounded by Tillary Street to the north, Ashland Place to the east, Schermerhorn Street to the south, and Adams Street to the west. Undertaken by the

[20] Bressi, "Downtown Brooklyn: Turning a Corner?" 29.

[21] Fainstein, *The City Builders,* 153.

Department of City Planning (DCP), the New York City Economic Development Corporation, and the Downtown Brooklyn Council, the Downtown Brooklyn Plan (Plan) is targeted towards the goal of reinforcing the area's position as third-largest CBD in the City after lower Manhattan and Midtown. The Plan recommends:

> "a series of zoning map and zoning text changes, new public open spaces, pedestrian and transit improvements, urban renewal, street mappings and other actions that would foster a multi-use urban environment to serve the residents, businesses, academic institutions and cultural institutions of Downtown Brooklyn and its surrounding area."[22]

The Plan's economic perspective outlines a need for jobs, affordable office space, and emphasizes the City's strategy for growth of business districts, clustering Downtown Brooklyn with areas such as Lower Manhattan, Hudson Yards, and Long Island City. In terms of rezoning, the Plan increases the current C6-1 (6 FAR), C5-4 or C6-4 (10 FAR) to C6-4.5 (12 FAR) around the commercial Downtown Core Area, to C6-4 in the more educational core to the north, and various other upzonings, creating the potential for 4.5 million square feet of new office space and 1,000 new housing units. The plan includes parking for 2,500 cars, a 1.5-acre park, widening of sidewalks and incorporates proposed expansions at Polytechnic University, Brooklyn Law School, the Hoyt-Schermerhorn Urban Renewal Area, and the Brooklyn Academy of Music's new cultural district plans, in addition to the proposed Brooklyn Atlantic Yards project.[23] The Plan was certified through the City's Uniform Land Use Review Procedure (ULURP) and incorporated several recommendations from Community Board 2 and the Brooklyn Borough President's office, though soon after its announcement it became apparent that quality of life issues for area residents were insufficiently accounted for. The Plan was approved by City Council and the City Planning Commission has begun work on a follow-up Downtown Brooklyn

[22] Department of City Planning, "Introduction," *Downtown Brooklyn Plan* (New York: Department of City Planning, 2004).

[23] Tom Angotti, "The Plans For Downtown Brooklyn Ignore Both People And Public Spaces," *Gotham Gazette Online*, http://www.gothamgazette.com/article//20040119/12/841.

Pedestrian Study.[24] Though the Atlantic Yards site was omitted from the rezoning boundaries, it is consistent with an emerging pattern of new development in the surrounding areas including the BAM Cultural District and retail projects already completed adjacent to the proposed project site. *See Figure 19 & 20.*

The Plan's Final Environmental Impact Statement (FEIS) from the New York City Economic Development Corporation contains an extensive "Historic Resource" chapter. Almost fifty pages in length, the FEIS deals primarily with the fifty-nine blocks that are directly impacted by the Plan, and includes as part of its study area eighty feet beyond that. The written and photographic documentation of the various potential resources in the area is comprehensive and includes comments addressing claims that several properties in the study area are related to the Underground Railroad. To conclude, the FEIS identifies three specific historic resources that are eligible for either New York City Landmark Designation or for Listing on the National Register: the Joseph J. Jacobs Building, the Board of Education Building, and 233 Duffield Street.[25] In March 2005, two buildings within the Plan

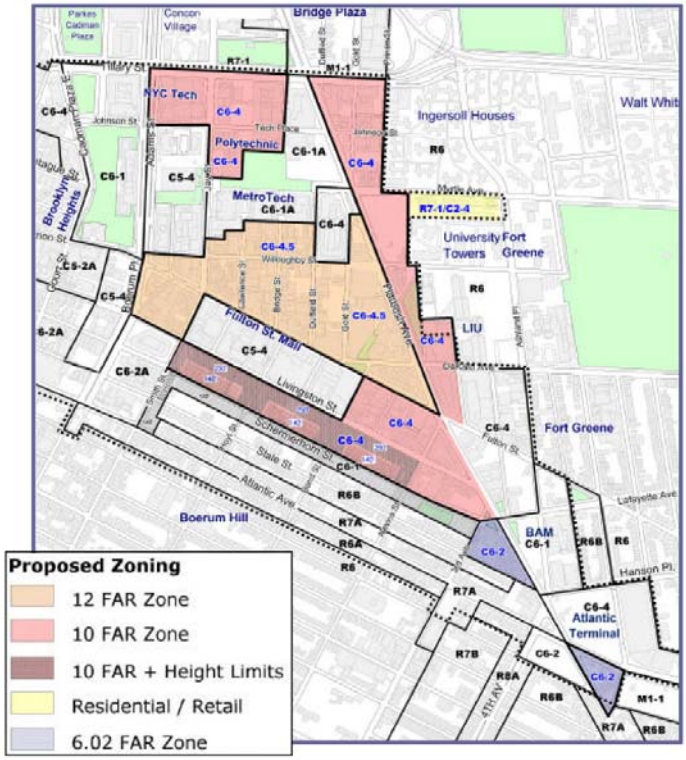

FIGURE 19. New zoning as per Downtown Brooklyn Plan, 2004.

[24] Department of City Planning, "The Plan," *Downtown Brooklyn Plan* (New York: Department of City Planning, 2004).

[25] New York City Economic Development Corporation, "Chapter 7: Historic Resources," *Downtown Brooklyn Redevelopment Final Environmental Impact Statement*, (New York: New York City Economic Development Corporation, 2004).

boundaries were landmarked at 505-513 Fulton Street and at 450-474 Fulton Street. The designations were accomplished with the assistance of the Municipal Art Society, the Brooklyn Heights Association, and the Downtown Brooklyn Council, all of whom have acknowledged that the Plan will have profound impacts to area historic resources, as values rise and building owners are compelled to build new, more profitable buildings.[26] And so, over sixty years after large-scale plans were proposed to reshape Downtown Brooklyn, it is now, not only within sight but, supported by the zoning and government incentives. Since the rezoning, several large residential buildings have been planned using the new FARs, which contradict the Plan's goal of increasing new commercial development.

FIGURE 20. Artist rendering of building masses allowed under Downtown Brooklyn Plan changes, 2004.

[26] Jess Wisloski, "BHA gets 2 Downtown Buildings Landmarked," *The Brooklyn Papers,* March 26, 2005, http://www.brooklynpapers.com/html/issues/_vol28/28_13/28_13nets5.html.

4.3 Prospect Heights Past and Present

FIGURE 21. Typical residential row house street, Prospect Heights, Brooklyn, 2006.

Prospect Heights is located to the south of the Atlantic Yards site and is most often acknowledged as the neighborhood where the proposed project is officially located. In addition to a large collection of row houses and apartment buildings, Prospect Heights is home to some of Brooklyn's most treasured institutions and monuments including the Grand Army Plaza, the Brooklyn Museum of Art, the Brooklyn Botanic Garden, Prospect Park, and the main branch of the Brooklyn Public Library. It is an attractive area to residents as prices for residential properties remain lower than those found in other areas of the borough and due to its proximity to various subway lines and Prospect Park. Prospect Heights is extremely vulnerable to rising property values and to other threats to historic resources because very little vacant land exists in the neighborhood and because there is no historic district. The vulnerability can be traced through the rich, and turbulent history of the area and is only emphasized by the fact that, at present, the neighborhood contains the largest concentration of residents living below the poverty level and the

lowest property values in any of the neighborhoods surrounding the proposed project site. *See Figure 21.*

Prospect Heights is roughly bounded by Flatbush Avenue on the west, Washington Avenue on the east and from Eastern Parkway at the south to Atlantic Avenue on the North. The area houses a cohesive collection of mostly Italianate and Neo-Grec style row and apartment houses, largely from the last thirty-five years of the nineteenth century with practically no structures constructed after 1910.[27] The area was constructed following the completion of Prospect Park and of Park Slope to the south, with row houses lining the side streets and larger apartment buildings along the larger avenues.[28] In the early twentieth century, the neighborhood was a quiet residential area favored by middle-class families who valued living close to Prospect Park and the easy commute to Manhattan.[29] After World War II, the mostly middle-class residents were replaced by lower-income minorities. The area's most depressed period occurred in the 1960s and 1970s when the Federal Housing Administration foreclosed on a large percentage of the area's buildings and shop owners moved away leaving a partially abandoned neighborhood that would become increasingly deteriorated.[30] This period of decline would last a relatively short time as foreclosed properties were sold, loans provided towards restoration projects, and community-led efforts sought to reclaim the neighborhood.

Prospect Heights is considered by some to live in the shadow of Park Slope, often referred to as, 'the *other* side of Flatbush.' Following Park Slope's boom and subsequent rise in prices, however, Prospect Heights became a new target for city residents priced out of Manhattan and other parts of Brooklyn in the late-1970s and early-1980s.

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[27] Andrew S. Dolkart, "Description," *National Register of Historic Places Inventory Nomination Form: Prospect Heights Proposed Historic District* (1978).

[28] Manbeck, *Neighborhoods of Brooklyn*, 177.

[29] Andrew S. Dolkart, "Significance," *National Register of Historic Places Inventory Nomination Form: Prospect Heights Proposed Historic District* (1978).

[30] Robert Walzer, "A Diverse Neighborhood Spruces Up in a Turnaround," *New York Times*, April 18, 1999, Pg. 5.

Relatively late, when compared to other gentrifying areas of Brooklyn, a study completed in 1977 by the Municipal Research Institute, showed that population loss was triggered by the loss of manufacturing jobs, and that the income gap between older residents and newcomers converting to single-family occupancy in the area row-houses was larger than most other areas in the city.[31] Between 1980 and 1985, one quarter of the residential building stock was renovated.[32] In 1983, a large area of Prospect Heights was added to the National Register as a Historic District. The District contains 305 buildings and is listed as an intact, architecturally significant collection of single and multiple-dwelling buildings.[33]

The built fabric would emerge relatively well-preserved from the time of urban abandonment and decline, though the neighborhood's character would be defined more significantly by its residents who, having witnessed gentrifying trends in other areas, looked to resist the pressure in Prospect Heights. Residents in the area have struggled to facilitate the area's renewal while keeping the needs of low- and moderate-income residents in the forefront of their efforts.[34] In an attempt to resist displacement from escalating prices, area residents created the, now-defunct, Prospect Heights Neighborhood Corporation in the mid-1970s, to help create a new and improved vision of the economically and racially diverse community.[35] Though prices have risen, the area has a long history of neighborhood involvement in the planning and preservation efforts taking place, having completed several renovation projects locally, through participation

[31] Ann Barry, "If You're Thinking of Living in: Prospect Heights," *New York Times*, March 7, 1985, Pg. A9.

[32] Iver Peterson, "Prospect Heights Beginning to Climb To Gentrification," *New York Times*, November 27, 1988, Pg. R1.

[33] "New York – Kings County – Historic Districts," National Register of Historic Places Website, http://www.nationalregisterofhistoricplaces.com/NY/Kings/districts.html.

[34] Manbeck, *Neighborhoods of Brooklyn*, 176.

[35] Peter Haley, "As Social Agency or Civic Booster, Neighborhood Corporation in the Business of Defining Prospect Heights Identity," *The Phoenix*, January 12, 1978, Pg. 5.

from residents, unions, and churches. In 2004, the Prospect Heights Neighborhood Development Council was founded by members of several neighborhood associations to help guide future development in the neighborhood towards the needs of its residents.[36] Prospect Heights is diverse in terms of ethnic composition, housing a large community of West Indian residents from various income groups. It reflects this cultural and economic diversity in its dynamic character and sense of place.

In response to the proposed Brooklyn Atlantic Yards project, the Prospect Heights Historic Association has launched efforts to have four buildings in the project footprint listed on the National Register of Historic Places. The Association was formed specifically to combat the destruction of the Ward Bakery building, which according to current plans will be demolished; these efforts soon grew to include the other three. The four buildings are each former manufacturing or warehouse buildings that have been converted to residential use in the last decade. If the buildings were to be listed or determined eligible under Section 106 of the National Historic Preservation Act of 1966, the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation would have to be provided with an opportunity to review and comment on the potential impacts.[37] This period would likely yield a Memorandum of Agreement (MOA) to provide for mitigation of those impacts. However, as indicated by past experiences, listing or an eligibility determination by no means ensures the protection of a building as state agencies such as the Empire State Development Corporation are knowledgeable about the processes and the ways to manipulate it, particularly in light of comprehensive area development plans. Listing or eligibility determination of the four buildings is a positive step forward in terms of traditional preservation tactics though its greatest value lies in creating additional accountability roadblocks for the developer and shedding greater light

[36] "About PHNDC," *Prospect Heights Neighborhood Development Council Website*, http://www.phndc.org/about.php.

[37] Deborah Kolben, "Landmark Effort," *The Brooklyn Papers*, March 13, 2004, http://www.brooklynpapers.com/html/issues/_vol27/27_10/27_10nets3.html.

on the historic issues in the area that are not being sufficiently considered through traditional processes.

4.4 Fort Greene Past and Present

Fort Greene is located to the north of the Atlantic Yards site and is also often considered to be the neighborhood in which the proposed project is located.[38] The neighborhood is bounded by Atlantic Avenue to the south, the Brooklyn Navy Yard to the north, and Flatbush and Vanderbilt Avenues to the west and east. Fort Greene is a small area of which some parts were previously considered to be part of Clinton Hill and is a potential target for adverse effects resulting from the proposed Brooklyn Atlantic Yards project if completed as-proposed. It is home to Fort Greene Park, the tallest building in Brooklyn, and a vibrant African American community that can be traced as far back as the 1840s.[39] This rich heritage of the area is undeniably linked to the existing community, of which a large percentage is African American to this day.[40] Fort Greene contains two historic districts that were designated following an extensive political battle about the specific boundaries, ultimately leading to their areas being much smaller than originally planned. The Brooklyn Navy Yard is intrinsically linked to the history of Fort Greene. Many Yard workers historically resided in the neighborhood so much so that when it officially closed in 1966, Fort Greene lost a large percent of its employment and was further destabilized. Though the Navy Yard today is no longer used for shipbuilding or for any Navy functions, it remains a largely industrial site for the borough and once again provides vital jobs for area residents. In 1944, the New York City Housing Authority

[38] Several sources have determined the north side of Atlantic Avenue, which presently houses two new retail developments, to be located in Fort Greene and the south side to be located in Prospect Heights.

[39] Ellen M. Snyder-Grenier for The Brooklyn Society, *Brooklyn! An Illustrated History* (Philadelphia: Temple University Press, 1996), 43.

[40] Manbeck, *Neighborhoods of Brooklyn*, 127.

constructed 3,500 units of housing at the RV Ingersoll and Walt Witman Houses, specifically to house Yard workers, which have an undeniable visual impact on the area.[41]

Major residential development began pushing east from Brooklyn Heights into Fort Greene in the early 1850s.[42] Typical of nineteenth-century Brooklyn, the neighborhood houses a large collection of row houses, constructed mostly between 1855 and 1880, that originally catered to middle-class residents commuting into Manhattan. The buildings reflect the reigning styles of that period and include mostly Second Empire, neo-Grec, and Italianate row houses.[43] Built between 1855 and 1880 Fort Greene Park, the highest point in the neighborhood, is one of the area's most significant historic resources. A thirty-acre recreational site, the park space was purchased by the City of Brooklyn in 1848, and designed by Frederick Law Olmsted and Calvert Vaux through 1867. It is considered Brooklyn's first successful public park and in 1908, McKim, Mead and White designed the Prison Ship Martyr's Memorial to hold the remains of American soldiers lost during the American Revolution.[44] Located at the north side of the neighborhood, Fort Greene Park is a gathering and recreational space for the community.

Fort Greene is also home to the Williamsburgh Savings Bank at 1 Hanson Place which, completed in 1929, is Brooklyn's tallest building and until 1962 was noted for including the tallest four-sided clock tower in the world. The project's site was significant because, at the time, it was viewed as the first civic monument in what city planners hoped would become part of the borough's future commercial district at the intersection of Atlantic and Flatbush Avenues.[45] It was designed in a neo-Romanesque style by architects Halsey, McCormack & Hellmer, and is distinguished by its soaring height and

[41] Manbeck, *Neighborhoods of Brooklyn*, 132.

[42] Andrew S. Dolkart, *Fort Greene Historic District Designation Report* (New York: Landmarks Preservation Commission: 1978), 3.

[43] Manbeck, *Neighborhoods of Brooklyn*, 131.

[44] Dolkart, *Fort Greene Historic District Designation Report,* 6.

[45] Stern, *New York 1960,* 544-545.

characteristic setbacks resulting from New York's 1916 Zoning Resolution.[46] Both the interior and exterior of the Bank are designated landmarks and the building's distinctive clock tower and gilded dome serves as a visual and wayfinding landmark for Brooklyn residents in the past and still today.[47] In recent years the 34-story Williamsburgh Savings Bank has housed a variety of uses, which for an extended period of time included a large number of dental offices. *See Figure 22*.

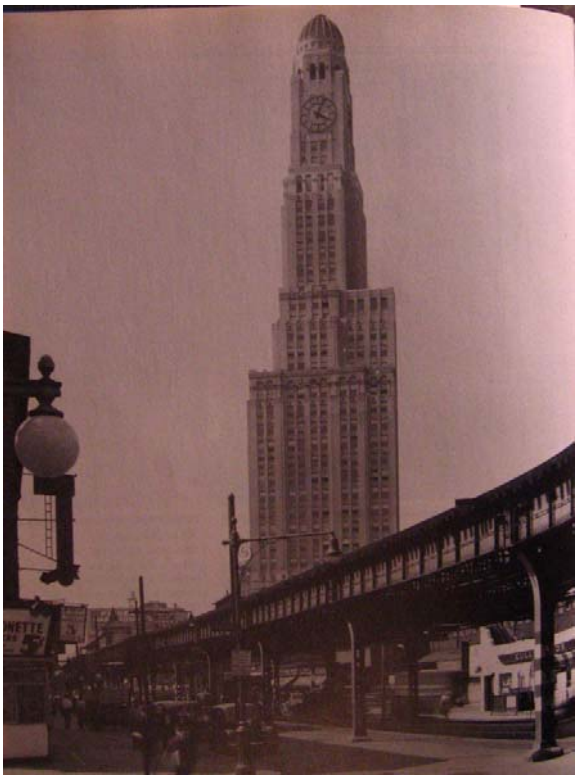

FIGURE 22. View of Williamsburgh Savings Bank, 1930s.

In 2005, HSBC Bank, the building's then owners, sold the building to Canyon-Johnson Urban Funds and the Dermot Company following a year on the market. The new owners plan to convert the entire buildings into 216 luxury condominiums.[48] Almost immediately following the building's sale, most of the tenants including HSBC Bank moved out to allow for work to being. The main banking hall, which has a 63-foot high ceiling, will be converted into a restaurant, the observation deck on the 26th floor will be closed to the public, and retail will be located on the ground floor. These changes are consistent with the conversion of an opulent building into private homes for affluent residents. More importantly however, it depicts one treatment of designated buildings and their interiors that make them largely inaccessible to the public. Its conversion is also a commentary on the changes taking

[46] New York City Landmarks Commission, *Brooklyn Academy of Music Historic District Designation Report* (New York: Landmarks Preservation Commission: 1978), 10.

[47] Manbeck, *Neighborhoods of Brooklyn*, 131.

[48] Dan Barry, "A Tower Packed With Dentists, And They All Have to Come Out," *New York Times*, May 28, 2005, Pg. B1.

place in the area, namely, the influx of higher-income residents, as no affordable housing is planned for the conversion.

The Fort Greene Historic District, designated in 1978, includes a large stock of row houses and abuts the Clinton Hill Historic District along Vanderbilt Avenue to the east. In addition to a wealth of nineteenth-century homes and the Park, the district contains three significant nineteenth century churches: Lafayette Avenue Presbyterian Church, the Simpson M.E. Church (now the Fort Greene Jewish Center), and St. Mark's P.E. Church (now St. Michael's and St. Mark's Episcopal Church)[49] The Brooklyn Academy of Music Historic District, also designated in 1978 following efforts by the Fort Greene Landmarks Preservation Committee, now the Fort Greene Association, is much smaller than other districts in the area. The Brooklyn Academy of Music Historic District includes row houses designed by local architects and along Fulton Street, a series of five cast-iron clad buildings dating from 1882.[50] *See Figure 23.* Both districts house primarily three- and five-story brownstone and brick buildings designed predominately in the Italianate style creating visual continuity with details such as high stoops, arched doorways, floor-length parlor windows, and carved brackets supporting windows and cornices.

FIGURE 23. Cast-iron clad buildings, Fulton Street, Fort Greene, Brooklyn, 2006.

The Brooklyn Academy of Music Historic District is centered on its namesake, the Brooklyn Academy of Music (BAM), and the Williamsburgh Savings Bank. Founded by members of the Philharmonic Society of Brooklyn in 1859, BAM has existed in its present location at 30 Lafayette Street since

[49] Dolkart, *Fort Greene Historic District Designation Report,* 17.

[50] New York City Landmarks Commission, *Brooklyn Academy of Music Historic District Designation Report* (New York: Landmarks Preservation Commission: 1978), 9.

1908.[51] Designed in a neo-Italian Renaissance style by Herts & Tallant, following a design competition, BAM is clad in brightly-colored terra-cotta and light-colored brick. As a cultural institution, BAM has had a rich history. Following a low period during the 1950s, Harvey Lichtenstein assumed the role of Executive Director in 1967 and BAM's fame and standing began, once again, to escalate. Lichtenstein diversified the institution's program with dance and theater, and worked to resolve some of the identity issues that had settled in following World War II.[52] In 2000, BAM began a major restoration of the building following a less successful attempt in 1953. In progress through 2004, the restoration saw extensive conservation work, rebranding, new signage, and reconstruction of elements removed during the 1953 restoration.[53] BAM is today, the largest presenter of contemporary international dance, theatre, and opera in the United States and is recognized internationally as a preeminent, progressive cultural center. It also serves the local community with events such as poetry slams, world music concerts and Dance Africa, a weeklong celebration that also features an African-styled outdoor marketplace.[54] More significantly, it has sparked development in the surrounding area, sponsored by the BAM Local Development Corporation (BAM LDC), which was founded by Lichtenstein in 1998 to help create a mixed-use cultural district in Fort Greene. *See Figure 24.*

[51] Manbeck, *Neighborhoods of Brooklyn*, 128.

[52] New York City Landmarks Commission, *Brooklyn Academy of Music Historic District Designation Report* (New York: Landmarks Preservation Commission: 1978), 15.

[53] "Peter Jay Sharp Building," *Brooklyn Academy of Music Website*, http://www.bam.org/about/PeterJaySharpBuilding.aspx.

[54] Mark Winston Griffith, "BAM And Its Cultural District," *Gotham Gazette Online*, April 2003, http://www.gothamgazette.com/article/communitydevelopment/20030429/20/366.

FIGURE 24. Brooklyn Academy of Music, Peter Jay Sharp Building, Fort Greene, Brooklyn, 2006.

The BAM LDC has as its mission to "create a vibrant, mixed-use multicultural arts district in Downtown Brooklyn."[55] More recently, the BAM LDC has come under fire by community activists following the announcement of a $700 million plan to redevelop a fourteen-block area surrounding BAM into a cultural district. The plans include the creation of over 1.5 million square feet of development including a performing arts library, theater, both market rate and subsidized housing units, and a hotel. Some of the projects are already underway including the conversion of 80 Hanson Place, formerly a medical testing lab, into space for arts-related educational programs.[56] Protests about the LDC's plans rest on the fear that redevelopment in the area will not only drive out local residents, but culturally reconstitute the racially integrated, economically diverse, and

[55] "Partners," *Brooklyn Academy of Music Website*, http://www.bam.org/about/partners.aspx.

[56] Rachelle Garbarine, "Reborn Building to Aid the Arts," *New York Times*, January 5, 2003, Pg. 11.1.

eclectic area into a more polished cultural zone that is in reality more concerned with commercial interests than those of the community. Coalition of Concerned Citizens, the most vocal community group in Fort Greene opposing the LDC's work, are demanding a public process that ultimately incorporates local economic development visions and needs.[57] *See Figure 25.*

FIGURE 25. Map showing the Brooklyn Academy of Music Local Development Corporation's Cultural District Plan, 2005.

The efforts of the Coalition of Concerned Citizens is in keeping with Fort Greene's community spirit that has historically struggled to keep the negative effects of gentrification at bay while preserving a sense of community and creating opportunities for improvement and economic growth. Community groups in the area include the Fort Greene Community Coalition, Fort Greene Community Leaders Against Drugs, and the

[57] Mark Winston Griffith, "BAM And Its Cultural District," *Gotham Gazette Online*, April 2003, http://www.gothamgazette.com/article/communitydevelopment/20030429/20/366.

Fort Greene Association (FGA). FGA works largely with Fort Greene's historic resources and has recently launched a program to unify Fort Greene's separate historic districts into one, arguing that the buildings omitted exhibit the same quality as those in the district and are worthy of preservation. FGA also launched in 2003 a campaign to have parts of Fort Greene and Clinton Hill re-zoned from R6 to the more contextual R6B, which has a Floor Area Ratio (FAR) of 2.0 and produces buildings of around four stories, in keeping with the existing fabric. Additionally, R6B triggers the Quality Housing Program that was created in 1987 to promote the construction of new housing that is compatible with existing neighborhoods and communities, and limits the maximum building height to 50 feet. The current R6 zoning allows building heights of 120 feet and more, and requires that parking be provided for 70 percent of new dwelling units, a problematic issue, as it encourages additional traffic in the area and use of valuable land that could be used to build at a lower height.[58] Because Fort Greene's southern edge lies within the Atlantic Terminal Urban Renewal Area, efforts at developing the area have produced buildings such as the Atlantic Center Mall, completed in 1997 and the Atlantic Terminal retail complex completed in 2004. These buildings have neither architectural nor social connection to the existing, nuanced neighborhood that lies just to the north.

4.5 Contiguous Neighborhoods: Park Slope, Boerum Hill, Clinton Hill & Crown Heights

Though the proposed Brooklyn Atlantic Yards project is most immediately associated with Downtown Brooklyn, Prospect Heights, and Fort Greene neighborhoods, the project's impact will resonate throughout a much greater area of the borough both fiscally and socially. Viewed as a regional project, the implications for traffic, neighborhood services, open space, schools, public safety, and displacement will inevitably be experienced by adjoining neighborhoods. In terms of preservation, the

[58] "FGA Pushes for Zoning Reform," *Fort Greene Association Website*, http://www.historicfortgreene.org/r6b.html#1.

greatest threat, as with Fort Greene and Prospect Heights, are rising land values.[59] These adjacent neighborhoods include some areas that are significantly protected by large designated historic districts and a well-organized population that is well-versed in community opposition to questionable development projects. Others, however, house large areas of valuable historic properties, developable land, and fragmented communities that are unprepared for the barrage of development that follows rising land values and the resulting changes in their neighborhoods. The four immediately adjacent neighborhoods to the site include Park Slope, Boerum Hill, Clinton Hill, and Crown Heights. Park Slope and Boerum Hill lie in the first category of relatively well-protected and organized communities while Clinton Hill and Crown Heights lie in the more unprotected and fractured side.

Park Slope lies to the south and west of the Atlantic Yards site and is one of the most well-preserved nineteenth century areas in Brooklyn. Bounded by Flatbush Avenue to the north, Prospect Park to the east, and Fourth Avenue to the west, the large area is split into North and South Slope. Park Slope was developed in the 1870s following the completion of Prospect Park. Abutting the park, Prospect Park West is home to a well-preserved collection of late nineteenth-century mansions. It also includes to a large historic district. As in areas closer to the East River, Park Slope was restored and gentrified in the 1960s and 1970s and is today a relatively wealthy and prosperous area of Brooklyn. The area is well-known as housing a large population of upscale transplants from other parts of the city though parts of South Slope are still inhabited by newer immigrants to the city that are in the process of establishing community groups into organized entities.[60]

Boerum Hill is a small neighborhood just to the south of Downtown Brooklyn, and situated to the west of the Atlantic Yards site. Developed mainly between 1840 through

[59] Pratt Institute Center for Community and Environmental Development, *Slam Dunk or Airball? A Preliminary Planning Analysis of the Brooklyn Atlantic Yards Project* (Brooklyn: Pratt Institute Center for Community and Environmental Development, 2005), 2.

[60] Manbeck, *Neighborhoods of Brooklyn*, 165-166.

1870 to house the overflow residents from Brooklyn Heights and Cobble Hill, Boerum Hill is lower in scale than other row house areas. Designated in 1973, the Boerum Hill Historic District is relatively small, covering only six blocks near to Dean Street. It is supplemented by a stretch of landmarked row houses on State Street between Smith and Hoyt. When in the 1960s plans were made to demolish the deteriorated, though still salvageable, buildings under Title 1, neighborhood block and community organizations banded together to revive the area. These groups renamed the area Boerum Hill as a marketing tactic to attract new residents and today the area is well-preserved and revitalized, housing a strip of Middle Eastern and antique shops along a particularly active strip of Atlantic Avenue. The area also has two large urban renewal projects at its southern edge, Gowanus Houses and Wycoff Gardens, which house a large percentage of the neighborhood's residents.[61]

Clinton Hill lies just to the east of Fort Greene, overlapping at its edge. It is home to the twenty-two buildings within a superblock that house Pratt Institute, which opened in 1887 as a Brooklyn equivalent to the Cooper Hewitt in Manhattan.[62] Built on one of the highest elevations in Brooklyn, Clinton Hill was originally home to some of Brooklyn's wealthiest families, their mansions, and their great churches. Developed relatively late, Clinton Hill's mansions were replaced by both standard mid-nineteenth century row houses as well as more sumptuous row houses to serve as rural retreats for affluent City residents. Robert Moses, in 1954 demolished five blocks to the south of the Pratt Institute to be used for urban renewal housing projects, contributing to deterioration in the area through the 1960s. The Clinton Hill Historic District was designated in 1981.[63]

Crown Heights lies immediately to the east of Prospect Park and is also of relatively blurred boundaries, blending together at the north with parts of Bedford-

[61] Manbeck, *Neighborhoods of Brooklyn* 23-25.

[62] Francis Morrone, *An Architectural Guidebook to Brooklyn* (Salt Lake City: Gibbs Smith Publisher, 2001), 208-209.

[63] Manbeck, *Neighborhoods of Brooklyn* 58-61.

Stuyvesant. Crown Heights is bisected by Frederick Law Olmsted's Eastern Parkway and was home to the Brooklyn Dodgers' Ebbets Field. Its building stock is comprised of old mansions, row houses, walk-up apartment buildings, frame houses, and towering projects. For most of the twentieth century, the area was home to middle-class Jewish residents. As far back as the mid-1940s, Crown Heights became home to a growing population of Lubavitch Hasidim who migrated from communities in Williamsburg as well as directly from Russia. Between the 1950s and 1960s, the area's black population quickly multiplied soon becoming one of the first neighborhoods in Brooklyn to be settled by Carribbean immigrants and today, has the largest West Indian community in the city. Crown Heights has subsequently had a troubled history with riots, crime, and constant tensions. Thus, efforts within the community have long been focused on easing long-standing tensions and the equitable distribution of community development funds between the different groups rather than necessarily the built fabric.[64] In 1972, the City Planning Commission developed the Crown Heights Area Maintenance Program (CHAMP) to curb forces causing deterioration, spur private regeneration, and concentrate government towards strengthening the community from within. Emphasis on rehabilitation through CHAMP would be focused on "buildings requiring only moderate treatment." effort where it will be most effective and have maximum impact in upgrading the entire community"[65] CHAMP, though lauded for its effort to address fundamental problems, has had limited success and Crown Heights remains a troubled urban area particularly vulnerable through its fractured community.

4.6 Additional Resources

Few buildings within the proposed Brooklyn Atlantic Yards project site are of significance as determined by their eligibility for New York City Landmarks designation or

[64] Dennis Hevesi, "Rooted in Slavery, Pogrom and Stereotypes, Crown Heights Is No Blend," *New York Times*, August 21, 1991, Pg. B4.

[65] Alexander Garvin, *Crown Heights Area Maintenance Program* (New York: New York Department of City Planning, 1972).

National Register listing. This fact contributes to the difficulty in making a traditional historic preservation argument in this case, though individual buildings factor into discussions relating to other factors relating to the proposed project. The significance of buildings on or adjacent to the project site lies in the fact that many of them were recently restored for habitation or for workspace, and at the project's announcement were fully occupied. Four buildings, within the project footprint or just outside of it, have been identified by the Municipal Art Society and the Prospect Heights Historic Association as potentially eligible for National Register listing. They are: the Atlantic Art Building at 636 Pacific Street, Newswalk in the former Daily News Building at 700 Pacific Street, the former Ward Bakery Building at 800 Pacific Street, and the former A.G. Spalding Warehouse at 24 Sixth Avenue.[66]

FIGURE 26. Rear view of 608-620 Atlantic Avenue, the 'Underberg Building,' 2006.

[66] See Appendix B: Photo Documentation of Four National Register Eligible Buildings.

In early 2006, the developer contentiously began demolition of six buildings within the project site following a lawsuit. They are: the Underberg Building at 608-620 Atlantic Avenue, 620 Pacific Street, 461 Dean Street, 463 Dean Street including its backyard building, and 585-601 Dean Street.[67] The loss of the Underberg Building has been one of the most difficult moments for project opponents, as well as for casual observers of the area over the years. Considered a part of the area's urban and cultural heritage, the Underberg was constructed in 1931 and is named after the Samuel Underberg food supply company that occupied it until several years ago. The building is covered in distinctive lettering, was featured in the 2003 novel, "The Fortress of Solitude," by Jonathan Lethem, and though allowed to become seriously deteriorated over the years, has become something of an area landmark. Demolition began in March 2006.[68] *See Figure 26.* Many of the buildings on the site, though largely converted to live or workspace in recent years, were testaments to the area's industrial past. Though the character of the area is today no longer industrial, the converted buildings, by way of their height and bulk, maintain the historic scale and streetway of the past.

Flatbush and Atlantic Avenue, along which the proposed Brooklyn Atlantic Yards Project is planned, are also resources to be considered. Heavy traffic at the intersection of the two avenues has been a topic of discussion since as early as 1910. *See Figure 27.* Efforts to manage pedestrian, vehicular, and traffic resulting from the massive transportation hub at the intersection have failed to adequately resolve the problem. Systems put into place when the retail centers on the north side of Atlantic were completed, did little to resolve the problem and the area remains choked with traffic. The proposed Brooklyn Atlantic Yards project has had to face a great deal of criticism and speculation about how this problematic issue will be addressed and continually claim, somewhat unconvincingly, that solutions will be found. Atlantic Avenue, in particular, is of

[67] See Appendix C: Photo Documentation of Five Demolished Buildings in Project Footprint.

[68] Nicholas Confessore, "The First Sign of a Brooklyn Development is a Demolition," *The New York Times*, March 9, 2006, Pg. B4.

interest as one of the area's historic resources. Atlantic Avenue historically served as a transport route from the city into Long Island and remains a cross-borough artery running from the East River to the Van Wyck Expressway. It bisects some of the area's most historic neighborhoods and has been at the heart of various efforts towards its preservation and general improvement.

FIGURE 27. View of traffic conditions at intersection of Atlantic and Flatbush Avenues, 1930s.

Atlantic Avenue developed as a prosperous pedestrian shopping street during the second half of the nineteenth century when it was hoped that the Avenue would mature into a great boulevard for the borough. As with Fulton Street, the other great pedestrian shopping street, it was compared by Brooklynites to Wall Street and Delancy in Manhattan. It began to decline after 1930 in the area from Court Street to Atlantic Terminal and in 1970 efforts were made to rehabilitate the Avenue by creating an Atlantic Avenue Development Authority (AADA). Plans for the AADA were eventually abandoned when residents protested based on fears that the Bill was providing a smokescreen for

plans to construct a superhighway along the Avenue's route.[69] At the time, the area was home to the largest Middle Eastern shopping area in the city.

In 1974, a Special Zoning District was proposed by the Office for Downtown Brooklyn Development and the Department of City Planning to help promote redevelopment of the Avenue to the west of the Atlantic Yards site. The stretch of Atlantic had been omitted from the Boerum Hill district designation due to the poor conditions of the mostly four and five story nineteenth century buildings at the time. The Special Zoning District was seen as a way to codify zoning regulations and development guidelines for the "unqualified preservation of the good, the consistent new development of the vacant, and the feasible restoration of the old."[70] The guidelines served to protect the existing scale and character of historic storefronts along the Avenue and were seen as a way to combat non-contextual development spurred by dramatically rising land values and speculation. Their efforts have led to restoration and improvements to Atlantic Avenue east of the Atlantic Yards, now housing Middle Eastern and antique shops, as well as restaurants. They again reinforce the interest in historic preservation in the areas adjacent to the proposed Brooklyn Atlantic Yards project. Nearer to Flatbush, Atlantic Avenue was once lined with meat and wholesale food vendors though more recently the area has lost a great deal of its cohesiveness due to a disconnect existing between housing developments, the recent introduction of Atlantic Center and Atlantic Terminal shopping centers which do not contain ground-level storefronts, the Vanderbilt rail yards, and other dissimilar buildings.

Other area resources include less fixed, and more difficult to quantify factors such as scale, the skyline, view corridors, and sense of place. Inherently a challenge to measure, claims for these characteristics are made more difficult because the scope of the project's true area of impact is so difficult to limit. It is additionally difficult because

[69] Paul Montgomery, "Atlantic Avenue Renewal Stirs Dispute in Brooklyn," *New York Times*, April 5, 1970, Pg. 1.

[70] Office of Downtown Brooklyn Development, *Atlantic Avenue Special Zoning District* (Brooklyn: Office of Downtown Brooklyn Development, 1974), 8.

natural growth and organic development of the city often impacts these factors and is not always, nor frequently, to be considered a negative effect. In the case at hand, however, the scope of proposed Brooklyn Atlantic Yards project is challenging the scale of the area to a shocking degree. The nature and scale of the residential neighborhoods surrounding the site emphasize open space, tree-lined blocks, and pedestrian-friendly streets in many areas. The clock at the top of the Williamsburgh Savings Bank serves as a directional landmark for many Brooklynites. Part of the problematic nature of the proposed Brooklyn Atlantic Yards project is its inability, by way of its size and design, to engage the characteristics valued in the surrounding area. Among many other things, residents and visitors to Brooklyn value the borough's open views to the sky and the intimate scale and character of its neighborhoods. Issues relating to the sense of place evoked by particular streets, view corridors, and visual markers are unique person to person. However, themes can be found that associate place to the way that people relate to it. In many parts of Brooklyn these themes include the active streetlife, its human scale, streets, and retail that encourage pedestrian activity. *See Figure 28.*

FIGURE 28. View of Williamsburg Savings Bank from Flatbush Avenue showing traffic conditions and scale, 2006

5.1 Introduction to the Politics of Community Interest Groups

The role of the community in the redevelopment process has deep roots in the field of historic preservation that can be traced to the first efforts to save historic structures. Pennsylvania Station, which was notoriously demolished in 1963 despite vast opposition, created both the New York City Landmarks Commission and helped to raise public awareness about the need to protect the city's architectural, historical, and cultural heritage. Historically, community groups also became involved in land use issues during the urban renewal period when vast amounts of displacement took place, often targeting black communities. During this period entire communities were demolished under programs that targeted "blighted" areas, after which land was often left empty for years while awaiting private investment. Criticism of large-scale planning efforts gained volume and strength leading to accusations that planners were forcefully imposing their vision of an idealized world on entire urban areas. It was felt that these visions often failed to consider the nuances and variations of the particular communities that they were affecting, leading to disastrous consequences for cities.

In the late 1960's, community participation in city affairs grew, aided by community participation requirements in Federal programs such as Model Cities. In 1968, City Charter mandated increased involvement from community boards, which were made responsible for advising the City Planning Commission.[1] Though entirely advisory, the fifty-nine community boards that emerged from the Charter still contribute a great deal to coordination efforts between communities and government. Community-based efforts later shifted to neighborhood improvements undertaken from within to combat urban problems such as crime, substandard housing, and negative impacts resulting from abandonment. These efforts also resulted in the emergence of more formal Community Development Corporations (CDCs), whose emphasis was often on rebuilding abandoned

[1] "The Uniform Land Review Process: The Evolution of ULURP," *New York City Department of City Planning Website*, http://www.nyc.gov/html/dcp/html/luproc/ulpro.shtml.

areas and facilitating revitalization. Community groups differ vastly according to goals, the need of the neighborhoods that they represent, the outside support they receive, and the issues that they prioritize.

More recently, the role of the community in development has changed to opposition of development known to be problematic for reasons of equity, negative impact to social and historic resources, and also to projects that are damaging to the sense of community and identity of an area. Acrimonious battles such as those that took place during large road construction projects such as the Lower Manhattan Expressway and the equally notorious Westway Highway solidified the strength of communities to effectively halt projects. More recently, a proliferation of developer-driven redevelopment projects have led community groups to shift their energies from proactive contributions in public reviews to reactive opposition following the announcement of a project that has been brokered behind closed doors. In the past, the ideal vision of community-led preservation was that groups would build coalitions and organize themselves to fight the demolition of a particularly significant building. This focus has now shifted, somewhat ironically, to the opposition of new building construction that does not adequately consider impact to historic or neighborhood resources. However, problems arise when various community groups emerge with different agendas, in response to the same project. In New York, the housing and job shortages, as well as the increased demand for development projects have led to conflict. Community groups that disagree with development for any reason, though most often related to the preservation of character in more gentrified areas, are labeled as exhibiting 'not-in-my-backyard' syndrome (NIMBYism) or worse. This raises a difficult challenge for these groups and for efforts to preserve buildings and communities.

In accordance with the many plans proposed at the Atlantic Terminal Urban Renewal Area (ATURA) since the 1950s, various community groups have emerged and receded. The battles fought by these groups are indicative of their time and of the existing political and economic conditions. Most large-scale projects in New York City

encounter some form of opposition from the community, in particular those that receive public funding and impact the quality of life of existing residents. Examples exist in all of the boroughs that attest to the changing role of community opposition groups as related not only to issues of historic preservation but also to the leveraging of other public benefits.

Since its announcement, the proposed Brooklyn Atlantic Yards project has garnered a great deal of vocal support from various groups and government entities. It has, by the same token, inspired a well-organized opposition, which has largely been community-led. Project supporters cite a range of benefits such as construction and long-term jobs, affordable housing units, and the inclusion of a sports arena that would finally bring a major sports team to the borough. Opposition to the project takes issue with the egregious scale and impact to the quality of life in neighborhoods surrounding the site. The preservation issues raised by the opposition are hampered by the fact that it is difficult to quantify the harm that will come to properties located blocks away from the development, and that are, to a relatively large degree, protected as historic districts. To date, the opposition has organized into larger coalitions, responding in thorough and informed ways to steps in the environmental review process, staging demonstrations and protests, attempting to disseminate information about the project, and in an increasingly common practice, sponsoring an alternative plan for the site. Beneath the surface of the opposition and the support to the proposed Brooklyn Atlantic Yards project, is an undercurrent relating to the changing composition of communities in many of the surrounding neighborhoods in terms of income and mobility.[2] Because the public review process in this case is so limited, the opportunity for diverse interests to voice their concerns is also limited.

[2] In the chapter titled, “Public Voices and Pro-Growth Politics” in *Reconstructing Times Square* Alexander Reichl, (Kansas: University Press of Kansas, 1999) paints a compelling portrait of the role of various interests involved in the Times Square Redevelopment and how those were impacted by differences in income and education levels.

5.2 Community Opposition and Large-Scale Redevelopment Projects

Several cases exist that highlight some of the problems and issues that come out of community-led opposition, from the historic to the very recent. Downtown Brooklyn's Cadman Plaza, a shopping center and complex of modernist high-rises in progress from 1959-1973, was one of the first urban renewal projects to be seriously delayed by community opposition. The project's completion heralded an increasingly mindful population of Brooklynites that were more educated about how large-scale redevelopment impacted the borough's nineteenth-century scale and character. During the Plaza's construction, the Brooklyn Heights historic district was designated, raising awareness and interest in the landmarking process and issues of neighborhood preservation.[3] MetroTech Center, a more recent large-scale project, is an example of how well-organized community opposition, now savvy to the effects of large-scale projects, were able to effectively hinder development. It is also an example of a common condition to community opposition wherein several groups emerge, often with conflicting agendas that damage opportunities to gain comprehensive community benefits.

Poorly organized and ultimately ineffectual community opposition at MetroTech Center, began with the concept that the project was generally inappropriate for Downtown Brooklyn. It soon shifted to the fact that neither the city nor the developer were adequately providing for relocation of residents and businesses on the proposed project site. One group filed suit in 1988 challenging the project on environmental and historic preservation issues though they settled out of court when offered cash advances on the city's payments for their condemned properties. Another suit, filed by the Legal Aid Society, demanded that the developer provide low-income housing for displaced residents. The case was also settled following assurance that the Department of Housing Preservation and Development, whose role is to relocate people displaced by projects

[3] Robert A.M. Stern, Thomas Mellins, and David Fishman, *New York 1960: Architecture and Urbanism Between the Second World War and the Bicentennial* (New York: The Monacelli Press, 1995), 903-905.

undertaken in urban renewal areas, would administer the relocations. Other groups followed including ACORN, one of the most vociferous groups, who opposed the project because of its failure to address job opportunities for area minorities.[4] The difficulty with this chaotic scenario is two-fold. It is firstly, expensive to file lawsuits, which often lead to lower-income constituents having no leverage against development. The second difficulty is that, in this case, opposition was largely concerned with relatively narrow objectives that left broader issues relating to the project's impact, largely unaddressed.[5]

Manhattan's Columbus Circle project from 1989, involved two major lawsuits and a memorable protest in which people raised thousands of black umbrellas to symbolize the shadow which would be cast by the massive project were it completed as-proposed. The Municipal Art Society (MAS) was at the forefront of the first lawsuit, which dealt with issues of air pollution, potential displacement of businesses and residents from rising property values, and illegal zoning upgrades. MAS settled the case, accepting that the project would include some low-income housing to be constructed nearby, that community space would be provided in the program, and that the entire structure be smaller than allowed under zoning. A short-lived portion of the agreement also stated that city-owned sites would never again be sold without consulting the local community. The area's community boards split following the settlement, leading to the creation of additional groups to continue battling the project. The Coalition Against Columbus Center was the most powerful, filing two additional lawsuits and accusing MAS of settling to avoid additional costly lawsuits. In the end, several additional concessions were made but the large project was constructed largely as originally planned.[6]

[4] In 2005, ACORN signed a Community Benefits Agreement with Forest City Ratner Companies, the same developer as the MetroTech Center, for the proposed Brooklyn Atlantic Yards project.

[5] Jennifer Stern, "When Community Groups Cut a Deal, Who Wins?" *City Limits 9* (November 1989): 17-20.

[6] Ibid, 17-18.

The Columbus Circle project is reminiscent of issues being faced at the proposed Brooklyn Atlantic Yards project in that it reveals the conflict that can take place when one group signs an agreement with the developer without addressing concerns from other members of the community. It is also similar in terms of scale. The Columbus Circle project was directly related to the scale of Central Park, while in Brooklyn similar issues relate to the surrounding low-scale brownstone neighborhoods. The lesson to be gleaned from all of the above examples is that opposition to large-scale redevelopment projects in New York City is complex and highly problematic.

5.3 History of Community Involvement at Brooklyn Atlantic Yards

For as long as development attempts have been made at the Atlantic Yards site, community groups have emerged to make their needs known and to have them mitigated by those looking to effect change in the area. Contributing to the condition is the fact that the surrounding neighborhoods are largely residential and so, by nature, require careful consideration of quality of life issues. Though these proposals went through city and state land use public review process, they nevertheless encountered difficulties from within the communities. Several of these past oppositions are relevant to this analysis and involve a diverse range of interests that provide insight into the authenticity of the different issues at play in the proposed Brooklyn Atlantic Yards project. One example goes back to 1972, when Fort Greene residents organized to raise awareness about the lack of progress made at the Atlantic Terminal Urban Renewal Area (ATURA) following condemnation and demolition of several structures. The largely African American and Puerto Rican group voiced concerns about displacement from row house renovations taking place in their neighborhoods, arguing that the city should be held accountable for building the needed affordable housing that had been originally planned for the site.[7] In 1974, another group comprised largely of new brownstoners in the area organized to end plans for a sports

[7] Peter Freidberg, "Rap City on Fort Greene Lag," *The Post,* March 10, 1972, Archive of The Brooklyn Collection, Brooklyn Public Library.

arena analysis. In the late 1970s, preservation efforts were made to save the Flatbush Avenue Terminal building of the Long Island Railroad with no success.

Most recently, the Atlantic Terminal Shopping Center was opposed by residents that questioned the project's impact to the neighborhood particularly in light of the existing Atlantic Center Mall. Their primary concerns involved traffic, and the impact of more big-box retailers to the area's nascent shops. Bruce Ratner, the project's developer, argued at the time that he was simply helping Brooklyn return to its 1920s, 30s, 40s and 50s glory by bring a critical mass of retail to the area.[8] His comments then are worrisome now because they give the impression that he views himself as taking Brooklyn back to a 'glory' period. This assumption, when added to the vision required to undertake a project such as the proposed Brooklyn Atlantic Yards, may lead to the conclusion that this developer undervalues the positive changes that have taken place in the area over the past fifty years. In terms of community opposition, these stories give insight into some of the existing concerns relating to the site. They depict the diversity of interests that include historic preservation, housing, traffic, and other quality of life issues, not dissimilar from those being voiced against the proposed Brooklyn Atlantic Yards project.

In 1974, a group comprised of residents of the ATURA formed to protest a study to be completed towards the construction of a sports arena near to the intersection of Atlantic and Flatbush Avenues. Called the Brooklynites Against Downtown Sports, these residents hoped to compel city officials to support them in their efforts, despite the fact that the proposal had been put forth by the Brooklyn Borough President. The group's main complaint was that the arena would increase traffic and congestion in the area and negatively impact the positive changes that were already in progress. The group's efforts had been preceded by the work of the Fort Greene Non-Profit Improvement Corporation that had successfully received a temporary injunction against the use of capital budget funds for an arena study. At the time, when housing was finally being constructed in the

[8] Kit R. Roane, "Mall Builder Sees New Brooklyn, but Neighbors See Trouble," *New York Times,* Jun 21, 1999, Pg. B3.

urban renewal area, the idea of constructing an arena was viewed by opponents as being, "financially and economically disastrous."[9] Soon after, the proposed study was dismissed. A battle to save the Flatbush Avenue Terminal of the Long Island Rail Road Station was also waged by preservationists and area residents of the ATURA. The 1908 Neo-Renaissance terminal, that connected with the IRT subway line into Brooklyn as well as with existing El lines, was largely deteriorated by the 1970s. Attempts to demolish it had occurred in the 1950s, the 1960s and then again in the 1980s when the Metropolitan Transit Authority (MTA) announced plans to demolish the building in order to build a new structure that would house modernized tracks and connections. When the plans were announced, the Coalition to Save the LIRR Terminal was formed and efforts were made to have the building designated a New York City Landmark. They argued that it was, along with Grand Central Terminal, one of only two remaining grand terminal buildings in the city. The group wrote letters to the MTA with no success, collected funds to clean a small area of the structure to demonstrate how it might look after restoration, and sought out new tenants to fill the empty spaces. They also attempted to make a case for how the building's location, at the center of a large number of historically significant landmarks and district, should remain a historic structure as well to contribute to the area's authenticity.[10] The group expressed anger over the fact that efforts were made that catered to commuters passing through the area rather than the residents that were living there. In the end, the building was refused both designations by the Landmarks Preservation Commission and listing to the National Register of Historic Places.

[9] Mary O'Flaherty, "Kings and Queens," *The Daily News,* August 25, 1974, Archive of The Brooklyn Collection, Brooklyn Public Library.

[10] Linus Gelber, "Residents Bid To Save Terminal," *The Phoenix,* July 19, 1979, Archive of The Brooklyn Collection, Brooklyn Public Library.

Demolition of the building, towards a phased project by the MTA began in 1980 and by 1988, the building had completely disappeared.[11] *See Figures 29 & 30.*

FIGURE 29. Exterior view of Flatbush Avenue Terminal of the Long Island Railroad, date unavailable.

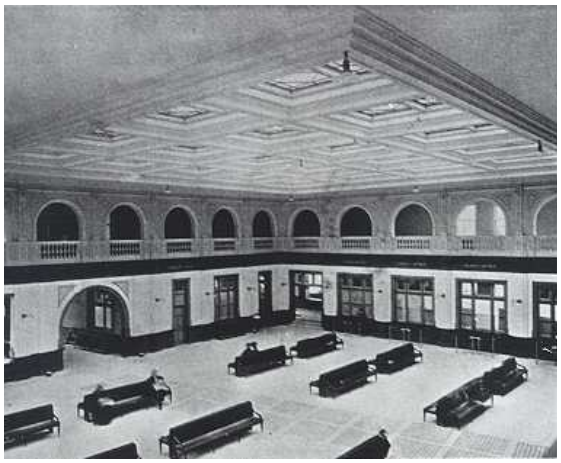

FIGURE 30. Interior view of waiting area at the Flatbush Avenue Terminal of the Long Island Railroad, date unavailable.

Community opposition to the Rose Associates plans at ATURA took place in the late 1980s, soon after the project's announcement. Community objections to the proposed project focused on the anticipation of increased competition for local businesses, the large scale of the 24-story office towers, the lack of affordability of the proposed housing, and the large amount of city and federal investment that would be required. Also of concern, was that rising property values would drive out low and moderate-income families living in the area as well as give an unfair advantage to businesses within the new development through tax breaks. Though meetings were held and publicity launched against the project, it was eventually postponed by economic factors unrelated to the opposition.[12]

The proposed Brooklyn Atlantic Yards project is located in District 35, which itself includes three different community boards: 2, 8, and 9. More specifically, the proposed

[11] Christopher Gray, "The Final Weeks for a Neo-Rennaissance Grand Dame?" *New York Times,* April 17, 1988, Pg. A14.

[12] Jesus Rangel, "A Plan for Brooklyn Rises at Atlantic Terminal," *New York Times,* September 28, 1986, Pg. 27.

project falls within the boundaries of community boards 2 (Brooklyn Heights, Downtown Brooklyn, Boerum Hill, Fort Greene and Clinton Hill), 6 (Park Slope, Gowanus, Cobble Hill, Carroll Gardens and Red Hook), and 8 (Prospect Heights and Crown Heights). Following the project's announcement, all three community boards called on city and state government officials to put the plan through the city's Uniform Land Review Procedure (ULURP) to no avail.[13] Community board 2 (CB2) was responsible for completing the public review portions of the ULURP process towards the 2004 rezoning of Downtown Brooklyn. CB2, under City Charter, had only sixty days to review the massive Plan, which highlights one of the problems with the process. Another problem with the review process was related to the fact that CB2 did not want to include the Atlantic Yards site as part of their area of focus. This decision caused community members to question why impacts to take place from both the Plan and the proposed project, were not considered jointly. This issue continues to plague the proposed project in light of the confusion about whether or not the project should be considered a part of Downtown Brooklyn. Following a highly confusing process, CB2 eventually approved the Plan with several suggested changes primarily concerning recommendations against the use of condemnation through eminent domain on several blocks and against street demappings.[14] The city's ULURP process is far from perfect. However, the most significant concept is that the involvement of community boards allow for increased input from the community that then show government officials where their constituents' sentiments lie. The silencing of this portion of the public review process in relation to the proposed Brooklyn Atlantic Yards project emphasizes a disconnect between the community and the officials to whom their votes mean the most.

[13] Jess Wisloski, "Boards 2, 6 & 8 Call for Arena ULURP," *Brooklyn Papers Online,* September 25, 2004, http://www.brooklynpapers.com/html/issues/_vol27/27_37/27_37nets3.html.

[14] Deborah Kolben, "Mum's the Word: Confused Community Board 2 Fails to Speak on Massive Downtown Plan," *Brooklyn Papers Online,* February 7, 2004, http://www.brooklynpapers.com/html/issues/_vol27/27_05/27_05nets3.html.

5.4 Divide and Conquer: Community as Redevelopment Policy

Bruce Ratner has garnered a great deal of high-powered support for the proposed Brooklyn Atlantic Yards project including New York Governor George Pataki, Mayor Michael Bloomberg, the Reverend Al Sharpton, and the Brooklyn Borough President Marty Markowitz. More significantly, Ratner has managed to locate support from figures within the community including both organized factions and religious figures. Prior to the project's official announcement, Forest City Ratner Companies (FCRC) hired a high-powered public relations firm to help promote the project to key figures. Following the announcement, the public relations firm conducted presentations and provided information about the project throughout the city. Another firm was responsible for mass-mailings to Brooklyn residents promoting the project and has gone so far as to create a new newspaper, the Brooklyn Standard, to cultivate community support.

FCRC's contribution to innovative development strategies in terms of managing community resistance has been to preempt the conflict rather than engaging in it once it's underway. This follows recent trends that demonstrate the strength of community groups to stall projects through costly lawsuits or through costly development exactions. Bruce Ratner, in the early phases of the proposed Brooklyn Atlantic Yards project, spent a large amount of money to publicize his project, bringing in celebrities and high-ranking government officials to convince citizens of the good to come. Experience has also taught him that in today's development world, it is not only necessary to have financial and political support from government; it is also critical to garner support from the community. Having encountered difficulty at the MetroTech Center project, he has approached the proposed Brooklyn Atlantic Yards project equipped to manage community opposition from the start leading to some claims that he is creating a modern blueprint for how to build pro-development coalitions during the planning phase.[15] More problematic in this scenario is that not only are developers getting wise to the use of

[15] Nicholas Confessore, "To Build Arena, Developer First Builds Bridges," *New York Times*, October 14, 2005, Pg. A1.

history to promote their projects, but that they can curtail opposition by strategically pitting groups with divergent interests against each other in the media. At the proposed Brooklyn Atlantic Yards project, those opposed and those that support it, tend to be divided at distinct lines with one side valuing the jobs and housing above other factors, and the other demanding a more open process to voice concerns about preservation, quality of life, and appropriateness.

5.4.1 Support: ACORN, BUILD, & The Community Benefits Agreement

The two most visible groups that have emerged in support of the proposed Brooklyn Atlantic Yards project planning phase represent portions of the community that have traditionally been underrepresented including minority and low-income groups. The Association of Community Organizations for Reform Now (ACORN) is one of the opposition groups known to have effectively fought large development projects in the past. In this case, however the group agreed to support the proposed project, signing a deal with FCRC early in the project-planning phase. Brooklyn United for Innovative Local development (BUILD) is a contentious group that critics argue was not truly formed until after the proposed Brooklyn Atlantic Yards project's announcement. The group, which is associated with community religious leaders, has been an early supporter FCRC's efforts with dubious analysis of the true costs and benefits of the proposed project. Both of these groups represent the pro-growth faction that looks to new development for public benefits such as guaranteed construction jobs, affordable housing opportunities, and other concessions.

The Community Benefits Agreement (CBA) is a policy tool used to help leverage public benefits from private development projects, particularly when public funding is involved. It brings together interested parties in a community to first identify how a planned project can benefit residents and workers, and then creates a list of potential benefits. The groups then deploy representatives to negotiate with the developer and city

officials.[16] The CBA that emerges is a document that becomes part of the city's agreement with the developer. It contains numerous provisions stipulating exactly how the development will benefit the community in terms of jobs created, construction jobs that benefit minority and women-owned companies, and affordable housing units.

In June 2005 ACORN, BUILD, and six other groups signed a CBA with FCRC. The proposed Brooklyn Atlantic Yards project CBA attempts to set up mechanisms that provide local poor residents from area housing projects with first right to apply for jobs, though this is limited by type and includes various loopholes. Minority and women-owned businesses were also promised a percentage of the future construction work, though again, that does not necessarily mean that they must be from within Brooklyn or even New York City. The CBA also states that the proposed arena will host local events several times a year and that it will be accessible for use by schools and community groups. One of the most important features of the original agreement was that 50% of the housing constructed would be reserved for low- and middle-income residents. Since the project's announcement and subsequent program shifts, the total number of units has decreased. In effect, FCRC, through the CBA reinforced the perception that the project would provide affordable housing, community space, and jobs – some of the very elements that are needed in the area.

Though generally beneficial, the CBA is problematic in a variety of ways. For example, state and federal politicians, that are often unfamiliar with real neighborhood dynamics and politics, view the signing of a CBA as representing a majority in terms of community support when this is often not the case. The proposed Brooklyn Atlantic Yards project CBA does not bind FCRC in terms of environmental impacts because in the language of the Agreement it states that these impacts will be analyzed and mitigated based on the State Environmental Quality Review Act (SEQRA) process. Another problematic characteristic of the CBA is that of the eight groups that signed it, only two

[16] "Community Benefits Agreements," *Los Angeles Alliance for a New Economy Website,* http://www.laane.org/ad/cba.html.

were incorporated prior to the agreement bringing into question whether these groups represent a range of interests within the community, or were simply started to reap benefits from the developer. Another is that as part of the CBA, BUILD received $100,000 in grant money directly from FCRC and continues to receive funding directly from the firm, creating a conflict of interest. The CBA is also difficult to enforce and contains several 'outs' for the developer. Lastly, the CBA is problematic in that, as the project program has changed to reflect market demand by increasing the number of condominiums, the affordable unit ratio has decreased. These problems beg the question of whether a CBA, signed by the groups that arrived first to the negotiating table, should be the primary voice for the diverse community.

5.4.2 Opposition: Strategy & Tools

The community-led opposition to the proposed Brooklyn Atlantic Yards project began prior to its official announcement in late 2003 and continued to grow exponentially. The proposed project is also one of the first to be opposed in large part via the Internet.[17] Beginning in Prospect Heights by way of the Prospect Heights Action Coalition, news spread quickly to neighboring communities and continued to grow throughout the project's planning. Develop Don't Destroy Brooklyn (DDD), one of the most vocal and organized opponents of the project; have worked closely together with community leaders and civic advocates. Three individuals have emerged as being primarily associated with the most vocal opposition in large part due to their high-visibility in the press and at local meetings. City Councilwoman Letitia James represented opposition from the city politics side while Patti Hagan and Daniel Goldstein of DDD provided the most vociferous community opposition voices. The work of DDD and Ms.

[17] A *New York Times* article by Nicholas Confessore, titled "A Blogfest Over A Project in Brooklyn" and published on April 16, 2006, commented on the large number of 'blogs' that have tracked various elements of the proposed Brooklyn Atlantic Yards project's planning process. The article suggested that individuals are spending a large amount of time and resources towards the in-depth documentation of project elements towards public education that this effort will contribute to the opposition. The proposed project is one of the first to be tracked in this manner and signals a moment wherein the Internet's educational value is growing.

James were augmented by support from the Municipal Art Society (MAS), a respected member of the city's civic community. The Pratt Institute Center for Community and Environmental Development (PICCED) also contributed to the project opposition by creating a preliminary analysis of the proposed project. The analysis brought to light many of the project's flaws, using richly detailed descriptions of services and resources and then outlining the ways in which the proposed Brooklyn Atlantic Yards project did not adequately address them. Both Councilwoman James and the members of DDD have used a multitude of tools to create a viable opposition to the project including public education, studies, and litigation.

While the primary community opposition impetus emerged from within Prospect Heights, it very quickly grew to include residents from other area neighborhoods. The tremendous growth in opposition is attributed to the moment in July 2005 when the Frank Gehry designs were unveiled, finally emphasizing for many how the massive program would manifest itself in the project's bulk and scale. Casual observers who were at first intrigued and accepting of the idea of a new arena were shocked by the sheer size of the proposed project. It very quickly became clear to area residents, politicians, and newspapers, that the development would not only impact the surrounding area, but would also have tangible regional implications. For the purpose of a preservation analysis, issues of height, shadows, and rising land values are of significance. Opposition from neighborhoods outside of the immediate area, however, largely emphasize quality of life issues such as schools, safety, noise and air pollution, and traffic.[18]

The community opposition strategy as seen by the efforts of DDD, Councilwoman James, and others were multi-faceted, though some themes are evident. The first relates to the vast amount of publicity that the opposition generated since the project's announcement. These include quotes in newspaper articles, public interest stories on National Public Radio, hosting informational meetings and presentation, as well as

[18] Nicholas Confessore, "From Huge Project, A Mighty Anger Grows," *New York Times*, October 20, 2005, Pg. B3

continual web updates and web mailings. The hope was to use information about the project and the policy tools being used to increase the size of the opposition so that eventually government officials would take note of the growing resistance. The second strategic tool is related to a lawsuit that was filed in early 2006.

In late 2005, FCRC made announcements that it would demolish six buildings that it had purchased near to the proposed project site. Soon after the announcement, DDD announced that it would battle the move, citing it as a scare tactic being used to convince area residents that resistance to the project was futile, and that in fact, it was already underway. They also stated that demolition of the buildings was yet another attempt to create 'developer's blight.' In January 2006, a lawsuit was filed by a coalition of eleven community groups in the New York State Supreme Court in Manhattan against the ESDC and FCRC, citing wrongful demolition of the buildings. The lawsuit also included an overall disapproval of the environmental review process stating that the process was far too lax considering the implications. While state law prohibits action on a proposed project site until after approval, there is an exception for 'emergency action' which the developer claimed was the case for the six buildings in question. A state judge ruled for the defendants in mid February, declining to issue a temporary restraining order to prevent demolition. Though lost, the lawsuit signaled the first real legal barrier to the project.

5.4.3 Alternative Proposal: The UNITY Plan & The Extell Proposal

A third opposition strategy used by community groups opposed to the proposed Brooklyn Atlantic Yards project involves the creation of a counterplan. The concept of counterplanning, is defined by John Friedmann in *The Prospect of Cities* as "a form of planning at the initiative of and carried out by the residents of a neighborhood, though generally with professional (and financial) outside help." This type of process, along with more traditional methods of civic involvement in planning and development, gives people an opportunity to identify the things that are important to them, and which make urban

spaces liveable by way of an actual design.[19] Counterplanning has been employed in the case of the proposed Brooklyn Atlantic Yards project to prove that more modest, appropriate, and creative alternatives for the site exist and can be made a reality if the process of development did not so obviously favor FCRC.

Developed by Councilwoman James and architect Marshall Brown, the UNITY Plan (UNderstanding Imagining and Transforming the Yards) was the result of group brainstorming sessions at the Atlantic Yards Development Workshop held in Spring 2004. *See Figure 31.* In a fully participatory process, the ideas of hundreds of community residents and activists were incorporated into the UNITY plan towards an alternative that would be more inclusive of area resident needs. It included the same amount of residential space as in the proposed Brooklyn Atlantic Yards design. Additionally, the design would include larger amounts of pedestrian-friendly retail, require no use of condemnation or demapping of streets. It would include open space, a school, and a community center in five-to ten-story buildings. It would develop 75% of the housing as affordable units with many set aside for affordable ownership. One of the key features of the design emphasized the site's important role in connecting the surrounding neighborhoods. Preservation of open space, low-rise residential growth, and affordable housing were the most commonly voiced concerns of area residents and were each addressed in the plan. *See Figure 32 & 33.*

FIGURE 31. Development workshop matrix, UNITY Plan Atlantic Yards, 2005.

[19] John Friedmann, *The Prospect Of Cities* (Minneapolis: University of Minnesota Press, 2002), 98-99.

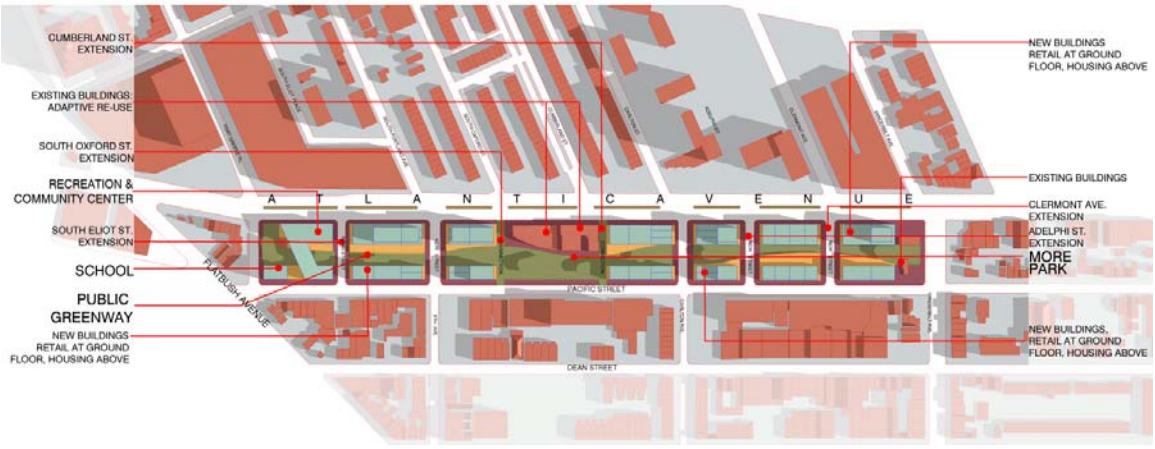

FIGURE 32. Site plan, UNITY Plan Atlantic Yards, 2005.

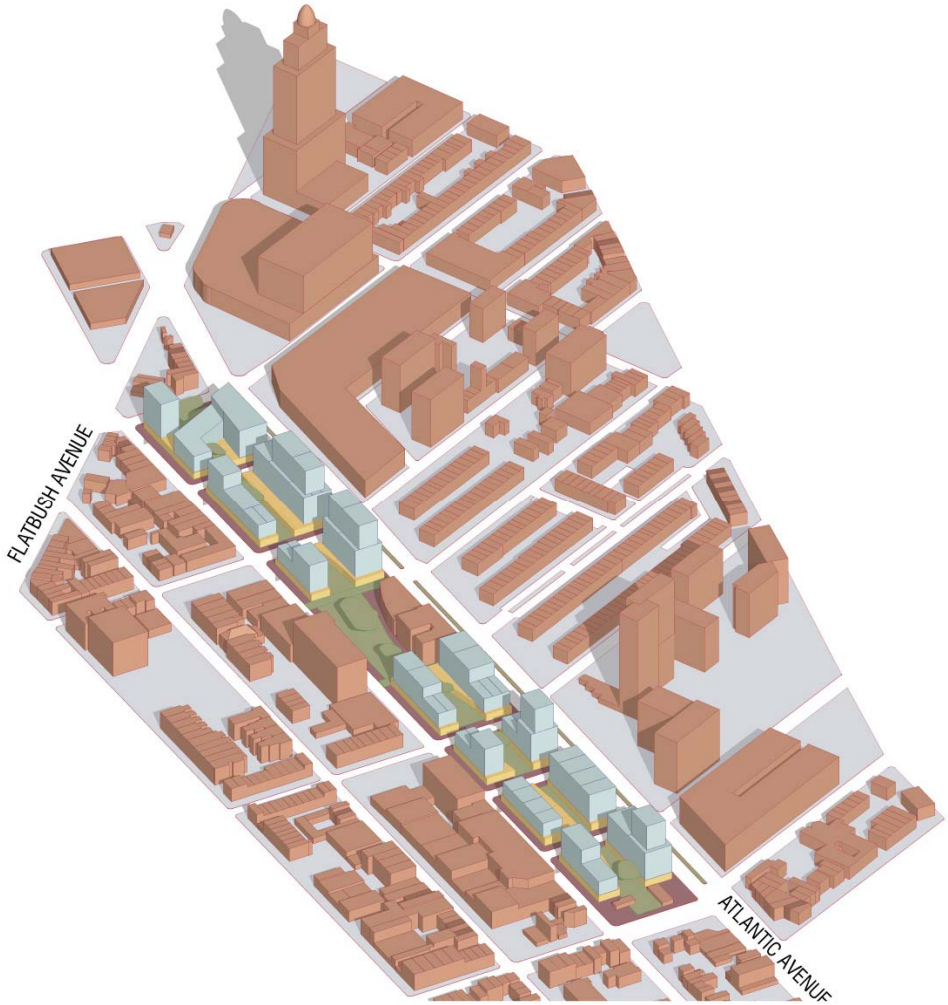

FIGURE 33. Three-dimensional site plan showing scale of context, UNITY Plan Atlantic Yards, 2005.

The UNITY plan did not include an arena nor commercial space, which was one of the most notable differences from plans for the proposed Brooklyn Atlantic Yards project. The absence of this feature would decrease its likelihood of success in light of city-endorsed plans for the area, which look to extend the Downtown Brooklyn commercial district. In light of the top-down way in which the proposed Atlantic Yards plan was carried out, UNITY appeared utopian in its vision and the process through in which its plans were created. The hypothesis is that, with a master plan in place, different developers would bid on various sites and develop them according to the uses specified. The UNITY plan epitomized community-based, bottom-up, organic development that is rooted in the recent history of the neighborhoods surrounding the site. The Plan succeeded in emphasizing on a highly-participatory process and meaningful involvement from the community. It also worked to unify the area rather than divide it physically by maintaining streets through Fort Greene to Prospect Heights, but also by giving voice to the needs and concerns of the neighborhoods.[20] The UNITY plan is largely a conceptual model that is used by the project opposition to show how a different process could be taking place though no further action has been possible.

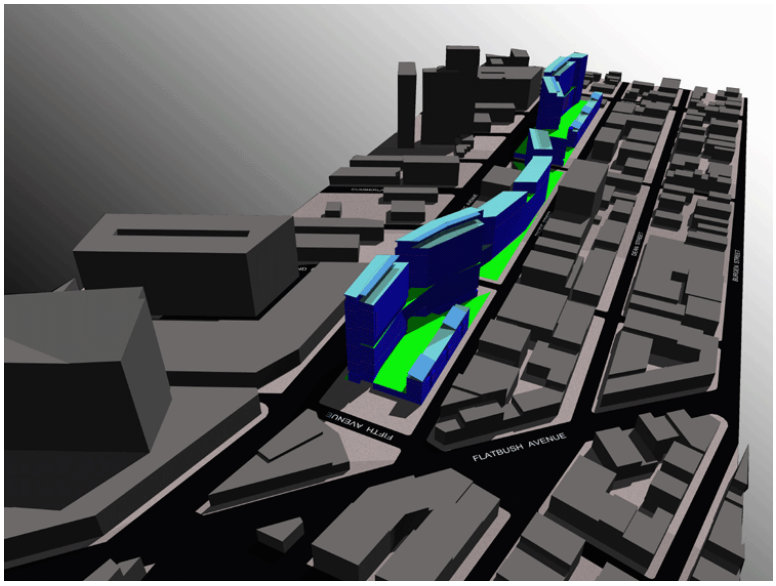

FIGURE 34. Three-dimensional site plan, view 1, Extell Proposal, 2005.

[20] Atlantic Yards Development Workshop, "Planning Progress Report," *UNITY: Understanding, Imagining & Transforming the Yards*, February 2005.

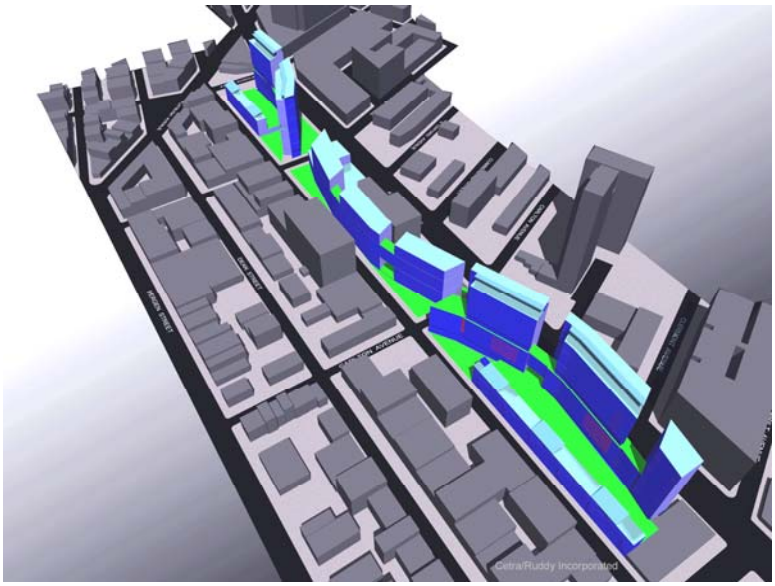

FIGURE 35. Three-dimensional site plan, view 2, Extell Proposal, 2005.

In July 2005 a rival development plan for the Atlantic Yards site emerged by way of a competing bid from the Extell Development Company (Extell). Extell submitted a competing bid to the MTA following their release of a request for proposals and following DDD's call for developers to make additional bids. The design of the Extell plan called for a complex of eleven buildings ranging from four to twenty-eight stories. Further, the design was specifically customized to address some of the major problems perceived in the FCRC proposal. Based on the ideas that came out of the UNITY plan process, the Extell plan would involve construction only over the Vanderbilt Yards and would include street-level shops, subsidized rental apartments, and condominiums, parks, as well as a community use or school building. Less than one month following the bid's submission, the MTA voted to enter into exclusive negotiation with FCRC and since then, no other rival plans have been proposed. *See Figures 34 & 35.*

6.1 Introduction to Project Impact and Thesis Conclusions

Brooklyn, like all of New York City, is growing. Resulting largely from an influx of new immigrants, the borough's population in 2002 reached almost 2.5 million residents.[1] A report released by the Office of the New York State Comptroller in 2004, outlines the many ways in which it views Brooklyn as being poised for additional growth, fueled by the ongoing increased public and private investment in the borough.[2] In 2006, the pro-growth faction has used this information and rising land values, the highest outside of Manhattan, to target Brooklyn for increased economic development. The recent rezoning of Downtown Brooklyn, among others in the borough and throughout the city, demonstrates how urban planning has functioned to strengthen the goals established by the city and state government. As private interests carry out their role in the growth strategy by proposing increasingly large buildings, Brooklyn requires comprehensive planning to deal with the impact of these changes on the borough as well as the greater city. The planning, and indeed preservation planning, should both address more traditional concerns and look to address the changing and diverse needs of complex urban areas. In addition to conscientious planning; the role of historic preservation remains invaluable within the context of growth and change. Its value, having already been determined to be a legitimate social enterprise, is profound and itself changing.[3]

The proposed Brooklyn Atlantic Yards project has provided a distinctive and revealing case study for how historic preservation takes place in light of large-scale developments, particularly when those are promoted as essential economic development. By lending an historic voice to an analysis of the area, documenting previous

[1] New York State Office of the Comptroller for the City of New York, Alan G. Hevesi, "Brooklyn: Economic Development And the State of Its Economy," *Office of the State Deputy Comptroller for the City of New York, Report 12-2004*, February 2004, 43.

[2] New York State Office of the Comptroller for the City of New York, Alan G. Hevesi, "Press Release: Brooklyn Economy Poised for Redevelopment," *Office of the New York State Comptroller Website*, http://www.osc.state.ny.us/press/releases/feb04/020504.htm.

[3] Paul Bentel, "Where Do We Draw the Line? Historic Preservation's Expanding Boundaries," *Future Anterior 2* (Fall 2004): 44.

development plans for the site, and examining the surrounding neighborhoods, a unique perspective has been uncovered. It has informed a meaningful understanding of the proposed development project and has provided a framework by which to determine which of the project's characteristics are most potentially damaging and which can be mitigated. Analysis of the early planning phase of the proposed project has revealed several barriers to preservation planning efforts. These barriers have been analyzed in the previous pages and include; most significantly, promotion of the project based mainly on economic factors, political aspirations, and misrepresented history. City and state officials have stream-lined the land use process to ease the way for the proposed spatial restructuring of a large, historically significant area of Brooklyn. The involvement of the Empire State Development Corporation (ESDC), employing its special authority to overrule local regulatory controls, has reinforced the shift away from a public sphere where public debate and critical reasoning is meant to take place.[4]

An analysis of the proposed project in terms of how it will impact the surrounding resources, namely the historic neighborhoods and communities, is based in large part on its proposed design. Though it is possible to envision a bold, architectural gesture leading redevelopment to a sublime urban place, both the proposed design and current review process are largely ignoring the historical context of the Atlantic Yards site. The project's planned departure from the contextual grid, open space patterns, and scale is highly objectionable in how it disconnects itself from the existing and significant character of the area. The practice of preservation is increasingly concerned with identifying and protecting culturally complex issues as seen by literature on cultural landscapes, urban diversity, and sense of place.

'Sense of place' is a concept that is increasingly present in preservation dialogue and is also one that often raises more questions than definitive answers. The field endeavors to demonstrate that both suburban and urban landscapes have a discernable

[4] Christine M. Boyer, *The City of Collective Memory* (Cambridge, Mass.: MIT Press, 1994), 415.

sense of place and that preservation of certain elements will help to capture and preserve that 'sense' to the ultimate benefit of society. In *What Time is This Place*, urban planner Kevin Lynch deals with the concept of time, space, and change in a highly relevant approach. He begins by stating that, "the arguments of planning all come down to the management of change."[5] His theory is that change and recurrence provide people with a sense of being alive and that the evidence of change in the physical environment is important to the individual's well-being. Historic preservation, then, attempts to hold on to fragments of an urban environment as a way to resist alienation from rapid physical changes.[6] Consequently, people drawn to historic homes and neighborhoods do so because these areas have evolved slowly over time, thus creating a richer, more complex area that is better suited to the needs and values of a diverse population. He goes on to state that it's not the old physical objects that people crave necessarily but instead, the familiar connections made and that, "we prefer a world that can be modified progressively, against a background of valued remains."[7] Lynch's principle is valuable to understanding the significance of historic preservation at the proposed Brooklyn Atlantic Yards project. It lends additional value to the answer of how preservation is taking place, namely, in a non-traditional manner that is consistent with diversification and growth of the practice. Emphasizing the fact that preservation should no longer be viewed as inhibiting growth but as a crucial part of responsible progress.

6.2 Impact to Historic Resources and Recommendations for Preservation: Policy & Design

The proposed Brooklyn Atlantic Yards project's program, localized within the eight-block site, has changed significantly since the initial announcement in 2003. As of April 2006, the proposed project will include 606,000 square feet of office space, 6.79

[5] Kevin Lynch, *What Time is This Place*? (Cambridge, Massachusetts and London: The MIT Press, 1972), 1.

[6] Ibid, 29.

[7] Ibid, 39.

million square feet of residential space, or 6,860 units of affordable, middle-income and market-rate housing, an 850,000 square foot sports and entertainment arena, 247,000 square feet of retail space, a 165,000 square foot hotel and over seven acres of open space. The building heights at the Atlantic Yards will range from approximately 184 feet to 620 feet, or 19 to 58 stories high. The tallest building at 620 feet, presently referred to as "Miss Brooklyn," is to be located on the corner of Flatbush and Atlantic Avenues directly across from the 512 foot Williamsburgh Savings Bank.[8] *See Figure 36.* Even with the 5% reduction in overall size, announced by FCRC in early April 2006, the overall size of the proposed Brooklyn Atlantic Yards project remains at approximately 8.7 million square feet, still larger than that announced in 2003, and still the largest single development in the borough's history.[9] As market conditions change and as other factors in the city's real estate and political climate adjust, it can be assumed that the figures will continue to change.

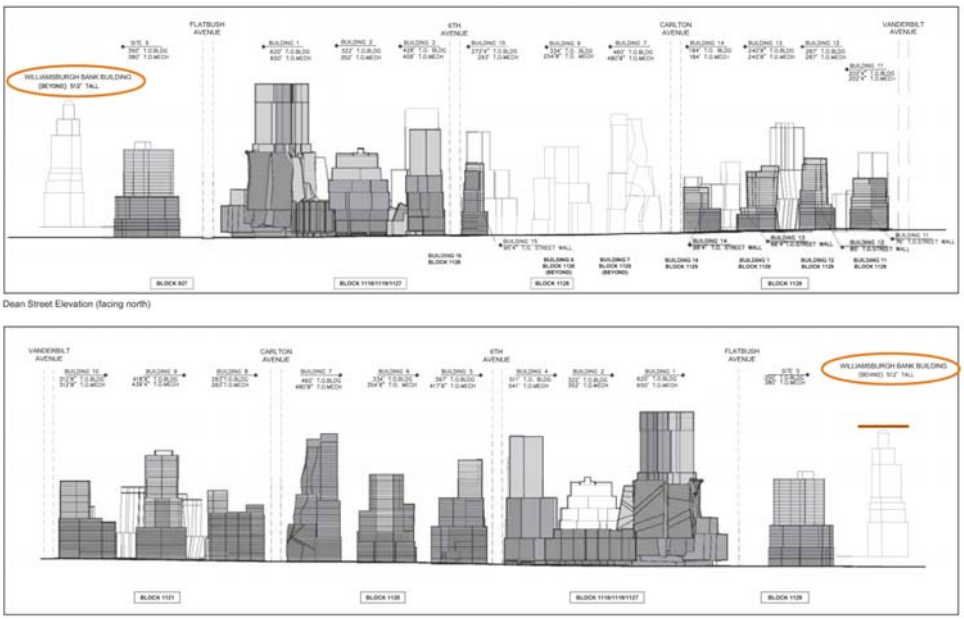

FIGURE 36. Elevation diagram showing building heights at the proposed Brooklyn Atlantic Yards project; top, Dean Street facing north; bottom, Atlantic Avenue facing south, Williamsburgh Savings Bank highlighted in orange, 2005.

[8] Forest City Ratner Companies, "The Plan: Atlantic Yards Overview," *Atlantic Yards Project Website,* http://www.atlanticyards.com/html/ay/atlanticyards.html.

[9] "Forest City Thinking Big," *Crain's New York Business*, April 10-16, 2006, Pg.1.

Additionally, the Memorandum of Understanding signed by FCRC, the city, and the Empire State Development Corporation (ESDC) specifies that following the issuance of the Draft Environmental Impact Statement (DEIS), the signing members will agree on urban design guidelines for the project.[10] These guidelines are to include a variety of issues such as:

> "building massing and heights, streetwall locations and heights, building articulation, distance between buildings, lot and tower coverage, retail continuity and glazing, signage, streetscape improvements, public open space use and design guidelines, sidewalk locations and dimensions, loading and truck access, parking location and vehicle access, vehicular and pedestrian circulation, and ground elevations."[11]

Under normal circumstances, this process would be reversed, creating design guidelines *prior* to the completion of a plan used to completed a DEIS. The system used at the proposed Brooklyn Atlantic Yards project is flawed in its reversal of the standard process, limiting the ability of the design guidelines to better address visual resources and issues pertaining to neighborhood character. Regardless, the design guidelines may have positive effects on the proposed project's urban design in terms of taking into consideration more of the problematic contextual and scale issues. Because the project is not restricted by zoning or any other existing design guidelines, the proposed design is based solely on the bulk of the program and the developer's vision for the site.

At present, the proposed Brooklyn Atlantic Yards project is scheduled to dramatically affect the site and surrounding area. The project's scale and urban design features are problematic for several reasons relating to its impact on the area's many historic resources. First, the project would create a 'superblock,' requiring demapping of several streets. Barriers currently exist in the project area between Fort Greene to the north and Prospect Heights to the south. Though both of those neighborhoods house their

[10] Norman Oder, "On A Backwards Design Process, Blocking the Clock, and A Zoning Bypass," *TimesRatnerReport Website*, February 3, 2006, http://timesratnerreport.blogspot.com/2006/02/on-backwards-design-process-blocking.html.

[11] Empire State Development Corporation, New York City Development Corporation, The City of New York, and Forest City Ratner Companies, "Memorandum of Understanding Brooklyn Arena/Mixed Use Development Project," (February 18, 2005).

own successful retail and pedestrian corridors, Atlantic Avenue is often choked with vehicles, is difficult to traverse, and contains little of the intimate streetscape features characteristic of the adjacent areas. The Vanderbilt Yard further reinforces this separation by closing off Carlton Avenue and creating a visual barrier between Pacific Street and Atlantic Avenue. Development on the Atlantic Yards site provides a unique opportunity to more effectively bridge two vibrant neighborhoods to the north and south, by way of active through-streets and additional improvements to Atlantic Avenue. Street life is an exceedingly significant feature of Brooklyn. The large number of intimate, tree-lined streets, stoops, and ground-level shops create a unique pedestrian flow and vitality that serves residents and visitors alike, contributing to Brooklyn's distinctive quality. Concerns over the elimination of Pacific Street, requests to examine the viability of storefronts along Atlantic Avenue, an interest in the maintenance of the area's grid and pedestrian quality have been encouraged by Amanda Burden, Director of the Department of City Planning and Chair of the New York City Planning Commission. Though her role in the project is advisory on this project, her comments reflect widespread concern over how the project will function on the ground.[12] A preservation planning approach to the challenge of how to strengthen the project's design at ground-level would look for ways to carefully extend the historically and culturally functioning qualities onto new development at the Atlantic Yards site. It would look at how pedestrian flow functions or does not on other superblock projects such as the Civic Center in Brooklyn and Battery Park City in Manhattan. Though successful cases exist such as Rockefeller Center, the impact of demapping streets and creating a cluster of high-rises is clearly more centered on creating a destination rather than a place that integrates and works together with the surrounding areas. *See Figure 37.*

[12] Matthew Schuerman, "Extra Burden," *New York Observer*, November 22, 2005, http://therealestate.observer.com/2005/11/extra-burden.html.

FIGURE 37. Site plan showing arena, open space, configuration of buildings, and organization of superblocks at the proposed Brooklyn Atlantic Yards project, 2006.

Another problematic urban design feature of the proposed Brooklyn Atlantic Yards project is the way in which public open space is being addressed. The project is currently designed to include seven acres of open space to be provided within the site's twenty-two acres. Though the developer assures the public that the space in between the residential buildings will be publicly accessible, the proposed project's designers have stated that their intent is to create public "urban rooms," within an overall "urban place."[13] The concept of destination spaces is questionable in terms of how it will engage the surrounding areas while accommodating existing area residents, particularly in light of the extremely large buildings and arena that will surround those "urban rooms." Open space is consistent with Brooklyn's development as seen by the two large, successful recreational spaces in the area, Fort Greene Park and Prospect Park, and should be

[13] The concept of "urban rooms" was taken from a presentation by Laurie Olin on November 22, 2005 at the American Institute of Architects Center for Architecture. Frank Gehry and representatives from Forest City Ratner Companies were also present.

encouraged and welcomed in any new development. However, the influx of carefully planned and orchestrated open space in the proposed design appears more likely to create an alien landscape that is as incongruous with the surrounding communities. *See Figure 38.*

FIGURE 38. Artist conceptual rendering of open space at the proposed Brooklyn Atlantic Yards project, 2005.

As with the demapped streets, examples can be found that inform how the open space can be planned, while taking into consideration the historic and cultural implications of its introduction into the urban landscape. The open space at MetroTech Center, was designed to serve the public but is generally known to be mostly used by employees and students at the Center. Lincoln Center, as an example of a performance venue with open public space is activated only before and after events, remaining essentially lifeless at other times. Urban renewal-style housing projects resemble most closely the type of open space proposed at the Atlantic Yards. These spaces, located on superblocks and surrounded by landscaped areas that are technically open to the public, often fail to welcome non-residents or to even encourage flow-through pedestrian traffic. However, these examples do not effectively capture the problems created by the proposed open space at the Atlantic Yards. The proposed project is unique in this condition because it will include a large volume of residential buildings and a sports arena within the immediate vicinity of existing low-scale historic neighborhoods. It is also worth noting that the open space originally proposed for the project has been significantly reduced. Originally trumpeted as being open to the public, it was later announced that green space on the arena rooftop would be open only to residents of the new residential buildings. This change signals what may become a problematic trend that may continue to privatize elements of the project originally purported to serve the public. Additionally, it is possible to envision that much

of the open space will be psychologically and physically lost within the bulk of the proposed buildings. In this case, preservation may best have been served by approaching area residents to learn more about what they value in their existing open space and how that could be augmented by new public space on the project site.

Inevitably, the main issue that emerges in discussions pertaining to the design of the proposed Brooklyn Atlantic Yards project is the question of scale. This issue is directly related to the fact that the project is viewed by its supporters as being an extension of Downtown Brooklyn. At a Floor Area Ratio of between 8 and 8.5, the project's density is more congruous with the anticipated bulk now permitted Downtown under the recent rezoning. Recently, two new luxury condominium buildings received City Council approval and have broken ground within the Downtown Brooklyn Plan boundaries. These buildings are large-scale new construction at 306 and 313 Gold. The buildings will rise to heights or 400 and 350 feet and signal the acceptance of taller structures in the area, setting a precedent for the work to take place at the Atlantic Yards site.[14] The introduction of sixteen high-rises into the relatively low-scale area, as proposed at Atlantic Yards, carries with it urban planning implications relating to infrastructure, social and public services, density, and traffic. In terms of impact to the area's historic resources, the scale of the proposed Atlantic Yards project will have effects to tangible factors such as the buildings to be demolished in the footprint, rising land values that will likely lead to additional displacement within the community, rapid redevelopment of other sites at a larger scale than is appropriate, obstructed historic view corridors and skyline. The most significant effect of the proposed project's scale as well as the most difficult to quantify, however, will be its impact on the area's sense of place. *See Figure 39.*

[14] Stephen Witt, "Deluxe Apartments In the Sky," *Fort Greene Courier*, April 7, 2006, http://www.fortgreenecourier.com/site/tab10.cfm?newsid=16447330&BRD=2384&PAG=461&dept_id=552856&rfi=6.

FIGURE 39. Architect's conceptual model of the proposed Brooklyn Atlantic Yards project showing contextual scale in foreground, 2005.

In the Draft Scope of Work completed by the ESDC, a task item relating to "Neighborhood Character" is included. It states that the "character of a neighborhood is established by numerous factors, including land use patterns, the scale of development, the design of buildings, the presence of notable historic, physical, or natural landmarks, and a variety of other features including traffic and pedestrian patterns, noise and socioeconomic conditions." The brief section inadequately concludes that the project will have an effect on the character of the area and that it should be assessed.[15] The proposed Brooklyn Atlantic Yards project completed at the scale proposed, over a ten-year period of time, would have effects that ripple far beyond the area immediately surrounding the site and would carry with it much greater cultural implications. The residential neighborhoods and the communities within those are one of the most

[15] Empire State Development Corporation, *Attachment A: Atlantic Yards Arena and Redevelopment Project Draft Scope of Analysis for Environmental Impacts Statement,* (New York: Empire State Development Corporation, 2005), 33.

significant resources in the area. Diverse ethnically, economically, and commercially, residents of these neighborhoods value the area's sense of community and sense of place for their own individual reasons, reinforcing the vitality and dynamism of Brooklyn. This diversity is one of the most important characteristics of the area and is at risk if the unique sense of place is replaced by a project that has very little relationship to the existing built and social fabric of the area.

Setha Low, a cultural anthropologist specializing in the topic of place and space, writes that the preservation of cultural resources is based, in part, on the notion that the "environment is valued and that it encodes important elements of our biophysical, social, and cultural history." She goes on to state that the lost sense of place is "not just an architectural loss but also a cultural and personal loss in terms of…meaningful environments of human action and expression."[16] Her theories, in addition to those of Kevin Lynch, which deal with the management of change over time, provide some context for a discussion relating to the proposed project's impact to the surrounding area. They inform an understanding of the value of place to Brooklyn's urban and cultural construct. Beyond simply encountering a wall of glimmering new buildings, a skyline crowded with a large number of new tall buildings, and a brightly-lit basketball arena, the area faces alienation as communities and individuals are likely to feel estranged from the new place. The implications of this type of detachment are difficult to measure and even more difficult to make an argument against using traditional preservation tools and language. Brooklyn's

FIGURE 40. Architect's conceptual model of intersection at Flatbush and Atlantic Avenues showing proposed design, 2003.

[16] Setha Low, "Cultural Conservation of Place," in M. Hufford, ed. *Conserving Culture: A New Discourse on Heritage*, (Urbana: University of Illinois Press, 1994), 67.

history depicts a place that developed rapidly in the nineteenth century followed by slow growth over time to the present. Residents value this consistency and identify with the pace and scale of the borough. As seen, the rate of growth, as seen by building construction, has recently accelerated once again. This growth, and the proposed Brooklyn Atlantic Yards project in particular, signal a growing need to identify the ways that cultural significance and sense of place, as important social elements, can be included as essential parts of both historic preservation practice and redevelopment projects.

6.3 Conclusion: Historic Preservation at the Brooklyn Atlantic Yards Project

The difficulties of making preservation claims in relation to the proposed Brooklyn Atlantic Yards project are ample. As seen, they involve every type of barrier and encompass the ways in which the project planning process is taking place as well as the inherent limitations of preservation tools available to manage this type of redevelopment. Notwithstanding these barriers, the answer to whether or not preservation is possible at the Brooklyn Atlantic Yards, is a resounding yes. Beyond possible, it is of tremendous importance to understand the greater implications for both the borough of Brooklyn and the future of historic preservation efforts that appear to resist economic growth development. Preservation is possible at the Brooklyn Atlantic Yards and is taking place on websites, in meetings, articles, and expressed in the voices of the city.

Though the proposed Brooklyn Atlantic Yards project is an anomaly in terms of scope and scale in relation to the history of development in Brooklyn, it signals a larger trend in New York City's redevelopment policy. This larger trend involves concessions in public funding, bypassing standard public review processes, broad support from state and city government, and now backed by legislation that has determined economic development to serve the 'public purpose'. Government, also viewing property development as economic development, goes to great lengths to attract expansion activities, often ignoring the damaging social and infrastructure aspects of such projects.

This is clearly the case at the Brooklyn Atlantic Yards, where it is continually claimed that the project, and the way it is being carried out, ultimately serves the greater good of the city. Using this logic, the proposed Brooklyn Atlantic Yards project is poised to irreversibly change the face of the borough.

The egregious scale of the proposed Brooklyn Atlantic Yards project demonstrates why it is so critical for preservation planning to find its voice in light of this type of development. Since before the project's announcement, and despite a limited public review process, efforts have been made towards historic preservation. Though less involved with existing buildings, as was traditionally the case in preservation efforts, community groups and advocates have formed to provide accurate information about the injustices of the project planning process, the anticipated impact to historic resources, quality of life, diversity, and sense of place. These groups have taken the initiative to organize and educate themselves and the greater community towards a productive dialogue about the implications of what it means to have this type of development unfold at the heart of several historic residential neighborhoods. They have appealed to local government officials and worked to verbalize the stakes, while attempting to demonstrate that they are neither opposed to growth nor succumbing to the "not-in-my-backyard" syndrome (NYMBYism). The final challenge for these groups remains to more firmly establish that preservation efforts need not hamper new housing, job opportunities, and economic development. Rather, that these goals should be realized within the context of a more open process towards a more equitable development that balances "a forward-looking vision with respect for Brooklyn's heritage."[17]

Beyond community-led efforts, organizations such as the Municipal Arts Society (MAS) continue to use their authority to support preservation efforts. In addition to completing reports, the MAS has worked together with community groups to help identify resources and focus efforts. Though no report has been filed as of April 2006, the MAS

[17] John B. Manbeck, "Op-Ed: The Project That Ate Brooklyn," *New York Times*, November 13, 2005, Pg. 13.

will in all likelihood factor in as the planning process moves forward. In March 2005, the Pratt Institute Center for Community and Environmental Development (PICCED) completed an extensive report titled "Slam Dunk or Airball? A Preliminary Planning Analysis of the Brooklyn Atlantic Yards Project." The PICCED is a community development that "leverages professional skills - especially planning, architecture and public policy - to support community-based organizations in their efforts to improve neighborhood quality of life, attack the causes of poverty and inequality, and advance sustainable development." [18] The PICCED's report is comprehensive and addresses a variety of historic preservation issues while detailing urban planning concerns relating to the proposed project. Their efforts effectively depict a successful attempt at collaboration between the two fields.

The Brooklyn Atlantic Yards case represents a challenge in terms of the historic preservation tools available, calling into question their validity in light of current urban redevelopment policy. This case highlights how these tools and systems fail when tested by savvy developers and when touted as inhibiting growth. As seen on the Atlantic Yards site, few overwhelmingly significant buildings exist, those that are present do not comprise a viable historic district, no preservation easements exist, the site is suitable for redevelopment, and most importantly, the truly significant historic resources in the area are comprised of neighborhoods and communities surrounding the site.

In order to address the disconnect between existing tools and the realities of a complex preservation challenge at the Atlantic Yards site, a new vision for preservation planning is ripe for exploration. Already a growing trend, diversification of preservation practice from dealing with traditional issues of style and the protection of valuable prototypes to a more diverse function that addresses issues of historical and cultural significance, is underway. Competing for a position within the greater dialogue of urban growth and economics, the language of preservation planning is changing, more readily

[18] Pratt Center for Community Development, "About Pratt Center," *Pratt Center Website*, http://www.prattcenter.net/about.php.

engaging concepts of bulk and scale and the impact of these to an area's essential character. This shift brings the practice closer together with traditional urban planning efforts in terms of management that extends far beyond the built fabric. At the same time as the field is becoming increasingly interdisciplinary, a new generation of preservationists emerges from a diverse range of backgrounds: community activists, advocates, community development corporations, architects, urban planners, lawyers, developers, and government. This diversity offers hope for cities that, in their efforts to renew, grow, and find balance are losing sight of the social health of their places.

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Interviews

Telephone interview with Paul Travis, former Vice-President, Forest City Ratner, January 20, 2006.

Telephone interview with Mary Bolton, formerly of the New York City Department of Housing Preservation and Development, January 21, 2006.

Cases

Berman v. Parker, 348 U.S. 26 (1954)

Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984)

Kelo v. City of New London, 125 S. Ct. 2655 (2005)

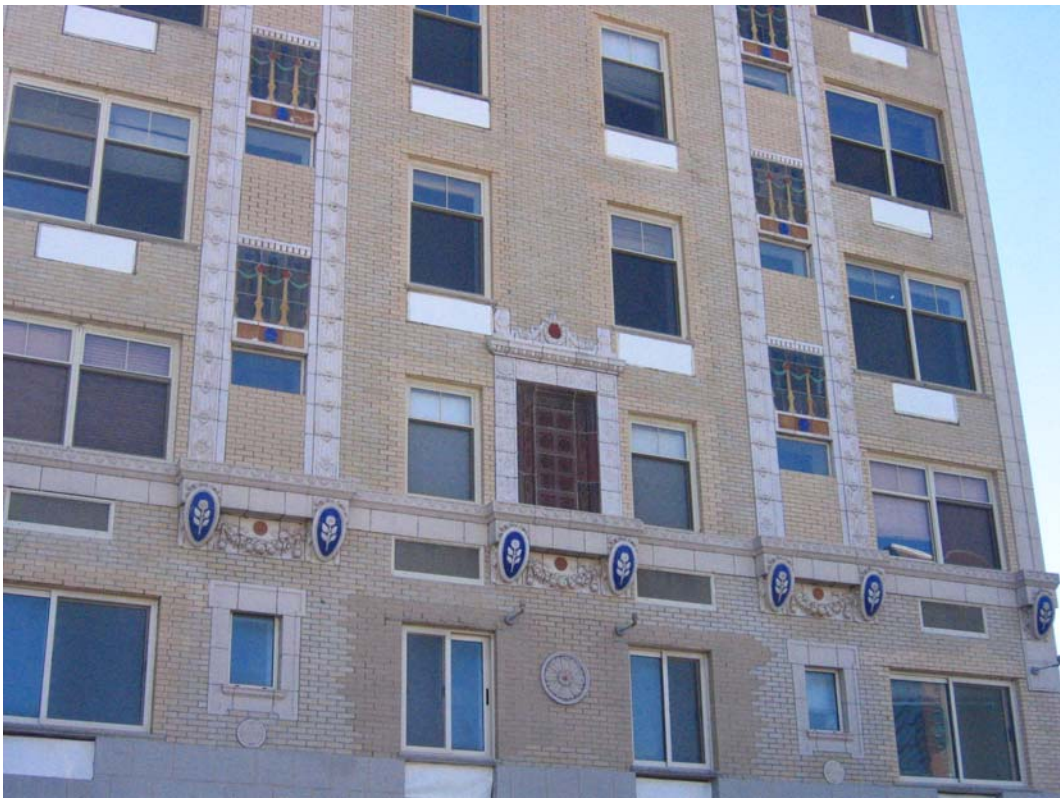
City of Tacoma v. Ronald and Steffi Zimmerman, 119 Wn. App. 738 (2004)

City of Albany v. Elda C. Abate, 779 NYS2d 632, (2003)

September 14, 2003	Residents from Fort Greene, Prospect Heights, Boerum Hill and Park Slope in Brooklyn neighborhoods hold an emergency meeting to organize an opposition movement to rumored arena
December 10, 2003	Developer Bruce Ratner of Forest City Ratner Companies (FCRC) officially unveils plans at the Brooklyn Borough Hall to build Nets Arena
January 21, 2004	Bruce C. Ratner purchases the New Jersey Nets for $300 million
May 2004	City Planning Commission unanimously votes to approve comprehensive rezoning of a sixty-block area of Downtown Brooklyn
February 18, 2005	Memorandum of Understanding signed by Empire State Development Corporation (ESDC), New York City Economic Development Corporation, and FCRC
February 24, 2005	Memorandum of Understanding signed by the Metropolitan Transportation Authority (MTA) and FCRC
April 2005	FCRC buys two buildings owned by Leviev Boymelgreen in the Atlantic Yards footprint
May 2005	FCRC signs agreement with ACORN to develop housing portion of proposed Brooklyn Atlantic Yards project with 50% affordable units
June 27, 2005	Community Benefits Agreement signed
July 13, 2005	Extell Development Company makes $150 million bid to purchase development rights at the Atlantic railyards
July 2005	Architect Frank Gehry's designs are released to the public
July 27, 2005	Metropolitan Transit Authority (MTA) votes to enter into exclusive negotiations with FCRC
September 7, 2005	New York City Independent Budget Office releases report stating that the proposed project would generate a modest fiscal impact for the state and the city
September 7, 2005	FCRC doubles initial bid to purchase MTA land and development rights to $100 million
September 15, 2005	MTA sells Vanderbilt Yard property and development rights to FCRC for $100 million
September 16, 2005	Draft Scope of Analysis for the Environmental Impact Statement released by the ESDC
October 18, 2005	Public scoping session for Draft Scope of Analysis

December 2005	FCRC announces plans to demolish six buildings on the Atlantic Yards site
January 18, 2006	Coalition of community groups file suit against the ESDC against the demolition of six buildings on the Atlantic Yards site
January 19, 2006	State Supreme Court justice declines to issue a temporary restraining order to prevent demolition of six buildings on the Atlantic Yards site
March 31, 2006	Final Scope of Analysis for the Environmental Impact Statement released by the ESDC
April 2006	FCRC announces reduction of the proposed project by 5%
May 2006	New Frank Gehry designs are unveiled reflecting the 5% reduction
2008	Nets lease to expire at the Continental Arena

Atlantic Arts Building, 636 Pacific Street



Daily News Building, now Newswalk Condominiums, 700 Pacific Street

Ward Bakery Building, 800 Pacific Street

Former A.G. Spalding Warehouse, 24 Sixth Avenue

The Underberg Building, 608-620 Atlantic Avenue

620 & 622 Pacific Street

461 & 463 Dean Street

585-601 Dean Street