

**NEIGHBORHOOD REZONINGS AND  
HISTORIC PRESERVATION  
IN NEW YORK CITY**

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## **I. Introduction**

The research within this thesis is guided by the premise that the heritage resources that define neighborhood character are not being adequately considered in the city rezoning process. Several recent rezonings support this hypothesis. In East New York, Brooklyn, where a zoning amendment was approved in 2016, only one property was designated as a landmark as a result of the rezoning process, despite community assertions that the area contains dozens of potentially-eligible historic resources. Far Rockaway, Queens received two landmark designations, and East Harlem, Manhattan received three when each were rezoned in 2017. Jerome Avenue in the Bronx received no landmark designations when it was rezoned in 2018. Inwood, Manhattan, which was rezoned in August of 2018, received a small historic district designation, which neglected to recognize its iconic collection of Art Deco apartment buildings.

Through the examination of historic resource considerations for the five case studies outlined above, this thesis seeks to determine how historic preservation can be better incorporated within the neighborhood rezoning process. Interviews with key stakeholders, including city officials and local preservationists provided additional insight regarding what preservation concerns existed in each neighborhood prior to the rezoning, whether and how those concerns were addressed, and what the outcomes were for the community. Several questions and goals were established to help answer the primary thesis question:

- What is the current process for neighborhood rezoning?
- Where in that process are historic resources considered?
- What are the character-defining features of the rezoned neighborhoods?
- Is there a disparity between historic resources identified through the formal rezoning process, and those identified by community preservation groups?
- What are community concerns and how have those concerns been addressed?
- What are the viewpoints of other stakeholders – advocacy groups, the Landmarks Preservation Commission, and the State Historic Preservation Office?

By investigating the questions outlined above, this research aims to document the instances where historic resources are being considered when neighborhoods are rezoned in New York City, investigate perceived gaps in the consideration of historic resources in those processes, and make recommendations for a process that is more inclusive of historic resources.

### **Methods and Methodology**

To begin to answer the primary research question, an in-depth review of the rezoning process was undertaken in each neighborhood, and consideration of heritage resources was documented for each case study. In each neighborhood, the number of existing landmarks along with the designation date was recorded. However, it cannot be assumed that the number of designated landmarks and historic district designations in a given neighborhood is directly correlated to the number of resources that are of historic significance or eligible for such designation. Myriad factors and varying characteristics of the study neighborhoods preclude that number from being an accurate indicator. Few or no designations could indicate that the city does not prioritize landmark designations in its land use planning processes, or that there are other roadblocks to designation of historic neighborhood resources. Therefore, a mixed-methods approach was undertaken, using both qualitative and quantitative data to substantiate findings.

Research was conducted using a case study methodology to gain an understanding of city planning processes, including similarities and differences in community engagement approaches taken in each study neighborhood. Case studies were selected on the basis that a rezoning requiring Mandatory Inclusionary Housing was approved between when it was established in 2014 and December 2018.<sup>1</sup> Comparing these five case studies allowed for the comparison of

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<sup>1</sup> Mandatory Inclusionary Housing is a city-led initiative to create or preserve 300,000 units of affordable housing in ten years, through requiring new construction to include a percentage of affordable units, sometimes in exchange for certain additional zoning allowances.



overarching goals as stated by the Department of City Planning or Economic Development Corporation (in two cases), as well as an understanding of the range of community concerns and responses, which were variable based on the character and composition of each neighborhood.

The variation in geographic location, built character and demographic composition of each neighborhood made research and side-by-side comparison difficult, but ultimately the investigation of these five disparate neighborhoods paints a broad picture of the scenarios and outcomes affecting each rezoning.

Data collection consisted primarily of review of public documents from the Department of City Planning, the Landmarks Preservation Commission, and other city agencies, which included City Planning Commission Reports, Environmental Impact Statements, Landmark Designation Reports, and neighborhood planning studies. The New York State Historic Preservation Office maintains the Cultural Resource Information System (CRIS), which documents buildings that are eligible for listing on the National Register, and was used to identify additional potential resources in each neighborhood. Newspaper articles from the period surrounding each rezoning as well as interviews with key stakeholders, informed preservation concerns that existed in each neighborhood prior to and during the rezoning. Key stakeholders included city officials, leaders from established preservation organizations, including the Historic Districts Council, and the leaders of neighborhood advocacy groups, such as Preserving East New York and Landmark East Harlem.

## **II. Literature Review: Zoning at the Intersection of Preservation and Planning**

During formal review of literature relating to preservation, planning, and zoning in New York City, it became clear that there is no shortage of writing on each of the three topics on its own. When it comes to the intersection of these three subjects, however, the pool of scholarship shrinks significantly. To fully grasp the extent to which preservation, planning, and zoning have been studied in New York City would be an undertaking outside the scope of this thesis. Instead, this literature review focuses on a few key categories of writing on planning, preservation, and zoning and the language that is used within the various available documents. This review serves as a preliminary analysis of planning and preservation theses, city documents, earlier case studies, and concerns raised by advocacy groups and through public comment, in order to understand the lens through which zoning is viewed in the realm of planning and preservation. The research contained within this thesis fits at the nexus of these three often-divergent subjects.

### **Planning and Preservation Theses**

Several theses from the Historic Preservation and Urban Planning Departments at Columbia University written in the last ten years examine zoning at the intersection of preservation and planning. Rachel Levy wrote about the use of contextual zoning as a planning tool for preservation in residential New York City neighborhoods, using several brownstone neighborhoods in Brooklyn as case studies.<sup>2</sup> Another thesis, by Max Yeston, discussed the concept of Neighborhood Conservation Districts, which while not used in New York City, are successful alternatives to historic districts in many cities throughout the United States.<sup>3</sup> In 2010,

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<sup>2</sup> Rachel Mollie Levy, "Contextual Zoning as a Preservation Planning Tool in New York City," (M.S. Historic Preservation and M.S. Urban Planning Thesis, Columbia University, 2015).

<sup>3</sup> Max Abraham Yeston, "Neighborhood Conservation Districts: An Assessment of Typologies, Effectiveness and Community Response," (M.S. Historic Preservation and M.S. Urban Planning Thesis, Columbia University, 2014).

Andrew Watanabe wrote a thesis about the 100+ rezonings that took place under the Bloomberg administration, which provided a valuable point of comparison to the contemporary case studies included in this thesis.<sup>4</sup>

### **City Agency Documents**

Public documents are a major primary resource for my research, and include publications related to policy, as well as rezoning documents, Environmental Impact Statements, City Planning Commission Reports, and Landmark Designation Reports. Public documents originate from municipal agencies and entities, such as the Department of City Planning (DCP), the Landmarks Preservation Commission (LPC), and the Mayor's Office. The language found in each greatly varies according to the audience for which it is written. Neighborhood plans developed by either DCP or the Economic Development Corporation (EDC) are largely public-facing documents, with appealing visuals and easy to understand language that touts the positive impact that the plan will have on the community<sup>5</sup>. Publications from the Mayor's Office have a clear political tone to them, demonstrating that progress is being made for the greater good, and campaign promises are being kept. Press releases are issued by the Landmarks Preservation Commission to promote newly designated landmarks and celebrate the work of the Commission. An excerpt from the press release for the Empire State Dairy in East New York reads:

The Commission is proud to landmark Empire State Dairy," said Landmarks Preservation Commission Chair Meenakshi Srinivasan. "These brick buildings stand today as century-old reminders of the once prominent New York dairy companies and of East New York's and Brooklyn's important industrial past.

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<sup>4</sup> Andrew Watanabe, "The Social and Spatial Imperatives of Contextual Zoning in New York City During the Bloomberg Administration," (M.S. Urban Planning Thesis, Columbia University, 2010).

<sup>5</sup> Neighborhood plans are developed by the agency that initiates the rezoning. For the case studies within this thesis, either the Department of City Planning or the Economic Development Corporation were the lead agencies.

Unfortunately, it is the only site that has been designated in the neighborhood in over thirty years.<sup>6</sup> It is possible that there is no other physical reminder of the area's history, but efforts made by local preservation advocates assert otherwise.

### **Books About Zoning**

Most criticisms of zoning are aimed at its propensity to displace long-time neighborhood residents, as is the case with *Zoned Out!*, or at pinpointing how and why neighborhoods change. *Naked City* offered a look back at the circumstances leading to disinvestment in neighborhoods throughout the city, including East New York, Harlem, and the South Bronx. Both of these books offer insight into research subjects that are tangential to my topic, such as affordable housing, gentrification, and displacement, primarily through the use of case studies. Some authors offer unabashed and sharp criticisms of the real estate industry, and city-led planning initiatives, clear biases that must be considered in the evaluation of each resource.

### **Preservation Advocates and Public Comment**

Advocates in this context are preservation or preservation-minded organizations, like the Historic Districts Council, the New York Landmarks Conservancy, and the Municipal Art Society, which tend to emphasize that not enough is being done to preserve the character of historic neighborhoods. These advocates make public comments in addition to the general public and other organizations, such as Local Development Corporations that weigh in on zoning proposals.

Outside of preservation advocates, public comment frequently contends that upzoning disproportionately affects neighborhoods of color, while downzoning is more often used to protect the character of wealthier neighborhoods. A letter from the Women's Housing and

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<sup>6</sup> "LPC Landmarks Empire State Dairy Buildings in East New York," Press Release, Landmarks Preservation Commission, December 5, 2017, <https://www1.nyc.gov/site/lpc/about/pr2017/120517b.page>.

Economic Development Corporation, a prominent neighborhood group involved in the Jerome Avenue Neighborhood Plan states:

We applaud this Administration's recognition of the dire need for affordable housing and goal to using zoning as one of the tools to respond to current and future need. In the past 10+ years, rezoning has at times been used as a protective measure to preserve the historical character and existing context of low-density, wealthier residential neighborhoods. We observe, however, that vibrant but vulnerable neighborhoods of color seem to bear the physical, cultural and socioeconomic brunt of rezoning intended to bring the City's high-density Affordable Housing Initiative to fruition.<sup>7</sup>

Comments on public hearings document the concerns present in each of the neighborhoods. City Planning Commission Reports contain recommendations and voting results of the respective Community Boards and Borough President. In three of the five case studies, both the Community Board and Borough President recommended disapproval of the zoning applications, and provided an associated list of conditions that should be met or changes to be made in order to gain the recommendation for approval from the respective entities. The concerns outlined by the Community Boards and Borough Presidents are largely about affordability, loss of jobs via zoning changes from manufacturing to residential uses, concerns over preserving local businesses, and requests for community facilities. Many of the comments throughout the reports emphasize that the neighborhoods are not only underdeveloped, but also underinvested in, with infrastructure and community needs ignored for decades. Recommendations from the Community Boards and Borough President are strictly advisory, but are important to understanding local community concerns.

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<sup>7</sup> NYC Department of City Planning, *Jerome Avenue Rezoning Final Scope of Work for an Environmental Impact Statement*, August 18, 2017, p. 565

## Zoning in the Media

Whenever public policy affects private property rights, there will inevitably be many sources of public opinion and critique. There is no shortage of such sources when it comes to zoning policy, in the form of books, blogs, and news articles. News articles are a great source for a better understanding of public opinion or impressions of contemporary zoning policies at the time of the case study rezonings. Oftentimes, blogs are used to understand a more colloquial “play-by-play” of actions taking place in the rezoned neighborhoods.

The media is where the conversation on zoning often plays out in real time. Various outlets chronicle neighborhood reactions, document proceedings, and publicize events. Since this thesis research does not include a community survey, the perception of zoning through the lens of the media is a critical resource in reflecting community values. It is also helpful in evaluating the relationship between the community and other participants in the process. For example, *YIMBY*, a pro-development news website, has a very different voice than that of *Brownstoner*, a preservation-friendly and development-conservative blog.<sup>8</sup>

Although the voices of stakeholders and policymakers are dissonant in part, when taken together, one can begin to weave a rich tapestry of how planning, preservation, and zoning are intertwined. This review was particularly helpful in parsing out the various perspectives from which resource documents were written, as well as better understanding stakeholder and community values surrounding land-use issues, neighborhood character, and the built environment.

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<sup>8</sup> The “About” section of YIMBY’s website states: “New York YIMBY says ‘Yes In My Backyard’ to new development in the Five Boroughs, and covers the region’s evolving architecture, construction, and real estate from a pro-growth perspective.” (<https://newyorkyimby.com/about-new-york-yimby>). Brownstoner takes a more modest tone: “Brownstoner covers a rapidly changing Brooklyn through the lens of real estate, development and renovation. It is the media brand people trust to help them find or sell a home, make a home better, and learn about the past, present and future of Brooklyn.” (<https://www.brownstoner.com/about/>).

### III. Project Background

Zoning in New York City is inherently and necessarily complicated, but as Richard L. Schaffer, then-chairman of the City Planning Commission notes in a 1993 *Reflections on Planning and Zoning in New York City*, “that is not necessarily a bad thing.”<sup>9</sup> Zoning is used as a tool to regulate planning and policy issues in a large and complicated city. Even in 1993, Schaffer remarked that zoning had evolved to accomplish more than could have been imagined at its outset in 1916. Land use in New York City is largely defined by its zoning regulations, which has resulted in criticism of the Department of City Planning for its focus on zoning, rather than comprehensive planning. In an interview with *City Limits*, Eva Hanhardt from Pratt Institute expressed concern that “over the years, DCP’s planning work and, as a result, the commission’s output, has become less comprehensive, more about facilitating development through zoning, and more a function of mayoral priorities.”<sup>10</sup> DCP’s former general counsel and chief data officer, and current Executive Director Anita Laremont, seems to support that notion in an interview with *Gotham Gazette*, “We are charged by state law that we must have a well-considered land use plan, and what we have maintained historically is that the city zoning framework at any given time is the city’s well-considered plan.”<sup>11</sup> This chapter broadly surveys past and current planning policies and zoning practices that define and shape land use in the city, and also defines a number of terms and processes pertinent to the discussion. A basic understanding of past policies is integral to a better understanding of the rezoning efforts of today. A focus will be

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<sup>9</sup> Richard L. Schaffer, “Reflections on Planning and Zoning in New York City,” in *Planning and Zoning in New York City: Yesterday, Today and Tomorrow*, ed. Todd W. Bressi (New Brunswick, NJ: Center for Urban Policy Research, 1993), 239-251.

<sup>10</sup> Abigail Savitch-Lew, “NYC’s Planning Commission: Rubber Stamps or Checks and Balances?” *City Limits*, August 9, 2017, <https://citylimits.org/2017/08/09/nycs-planning-commission-rubber-stamps-or-checks-and-balances/>.

<sup>11</sup> Ben Max and Gabriel Slaughter, “New York City Doesn’t Have a Comprehensive Plan; Does It Need One?” *Gotham Gazette*, May 16 2018, <http://www.gothamgazette.com/city/7674-new-york-city-doesn-t-have-a-comprehensive-plan-does-it-need-one>.

given to policy of the last thirty years, with a particular emphasis on policy of the 21<sup>st</sup> century, by which the case studies within this thesis are affected. Finally, a brief overview of the Uniform Land Use Review Procedure is critical to following the city-led rezoning process.

Zoning in New York City began with the Zoning Resolution of 1916, the origins of which are often credited to the construction of the Equitable Building in 1915 in Lower Manhattan, which rose up straight from its lot lines to 42 stories and cast a massive shadow upon its neighbors and onto the street below.<sup>12</sup> [Fig. 1] The Fifth Avenue Association, formed several years earlier in 1907, lobbied the city for comprehensive zoning regulation.<sup>13</sup> Prior to the Resolution's adoption, some citizens voiced the opinion that the city's growth was out of control, and needed to be curtailed through land use regulation. The Zoning Resolution that passed in 1916 separated uses, protected access to light and air, and limited density by instituting rules for setbacks and lot coverage resulting in the first comprehensive land use regulation policy of its kind in the country. [Fig. 2] However, as Norman Marcus points out in his call for a "comprehensive reassessment" of the Zoning Resolution in 1992, "zoning reflects social change, so inevitably it will fluctuate and become layered with the passage of time."<sup>14</sup> The Department of City Planning attributes frequent amendments to fluctuating immigrant populations, changing technology, mass transit development, and of course, the automobile.<sup>15</sup>

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<sup>12</sup> David W. Dunlap, "Zoning Arrived 100 Years Ago. It Changed New York City Forever," *New York Times*, July 25, 2016, <https://www.nytimes.com/2016/07/26/nyregion/new-yorks-first-zoning-resolution-which-brought-order-to-a-chaotic-building-boom-turns-100.html?module=inline>.

<sup>13</sup> Edward O'Reilly, "Undesirable edifices generally": The 1916 Zoning Resolution," *From the Stacks* (blog), *New York Historical Society*, July 11, 2012, <http://blog.nyhistory.org/undesirable-edifices-generally-the-1916-zoning-resolution/>.

<sup>14</sup> Norman Marcus, "New York City Zoning – 1961-1991: Turning Back the Clock – But with an Up-to-the-Minute Social Agenda," *Fordham Urban Law Journal* 19, (1992): 707.

<sup>15</sup> "NYC Zoning History," City Planning History, New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/about/city-planning-history.page>.





Figure 1: Equitable Building real estate prospectus, 1915. The Skyscraper Museum. Gift of Howard and Vivian Mall. [https://www.skyscraper.org/EXHIBITIONS/WOOLWORTH/nw\\_equitable.php](https://www.skyscraper.org/EXHIBITIONS/WOOLWORTH/nw_equitable.php).

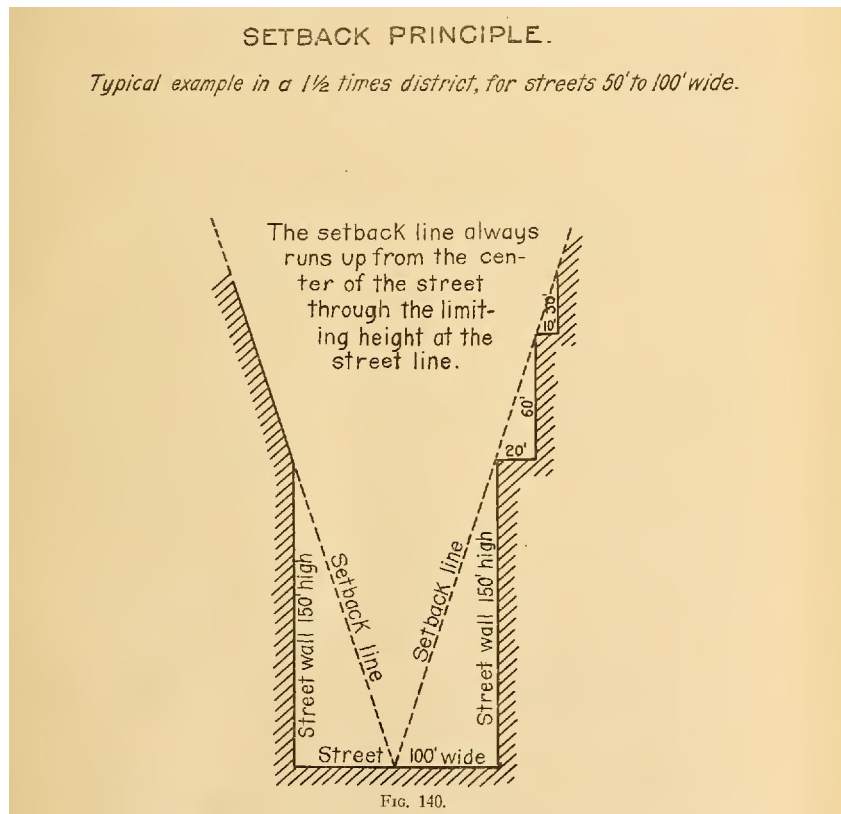


Figure 2: Setback Principle from 1916 Zoning Resolution, <https://archive.org/details/finalreportnewy/page/258>.

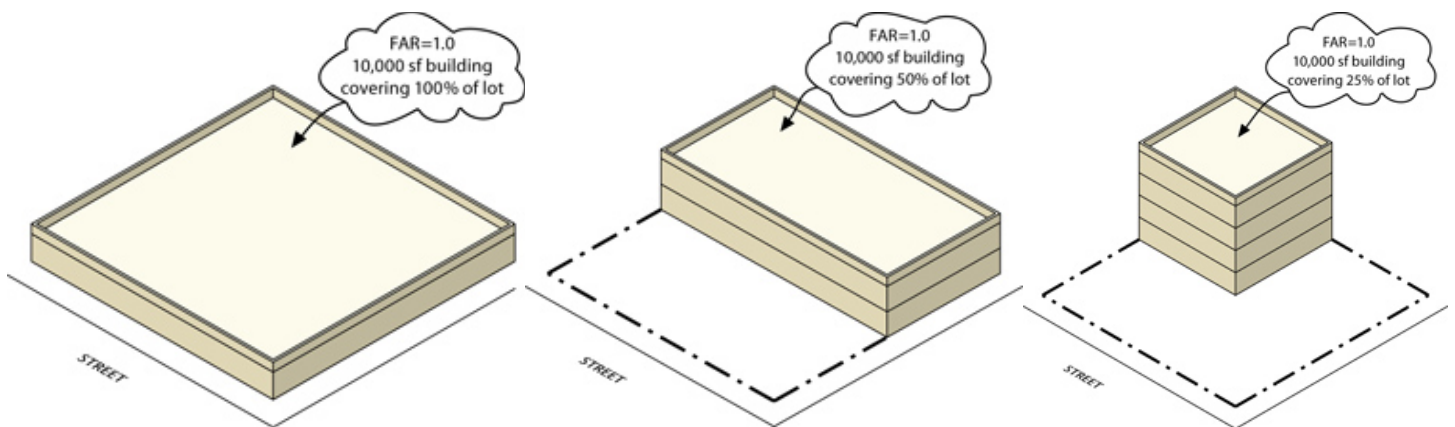


Figure 3: Diagram of Floor Area Ratio definition in NYC Zoning Handbook Glossary, <https://www1.nyc.gov/site/planning/zoning/glossary.page#floor>.

It was quickly realized that the Zoning Resolution would need to adapt to changing times, and the original Resolution was overhauled in 1961 with a Comprehensive Amendment to the New York City Zoning Resolution.<sup>16</sup> The Amendment introduced the concept of Floor Area Ratio (FAR), which dictates buildable floor area based on lot size, as well as incentives for developers to incorporate open space in new construction projects. [Fig. 3] As Schaffer points out, however, the Zoning Resolution of 1961 was “based largely on architectural and urban development theories and concepts of the 1920s and 1930s that embraced Modernism’s “tower in the park,” and “places were built that people do not like, that do not function well, and that do not take advantage of the city’s unique characteristics.”<sup>17</sup>

In the years since the 1961 Resolution was passed, numerous additions and changes have been adopted, increasing the breadth of the current zoning code to an infamous tome of over 1000 pages. Marcus remarks that the 1961 Resolution “reflected a disdain for the existing built form,” but asserts that subsequent changes and additions have resulted in increased “respect” for both the built and natural environment.<sup>18</sup> He goes on to chronicle changes in the three decades following the 1961 Resolution, including the introduction of contextual zoning, Special Districts, incentive zoning, and the public’s changing ideas toward open space.

Rachel Levy discusses the evolution and increased use of contextual zoning from the 1980s and into the 2000s in her thesis on the subject.<sup>19</sup> Essentially, contextual zoning provides new development that is relatively more sensitive to its surrounding context through scale and building envelope. Special Districts began to be used to incentivize the construction of less

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<sup>16</sup> Marcus, “New York City Zoning,” 723.

<sup>17</sup> Schaffer, “Reflections,” 250-251.

<sup>18</sup> Marcus, “New York City Zoning,” 708-711.

<sup>19</sup> Levy, “Contextual Zoning,” 3-8.

profitable uses by developers, and were effective in the Theatre District. Developers were offered the incentive of increased density in exchange for the construction of theatres between 40<sup>th</sup> Street and 57<sup>th</sup> Street, west of Sixth Avenue and east of Eighth Avenue.<sup>20</sup> Although Special Districts proved to be successful in incentivizing the kind of development the City desired, the sheer number of Special Districts by the 1990s made consistent enforcement difficult for the Department of Buildings.<sup>21</sup>

Marcus also makes note of how public perceptions of open space changed, in part due to rising crime in the decades following the 1961 Resolution. Although the city still provides incentives for developments with publicly accessible open space, it has moved toward other amenity incentives in the intervening years, including pedestrian arcades and ground-floor retail.<sup>22</sup>

Finally, an overview of the history of New York City zoning would not be complete without the introduction of inclusionary zoning. Marcus describes a few early cases, in particular a Lower Third Avenue development proposed in 1970, where the city would permit a large upzoning in exchange for the developer providing 450 units of affordable housing to compensate for the displacement the new development would cause.<sup>23</sup> As Marcus points out, this particular case was defeated by the Board of Estimate, largely due to community opposition.<sup>24</sup> Several other cases were successful in the following decade, however, and in 1987, the Voluntary Inclusionary Housing (VIH) program was officially enacted, which allowed developers to receive density

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<sup>20</sup> Marcus, "New York City Zoning," 713.

<sup>21</sup> *Ibid.*, 714.

<sup>22</sup> *Ibid.*, 719.

<sup>23</sup> *Ibid.*, 720-721.

<sup>24</sup> Marcus, "New York City Zoning," 720-721. According to Marcus, "Various reasons have been suggested for its defeat." Developer fears of setting a precedent might have been to blame in part, as well.

bonuses in exchange for the preservation or construction of affordable housing, specifically in areas that have been upzoned to allow for new development.<sup>25</sup>

By the 1990s, city planners were clamoring for comprehensive zoning reform. The Department of City Planning, City Planning Commission and the Metropolitan Chapter of the American Planning Association held a symposium in 1992 called *Planning and Zoning New York City: Yesterday, Today and Tomorrow*. A series of zoning handbooks have been published by the Department of City Planning over the years to help parse out its myriad provisions. In 2011, in commemoration of the 50<sup>th</sup> anniversary of the 1961 Resolution, DCP held another symposium, *Zoning the City*, which looked at the history of nearly 100 years of zoning and anticipated the needs of zoning in the City for the future. The most recent handbook, published in 2018, touts its accessibility and easy-to-understand language as well as its graphics, photographs and format to clearly illustrate what can be built under zoning.<sup>26</sup> Still, the Zoning Resolution today is far from straightforward, containing 64 Special Use Districts that can be overlaid on residential, commercial, and manufacturing districts and can be coupled with a range of rules in what DCP refers to as its “Zoning Toolkit,” which “address specific types of development or the design of quality public spaces.”<sup>27</sup>

### **Current Zoning Policy and Framework**

Generally, the history of zoning and especially contextual and incentive zoning is essential to an understanding of how current tools are used to advance mayoral priorities. Several background

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<sup>25</sup> “Voluntary Inclusionary Housing,” New York City Department of Housing Preservation and Development, accessed January 13, 2019, <https://www1.nyc.gov/site/hpd/developers/voluntary-inclusionary-housing.page>.

<sup>26</sup> “About Zoning,” New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/zoning/zh.page>.

<sup>27</sup> “Zoning Tools Overview,” Districts and Tools, New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/zoning/districts-tools/zoning-tools.page>.

programs that help to shape development today are also central to an understanding the factors that contribute to large-scale neighborhood rezonings taking place under the de Blasio administration. Voluntary Inclusionary Housing has been officially included in the “DCP toolkit” since the late 1980s, and has been expanded over the years to increase the development of affordable housing.

In 2005, the Inclusionary Housing Designated Areas program was created and was implemented for a series of neighborhood rezonings under Mayor Michael Bloomberg. Higher-density neighborhoods in the Bronx, Brooklyn, Manhattan, and Queens are Designated Areas, and since its inception the program has created or preserved more than 7,000 units of permanently affordable housing.<sup>28</sup>

### **Housing New York Initiative**

The Voluntary Inclusionary Housing policy was recently expanded by the current mayoral administration to become mandatory for new development in designated areas. The policy is part of *Housing New York*, an effort launched in 2014 by Mayor Bill de Blasio to build or preserve 200,000 affordable homes by 2024. *Housing New York 2.0* was released in 2017 to expand the goals of the program because it was on track to exceed its original benchmarks two years in advance of the ten-year deadline. The program’s revised goal is to build or preserve 300,000 units of affordable housing by 2026. The policy has indeed sparked quite a bit of new development and led to the rezoning of several neighborhoods chosen by the administration as candidates for new housing development, many of which have not seen comprehensive zoning changes since the 1961 Zoning Resolution was passed. Mayor de Blasio announced that fifteen

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<sup>28</sup> “Designated Areas Program,” Inclusionary Housing, Districts and Tools, New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/zoning/districts-tools/inclusionary-housing.page>.

neighborhoods would be selected for comprehensive zoning changes that would include Mandatory Inclusionary Housing. Eleven neighborhoods had been identified as of April 2019—Jerome Avenue and Southern Boulevard in the Bronx; Bushwick, East New York, and Gowanus in Brooklyn; Chinatown, East Harlem, and Inwood in Manhattan; Downtown Far Rockaway, Flushing, and Long Island City in Queens; and Bay Street in Staten Island. Five zoning amendments have been approved, one proposal has been withdrawn, and the others have been announced or are anticipated, according to *City Limits*.<sup>29</sup> [Fig. 4]

According to the Executive Summary of the initial *Housing New York* plan, rent-burdened households have increased 11 percent between 2000 and 2016, to nearly 55 percent of all renter households.<sup>30</sup> [Fig. 5] Citywide, rent burden is defined as rent totaling 30 percent or more of household income, and severe rent burden is defined as rent totaling 50 percent or more of household income. The report cites wage stagnation over the last two decades, as rental costs have continued to rise, as well as an influx of newcomers creating an imbalance in the supply and demand for housing. It also cites the expense of constructing multi-family housing as partial justification for incentivizing development, and thus outlines a complex, multi-pronged approach involving the collaboration of thirteen city agencies.<sup>31</sup>

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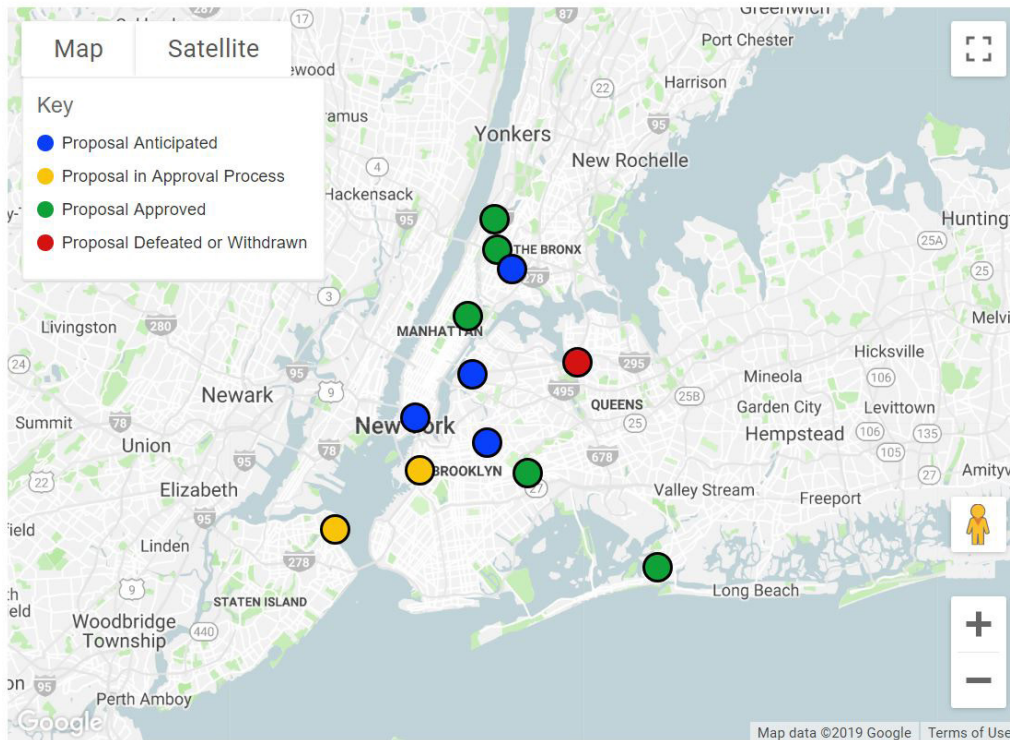
<sup>29</sup> “Mapping the Future: The Neighborhoods,” *City Limits*, accessed April 1, 2019, <https://citylimits.org/series/futuremap/>.

<sup>30</sup> *Housing New York – A Five Borough, Ten-Year Plan*, Office of the Mayor, City of New York, 2014, accessed January 13, 2019, <https://www1.nyc.gov/site/hpd/about/housing-plan.page>, 117. Those agencies are: Department of Housing Preservation and Development, Housing Development Corporation, New York City Housing Authority, Department of City Planning, Office of Management and Budget, Department of Buildings, Department of Finance, Economic Development Corporation, Department of Small Business Services, Human Resources Administration, Department for the Aging, Department of Homeless Services, NYC & Company, Office of Immigrant Affairs, Office of Contract Services.

<sup>31</sup> *Housing New York*, Office of the Mayor, 7.

## The Neighborhoods

Click on a neighborhood to get news, documents, opinions and videos about that community.

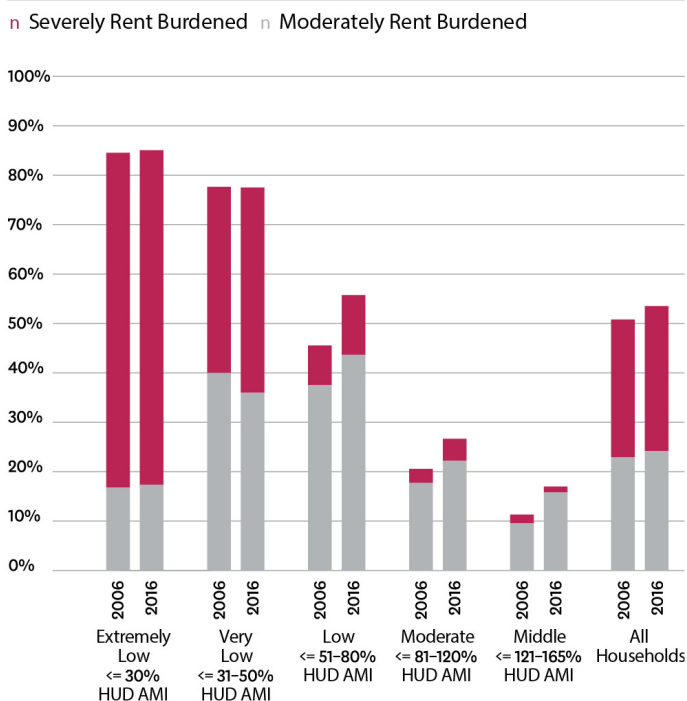


## Rezoning Status

- Bay Street
- Bushwick
- Chinatown
- Downtown Far Rockaway
- East Harlem
- East New York
- Flushing West
- Gowanus
- Inwood
- Jerome Avenue
- Long Island City
- Southern Boulevard

Figure 4: Proposed rezonings and respective statuses from City Limits, accessed April 2019, <https://citylimits.org/series/futuremap/>.

**Figure 6: Rent-Burdened Share by Income, New York City**



Sources: American Community Survey, U.S. Department of Housing and Urban Development Section 8/HOME Program Income Guidelines, NYU Furman Center

Figure 5: NYU Furman Center. State of New York City's Housing & Neighborhoods – 2017 Report, <http://furmancenter.org/research/sonychan>.

In 2016, 85.1 percent of extremely low-income renter households, 77.5 percent of very low-income renter households, and 55.7 percent of low-income households were moderately or severely rent burdened. While rent burden among the lowest income households remained about the same between 2006 and 2016, rent burden among low-, moderate-, and middle-income households increased over that time period.



Five main goals as stated in the report are: fostering diverse, livable neighborhoods; preserving the affordability and quality of the existing housing stock; building new affordable housing for all New Yorkers; promoting homeless, senior, supportive and accessible housing; and, refining financing tools and expanding funding sources for affordable housing.<sup>32</sup> Each of the five goals are broken down into several key strategies devised to meet those goals. Many of the programs are geared towards working with communities to determine and define specific needs of the city's diverse neighborhoods. The plan outlines zoning changes that will enable additional housing development, as well as planning for "as-of-right" development, meaning the zoning on a lot already matches the development being proposed, so that no zoning changes are required.<sup>33</sup> Both of these zoning measures together are hallmarks of the large-scale neighborhood rezonings underpinning the *Housing New York* plan. The original *Housing New York* plan is over 100 pages long, outlining in great detail the so-called "Five-Borough, Ten-Year Plan." The aspects of the plan that focus specifically on zoning are most pertinent to this thesis. In summary, the administration is pushing to improve and streamline zoning rules and have several zoning-related initiatives it is implementing to meet that end.

### **Mandatory Inclusionary Housing and Zoning for Quality and Affordability**

As a major component of Housing New York, Mayor Bill de Blasio expanded the City's Voluntary Inclusionary Housing program and introduced the Mandatory Inclusionary Housing (MIH) Program. In tandem with Zoning for Quality and Affordability (ZQA), and known together as MIH/ZQA, the policies are part of a package of incentives for *Housing New York*.

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<sup>32</sup> *Housing New York*, Office of the Mayor, 7.

<sup>33</sup> The Department of City Planning defines as-of-right development as one that "complies with all applicable zoning regulations and does not require any discretionary action by the City Planning Commission or Board of Standards and Appeals." (DCP, "Glossary of Planning Terms," Accessed April 4, 2019, <https://www1.nyc.gov/site/planning/zoning/glossary.page>.)

Establishing a Mandatory Inclusionary Housing Program is introduced in the first of *Housing New York's* five key policy goals. It is specifically geared towards rezonings that “substantially increase potential housing capacity in strong markets” and “will provide flexible options for meeting the requirements” to ensure effectiveness. Under MIH, affordable housing is required, not voluntary, and it must be permanently affordable, where affordability is calculated as a percentage of Area Median Income (AMI).<sup>34</sup> MIH is intended to be implemented in medium and high-density neighborhoods, like the ones currently being rezoned.<sup>35</sup>

Levels of affordability are available as two options for developers: 25 percent of residential floor area must be for affordable housing units for residents with incomes averaging 60 percent AMI, or 30 percent of residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI. There is an additional option for “deep affordability” that sets aside 20 percent of floor area for residents with incomes of 40 percent AMI, and a “workforce option” that targets residents with incomes averaging 115 percent AMI, and not above 135 percent AMI.<sup>36</sup>

New York City officials contend that the current zoning, that is, the 1961 Zoning Resolution updated and amended to today, is a barrier to the outcomes desired under the *Housing New York*

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<sup>34</sup> A note about AMI from the Metropolitan Council on Housing: “Area Median Income is the median income of a given area, calculated from Census data. The city and federal government use it to set income limits for housing subsidies and to determine what housing qualifies as affordable. The problem is that the AMI used for New York City also includes the more affluent suburban counties of Westchester, Rockland, and Putnam, so “low income” and “middle income” are based on an AMI of almost \$80,000 for a family of three. The actual city median is slightly more than \$50,000—which means that well over half of city residents make less than “median” used to determine what they can afford.” (Ava Farkas and Sara Newman, “Rezoning: What You Need to Know,” November 2015, [http://metcouncilonhousing.org/news\\_and\\_issues/tenant\\_newspaper/2015/november/rezoning\\_what\\_you\\_need\\_to\\_know](http://metcouncilonhousing.org/news_and_issues/tenant_newspaper/2015/november/rezoning_what_you_need_to_know))

<sup>35</sup> *Housing New York*, Office of the Mayor, 30.

<sup>36</sup> “Mandatory Inclusionary Housing,” Plans/Studies, New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>.

plan, and specifically that they have “discouraged the affordability and quality of recent buildings.”<sup>37</sup> Zoning for Quality and Affordability (ZQA) is another incentive zoning tool that allows for taller buildings if developers utilize incentives for affordable senior housing or inclusionary housing. The increase in height will allow for one-to-two additional stories to allow developers to take advantage of the FAR increases from the incentive bonus. ZQA does a number of other things to make it easier to develop lots, like reducing parking requirements for transit-accessible areas, but the height limit increases are its primary principle.

ZQA has been widely criticized by preservation organizations and community boards city-wide. It was called a “wholesale upzoning of the entire city,” that “will not guarantee either goal of affordability or quality” by the Historic Districts Council (HDC).<sup>38</sup> The HDC goes on to say:

There is no panacea for New York’s affordable housing crisis, and ZQA is not even a cure for its symptoms. Rather, it seems that ZQA is a concession to developers to sweeten Mandatory Inclusionary Housing (MIH). MIH is the only part of this proposal which might actually provide “affordable” units. ZQA loosens the entire city’s existing zoning to allow greater density for market-rate development, under the guise of creating affordable units, which, as we all know, is optional.<sup>39</sup>

The Historic Districts Council similarly criticizes MIH, stating that its “success is contingent on a massive upzoning on par with urban renewal.” Other critics question the levels of affordability, noting that even 60 percent AMI is higher than families can afford.<sup>40</sup> Housing New York asserts

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<sup>37</sup> “Summary,” Zoning for Quality and Affordability, Plans/Studies, New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/plans/zqa/zoning-for-quality-and-affordability.page>.

<sup>38</sup> “Historic Districts Council Statement to NYC City Council on ZQA/MIH,” Our Advocacy, Policy, *Historic Districts Council*, accessed January 13, 2019, <https://hdc.org/policy/historic-districts-council-statement-to-nyc-city-council-on-zqamih-2/>.

<sup>39</sup> “HDC Statement to City Council on ZQA/MIH,” *Historic Districts Council*.

<sup>40</sup> Tanay Warkerkar, “NYC’s Controversial New Affordable Housing Proposals, Explained,” *Curbed New York*, February 8, 2016, <https://ny.curbed.com/2016/2/8/10940798/nycs-controversial-new-affordable-housing-proposals-explained>.

that middle-income units are necessary to keep New York’s working class in affordable housing, and that there are other aspects of the plan that address those populations needing deeper affordability options.<sup>41</sup> Still, according to the Department of City Planning, New York touts the strongest inclusionary housing policy in the country, when compared to other leading cities, like Boston, Chicago, Washington, D.C., San Francisco, and Seattle.<sup>42</sup>

While *Housing New York* represents an unprecedented effort to construct or preserve affordable housing, in part through large-scale neighborhood rezonings, the city seems to be less concerned about preservation in the sense of historic fabric and neighborhood character. The administration rebuffs the many criticisms by justifying its altruistic goals, but only time will reveal whether the initiative is adequately considering neighborhood character, existing scale, and diverse urban landscapes that make these neighborhoods truly unique.

### **Uniform Land Use Review Procedure and City Environmental Quality Review**

The Uniform Land Use Review Procedure, or “ULURP,” is an application process by which land use actions are reviewed and approved by the City Planning Commission. ULURP is required for all Zoning Map Amendments and Zoning Text Amendments, as well as acquisition and disposition of City-owned property, and many other actions.<sup>43</sup> In the case of the city-led rezoning proposals under *Housing New York*, the ULURP application process is initiated by the agency proposing the action, or “lead agency.” The Economic Development Corporation and the Department of City Planning have acted as lead agencies in various neighborhood rezonings.

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<sup>41</sup> *Housing New York*, Office of the Mayor.

<sup>42</sup> “Mandatory Inclusionary Housing,” Plans/Studies, New York City Department of City Planning, accessed January 13, 2019, <https://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page>.

<sup>43</sup> “Actions Requiring ULURP,” Applicant Portal, New York City Department of City Planning, accessed April 1, 2019, <https://www1.nyc.gov/site/planning/applicants/applicant-portal/step5-ulurp-actions.page>.

If the lead agency determines that the land use action could potentially have adverse effects on the environment, a process called City Environmental Quality Review (CEQR) is triggered. A draft environmental impact statement (DEIS) is prepared that evaluates potential impacts and mitigation measures of the action relating to community character, the existing population, and historic resources, among others. The public has the opportunity to comment on the DEIS before the Final Environmental Impact Statement (FEIS) is issued. The FEIS must address and respond to comments raised during the public comment period.<sup>44</sup>

The Community Board affected by the rezoning has sixty days to review and hold public hearings, and make recommendations regarding the application, after which it goes to the Borough President for review and recommendations. The recommendations of both the Community Board and Borough President are advisory only. The application then goes to the City Planning Commission for an additional 60-day public review period, after which it votes whether to approve, modify or disapprove the application.<sup>45</sup>

Proceedings and resulting actions of ULURP and CEQR are ultimately documented in City Planning Commission (CPC) Reports and Final Environmental Impact Statements, documents that are invaluable to understanding the complicated land use review process and considerations for potential outcomes.

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<sup>44</sup> Carol Clark and Mitchell Bernard, "New York City's Development Review Process: A Guide to Participation," Municipal Art Society and National Resource Defense Council, Winter 1990.

<sup>45</sup> Ibid.

#### IV. Introduction to Case Studies

Between April 2014 and December 2018, five neighborhoods were rezoned under the *Housing New York* initiative: East New York, Far Rockaway, East Harlem, Jerome Avenue, and Inwood. Each of these rezonings was initiated by either the Department of City Planning (DCP) or the Economic Development Corporation (EDC), and involved cooperation between several additional city agencies and authorities. In each case, the rezoning proposal began with an in-depth neighborhood planning study initiated by the lead agency.<sup>46</sup> Neighborhoods were selected for numerous reasons, but many share certain characteristics, such as access to major public transit, and where outdated zoning was still in place. In many areas, the mixed-use corridors that today are believed to create healthy, dynamic neighborhoods could not be built as-of-right under the existing zoning, and new mixed-use development often required case-by-case zoning variances or special permits to proceed.<sup>47</sup> Several neighborhoods were the focus of various earlier planning studies, as in East New York, which served as a foundation for further study. Overall, populations in rezoning areas tend to be majority minority and historically underserved or lacking city resources and investment, sometimes, over the course of decades.

Several additional neighborhood rezonings introduced by the current administration are in various stages of planning and review, including Flushing, Queens, and Bay Street, Staten Island. The rezoning in Flushing stalled due to opposition by City Councilmember Peter Koo in 2016,

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<sup>46</sup> According to the CPC Report for East New York, these multi-agency “community development initiatives ... plan for improvements needed to support residential and commercial growth, preserve housing, and enhance quality of life for existing residents in these areas. As such, this represents a new, more coordinated approach to neighborhood planning.” (City Planning Commission Report, *East New York Rezoning*, February 2016: 21.)

<sup>47</sup> The Mayor’s Office contends that, “Neighborhood zoning changes or site-specific land use approvals can be sought; however, these actions are time consuming and add uncertainty to project development, which increases the cost of development.” (*Housing New York*, Office of the Mayor, 32.)

and has not advanced.<sup>48</sup> In Staten Island, the Community Board recently rejected the Bay Street rezoning proposal in its ULURP review.<sup>49</sup> Planning initiatives at the time of this writing are being undertaken in Bushwick and Gowanus in Brooklyn, with additional neighborhoods under further study including Long Island City, Queens, and Southern Boulevard in the Bronx.

A rezoning in East Midtown was approved in 2017 after an initial proposal failed in 2013. While the East Midtown rezoning was not undertaken as part of *Housing New York*, it is of interest because of the negotiations that took place to encourage the designation of individual landmarks during the process. The East Midtown case may prove useful in looking at historic preservation within the *Housing New York* rezonings.

The case studies that follow include an overview of the history of each neighborhood, neighborhood character, existing and eligible historic resources, and follows the city-led planning process through City Planning Commission Reports, Environmental Impact Statements, and Neighborhood Plans that were produced as part of the process.

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<sup>48</sup> Abigail Savitch-Lew, "Flushing: The Case of a Rezoning Postponed," *City Limits*, November 10, 2017, <https://citylimits.org/2017/11/10/flushing-the-case-of-a-rezoning-postponed/>.

<sup>49</sup> Sadeef Ali Kully, "Community Board Rejects De Blasio's Bay Street Rezoning, Demands Changes," *City Limits*, January 11, 2019, <https://citylimits.org/2019/01/11/community-board-rejects-de-blasios-bay-street-rezoning-demands-changes/>.

## Case Study 1: East New York

East New York was the first neighborhood to be rezoned under Mayor Bill de Blasio's *Housing New York* initiative. The rezoning includes adjacent Cypress Hills, on the north side of Atlantic Avenue, and is bordered by Brownsville to the east. Despite its relatively good access to transit, the area faced a lengthy period of decline and an extended period of disinvestment.<sup>50</sup>

Incidentally, its potential for growth on a transit corridor is part of why it was chosen as the first neighborhood of the rezonings completed to date. The neighborhood's zoning had also not been substantially updated since the 1961 Zoning Resolution.<sup>51</sup> (Appendix A)

A short case study of East New York was included in the *Housing New York* plan to exemplify the City's community engagement efforts in conjunction with neighborhood rezonings. Although the neighborhood has long been lacking in city services and investment, several initiatives have taken place in recent years to reverse the trend. Prior to *Housing New York* rezoning efforts, the Department of City Planning conducted a number of workshops and visioning sessions, through a federal grant initiative called Sustainable Communities (SCENY). The neighborhood was also awarded funding as a New York State Brownfield Opportunities Area. The East New York Community Plan, led by DCP and partner agencies, builds off of this earlier initiative.<sup>52</sup>

The East New York rezoning was led by the Department of City Planning, which coordinated heavily with the Department of Housing Preservation and Development (HPD), as well as Parks and Recreation (DPR), Small Business Services (SBS), the Department of Transportation (NYCDOT), and the Economic Development Corporation in the ten-month development of the

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<sup>50</sup> *Housing New York*, Office of the Mayor, p. 33.

<sup>51</sup> CPC Report, *East New York Rezoning*.

<sup>52</sup> *Ibid.*



East New York Community Plan that began in 2014.<sup>53</sup> According to City Planner Kerensa Wood, the Landmarks Preservation Commission was consulted early in the community planning process, but is not included in the CPC Report as a partnering agency.<sup>54</sup>

### **Neighborhood Character**

The rezoning area covers nearly two hundred city blocks, and the built fabric across this swath varies greatly, but generally, East New York is characterized by low-scale residential and commercial development. Single-family row-houses line many side streets, with main thoroughfares containing mixed commercial and residential development. The FEIS divides the large rezoning area into six subareas to evaluate neighborhood character, and states that “while the East New York subarea includes multiple historic resources, due to the disjointed character of the building stock and uses in the surrounding area, these historic buildings are not a defining feature of the subarea’s neighborhood character.”<sup>55</sup> Other subareas are characterized by elevated rail lines, large NYCHA housing developments, and vacant lots, some of which are community gardens.

### **Neighborhood History**

East New York was developed by Colonel John R. Pitkin, who purchased a large portion of farmland in 1835 and opened a shoe factory. He named the area East New York in anticipation of rapid growth that would rival that of New York City. The Long Island Rail Road reached the neighborhood the following year, and additional elevated trains extended to East New York in the 1880s and 1890s. The area never matched the popularity of Pitkin’s expectations, but

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<sup>53</sup> CPC Report, *East New York Rezoning*, 21.

<sup>54</sup> Kerensa Wood, interview with author, March 13, 2019.

<sup>55</sup> Department of City Planning, *East New York FEIS, Chapter 18: Neighborhood Character*, 3-5.

nevertheless grew steadily through the first half of the twentieth century. It faced serious decline in the 1960s and 1970s, losing thirty percent of its population, and has never completely recovered.

### **Uniform Land Use Review Procedure**

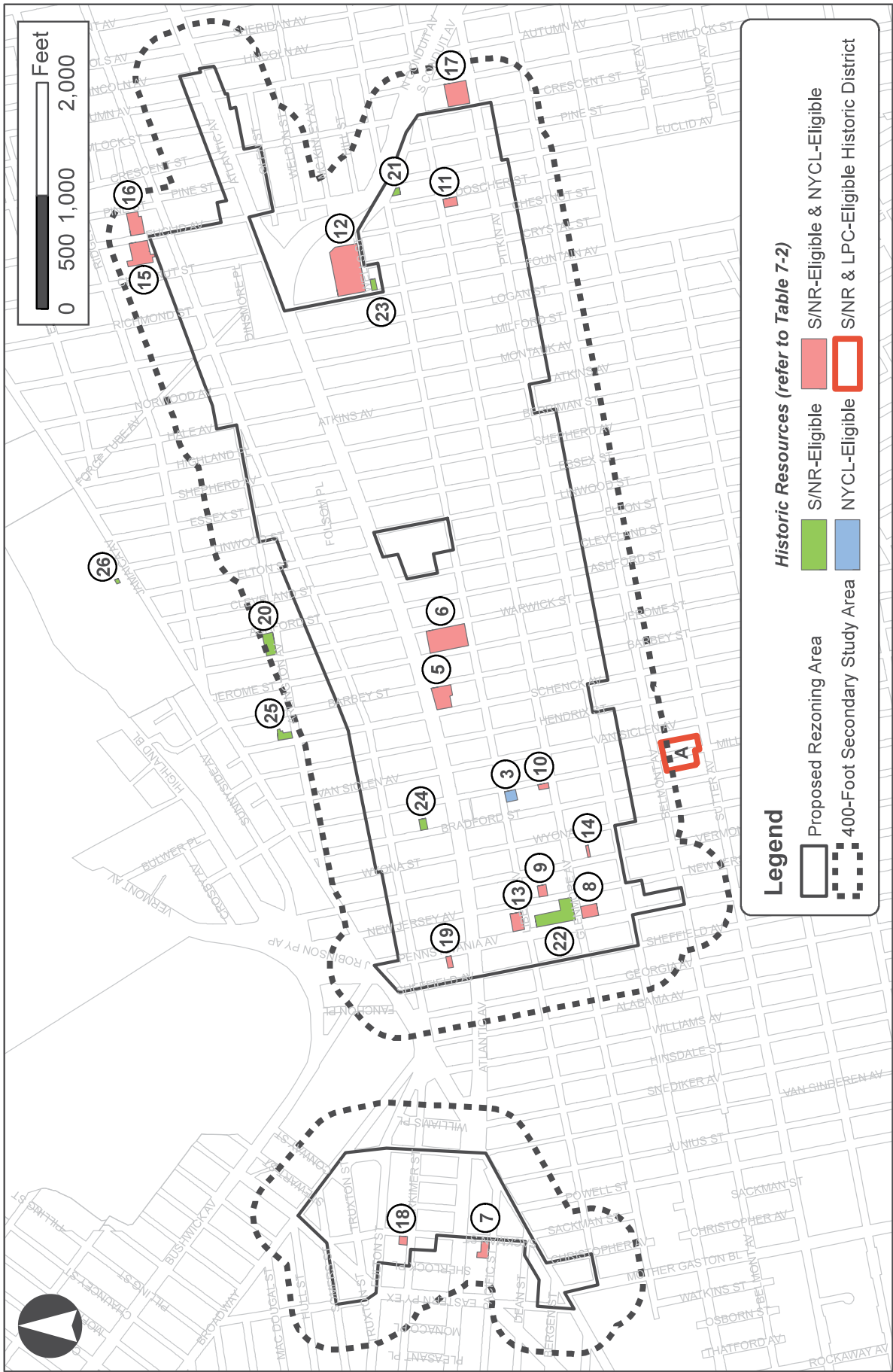
Brooklyn Community Boards 5 and 16 overwhelmingly recommended disapproval of the zoning proposal with conditions.<sup>56</sup> Among the conditions listed were requests for deeper levels of affordability to ease fears of displacement of long-time residents, to restore a city-owned building for use as a community center, and concerns over increased density that was out-of-context with the character of the neighborhood's residential core. Borough President Eric Adams also recommended disapproval of the rezoning proposal with conditions. Adams largely echoed the concerns of the Community Boards and especially advocated for deep levels affordability for new and redeveloped housing units. It is clear from the CB and BP recommendation that there were serious concerns within the community over the threat of displacement.

The FEIS identified a nearby development site as having a potential significant adverse impact to the Holy Trinity Russian Orthodox Church, and identified fourteen historic resources in close proximity to proposed development sites. It determined that although development "... could alter the setting or visual context of several of these historic resources, none of the alterations would be significant adverse impacts."<sup>57</sup> [Fig. 6] The FEIS also makes special mention of significant adverse impacts to the Empire State Dairy Company buildings:

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<sup>56</sup> CB 5 recommended disapproval of the proposal with conditions by a vote of 17-0 with 5 abstaining; CB 16 recommended disapproval of the proposal with conditions by a vote of 23-1 with 4 abstaining. (CPC Report, *East New York Rezoning*, 51-52.)

<sup>57</sup> *East New York FEIS, Chapter 7: Historic and Cultural Resources*, 2.



**East New York Rezoning Proposal**  
 This figure has been updated for the FEIS.

**Figure 6: Map showing location of Historic Resources in East New York.**

**Figure 7-3**  
**Eligible Historic Resources**

The possibility of potential designation of this resource was explored, in consultation with the LPC, between the DEIS and FEIS. Absent LPC's designation of the Empire State Dairy Building, the implementation of measures such as photographically documenting the eligible structure in accordance with the standards of the Historic American Buildings Survey (HABS) could partially mitigate the identified significant adverse direct impact to this historic architectural resource. However, a mechanism to require such measures is not available.<sup>58</sup>

The inclusion of this statement within the FEIS chapter that discusses historic and cultural resources is problematic in its dismissal of the now-designated Empire State Dairy Company landmark. Although this approach may be commonplace in New York City's environmental review process, I find its feeble recommendation of documentation in lieu of formal protection particularly disturbing.

### **Existing Landmarks and Preservation Efforts**

East New York, like many neighborhoods outside of Manhattan, has very few designated landmarks, and no historic districts. There are two designated individual landmarks, both public schools, in neighboring Cypress Hills. Public School 65K, on Richmond Avenue, was constructed in 1889 and Public School 108, on Linwood Street, constructed in 1895; both were designated in 1981. Only one landmark was designated as a direct result of the East New York rezoning: a collection of six buildings constructed from 1906 to 1915 that make up the Empire State Dairy Company, on Atlantic Avenue in the heart of the rezoning area.<sup>59</sup> [Figs. 7-8] The East New York Savings Bank, an 1889 building by architect Richard Upjohn, Jr. was demolished in 2015, in advance of the rezoning. [Fig. 9] Our Lady of Loreto, a nearby church designed by an Italian immigrant and completed in 1908, was lost to demolition in August 2017, despite years-

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<sup>58</sup> *East New York FEIS, Chapter 7: Historic and Cultural Resources, 2.*

<sup>59</sup> "Discover NYC Landmarks," Maps, New York City Landmarks Preservation Commission, accessed January 13, 2019, <https://www1.nyc.gov/site/lpc/designations/maps.page>.



Figure 7: Empire State Dairy Company, 840 Atlantic Avenue. Photo from LPC Designation Report. <http://s-media.nyc.gov/agencies/lpc/lp/2575.pdf>.

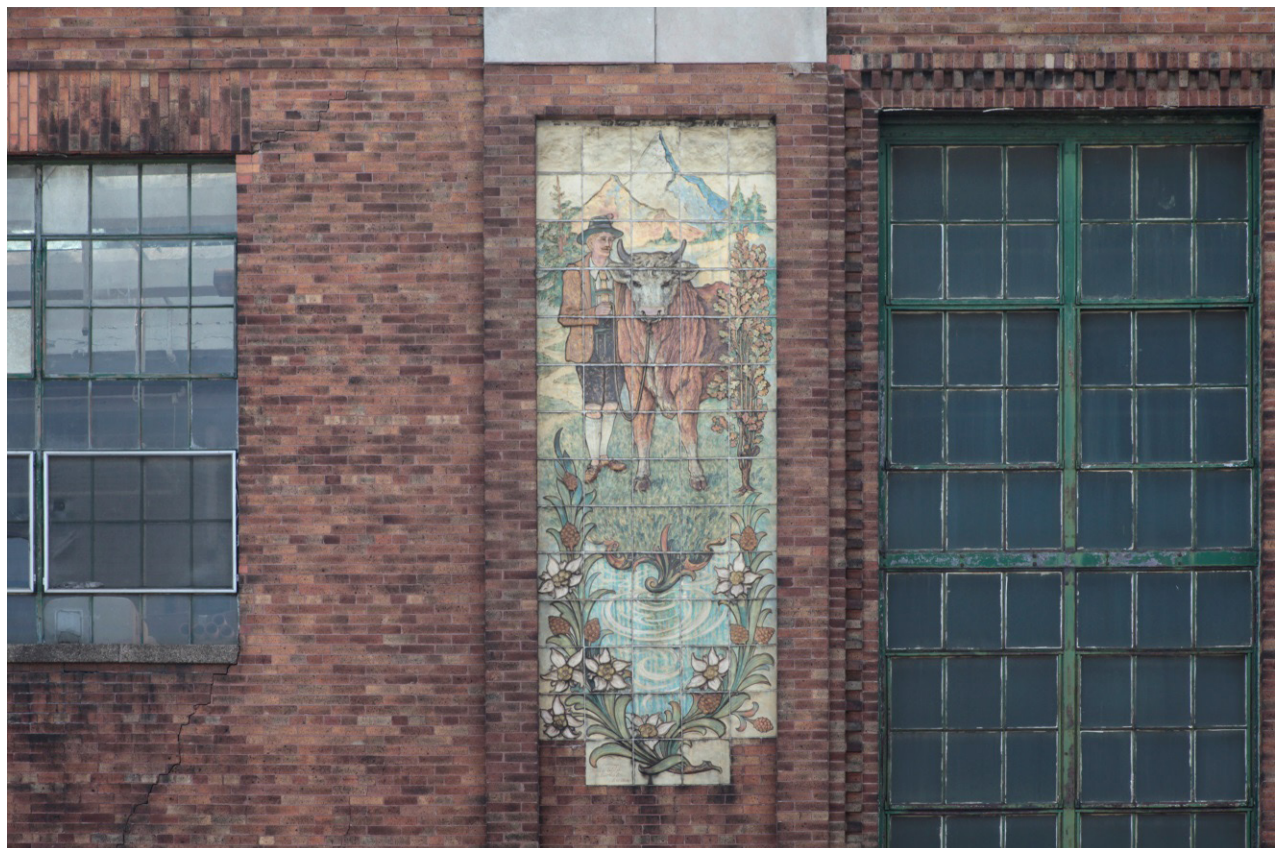


Figure 8: Ceramic Tile Mosaic, Empire State Dairy Company Buildings, Sarah Moses (LPC Designation Report), November 2017. <http://s-media.nyc.gov/agencies/lpc/lp/2575.pdf>.



Figure 9: East New York Savings Bank (demolished), The East New York Project, <http://www.tapesare.com/Penn.html>.



Figure 10: Our Lady of Loreto (demolished), <https://www.brownstoner.com/architecture/our-lady-of-loreto-ocean-hill-126-sackman-photos-2017/>.



Figure 11: Holy Trinity Russian Orthodox Church at 400 Glenmore Avenue. Photo by Zulmilena Then. <https://www.brownstoner.com/development/east-new-york-brooklyn-landmark-preservation-rezoning/>.

long community efforts to save the structure. [Fig. 10] The building had been threatened since 2009, when the Catholic diocese ended services there, and was eligible for National Register listing prior to its demolition.<sup>60</sup> The Roman Catholic Diocese was pushing to redevelop the site since the building was shuttered in 2009, and while its demolition cannot be wholly attributed to the 2016 rezoning, the loss coincides with rising development pressures in the area.

Preservation initiatives in East New York have been largely community-led. The loss of the East New York Savings Bank in 2015 spurred local activist Zulmilena Then to establish Preserving East New York (PENY), a grassroots preservation organization to prevent the loss of additional historic resources. She has been influential in raising community awareness of the importance of historic preservation, as well as the positive impact it can have on neighborhood revitalization. PENY called attention to a number of churches and synagogues that could be impacted by the rezoning, including the iconic Holy Trinity Russian Orthodox Church, which was also identified in the FEIS. Dozens of additional sites with significance to the community were also identified, including Grace Baptist Church, Second Calvary Baptist Church, Ninth Tabernacle, Glenmore Presbyterian Church, and Glorious Church of God. [Fig. 11]

Then's efforts were instrumental to the designation of the Empire State Dairy Company, the only landmark designated in East New York as a result of the rezoning, and PENY continues to be a powerful symbol for the local community. It is important to point out that Then does not oppose development in East New York, but rather, she supports a holistic approach to preservation and community planning. Then also recognized that as the first neighborhood to go through the rezoning process under the Mayor's new affordable housing initiative, East New York would set

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<sup>60</sup> Susan De Vries, "Community Rallies Today to Save Long Vacant Our Lady of Loreto Church," *Brownstoner*, March 16, 2017, <https://www.brownstoner.com/architecture/our-lady-of-loreto-brooklyn-church-126-sackman-street/>.

an important precedent for the projected fourteen rezonings to follow. In an interview with *Brownstoner*, Then was positive but resolute:

The Mayor's rezoning plan has taken a holistic approach by working with other city agencies, with the exclusion of the Landmarks Preservation Commission, to address the various strategic goals in the East New York Community Plan. However, if historic preservation is included within this plan, the various strategic goals targeted will be further enhanced and strengthened to empower our communities.<sup>61</sup>

She was explicit in noting the absence of the LPC during the rezoning process, even though, as noted previously, a city planner confirmed for me that the Landmarks Preservation Commission was consulted by the Department of City Planning early in the community planning process.

While not all sites identified by the community will necessarily meet the criteria for designation by the LPC, it is important to note that Then's list corroborates with several building listed as eligible for listing on the National Register in the Cultural Resource Information System (CRIS), maintained by the New York State Historic Preservation Office. [Fig. 12] National Register eligible sites include two churches in addition to those identified above, two public schools, an industrial building, and a notable residential building known as Vienna Flats. [Fig. 13]

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<sup>61</sup> Hannah Frishberg, "Young East New York Native Fights to Preserve Neighborhood's Historic Gems," *Brownstoner*, January 26, 2016, <https://www.brownstoner.com/development/east-new-york-brooklyn-landmark-preservation-rezoning/>.



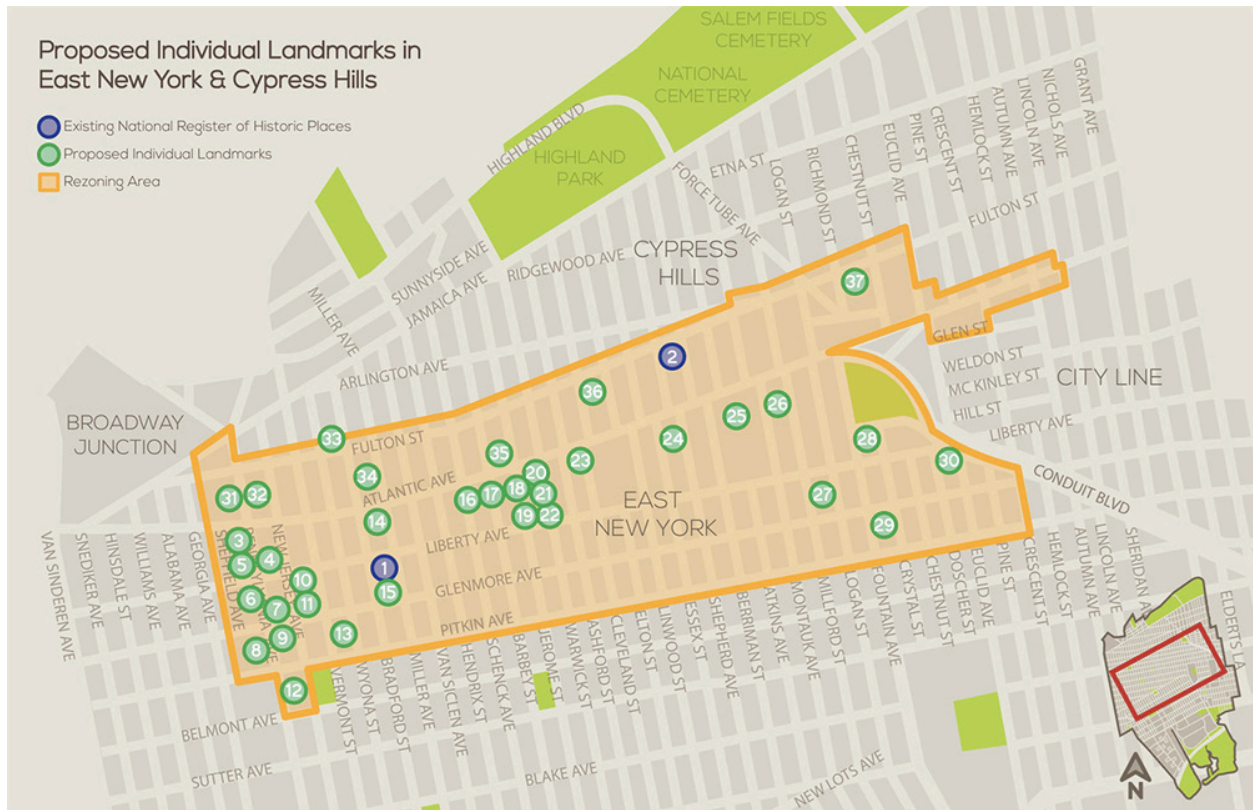


Figure 12: Proposed landmarks within the East New York Rezoning boundaries, as identified by Preserving East New York (PENY). <https://www.brownstoner.com/development/east-new-york-brooklyn-landmark-preservation-rezoning/>.



Figure 13: Vienna Flats at 190 Jerome Street. Photo by Zulmilena Then. <https://hyperallergic.com/424278/preserving-east-new-york/>.

## **Case Study 2: Downtown Far Rockaway**

Like East New York, the Far Rockaway rezoning began with a community planning process initiated by the Economic Development Corporation, which resulted in an 8-page document entitled “Roadmap for Action.” The land use actions, which included proposed zoning map amendments, were initiated by the NYC Economic Development Corporation, in coordination with Housing Preservation and Development, and the Department of Citywide Administrative Services. The purpose of the plan was to revitalize a 23-block area of Downtown Far Rockaway, by increasing the area’s capacity for new mixed-used residential and community facilities.<sup>62</sup>

(Appendix A)

The neighborhood is located in Queens on the easternmost point of the Rockaway peninsula, and is the terminus of the New York City subway’s A train, and the Long Island Rail Road Far Rockaway branch. In addition to municipal and regional train access, the area is well-connected to highway systems, including the Van Wyck and Nassau Expressways. The 23-block study area is within walking distance to both the beach and the bay. Downtown Far Rockaway is referred to as the historic commercial “village” of the peninsula in many of the planning documents.<sup>63</sup>

### **Neighborhood Character**

The neighborhood’s commercial corridors are generally low-scale and automobile-oriented, with surface parking lots frequently breaking the street wall. Mott Avenue, identified as the area’s main street in the city planning documents, follows the same pattern, consisting of mostly older, one- and two-story commercial buildings. While many of the commercial buildings are occupied,

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<sup>62</sup> Department of City Planning, *Downtown Far Rockaway FEIS, Notice of Completion*, January 5, 2018: 2.

<sup>63</sup> City Planning Commission Report, *Downtown Far Rockaway Rezoning*, July 2017: 6.

there is a large shopping center situated between the LIRR and subway stations that is nearly vacant, and vacant lots proliferate the study area as well.

Three rezonings have taken place in Far Rockaway since 2005, all located outside of the downtown core. As such, the zoning within the study area remained largely unchanged since the 1961 Zoning Resolution. The neighborhood received an influx of municipal support in the aftermath of Hurricane Sandy in 2012, and in 2016 Mayor Bill De Blasio announced \$91 million in city investment for the neighborhood, and specifically for the revitalization of the historical commercial corridor of Downtown Far Rockaway.<sup>64</sup>

### **Neighborhood History**

In the early 19<sup>th</sup> century, the peninsula of Far Rockaway was a seaside resort destination for affluent New Yorkers. It continued to gain popularity throughout the 1800s. [Fig. 14] Its growth coincided with increasing accessibility, beginning with the construction of the Rockaway Turnpike in the 1830s, the creation of a ferry service in the 1860s, and finally the construction of the Long Island Rail Road's Far Rockaway line in the 1880s.<sup>65</sup> The expansion of transportation networks to the area also acted to democratize the tourist destination, and the area began to see more middle-class visitors and permanent residents. The neighborhood expanded outward from the downtown village throughout the early 20<sup>th</sup> century, and maintained its status as a tourist destination.<sup>66</sup>

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<sup>64</sup> "State of Our City, Plans for Our Future," Office of the Mayor, accessed April 1, 2019, <https://www1.nyc.gov/office-of-the-mayor/state-of-our-city-2016-future-plans.page>.

<sup>65</sup> CPC Report, *Jerome Avenue Rezoning*, 7.

<sup>66</sup> *Ibid.*

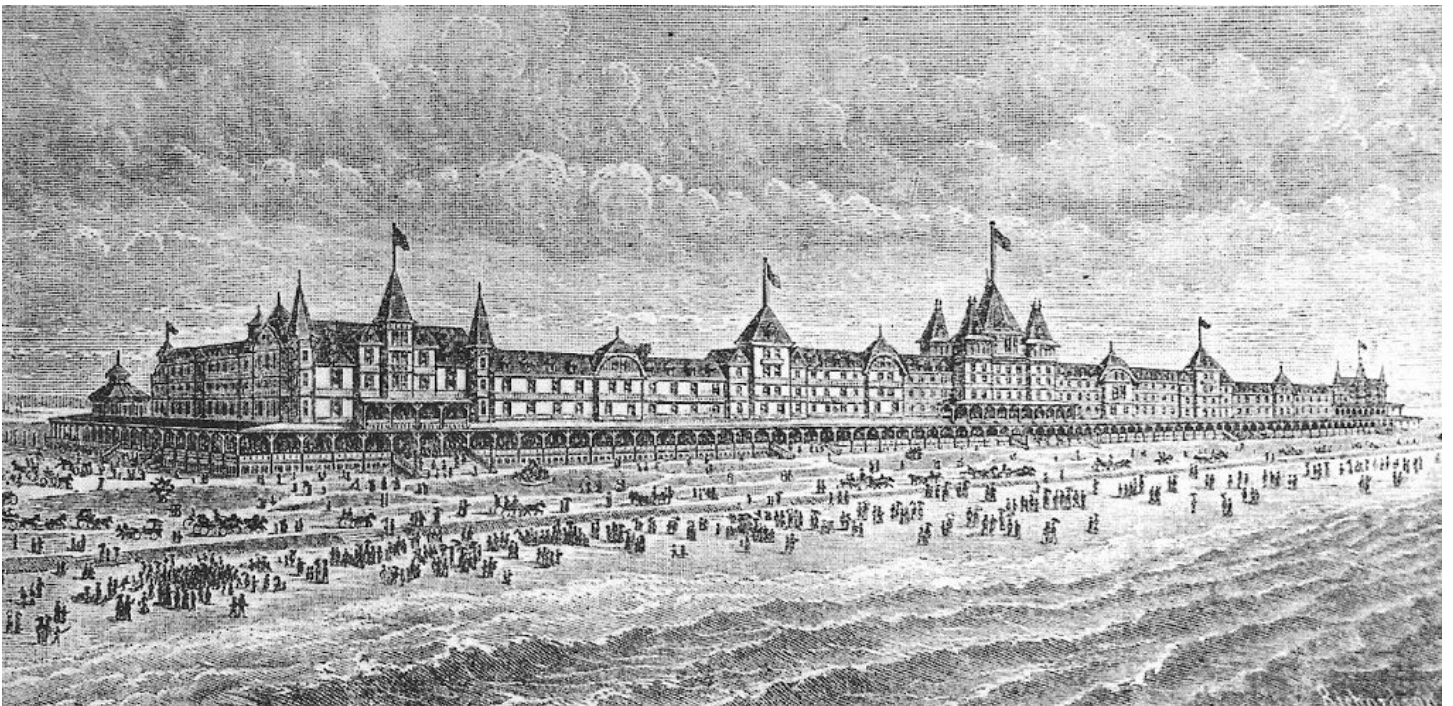


Figure 14: Seaside Resort destination, A lithograph of the Rockaway Beach Hotel, via Vincent Seyfried and William Asadorian, "Old Rockaway, New York, in Early Photographs," Dover Publications, Mineola, NY, 2000. <https://www.6sqft.com/from-the-queens-riviera-to-robert-moses-the-history-of-rockaway-beach/>.

Development and planning efforts of the mid-20<sup>th</sup> century included the construction of post-war housing, as well as NYC Housing Authority projects that were constructed with Federal Urban Renewal Program dollars.<sup>67</sup> In the latter half of the century, tourism began to wane, along with city investment, leading to the decline of the neighborhood as a whole.

### **Uniform Land Use Review Procedure**

The boundaries of the proposed rezoning are entirely within Queens Community Board 14, which recommended approval of the Land Use Actions with conditions. Conditions put forth by the Community Board related primarily to MIH requirements and restrictions against increased height. Queens Borough President Melinda Katz recommended approval as well, with the conditions that echoed those of the Community Board. One point of concern revolved around the disposition of a city-owned site that many residents felt should be converted into a park, playground or community garden. The City Planning Commission approved the rezoning without conceding to the request, but emphasized that the EDC would continue to work with the community to envision a new use for the site.<sup>68</sup> Neither Community Board 14 nor Borough President Katz included historic preservation in their comments, however, both had significant concerns about the increase in allowable height for new development and its impact on the small-scale village character of the neighborhood.<sup>69</sup>

### **Existing Landmarks and Preservation Efforts**

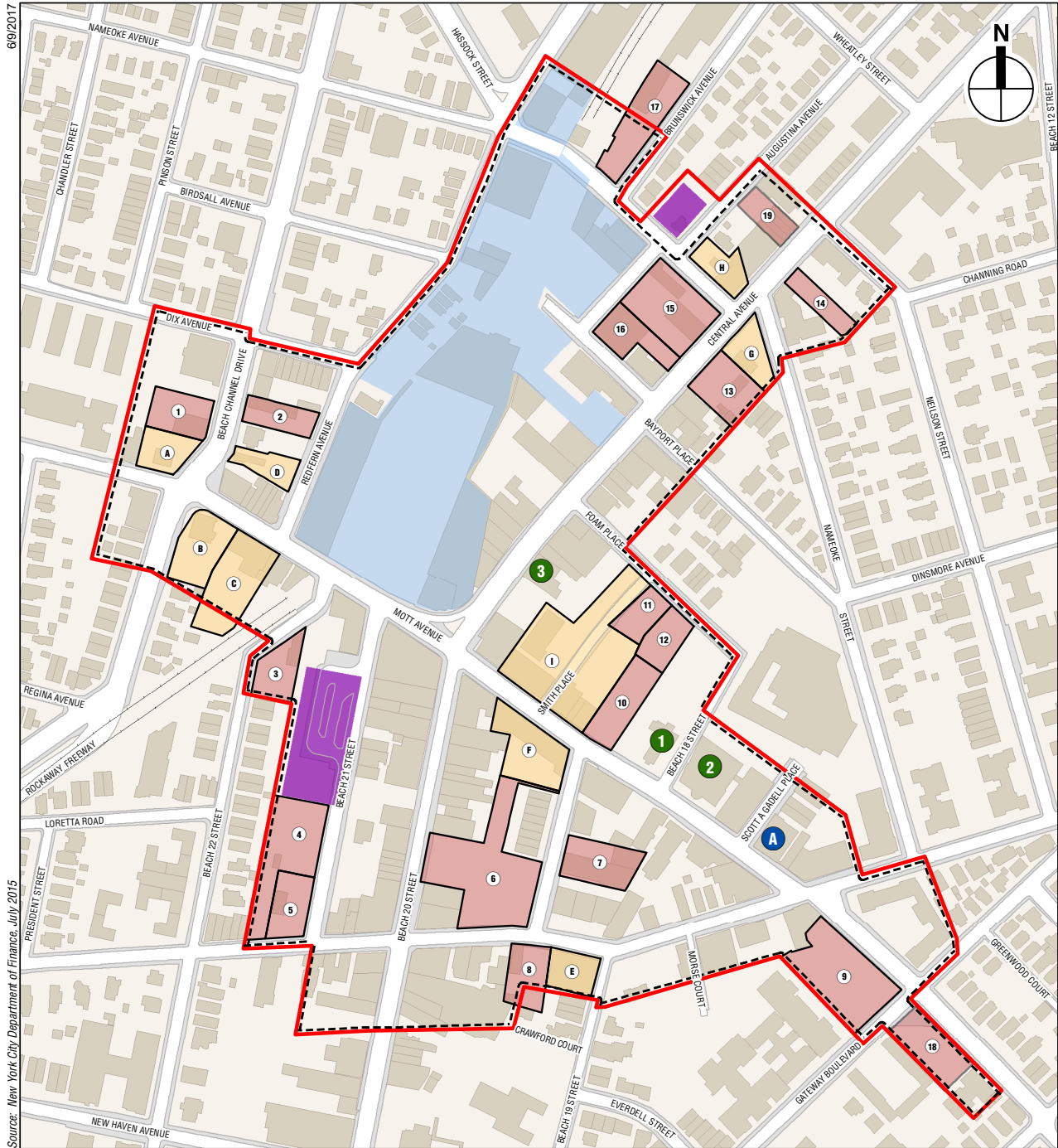
The FEIS identified three known architectural resources and one potential architectural resource within the Project Area. [Fig. 15] Trinity Chapel and the Far Rockaway Post Office, on Mott

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<sup>67</sup> CPC Report, *Jerome Avenue Rezoning*, 8.

<sup>68</sup> *Ibid.*, 55

<sup>69</sup> *Ibid.*, 68-71.



Source: New York City Department of Finance, July 2015

Project Area

Rezoning Area Boundary

Proposed DFRURA

Disposition Sites

Projected Development Sites

Potential Development Sites

Note: Projected/Potential Site boundaries illustrate the extent of the entire tax lots that would contribute to total development area. Actual projected/potential development footprints may differ.

Known Resources

- Trinity Chapel (S/NR-listed)
- U.S. Post Office - Far Rockaway Branch (S/NR-listed)
- Engine Company 264 & 328, Hook and Ladder 134 (S/NR-eligible)

Potential Resources

- New York City Police Department 101st Precinct, 16-12 Mott Avenue

This figure has been revised for the FEIS

**Downtown Far Rockaway Redevelopment Project**

**Architectural Resources Map**

**Figure 7-1**

Figure 15: Map showing location of Historic Resources in Downtown Far Rockaway.

Avenue, are listed on the State and National Registers. [Figs. 16-17] The Engine Companies 264 and 328/Ladder Company 134 Firehouse on Central Avenue, and the 53rd (now 101st) Precinct Police Station on Mott Avenue are identified as eligible for State and National Register listing, and both were designated New York City Landmarks in May 2018. [Figs. 18-19] According to a *CityLand* report, the designations were brought forward in conjunction with the Far Rockaway rezoning, yet, in correspondence with the environmental review consultant, the Landmarks Preservation Commission found the sites to be of “no interest.”<sup>70</sup> The Historic Districts Council gave testimony in support of both designations, and took the opportunity to point out related structures in other neighborhoods that had not been brought forward in conjunction with other rezoning efforts, specifically a firehouse and police station in East Harlem.<sup>71</sup>

The FEIS identified the potential for significant adverse construction-related impacts on the National Register-listed Trinity Chapel, but ultimately determined that construction-related impact would be mitigated through a policy within the Building Code intended to provide protection to adjacent construction sites.<sup>72</sup> It is my opinion that this would not fully avoid the risk of damage, but rather might only minimize the risk.<sup>73</sup>

Comparison to the Cultural Resource Information System (CRIS) turned up few additional eligible resources. The former National Bank of Far Rockaway was found to be eligible for listing in March 2017, only to be found ineligible later that year because of major interior

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<sup>70</sup> *CityLand* is a website of the New York Law School that reports on various city proceedings, including land-use actions and landmark designations. Sources: Jesse Denno, “Two far Rockaway Civic Structures Identified as Potential Individual Landmarks,” *CityLand*, April 17, 2018, <https://www.citylandnyc.org/two-far-rockaway-civic-structures-identified-as-potential-individual-landmarks/>, and, *Downtown Far Rockaway FEIS, Appendix H: LPC Correspondence*, June 29, 2017: 2.

<sup>71</sup> Jesse Denno, “Two Far Rockaway Civic Structures Designated Individual City Landmarks,” *CityLand*, June 1, 2018, <https://www.citylandnyc.org/two-far-rockaway-civic-structures-designated-individual-city-landmarks/>.

<sup>72</sup> *Downtown Far Rockaway FEIS, Chapter 7: Historic and Cultural Resources*, 6-7.

<sup>73</sup> According to NYC Building Code, Section BC 3309: Protection of Adjoining Property.



Figure 16: Trinity Chapel, listed on the State and National Registers. From Chapter 7, FEIS.



Figure 17: Far Rockaway Post Office, listed on the State and National Registers. From Chapter 7, FEIS.





Figure 18: The Engine Companies 264 & 328/Ladder Company 134 Firehouse on Central Avenue. LPC Designation Report.



Figure 19: The 53rd (now 101st) Precinct Police Station at 16-12 Mott Avenue, Far Rockaway (1927-28).

alterations that affected its integrity. [Figs. 20-21] The only additional NR-eligible resource within the rezoning area that was identified is the former Masonic Temple of Far Rockaway on Mott Avenue. Many sites on Mott Avenue have been determined ineligible for listing by the State Historic Preservation Office.

While the study area is relatively small when compared with other neighborhood rezonings that have taken place, it is not without buildings of architectural interest. Still, there are blocks along the main streets with surviving architectural detail that lend interest to the streetscape and contribute to the low-scale village character of the area. It is not completely lacking in historic resources, and in consideration of the fact that the LPC originally found the two now-designated landmarks of “no interest” in the FEIS, it is plausible that other buildings of significance may exist.

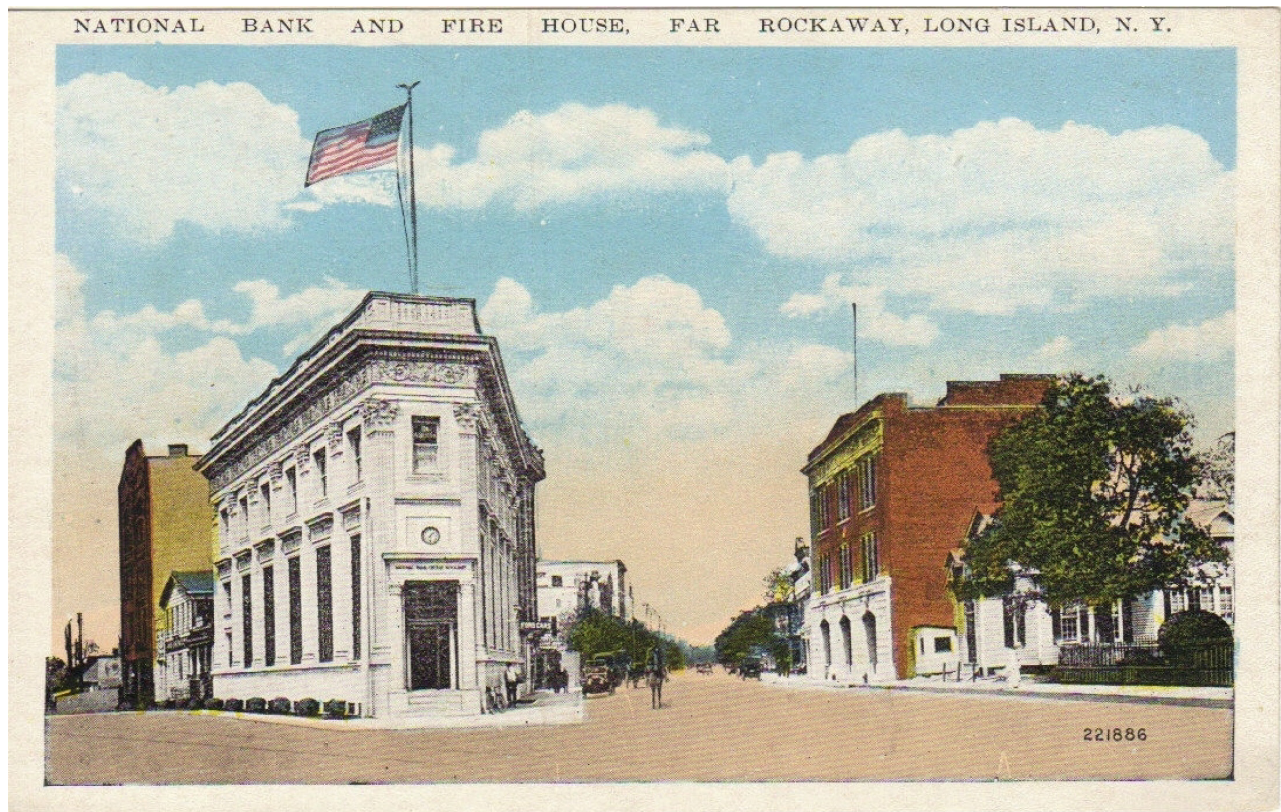


Figure 20: Far Rockaway Postcard of National Bank, with Firehouse across street. [http://leimanlibrary.com/far\\_rockaway\\_postcards/far\\_rockaway\\_postcards.html](http://leimanlibrary.com/far_rockaway_postcards/far_rockaway_postcards.html).



Figure 21: Ornamented Terra Cotta building across from Firehouse. Google StreetView.

### **Case Study 3: East Harlem**

In 2015, East Harlem was identified as a neighborhood for further study by the administration of Mayor de Blasio under the *Housing New York* initiative. The neighborhood was selected in part due to the need to preserve housing affordability in the area, where rents are rising more quickly as compared with other parts of the City. More than 90 percent of the neighborhood residents are renters, with 75 percent of the existing housing stock made affordable through government subsidization. The neighborhood's median household income is 40 percent less than the citywide average.<sup>74</sup> The need for increased affordable housing, coupled with outdated zoning led to a rezoning proposal initiated by the Department of City Planning, in close coordination with the Department of Housing Preservation and Development.

The rezoning proposal was partially informed by the East Harlem Neighborhood Plan (EHNP), a study led by a Steering Committee convened by former City Council Speaker Melissa Mark-Viverito and made up of local stakeholders.<sup>75</sup> Through an extensive community engagement process, the Steering Committee identified neighborhood priorities and made over 200 recommendations to the City, which was released in February 2016.

A larger effort by the City known as the East Harlem Neighborhood Initiative, aims to enhance the rezoning proposal through capital investments and the cooperation of city agencies including the Departments of Education, Health and Mental Hygiene, Parks and Recreation, Small Business Services, and Transportation.<sup>76</sup> (Appendix A)

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<sup>74</sup> City Planning Commission Report, *East Harlem Neighborhood Rezoning*, October 2017: 14.

<sup>75</sup> Department of City Planning, *East Harlem FEIS, Notice of Completion*, 4.

<sup>76</sup> CPC Report, *East Harlem Neighborhood Rezoning*, 11.

## Neighborhood Character

The rezoning proposal covers an expansive, diverse swath of East Harlem, between East 104<sup>th</sup> Street and East 132<sup>nd</sup> Street, but generally, the rezoning area is largely residential, with denser mixed-use commercial below 116<sup>th</sup>, and more parking and automotive-related uses north of 125<sup>th</sup>, especially surrounding the elevated Metro-North Railroad viaduct on Park Avenue. The intersection of East 125<sup>th</sup> Street and Park Avenue is a significant transit hub for the city and region, with the elevated Harlem-125<sup>th</sup> Street Metro-North station connecting it to Connecticut and the Hudson Valley, and subways and buses providing major east-west and north-south access to greater Manhattan and the outer boroughs.<sup>77</sup> Residential buildings north of East 125<sup>th</sup> Street are comprised of multi-family walk-up and elevator buildings and one- and two-family homes, with larger buildings on the avenues, and smaller residences on the mid-blocks.

The Park Avenue Viaduct is a major physical barrier between east and west through the entirety of the rezoning area, with underpasses used primarily for vehicular cross-traffic, and minimal pedestrian activity. [Fig. 22] East 116<sup>th</sup> Street is a major east-west commercial corridor in the heart of Spanish Harlem, with tenements and mixed-use commercial on the ground floors. There are also several tower-in-the-park housing developments in the neighborhood that range from 11 to 32 stories.

## Neighborhood History

Prior to Dutch settlement, the area that is East Harlem today was occupied seasonally by Native American groups who farmed there. The name “Harlem” can be traced to Dutch settlement in 1658, when a small farming community called *Nieuw Haarlem* was established under the rule of

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<sup>77</sup> CPC Report, *East Harlem Neighborhood Rezoning*, 18.



Figure 22: Park Avenue Viaduct. Chapter 7, FEIS.



Figure 23: Residential character of side streets, West 130th Street, Chapter 7, FEIS.

Peter Stuyvesant. The development of East Harlem was sparked by the construction of the New York and Harlem Railroad in the 1830s, which continues to be a prominent feature in the neighborhood. The construction of an elevated train line at Second Avenue in the late nineteenth century helped spur a second wave of construction where approximately 65,000 apartments were built between 1870-1910. The new apartments were largely built for the working-class communities who called the neighborhood home.<sup>78</sup>

East Harlem has always been an ethnically diverse neighborhood, first attracting Irish immigrants, followed by Italian immigrants and Eastern European Jews, and then African-American and West Indian populations, which helped to make it the second-largest black community in the City by the late 1800s.<sup>79</sup> In the years following World War II, the neighborhood saw a large influx of residents from the Caribbean and Latin America, earning it the nickname “Spanish Harlem.” The neighborhood today is largely home to African-American and Latino communities, with an increase in white and Asian populations since the year 2000.<sup>80</sup>

The legacy of urban renewal and slum clearance projects made a significant impact on the fabric and character of East Harlem, as infamously described in Jane Jacobs’ *Death and Life of Great American Cities*.<sup>81</sup> Over the course of two decades, beginning in the late 1930s with the passage of the Federal Housing Act of 1937, the New York City Housing Authority (NYCHA) razed rows of brownstones, tenements, small businesses and community gathering places. The built

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<sup>78</sup> Melissa Mark-Viverito, et al, “East Harlem Neighborhood Plan,” [http://www.eastharlempian.nyc/EHNP\\_FINAL\\_FINAL\\_LORES.pdf](http://www.eastharlempian.nyc/EHNP_FINAL_FINAL_LORES.pdf), p. 19-20.

<sup>79</sup> *East Harlem FEIS, Notice of Completion*, 8

<sup>80</sup> “East Harlem Neighborhood Plan,” 17.

<sup>81</sup> “More than 1,300 businesses which had the misfortune to occupy sites marked for housing were wiped away, and an estimated four-fifths of their proprietors ruined. More than 500 non-commercial ‘store-front’ establishments were also wiped away. Virtually all the unslummed population which had hung on was rooted out and dispersed to ‘better itself.’” (Jane Jacobs, *The Death and Life of Great American Cities*, 307.)

character of present-day East Harlem is in part a result of these aggressive urban renewal campaigns, as well as its zoning, which has been largely unchanged since the 1961 Zoning Resolution.

Despite the destruction of the mid-twentieth century, the neighborhood continues to be a vibrant community characterized by commercial corridors, small businesses, and residential side streets of intact brownstones and tenement buildings. [Fig. 23]

### **The East Harlem Neighborhood Plan**

The East Harlem Neighborhood Plan is the result of an initiative led by former City Council Speaker Melissa Mark-Viverito, in partnership with Manhattan Borough President Gale A. Brewer, Community Board 11, and Community Voices Heard, an organization dedicated to capacity-building in neighborhoods of color throughout New York State.<sup>82</sup> A Steering Committee comprised of more than twenty local stakeholders, institutions, and elected officials led twelve subgroups to address issues such as arts and culture, open space, education, housing preservation, health and seniors, transportation, and zoning and land use.

The East Harlem Neighborhood Plan included several priority objectives related to Zoning and Land Use, the first of which was to “preserve important East Harlem Buildings and reinforce neighborhood character.”<sup>83</sup> The Steering Committee recommended landmark designations for significant sites, further studies to consider historic district designation, and encouraged the use

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<sup>82</sup> Established in 1994, the mission statement of Community Voices Heard, found at <https://www.cvhaction.org/> reads: “Community Voices Heard (CVH) is a member-led, multi-racial organization principally comprised of women of color and low-income families in New York State. CVH tackles tough issues and builds power to secure racial, social and economic justice for all New Yorkers. Through grassroots organizing, leadership development, policy changes, and creating new models of direct democracy CVH is creating a truly equitable New York State.”

<sup>83</sup> *East Harlem FEIS, Notice of Completion*, 5.



contextual zoning to protect areas with unique built character.<sup>84</sup> In addition to places associated with historic or cultural events, the Committee identified important features of the neighborhood that help to define its unique character, such as architectural style, neighborhood gardens, mid-block design, and activated ground floors with storefronts.<sup>85</sup>

Nearly two dozen sites were identified for their cultural or historical significance by the subgroup on Arts and Culture. At least seven additional sites were identified as being important to a national activist organization that had an impact on the neighborhood, known as the Young Lords. The Arts and Culture subgroup states:

Many buildings in the neighborhood that capture the unique historical and cultural significance of East Harlem are threatened by new development and physical change. Residents risk losing representations of their heritage as the neighborhood gentrifies. As changes in the built environment occur, it will be important to pursue strategies that help to reinforce the character of the community.<sup>86</sup>

They recommended a neighborhood survey and, to “Establish a landmarking process the does not impede the development of affordable housing.<sup>87</sup> In making this remark, the Steering Committee both acknowledges and seeks to counter the public misconception that preservation efforts are in opposition of development and affordability. The Committee goes on to provide preservation recommendations and cites examples of how East Harlem can preserve its important historic and cultural resources. [Fig. 24] In particular, the Committee cites the Transfer of Development Rights (TDR) utilized by the Theater Subdistrict in Midtown as precedent for the preservation of important sites of cultural and artistic production that makes East Harlem

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<sup>84</sup> *East Harlem FEIS, Notice of Completion*, 5.

<sup>85</sup> “East Harlem Neighborhood Plan,” 98.

<sup>86</sup> *Ibid.*, 27.

<sup>87</sup> *Ibid.*, 29.

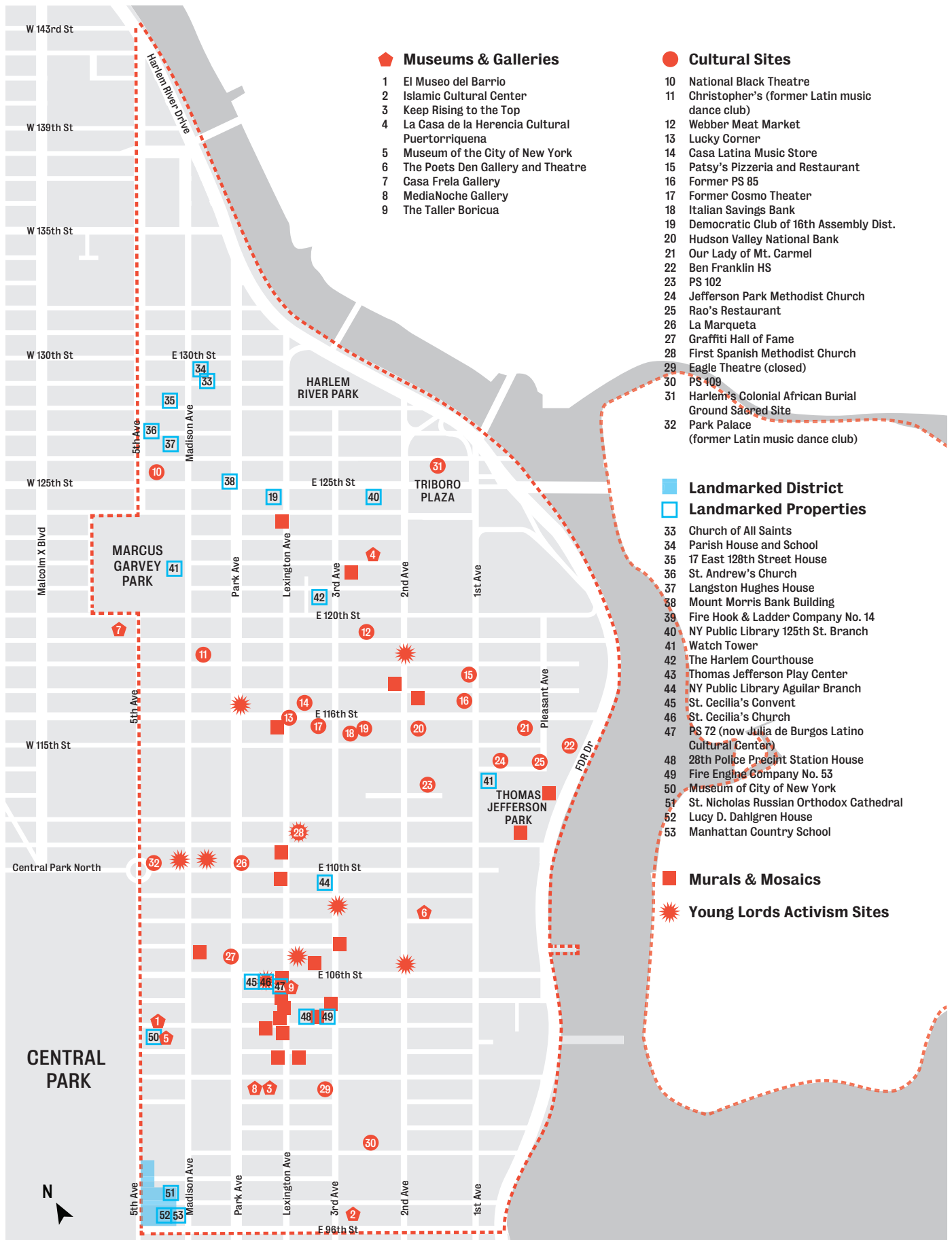


Figure 24: Map depicting sites identified by the Steering Committee during the East Harlem Neighborhood Planning process.

unique.<sup>88</sup> In addition, the East Harlem Neighborhood Plan called for an Enhanced Environmental Review that includes an “assessment of eligible historic and cultural resources... developed in direct consultation with the community, and such list should be used as the enhanced baseline for analysis for impacts.”<sup>89</sup>

### **Uniform Land Use Review Procedure**

The rezoning proposal was staunchly opposed by the Community Board and Manhattan Borough President Gale Brewer. Community Board 11 recommended disapproval by a vote of 32 to nine, and expressed its disappointment that the Department of City Planning failed to incorporate the goals of the East Harlem Neighborhood Plan in its entirety, especially concerning the preservation of neighborhood character, and that:

Overall it thoroughly disregards the recommendations made by East Harlem stakeholders after years of multilateral planning in favor of a top-down approach that ignores East Harlem’s concerns. For this reason, the City’s plan to rezone East Harlem must not pass without considerable revisions.<sup>90</sup>

During the public review process, several community groups spoke out against the rezoning, including Community Voices Heard (CVH), Civitas, East Harlem Preservation, and Movement for Justice in El Barrio. Most tenant concerns were over fear of displacement and lack of affordable housing options. Community Voices Heard argued that the MIH included in the rezoning will fail to benefit the majority of the population. In historically underserved communities, general distrust of public processes is a perennial concern.

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<sup>88</sup> “East Harlem Neighborhood Plan,” 101.

<sup>89</sup> *Ibid.*, 127.

<sup>90</sup> CPC Report, *East Harlem Neighborhood Rezoning*, 94-95, 123.

A Civitas representative argued for density further east, and slightly reduced density on other key avenues. The representative also cited cultural preservation as a concern not being fully considered by the rezoning proposal. The group for El Barrio cited neighborhood preservation as a concern not being met by the plan.<sup>91</sup>

Manhattan Borough President Gale Brewer recommended disapproval of the application as well, stating that while “the community gave extensive, thoughtful and informed input ... the administration could not see its way to support significant elements of the community’s recommendations.”<sup>92</sup> The Borough President’s comments specifically include concern for the protection of historic and cultural resources of the neighborhood, stating:

We had hoped to engage in a thorough review of the sites proposed by the EHNP and by Landmark East Harlem or discuss ways the City can continue to explore more culturally and historically relevant designations such as was accomplished with Stonewall Inn. Review and work by the LPC should have been occurring as this application progressed. It is incredibly disappointing that this work was not seen as a priority despite my continued calls since the beginning of my tenure as Borough President for parity in Northern Manhattan in the consideration of landmark designations.<sup>93</sup>

The Borough President’s public hearing was attended by 135 people and all 25 people who presented testimony at the hearing spoke in opposition of the plan.

### **Existing Landmarks and Preservation Efforts**

The greater neighborhood covered by the East Harlem Neighborhood Plan contains around twenty individual landmarks, and one small historic district at East 96<sup>th</sup> Street and Fifth Avenue.

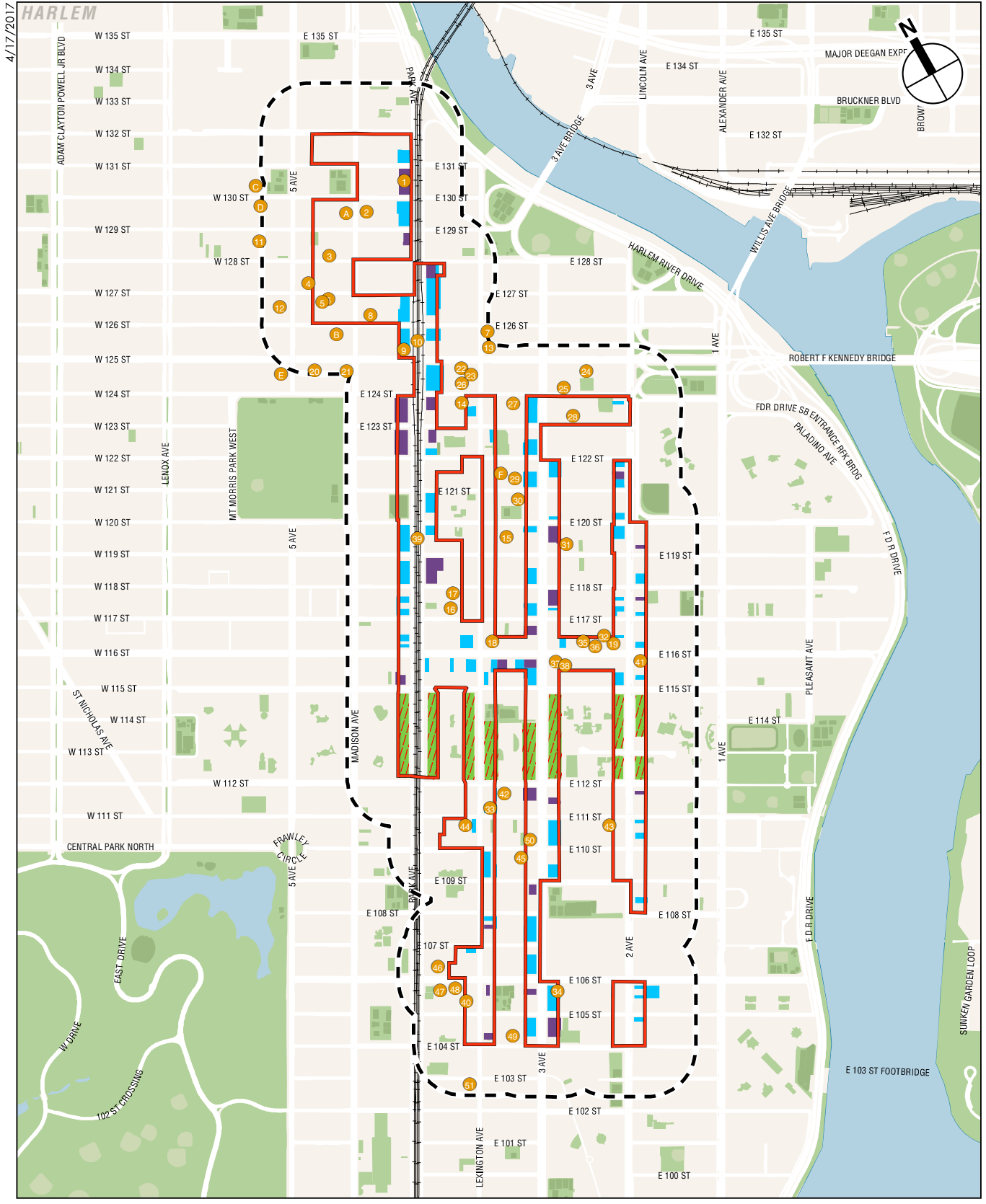
[Fig. 25] Within the rezoning area, there are considerably fewer landmarks. Three buildings were

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<sup>91</sup> Rebecca Baird-Remba, “East Harlem Tenants Speak Out Against Planned Neighborhood Rezoning,” *YIMBY*, December 20, 2016, <https://newyorkyimby.com/2016/12/east-harlem-tenants-speak-out-against-the-citys-planned-rezoning.html>.

<sup>92</sup> CPC Report, *East Harlem Neighborhood Rezoning*, 127.

<sup>93</sup> *Ibid.*, 139.



4/17/2017

- Project Area
- Study Area (400-foot boundary)
- A Architectural Resources
- Potential Development Sites
- Potential NYCHA Overlay Development Sites
- Projected Development Sites

0 1,000 FEET

Architectural Resources  
Location Map  
**Figure 7-1**

**EAST HARLEM REZONING**

Figure 25: Map showing location of Architectural Resources in East Harlem. Chapter 7, FEIS.

designated in conjunction with the East Harlem Neighborhood Plan: the Richard Webber Harlem Packing House; a former school that is now El Barrio's Art Space PS109; and Benjamin Franklin High School, now the Manhattan Center for Science and Mathematics.<sup>94</sup> [Figs. 26-28] The New York Landmarks Conservancy testified in favor of designation of all three buildings.<sup>95</sup>

The number of designations, while more than in other rezoned neighborhoods, is far short of the number of identified cultural or historical sites in the neighborhood. Furthermore, it does not adequately address sites that might be considered intangible heritage, particularly those identified for their association with the Young Lords activist group, which was influential in the community during the 1970s. The Borough President's comments touch on this through her mention of the Stonewall landmark designation, and it remains true that cultural sites, and especially those significant to minority populations are underrepresented on the roster of New York City Landmarks. The neighborhood was successful receiving a National Register Historic District in March 2019, which was a result of the momentum of the East Harlem Neighborhood Plan.

As the third neighborhood to undergo the *Housing New York* rezoning process, the East Harlem neighborhood seemed determined to learn from other neighborhoods and make a case for historic preservation. The call for an "enhanced environmental review" by the Steering Committee was an especially good one, in light of the inappropriate mitigation solutions and omissions in the environmental reviews of East New York and Far Rockaway. Still, it is remarkable that a

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<sup>94</sup> "LPC Designates Three East Harlem Buildings as Individual Landmarks," LPC Press Release, March 27, 2018. <https://www1.nyc.gov/site/lpc/about/pr2018/032718b.page>.

<sup>95</sup> "Conservancy Testifies for Five New Landmark Designations," Preservation Issues, *New York Landmarks Conservancy*, accessed February 22, 2019, [http://www.nylandmarks.org/advocacy/preservation\\_issues//conservancy\\_testifies\\_for\\_five\\_new\\_landmark\\_designations/](http://www.nylandmarks.org/advocacy/preservation_issues//conservancy_testifies_for_five_new_landmark_designations/).



Figure 26: Richard Webber Harlem Packing House, 207-215 East 119th Street. Photo by Barrett Reiter, LPC Designation Report.



Figure 27: El Barrio's Art Space PS 109 at 215 East 99th Street. LPC Designation Report.



Figure 28: Benjamin Franklin High School, now the Manhattan Center for Science and Mathematics at 260 Pleasant Avenue. Photo by Barrett Reiter, LPC Designation Report.

neighborhood with a well-organized, pro-preservation mindset was only able to establish three New York City Landmarks over the course of its multi-year rezoning process.



#### **Case Study 4: Jerome Avenue, Bronx**

Jerome Avenue, a major transit corridor in the southwest Bronx, was the fourth neighborhood in which a rezoning was approved under the *Housing New York* initiative, in March 2018. As with previous neighborhoods rezoned under *Housing New York*, the area was the subject of over three years of community outreach and planning by the city. The rezoning proposal was put forward by the Department of City Planning and based on goals stated in the resulting Jerome Avenue Neighborhood Plan. A number of city agencies and authorities were involved with different aspects of the study, including the Departments of Housing Preservation and Development, Parks and Recreation, Small Business Services, Health and Mental Hygiene, School Construction Authority, Transportation, and the Mayor's Offices of Immigrant Affairs and Workforce Development. Community groups involved include the Highbridge Community Development Corporation, New Settlement, Women's Housing and Economic Development Corporation (WHEDco), Yankasa, BronxWorks, and Davidson Community Center.<sup>96</sup> (Appendix A)

The Jerome Avenue corridor was consistently identified as a priority by Bronx Community Board 4 in its District Needs Statements between 2013-2016, and the greater southwest Bronx was the subject of a number of earlier studies, including a Section 197-a Plan by Bronx Community Board 5 (2002), and a brownfield study by the Mayor's Office of Environmental Remediation and the NYC Department of Transportation (2013).<sup>97</sup>

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<sup>96</sup> City Planning Commission Report, *Jerome Avenue Rezoning*, January 17, 2018: 14.

<sup>97</sup> *Ibid.*, 13. The full name of the brownfield study is, "Place-Based Community Brownfield Planning Foundation Report on Existing Conditions- Jerome Avenue Corridor."

## **Neighborhood Character**

Approximately two miles of the Jerome Avenue corridor and its major cross-streets were rezoned, stretching from East 165<sup>th</sup> Street to East 184<sup>th</sup> Street. The rezoning area is roughly bounded on the east and west by Grand Concourse and the Edward L. Grant Highway, respectively. As with other case study neighborhoods, the previous zoning remained largely unchanged since the 1961 Zoning Resolution, and its configuration limited the potential for denser residential development. The outdated zoning is largely divided by use, and has encouraged “hazardous and unpleasant development,” according to the City Planning Commission Report.<sup>98</sup>

The avenue has long been shaped by the presence of the elevated 4 train, which was completed in 1917, and development has been related to auto-uses, which account for fifteen percent of lots and total area. [Fig. 29] The same lots represent only 7.6 percent of total available FAR, and are largely one- and two-story buildings. According to the City Planning Commission, auto-related uses on the corridor have a negative effect on the pedestrian experience and this statistic in particular illustrates the corridor’s capacity for increased density.<sup>99</sup> In addition to increasing potential for affordable housing, primary goals of the zoning include cultivating a strong retail and commercial, pedestrian-friendly presence that serve the residents of the community.

## **Neighborhood History**

Jerome Avenue is flanked on the east and west by several distinct neighborhoods, and often forms the border between them. Where previous rezonings might encompass one or two

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<sup>98</sup> CPC Report, *Jerome Avenue Rezoning*, 12.

<sup>99</sup> *Ibid.*, 18.



Figure 29: Context photo of Jerome Avenue and the elevated 4 train. <https://citylimits.org/2016/11/25/jerome-avenue-photo-essay/>.



Figure 30: Below the elevated 4 train on Jerome Avenue. <https://citylimits.org/2016/11/25/jerome-avenue-photo-essay/>.

neighborhoods, the study area in the case of Jerome Avenue covers several, including University Heights, Fordham, Mount Hope, Morris Heights, Mount Eden, Highbridge, and Concourse. The diverse communities and socio-economic conditions found between them makes this rezoning different from previous rezonings, which were more homogenous in character. However, the histories described in the City Planning Commission Report and Final Environmental Impact Statement are brief. The FEIS succinctly states:

The history of the rezoning area is largely the history of the southwest Bronx, which began as a collection of farming communities in the late 18<sup>th</sup> to early 19<sup>th</sup> centuries, and then developed more rapidly throughout the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, with an industrial hub developing in the southern areas of the Bronx and residential neighborhoods developing to the north. Development in this portion of the Bronx then slowed, following World War II.

The fact that these diverse neighborhoods that share a common corridor might also share a similar history of development is not surprising, but it seems unlikely that the neighborhoods have a singular common history. The study area has long been a neighborhood defined by transit and is physically defined by a number of major infrastructure projects, such as the Grand Concourse on the eastern side of the rezoning area, and remnants of the Croton Aqueduct, a pedestrian path now known as Aqueduct Walk.<sup>100</sup> Like most parts of the city, the neighborhoods surrounding Jerome Avenue were not untouched by the work of Robert Moses. A major project under his purview was the construction of the Cross Bronx Expressway (1943-1963), a portion of Interstate-95 that cut across Jerome Avenue between 172<sup>nd</sup> and 175<sup>th</sup> Streets, and caused extensive displacement at the time of its construction. Its eight lanes are below grade at Jerome Avenue, and access ramps flank the highway on either side, causing traffic congestion, disrupting the continuity of the street wall for several blocks, discouraging pedestrian use, and

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<sup>100</sup> Department of City Planning, *Jerome Avenue FEIS, Notice of Completion*, January 5, 2018: 6.

forming a major physical barrier that divides the rezoning area between north and south. [Fig. 30]

### **Uniform Land Use Review Procedure**

The large area covered by the rezoning lies partially within Community Boards 4, 5, and 7. The three Community Boards held hearings in October 2017, with CB 4 and 5 conducting a joint hearing. All three Community Boards recommended approval with conditions, though the proposal met some resistance from CB 5, with a split vote of 18 in favor, 11 opposed, and one abstention.<sup>101</sup>

A public hearing was held by Borough President Ruben Diaz, Jr.'s office, which issued a recommendation approving the application with conditions.<sup>102</sup> In his report he states:

... the stark reality is that the Docket Description being presented for consideration by myself and the Planning Commission makes no reference to the many recommendations, goals or capital improvements as articulated by all those who have been a party to this matter. As such, I entered negotiations with the City of New York and the New York City Department of City Planning (DCP) to attain certain commitments that would address a significant amount of concerns regarding this proposed rezoning by the stakeholders involved.

Borough President Diaz was adamant in securing certain commitments from the City for the residents of the neighborhoods surrounding Jerome Avenue. This statement shows that there is distrust in whether the city will follow through on its commitments during these major rezoning initiatives.<sup>103</sup>

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<sup>101</sup> CB4 recommended approval with conditions by a vote of 32-4 with 2 abstaining; CB7 recommended approval with conditions by a vote of 21-2. (CPC Report, *Jerome Avenue Rezoning*, 37-39.)

<sup>102</sup> CPC Report, *Jerome Avenue Rezoning*, 37-39.

<sup>103</sup> *Ibid.*, 209.

The City Planning Commission Public Hearing, held on November 29, 2017, included 19 people who spoke in favor of the rezoning effort, and 27 who spoke in opposition to the proposal.<sup>104</sup>

Among those who spoke against it were the Municipal Art Society, which expressed concerns regarding impacts to neighborhood character, displacement of auto-repair workers, and terms for deeper affordability. Most entities that spoke in opposition to the plan cited socio-economic and affordability concerns, as well as concerns over resident displacement, and loss of auto-related jobs along the corridor. Historic resources are not explicitly mentioned, but the existing character of the built environment is addressed in the testimony of several speakers.

### **Existing Landmarks and Preservation Efforts**

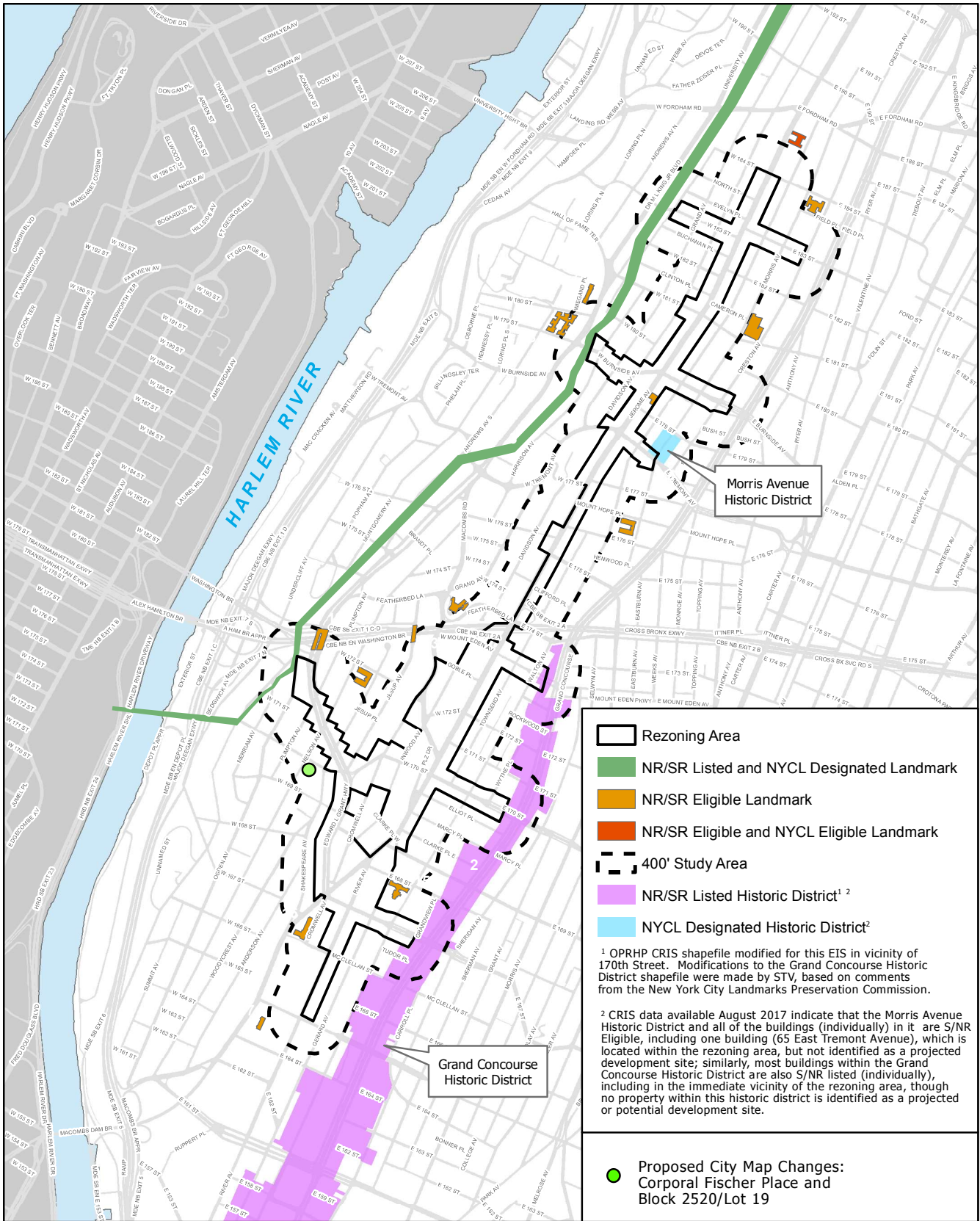
According to the FEIS chapter on historic and cultural resources, there are 15 individual resources and two historic districts within the study area. [Fig. 31] The rezoning area includes part of the Morris Avenue New York City Landmark Historic District, and identifies one resource as eligible for listing on the State and National Registers. It does not state whether the building is eligible as a New York City Landmark. As with Far Rockaway, the FEIS cites that historic properties would be protected from construction-related impact on adjacent development sites by a policy within the Building Code.<sup>105</sup> It states that:

In effect, this policy would prevent construction-related impacts to properties within the Grand Concourse Historic District that would be within 90 feet of potential development sites 75, 76, and 77. Therefore, no construction impacts to the Grand Concourse Historic District would result with the Proposed Actions.

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<sup>104</sup> CPC Report, *Jerome Avenue Rezoning*, 40.

<sup>105</sup> According to NYC Building Code, Section BC 3309: Protection of Adjoining Property.



Source: New York City Department of City Planning, MapPLUTO, 2015 March-June; New York State Cultural Resource Information Service; STV Incorporated, 2017.

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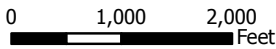


Figure 7-1

Figure 31: Map showing location of Historic Resources surrounding the Jerome Avenue Rezoning. Chapter 7, FEIS.

The repeated use of this policy in the environmental review process to justify mitigation of potential adverse impact is problematic because it in no way provides protection to any historic resources within the rezoning areas.

The goal most closely related to historic preservation in the Jerome Avenue Neighborhood Plan is to “ensure that any new construction fits visually and architecturally into its surrounding neighborhood context, which shows an interest in the use of contextual zoning.”<sup>106</sup> [Fig. 32]

The FEIS identified seventeen architectural resources within 400 feet of the rezoning area that are either designated New York City Landmarks, or eligible for listing on the State and National Registers. Only one historic resource was identified inside the bounds of the rezoning area: the U.S. Post Office at Morris Heights Station. The Landmarks Preservation Commission determined that the area lacked significant archaeological resources, but there is no evidence of any additional written surveys or evaluation of architectural resources by the LPC.

Several one- and two-story garage buildings of interest and a former theater at Jerome and East Tremont Avenues were identified through a preliminary windshield survey, and there are several relatively intact commercial buildings along Jerome Avenue as well. There is evidence that early-twentieth century garage buildings are quickly disappearing from the streetscape and although often overlooked, are meritorious as a building typology in New York City. Jerome Avenue, as a major transit corridor and dividing line between several disparate neighborhoods, is not replete with historic resources, but the FEIS does not adequately demonstrate that the area is lacking because no apparent comprehensive studies were undertaken. [Fig. 33]

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<sup>106</sup> *Jerome Avenue FEIS, Notice of Completion*, 14.





Figure 32: View toward Jerome Avenue as seen from step street. <https://www.documentcloud.org/documents/3943782-DCP-s-Presentation-to-CPC.html>.



Figure 33: Historic garage structures on Jerome Avenue. <https://www.documentcloud.org/documents/3943782-DCP-s-Presentation-to-CPC.html>.

## Case Study 5: Inwood

The neighborhood of Inwood, at the northernmost tip of Manhattan, is the most recently rezoned neighborhood, approved in August 2018. The stated goals of the rezoning proposal were “to advance the goals of the Mayor’s *Housing New York: A Five-Borough, Ten-year Plan* and to begin implementation of the Inwood NYC Action Plan.”<sup>107</sup> This rezoning, like Downtown Far Rockaway, was initiated by the Economic Development Corporation, rather than the Department of City Planning. Other major agencies involved with the rezoning include the Departments of Housing Preservation and Development, Citywide Administrative Services, Parks and Recreation, and Small Business Services.<sup>108</sup> (Appendix A)

The EDC and other key agencies, including the Departments of City Planning, Housing Preservation and Development, Parks and Recreation, and others, coordinated a neighborhood study with the community known as the Inwood Action Plan, which was released in 2017. The Inwood Action Plan is described as “a comprehensive planning effort aimed at supporting growth and vitality by fostering a vibrant mix of uses, public access to the waterfront and the preservation of areas with an existing strong built context in the Inwood neighborhood.”<sup>109</sup>

The City Planning Commission Report cites a series of previous planning studies conducted in Inwood over the last several years that include studies of Inwood’s unique relationship with the waterfront, its natural areas, and Washington Heights, the adjacent neighborhood to its south.<sup>110</sup>

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<sup>107</sup> City Planning Commission Report, *Special Inwood District Rezoning*, June 25, 2018: 9.

<sup>108</sup> *Ibid.*, 10.

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*, 12.

## Neighborhood Character

Like many of the neighborhoods considered for rezoning, Inwood's zoning remained largely unchanged since the 1961 Zoning Resolution. While this outdated zoning has shaped how development has occurred in the neighborhood, it has also made significant redevelopment a challenge.<sup>111</sup> Tenth Avenue is a significant dividing line within the neighborhood, with dense apartment and commercial buildings west of Tenth Avenue, and low-scale, and light-industrial uses east of Tenth Avenue, which makes up a significant portion of the area's Harlem River Waterfront.<sup>112</sup> Inwood is widely recognized for its bucolic park space, like Fort Tryon and Isham Parks, and original topography not found elsewhere in Manhattan.<sup>113</sup> Inwood is the only case study neighborhood with a significant area of underdeveloped waterfront.

## Neighborhood History

Inwood is home to the Dyckman Farmhouse Museum, the only farmhouse in Manhattan that dates to the eighteenth century. The area was historically farmland, and beginning in the nineteenth century, several private estates were built. In the twentieth century, with the extension of the IRT subway, the area became more residential, and developers quickly began to purchase private land and construct apartment buildings. Seventy percent of the housing in Inwood dates to the early decades of the twentieth century, in styles ranging from Tudor to Art Deco.<sup>114</sup> The IND subway brought additional apartment buildings to Broadway. Since 1922, Columbia University's Baker Athletic Complex has been located in Inwood. Mid-century construction

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<sup>111</sup> CPC Report, *Special Inwood District Rezoning*, 11.

<sup>112</sup> *Ibid.*

<sup>113</sup> Department of City Planning, *Inwood FEIS, Notice of Completion*, 3.

<sup>114</sup> *Ibid.*

included the Dyckman Houses, a NYCHA collection of seven 14-story buildings that date to 1951. The area today remains largely residential with a small downtown core known as the “Commercial U” and expansive public parks.<sup>115</sup>

### **Uniform Land Use Review Procedure**

Community Board 12 and Manhattan Borough President Gale Brewer recommended disapproval of the application with conditions. In its written comments, Community Board 12 cites that:

The Landmarks Preservation Commission is not among the city agencies involved in the Inwood NYC Action Plan nor is any consideration given to the historic designation of individual buildings or historic districts, despite persistent advocacy on the part of CB12M and local residents; and there are several sites, areas, and structures within CD12 which are worthy of preservation and which, without attention, will become endangered due to neglect and disrepair.<sup>116</sup>

In addition, the Community Board cites the need to recognize through preservation or memorialization the Native American, slave and African-American burial grounds that currently lie beneath Metropolitan Transit Authority property in the subdistrict at the tip of Manhattan. It also calls for the consideration of contextual zones and the impact of as-of-right construction under the new zoning to affect landmarks in the area, such as the Cloisters, and the landmark scenic views to and from Fort Tryon Park. Lastly, it calls for engagement of private property owners in preservation efforts for various “sites of historic significance.”

Borough President Brewer commended the Economic Development Corporation on its efforts to engage the community in Inwood prior to the rezoning proposal, but compared the efforts directly to the East Harlem Neighborhood Plan, and stated that the outreach events in Inwood “do not resemble the well-coordinated and inclusive process that the residents of East Harlem

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<sup>115</sup> *Inwood FEIS, Notice of Completion*, 3.

<sup>116</sup> CPC Report, *Special Inwood District Rezoning*, 107-108.

participated in,” and that parts of the proposal “miss the mark of meeting neighborhood needs and addressing residents’ legitimate concerns.” Brewer also calls attention to the burial grounds beneath MTA property.

Among critics that submitted testimony in opposition of the proposal, the Municipal Art Society voiced its concerns primarily for the diverse population in the neighborhood which could be vulnerable to displacement under the new rezoning. MAS also points out a number of historic resources that would be impacted, such as the Dyckman Farmhouse and Museum, as well as potential archaeological sites.

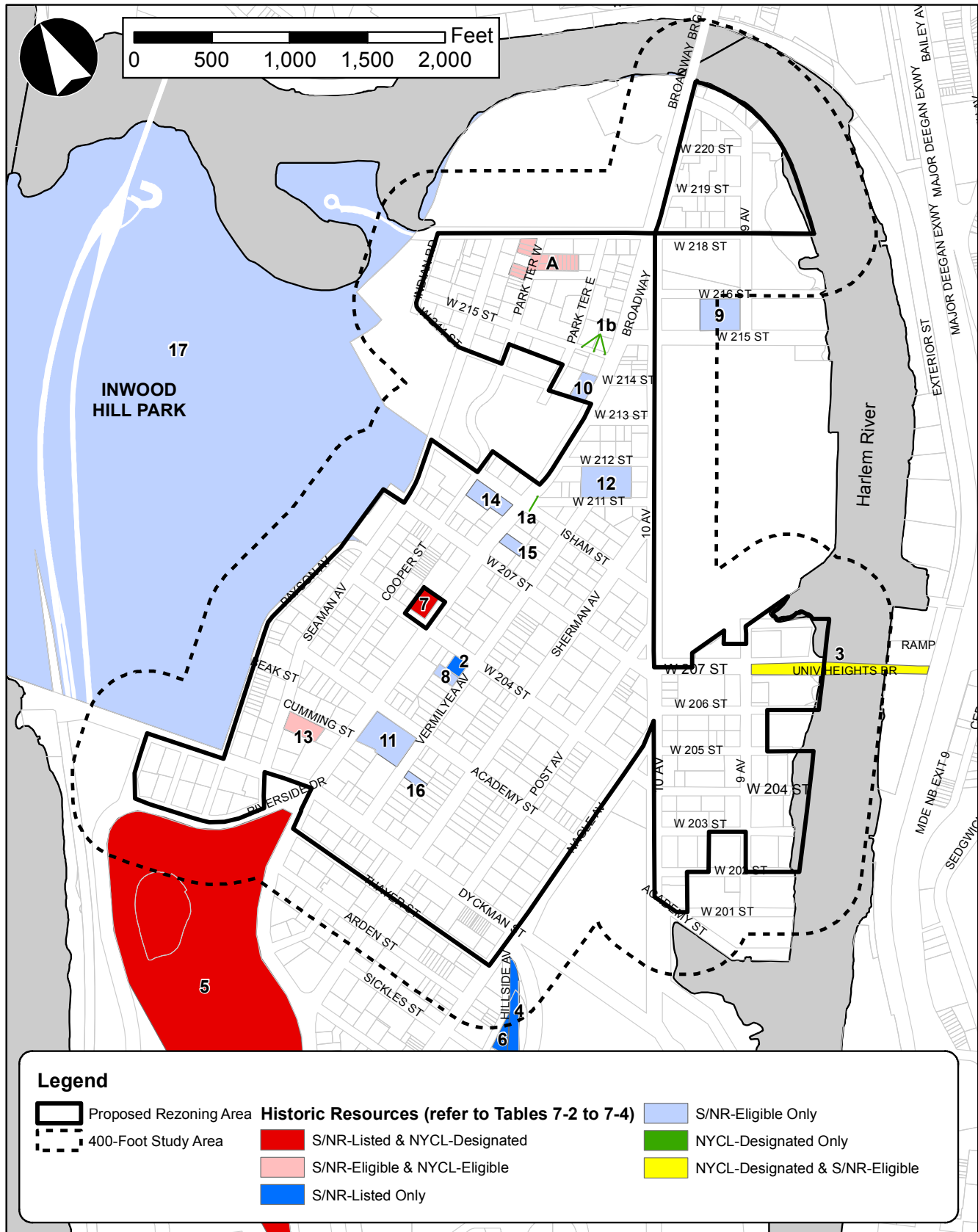
The FEIS explicitly states that “the Proposed Actions would not result in direct impacts to any known or potential historic architectural resources, despite the assertions of the Municipal Art Society. The FEIS did, however, identify “significant adverse impacts with respect to open space, shadows, historic and cultural resources,” as well as “construction related to traffic and pedestrians, noise and historic and cultural resources.” A related Technical Memorandum found significant adverse impacts in similar respects. [Fig. 34]

Adverse impacts found to be significant include shadows on the stained-glass windows of the Good Shepherd Roman Catholic Church, an historic resource in the neighborhood. [Fig. 35]

Other key resources outlined in the CPC report are primarily related to potential archaeological remains on development sites “expected to experience in-ground disturbance.”<sup>117</sup> Construction-related activity could affect P.S. 52 and P.S. 98, both eligible for State and National Register

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<sup>117</sup> CPC Report, *Special Inwood District Rezoning*, 98.



Sources: DoITT; NYC DCP; NYC LPC; NYS OPRHP

Figure 34: Map showing location of Historic Resources in Inwood. Chapter 7, FEIS.

listing, according to the FEIS.<sup>118</sup> [Figs. 36-37] It was found through consultation with the LPC that there were “no feasible and practical mitigation measures to fully mitigate” the impact.<sup>119</sup>

### **Existing Landmarks and Preservation Efforts**

A small historic district was designated as part of the rezoning, Park Terrace West – West 217<sup>th</sup> Street. [Fig. 38] While advocates were glad to see some preservation action take place as part of the rezoning, critics contend that the planning process largely ignored the buildings that define the architectural character of the neighborhood. [Fig. 39] In its written testimony to the Landmarks Preservation Commission the Historic Districts Council stated:

While this small collection of buildings is lovely and definitely meritorious of preservation, HDC is disappointed in the Commission’s limited actions in Inwood. Inwood’s distinct and special character derives in large part from the predominance of handsome Art Deco apartment buildings.

Inwood was nominated to the Historic Districts Council’s esteemed “Six to Celebrate” in 2011, citing its rich collection of early 20<sup>th</sup> century apartment buildings, and attributing its overall architectural character to the fact that it has been largely undeveloped since its building boom in the beginning of the twentieth century.<sup>120</sup> The Historic Districts Council urged the Landmarks Preservation Commission to reassess the area in light of the recent rezoning in order to recognize Inwood’s historic character.<sup>121</sup>

The New York Landmarks Conservancy responded similarly in an update on their website shortly after the designation:

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<sup>118</sup> CPC Report, *Special Inwood District Rezoning*, 103.

<sup>119</sup> *Ibid.*

<sup>120</sup> “Inwood,” *Historic Districts Council*, accessed April 1, 2019, <https://hdc.org/borough/inwood/>.

<sup>121</sup> “Designation Testimony – Park Terrace West-West 217<sup>th</sup> Street Historic District,” *Historic Districts Council*, accessed January 15, 2019, <https://hdc.org/testimony/hdclpc-designation-testimony-park-terrace-west-west-217th-street-historic-district/>.



Figure 35: The stained glass windows of Good Shepherd Roman Catholic Church could be adversely affected by nearby construction. From Chapter 7, FEIS.



Figure 36: P.S. 52, found to be eligible for both State and National Register listing. From Chapter 7, FEIS.



Figure 37: P.S. 98, found to be eligible for both State and National Register listing. From Chapter 7, FEIS.





Figure 38: The LPC designated a small residential district in Inwood comprised of detached two-story, single-family homes. LPC Designation Report.



Figure 39: An example of the early 20th century apartment buildings that contribute to the visual character of the neighborhood. This building is at 686 West 204th Street. <http://6tocelebrate.org/neighborhood-items/in-wood/>.

While the Conservancy applauds the City Landmarks Commission for the new historic district, we believe there is more that the Commission can and should do to protect Inwood's character. A Conservancy survey of the neighborhood found several buildings that meet the requirements for individual landmark status, two City parks that should be designated as scenic landmarks, and a larger, more inclusive historic district that would include the large collection of 1920s apartment buildings that so well define the neighborhood. We urged the Commission to immediately move to landmark these resources.<sup>122</sup>

The statement was released after the rezoning had already been approved, but the Conservancy was vocal in advocating for Inwood's historic resources prior to the approval as well. In a letter from the New York Landmarks Conservancy dated July 23, 2018 to then-acting Chair Fred Bland of the Landmarks Preservation Commission, Conservancy President Peg Breen urged the Commission to calendar Inwood's historic resources for landmark designation prior to the City Council vote. The Conservancy referred to its own survey and listed by address the many resources it believed to be eligible for individual landmark designation, as well as two potential scenic landmarks, and at least two historic districts.<sup>123</sup> (Appendix C) President Breen concludes the letter by emphasizing the importance of protecting the neighborhood:

Inwood is an historic neighborhood with a high degree of architectural cohesiveness and a strong sense of place. Any changes to the zoning must take into consideration the historic context of the area. The LPC must weigh in and ensure that Inwood's distinct character is not lost and that there is an appropriate balance of preservation and growth.<sup>124</sup>

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<sup>122</sup> "City Designates New Inwood Historic District," Preservation Issues, *New York Landmarks Conservancy*, December 2018, [http://www.nylandmarks.org/advocacy/preservation\\_issues/conservancy\\_urges\\_lpc\\_to\\_protect\\_inwood\\_before\\_rezoning\\_complete/](http://www.nylandmarks.org/advocacy/preservation_issues/conservancy_urges_lpc_to_protect_inwood_before_rezoning_complete/).

<sup>123</sup> "Letter to Acting LPC Chair Fred Bland," *New York Landmarks Conservancy*, July 23, 2018, [http://www.nylandmarks.org/pdfs/preservation\\_issues/Inwood\\_Fred\\_Bland.pdf](http://www.nylandmarks.org/pdfs/preservation_issues/Inwood_Fred_Bland.pdf).

<sup>124</sup> *Ibid.*

The Inwood community and citywide preservation groups worked throughout the rezoning process to have historic preservation thoughtfully considered, but once again, historic resources were largely disregarded in environmental review and the resulting rezoning proposal.

## **V. Findings and Recommendations**

Though each of the case studies discussed within this thesis vary widely, it is apparent that historic preservation is largely left out of the dialogue during the rezoning process. Some neighborhoods received more designations than others, and several resources identified were city-owned, which made them relatively easy to calendar and designate. Sites of social and cultural significance were not well-recognized in the evaluation process. In several cases, the environmental impact statements identified significant adverse impacts to historic resources, yet, as is typical, they did not determine meaningful ways to mitigate such harm. In other cases, noteworthy structures went unrecognized through the CEQR and ULURP process. Finally, in every case, the degree of communication between the lead agency and the Landmarks Preservation Commission was unclear. LPC correspondence, when included within the environmental impact statement, was perfunctory at best, and several sites determined to be of “no interest” by LPC staff were later designated through community efforts.

To answer the thesis question, how to better incorporate historic preservation into the rezoning process, the Landmarks Preservation Commission must align more closely with the rezoning process. While there is no silver bullet to the issues discussed, several recommendations are outlined below.

It is clear that affordable housing underscores the rezonings taking place, and that the Department of City Planning and the Economic Development Corporation are charged with carrying out the priorities of the administration. The interagency collaboration taking place within the community planning process is commendable; however, such dynamic coordination between more than a dozen agencies raises the question: Why wouldn't the Landmarks Preservation Commission be involved? It is possible that the lead agencies carrying out the

*Housing New York* initiative are not inclined to incorporate an additional step into the already extensive process, however, the LPC encourages identification of landmarks in neighborhoods with few designations, and the rezoning process is the perfect opportunity for such an endeavor.<sup>125</sup> In all cases, however, the actions of the Commission have been largely reactive, rather than proactive.

The Landmarks Preservation Commission should be a key agency from the beginning of the community planning process. It is important to have a dialogue with communities about their heritage and the positive impact that historic preservation can have in neighborhood revitalization. Outreach should especially be conducted in neighborhoods where preservation was not identified by the community as a priority, which might indicate that the community is unaware of the tools and benefits that historic preservation provides.

Following the community planning process, the LPC should be enlisted to perform a survey of the area to be rezoned to identify properties that merit protection. The use of contextual zoning to protect the scale of existing neighborhoods is successful where it has been implemented, but it addresses the scale of new construction, rather than aesthetics of design. In every rezoned neighborhood, concerns were voiced by the communities over the potential for new development to be out-of-scale for the context of the surrounding streetscape.

While the onus for outreach and education should fall to the City, in many cases it is preservation advocates that have more impact within these communities. The Historic Districts Council has focused on neighborhoods farther afield with its “Six to Celebrate” campaign and Grassroots

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<sup>125</sup> The Landmarks Preservation Commission states that designations are considered in light of the agency’s policy to designate landmarks in all five boroughs. (<https://www1.nyc.gov/site/lpc/designations/designations.page>.)

Preservation Awards, which have included a geographically diverse collection of sites, and recognized the work of grassroots organizers like Zulmilena Then of Preserving East New York.

The rezoning of East Midtown in 2017 provides a marked contrast to the case studies within this thesis. Although that effort centered on a commercial area in Midtown, rather than a residential neighborhood, it was successful in the identification and designation of several landmark buildings. Following the defeat of former Mayor Michael Bloomberg's rezoning proposal in 2013, the administration of Mayor de Blasio realized it would need to take a different approach. It could be argued that part of the success of the revisited Midtown East proposal is a result of the staunch opposition received in 2013. In the negotiations that led to the 2017 rezoning of East Midtown, all stakeholders, including preservation advocates were given a seat at the table, and each stakeholder voice was heard.

The community planning initiative under *Housing New York* that most resembled the successes in East Midtown was that of East Harlem. Its robust Steering Committee, led by community leaders and elected officials, included the voices of over one-hundred stakeholder groups. This comprehensive effort resulted in an extensive report that listed the key priorities of all stakeholders involved. Even in this case, however, the Landmarks Preservation Commission was missing from the roster of key collaborating agencies.

The long-term outcomes of the large-scale *Housing New York* initiative are yet to be seen. My hope is that as additional neighborhoods are identified and the community planning process is begun, the city will build upon previous cases in order to improve stakeholder input and better incorporate preservation initiatives. My recommendation is that careful attention be paid to neighborhoods that are initiating their own rezonings (Bushwick), those that are fighting out-of-scale densification (Gowanus), as well as those that have opposed and defeated rezonings, such

as Flushing, Queens. Preservation and zoning have often seemed at odds, but increased dialogue between planning and preservation professionals, community residents, advocates, and the City will lead to more equitable outcomes for all New Yorkers.

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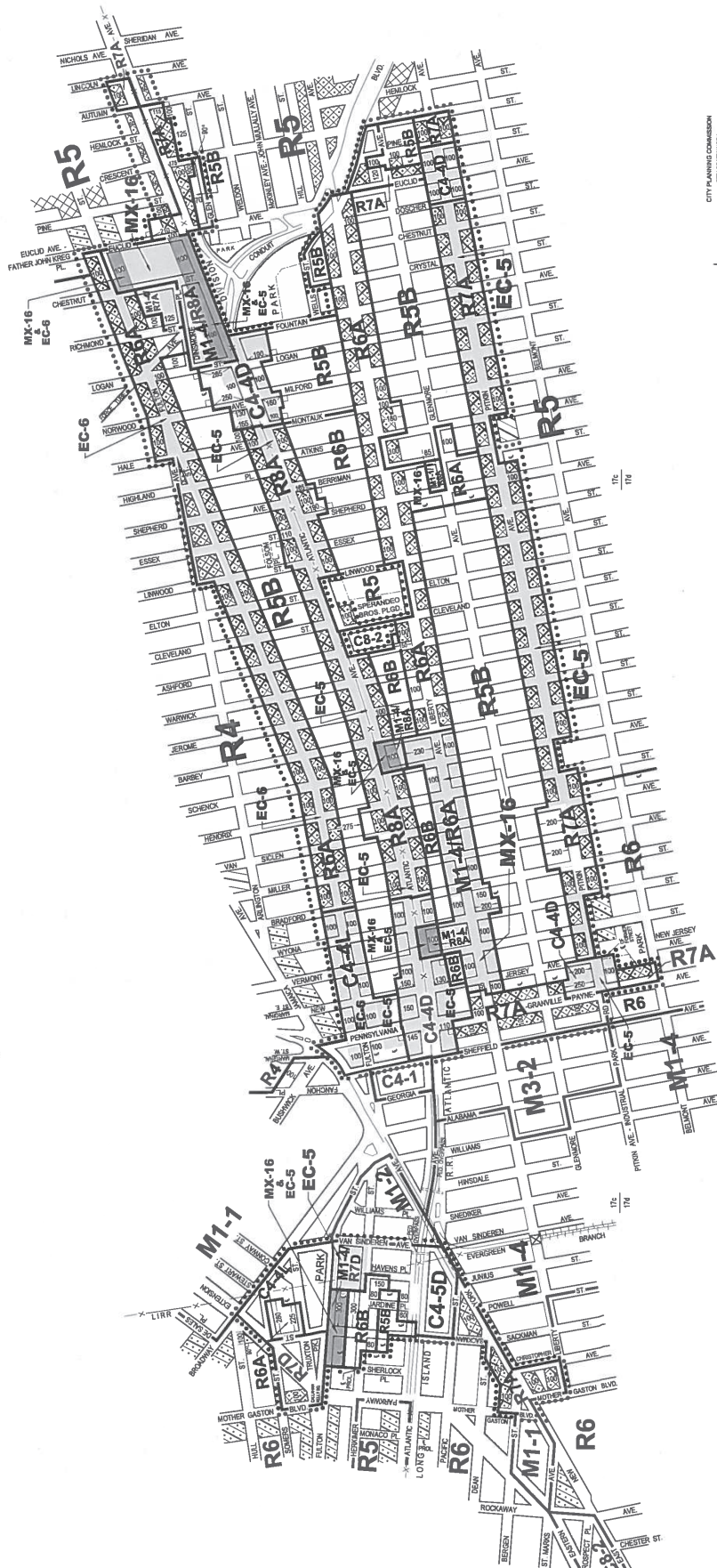
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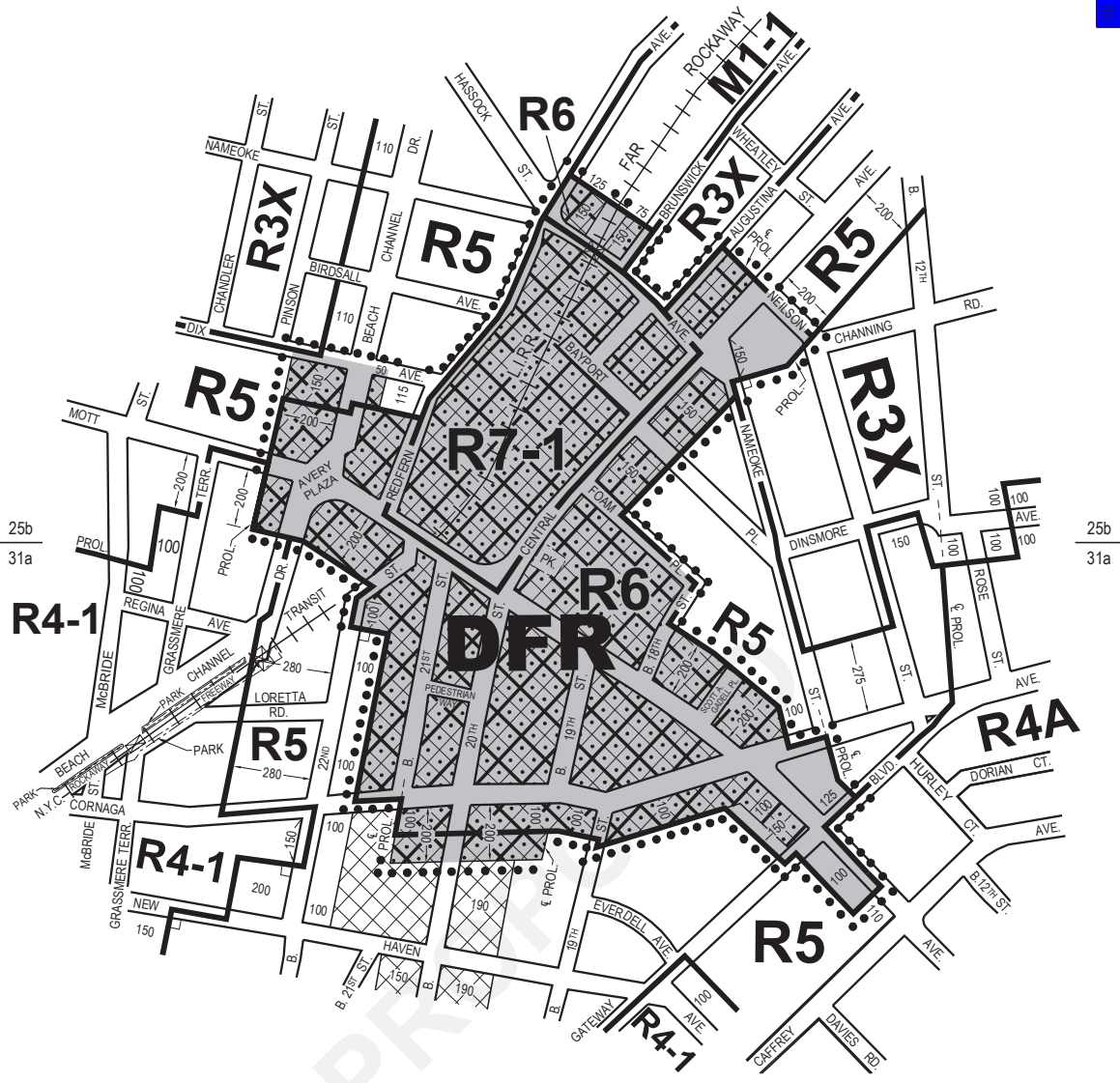
## **Appendix A: Proposed Zoning Maps**

- 1. East New York**
- 2. Downtown Far Rockaway**
- 3. East Harlem**
- 4. Jerome Avenue**
- 5. Special Inwood District**



CITY PLANNING COMMISSION  
 DIAGRAM SHOWING PROPOSED  
 ZONING CHANGE  
 ON SECTIONAL MAP  
 OF THE CITY OF  
 BRIDGEVILLE  
 BRIDGEVILLE, PA  
 MAY 19, 2011

1. Increase Zoning District Boundary  
 2. Increase Zoning District  
 3. Decrease Zoning District  
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 100. Change Zoning District



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED

**ZONING CHANGE**

ON SECTIONAL MAP

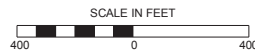
**25b & 31a**

BOROUGH OF

**QUEENS**

S. Lenard, Director  
 Technical Review Division

New York, Certification Date  
 APRIL 26, 2017



- NOTE:**
- Indicates Zoning District Boundary.
  - The area enclosed by the dotted line is proposed to be rezoned by eliminating C1-2 and C2-2 Districts from within existing R3X and R5 Districts, by changing R5, C4-2, C8-1 and M1-1 Districts to R5, R6 and R7-1 Districts, by establishing a C2-4 District within existing and proposed R5, R6 and R7-1 Districts, and by establishing a Special Downtown Far Rockaway District.
  - Indicates a C1-2 District.
  - Indicates a C2-4 District.
  - Indicates a Special Downtown Far Rockaway District.

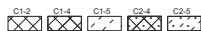
NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**6a & 6b**  
 BOROUGH OF  
**MANHATTAN**

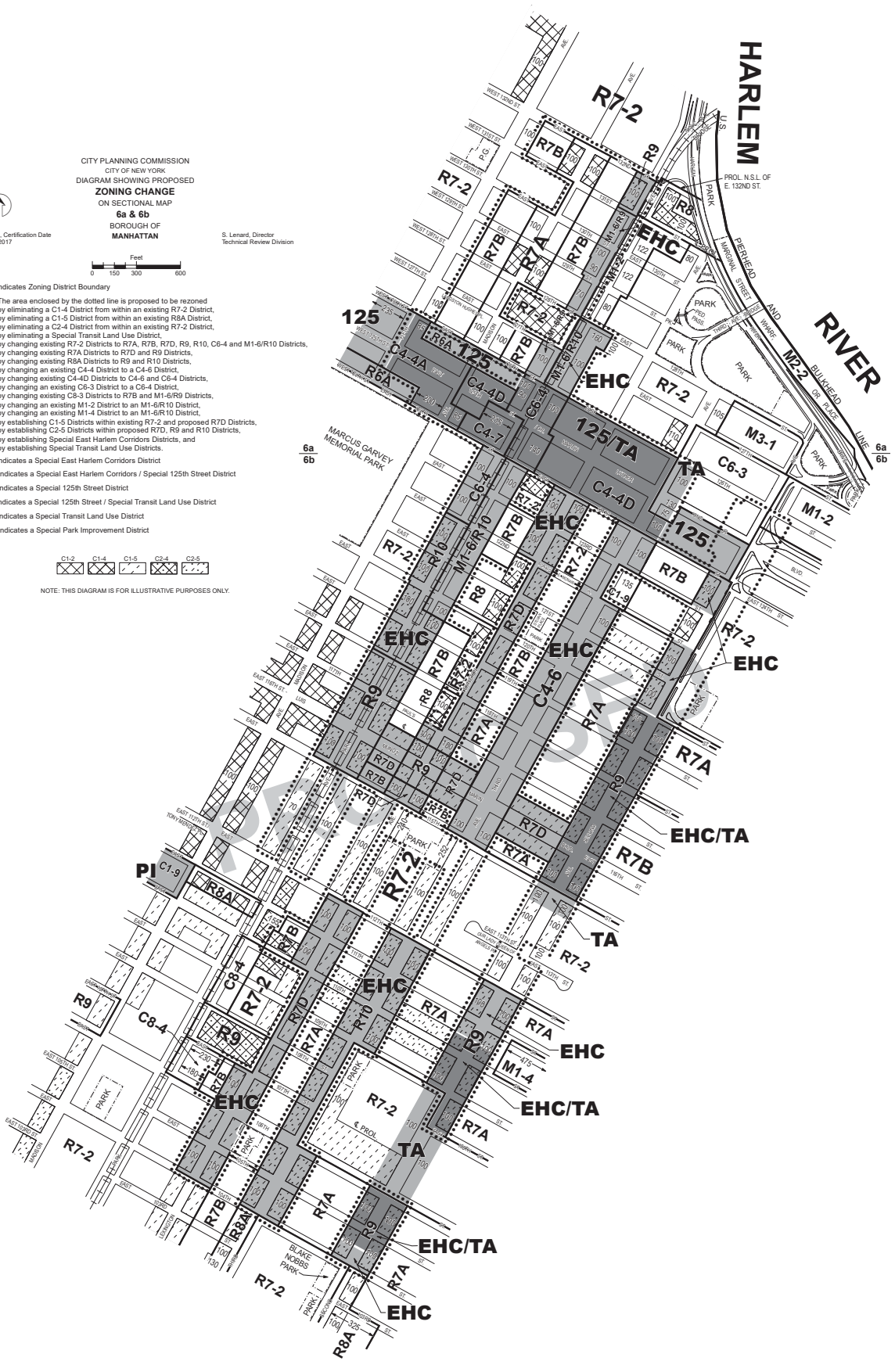
New York, Certification Date  
 April 24, 2017

S. Lenard, Director  
 Technical Review Division

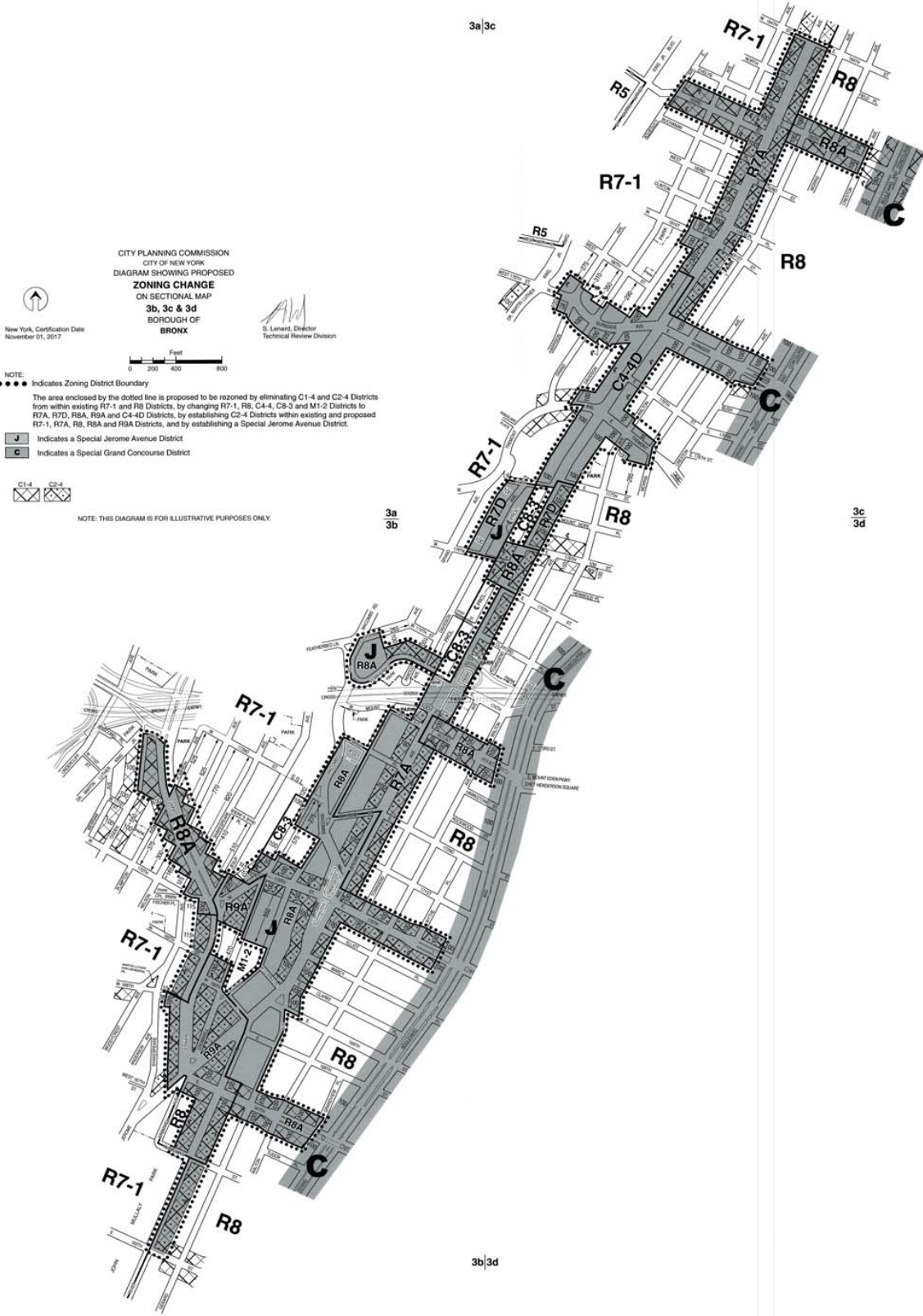
- NOTE:**
- Indicates Zoning District Boundary
  - The area enclosed by the dotted line is proposed to be rezoned by eliminating a C1-4 District from within an existing R7-2 District, by eliminating a C1-5 District from within an existing R8A District, by eliminating a C2-4 District from within an existing R7-2 District, by eliminating a Special Transit Land Use District, by changing existing R7-2 Districts to R7A, R7B, R7D, R9, R10, C6-4 and M1-6/R10 Districts, by changing existing R7A Districts to R7D and R9 Districts, by changing existing R8A Districts to R9 and R10 Districts, by changing an existing C4-4 District to a C4-6 District, by changing existing C4-4D Districts to C4-6 and C6-4 Districts, by changing an existing C6-3 District to a C6-4 District, by changing existing C8-3 Districts to R7B and M1-6/R9 Districts, by changing an existing M1-2 District to an M1-6/R10 District, by changing an existing M1-4 District to an M1-6/R10 District, by establishing C1-5 Districts within existing R7-2 and proposed R7D Districts, by establishing C2-5 Districts within proposed R7D, R9 and R10 Districts, and by establishing Special Transit Land Use Districts.
- EHC** Indicates a Special East Harlem Corridors District
  - EHC7A** Indicates a Special East Harlem Corridors / Special 125th Street District
  - 125** Indicates a Special 125th Street District
  - 125TA** Indicates a Special 125th Street / Special Transit Land Use District
  - TA** Indicates a Special Transit Land Use District
  - PI** Indicates a Special Park Improvement District



**NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.**



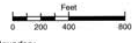




CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
 ZONING CHANGE  
 ON SECTIONAL MAP  
 3b, 3c & 3d  
 BOROUGH OF  
 BRONX

New York, Certification Date  
 November 01, 2017

S. Leland, Director  
 Technical Review Division



- NOTE:
- Indicates Zoning District Boundary
  - The area enclosed by the dotted line is proposed to be rezoned by eliminating C1-4 and C2-4 Districts from within existing R7-1 and R8 Districts, by changing R7-1, R8, C4-4, C8-3 and M1-2 Districts to R7A, R7D, R8A, R8A and C4-4D Districts, by establishing C2-4 Districts within existing and proposed R7-1, R7A, R8, R8A and R8A Districts, and by establishing a Special Jerome Avenue District.
  - J Indicates a Special Jerome Avenue District
  - C Indicates a Special Grand Concourse District



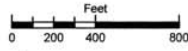
NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**1b, 1d, 3a & 3c**  
 BOROUGH OF  
**MANHATTAN**

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



New York, Certification Date  
 APRIL 18, 2018



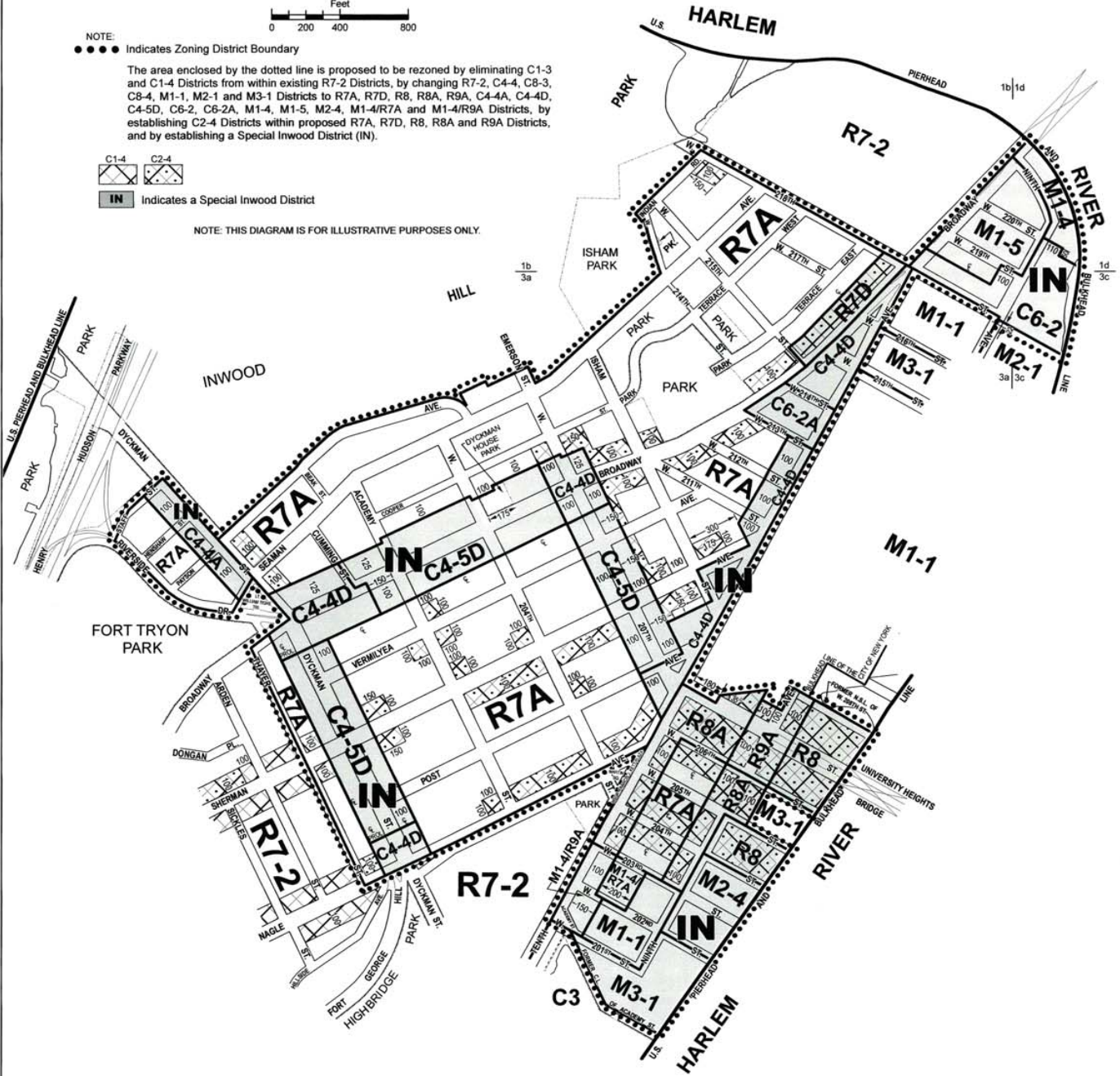
NOTE:  
 ●●●● Indicates Zoning District Boundary

The area enclosed by the dotted line is proposed to be rezoned by eliminating C1-3 and C1-4 Districts from within existing R7-2 Districts, by changing R7-2, C4-4, C8-3, C8-4, M1-1, M2-1 and M3-1 Districts to R7A, R7D, R8, R8A, R9A, C4-4A, C4-4D, C4-5D, C6-2, C6-2A, M1-4, M1-5, M2-4, M1-4/R7A and M1-4/R9A Districts, by establishing C2-4 Districts within proposed R7A, R7D, R8, R8A and R9A Districts, and by establishing a Special Inwood District (IN).



**IN** Indicates a Special Inwood District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



## **Appendix B: Select Testimony**

THE NEW YORK  
LANDMARKS  
CONSERVANCY

July 23, 2018

Hon. Frederick Bland, Acting Chair  
Landmarks Preservation Commission  
Municipal Building  
1 Centre Street, 9<sup>th</sup> floor  
New York, NY 10007

Re: Inwood Upzoning

Dear Fred:

The Conservancy is very concerned about the future of Inwood. As you know, City Planning is proposing to rezone most of the neighborhood. We urge the Landmarks Commission to calendar the important historic resources in the neighborhood before the upcoming City Council vote. The proposed development will have a big impact on the neighborhood and its historic sites. They need to be protected. There is only one designated landmark in the entire neighborhood, the Dyckman Farmhouse, designated July 12, 1967.

We recently surveyed the entire neighborhood and found many buildings that we believe meet the requirements for individual landmark status as well as two city parks that should be scenic landmarks. There are also areas that could be historic districts. Many of these sites were included in the EIS though we have identified several additional buildings. We urge the Commission to consider these sites and determine their eligibility for landmark status.

Potential Individual Landmarks:

Good Shepherd Church, 4967 Broadway  
Rectory of Good Shepherd Church, 608 Isham Street  
97-105 Cooper Street  
680 W.204<sup>th</sup> Street  
60 Cooper Street  
Harlem Savings Bank (Now Apple Bank), 4948 Broadway  
270 Dyckman Street  
338 Dyckman Street  
Fire Engine 95/Ladder Co. 36, 29 Vermilyea Avenue  
5009-5021 Broadway  
Department of Sanitation Incinerator, 4035 Ninth Avenue  
Holy Trinity Episcopal Church, 20 Cummings Street  
Mount Washington Presbyterian Church, 80-84 Vermilyea Avenue  
PS 52, 650 Academy Street  
PS 98, 512 West 212<sup>th</sup> Street

Potential Scenic Landmarks:

Inwood Hill Park  
Isham Park

In addition there are distinct areas that could be historic districts, including one north of Isham Park and one along Cooper Street.

Inwood is an historic neighborhood with a high degree of architectural cohesiveness and a strong sense of place. Any changes to the zoning must take into consideration the historic context of the area.

The LPC must weigh in and ensure that Inwood's distinct character is not lost and that there is an appropriate balance of preservation and growth. We would be happy to discuss with you and the LPC staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Peg Brech", written over a printed name and title.

Peg Brech  
President

Copy: Manhattan Borough President Gale Brewer  
Council Members Ydanis Rodriguez, Adrienne Adams, and Rafael Salamanca  
Manhattan Community Board 12