

Atlantic Yards: What would Tiny Tim say? My View by Mary Campbell Gallagher

Picture Michael Bloomberg, chief executive officer of the New York City Realty Corporation — a Fortune 500 colossus of property development — back in 2002, as he tosses in his sleep in his massive East Side bedroom. Will developer Bruce Ratner get to build the hot new product in Prospect Heights that he calls Atlantic Yards? Ratner's 18,000-seat-arena-plus-offices-plus-condos development would be the biggest in the history of Brooklyn and the densest census tract anywhere. Atlantic Yards' 16 skyscrapers — the tallest up to 620 feet high — would also, the mayor and Ratner know, loom over Brooklyn. It would cover not just the former MTA railyards but a full 22 acres, and the state would have to use eminent domain to take businesses and homes.

So Ratner is promising something for everyone: jobs, tax revenues, apartments, brand-name architecture, basketball, you name it. The mayor, meanwhile, knows that all developments provide jobs and tax revenues. Starchitect Frank Gehry's designs are a titanium train-wreck. Ratner's Community Benefits Agreement looks like pay-offs for minority supporters. The traffic will choke Brooklyn. And the financials for Atlantic Yards are less transparent than Enron's.

In the mayor's darkest nightmare, Atlantic Yards struggles through the City Charter's land-use procedures, the product launch from hell. Angry New Yorkers at community board meetings attack Ratner's zoning violations, his government subsidies, eminent domain and the fact that no alternative ways to develop the site have been considered.

In the City Council, Letitia James, the Council member from Prospect Heights,

shouts, "Atlantic Yards does not look like Brooklyn!" and member Charles Barron cries, "Land grab!" The mayor's microphone has been cut off. City Council votes no.

'Michael!' A flash of light, the smell of sulfur and the ghost of Robert Moses, New York's notorious builder of highways and housing projects, steps through the window. "The state's 'public authorities' ruse worked for me," Moses chuckles. "Get the project away from the city's procedures and let the state handle it." Presto. The mayor assigns Atlantic Yards to the Empire State Development Corporation, a state public authority with the power of the Politburo and the secrecy of the CIA. No financial accountability. No City Council hearings.

The Public Authorities Control Board — Gov. George Pataki, Assembly Speaker Sheldon Silver and Senate Majority Leader Joseph Bruno — will vote yes. And then opponents will bring some lawsuits — at the least, a pro forma attack on the environmental ruling and a challenge to eminent domain. But one other thing is also certain. If New Yorkers complain loudly enough to their elected representatives, they can still stop Atlantic Yards, develop the railyards a better way and preserve Brooklyn.

Surrounded by flashing yellow flames, Robert Moses crosses his fingers. Will the "public authorities" dodge fail Bloomberg on Atlantic Yards as it did on the West Side Stadium? Or will CEO Michael Bloomberg of New York City Realty and developer Bruce Ratner get to sell a traditional lowrise neighborhood, Prospect Heights, as one heckuva great new product?



Mary Campbell Gallagher, J.D., Ph.D., lives in Manhattan. She is president of BarWrite, which prepares candidates for the bar exam, and the author of *Scoring High on Bar Exam Essays*.

Ms. Gallagher frequently writes about legal and social aspects of land-use debates.