

## Table of Contents

### CITY PLANNING COMMISSION

*Micro-Units begin review* ..... 49

### LANDMARKS

*Support for Carnegie Library* .... 51

*SoHo development approved* .... 52

*Bed-Stuy Ex. HD Designated* .... 53

### REGIONAL PLAN ASSOCIATION

*RPA Assembly* ..... 54

### PRESERVATIONIST GROUPS EVENT

*Past LPC Chairs Panel* ..... 57

### CITYLAND COMMENTARY

*Ross Sandler* ..... 50

### GUEST COMMENTARY

*Robert J. Kafin* ..... 55

### CITYLAND PROFILE

*Sam Schwartz* ..... 58

### CHARTS

*DCP Pipeline* ..... C-1

*ULURP Pipeline* ..... C-1

*BSA Pipeline* ..... C-2

*Landmarks Pipeline* ..... C-2

*CityAdmin.org New Decisions* .. C-4



Rendering of micro-unit interior. On the left, the canvas space, and on the right, the toolbox space.  
Image Credit: Office of the Mayor.

### CITY PLANNING COMMISSION

#### Rezoning/UDAAP

#### Kips Bay, Manhattan

#### City's First Micro-Unit Development Begins Review

*Mixed-use development will feature 55 experimental micro-units between 250- and 350-square-feet each unit.* On April 8, 2013 the City Planning Commission certified the adAPT NYC proposal as complete and ready for review. The plan, proposed by the City's Department of Housing Preservation and Development, seeks to initiate an innovative approach to affordable housing through the development of micro-units. A new, 10-story building will be constructed to house 55 residential units as well as retail and community space. The chosen development site, at [335 East 27th Street](#) in Manhattan, is currently a 12-space parking lot used by New York City Housing Authority employees. The 4,725-square-foot site is bordered by Mt. Carmel Place, East 28th Street, First Avenue, and a pedestrian-only portion of East 27th Street. The site is immediately adjacent to one of NYCHA's [Nathan Strauss Houses](#) to the north and [Bellevue South Park](#)

to the west. [Bellevue Hospital](#) is also close by and to the east.

In July 2012, Mayor Michael R. Bloomberg [announced](#) the launch of adAPT NYC with a competition to develop a micro-unit pilot program. The Bloomberg administration created the program in conjunction with HPD in an effort to catch up with the growing need for one- and two-person apartments. HPD issued a [request for proposals](#) in July 2012 and Mayor Bloomberg [announced](#) the winning developer in January 2013. [Monadnock Development](#), in partnership with the [Actors Fund Housing Development Corporation](#) and [nARCHITECTS](#), will develop and operate the building and will seek [LEED silver certification](#). The 27,600-square-foot, mixed-use building will reach 111 feet in height and a 5.9 floor area ratio. The ground floor will feature 550 square feet of retail and 111 sq. ft. of community facility space. Additionally, ten percent of the floor area will be dedicated to residential amenities including common lounges on each floor, a rooftop garden, an eighth floor outdoor deck, and laundry, storage, bike and fitness rooms.

The 55, one- to two-person micro-units will be subject to strict design criteria and *(cont'd on page 51)*

## CityLand Online Marks its One Year Anniversary!

One year ago the [Center for New York City Law](#) launched *CityLand* as a free web-based publication. On that first day, May 3, 2012, twelve persons viewed the site. Twelve months later during April 2013 more than 3,600 individuals read *CityLand*. And when they opened the website they found timely reports, multiple photographs, hyperlinks to decisions, maps, and related websites, video feed from events, and access to ten years of back issues. *CityLand* is no longer a monthly newsletter only; it is a major source for daily land use information.

We decided to make *CityLand* freely available. *CityLand* had been supported by subscriber revenue with financial help from [New York Law School](#). Many people urged us to charge a fee to view *CityLand* and to research the *CityLand* archive. We decided that *CityLand* and the *CityLand* archive ought to be free. The most important goal was to increase readership, support the public service mission of New York Law School, and ensure a wider dissemination of New York City land use information.

The results have been great. The number of individuals who view *CityLand* is more than ten times the number of former print subscribers. Viewers come back many times during the month and many of our articles have been shared and posted on other websites, increasing our readership in ways our print format could not do. Many viewers also heavily use the Center's related research website, [CityAdmin](#), to read official agency decisions.

As a cost saving measure we stopped printing the attractive and well-designed version of *CityLand*. The printed newsletter had been mailed first class to subscribers. As a substitute, the Center now uploads a monthly issue for viewers who may then print their own monthly issue. Please let us know if you like the monthly issue and whether you download it and print a hard copy. Please also let us know other ways that we can improve the online version.

*CityLand's* goal for 2013 is to continue to improve the way that land use is covered, and to increase readership. You can help. Please register as a subscriber on the *CityLand* [homepage](#). *CityLand* posts articles several times a week and sends free email alerts to registered subscribers at the same time that *CityLand* uploads a new article or commentary. *CityLand* also has taken advantage of social media to promote articles, events, and produce live tweets and status updates from events that we cover. Please follow us on [Facebook](#) and [Twitter](#).

Thank you for your support of *CityLand*. You have been very generous in your praise and enthusiasm for the publication. We are very grateful.

Ross Sandler

### CITYLAND

Ross Sandler  
*Professor of Law and Director,  
Center for New York City Law*

Brian J. Kaszuba '04  
*CityLand Editor*

Drew Carroll '12  
Randy Kleinman '12  
Amber Gonzalez '12  
*Fellows*  
Lebasi Lashley  
*Art Director*  
Petting Zoo Design

Jesse Denno  
*Staff Writer, Production Asst.*  
Sarah Knowles  
*Administrative Coordinator*

### CITYLAND ADVISORY BOARD

Kent Barwick  
Andrew Berman  
Molly Brennan  
Albert K. Butzel

Howard Goldman  
Jerry Gottesman  
David Karnovsky  
Ross Moskowitz '84

Frank Munger  
Carol E. Rosenthal  
Michael T. Sillerman  
Paul D. Selver

### CENTER FOR NEW YORK CITY LAW ADVISORY COUNCIL

Stanley S. Shuman,  
*Chair*  
Arthur N. Abbey '59  
Sheila Aresty '94  
Harold Baer, Jr.  
David R. Baker  
Michael A. Cardozo  
Anthony Coles  
Paul A. Crotty  
Richard J. Davis  
Michael B. Gerrard  
Judah Gribetz  
Kathleen Grimm '80  
Eric Hatzimemos '92

Michael D. Hess  
Lawrence S. Huntington '64  
William F. Kuntz II  
Eric Lane  
Randy M. Mastro  
Robert J. McGuire  
Francis McArdle  
John D. McMahon '76  
Thomas L. McMahon '83  
Gary P. Naftalis  
Steven M. Polan  
Gail S. Port '76  
Joseph B. Rose

Ernst H. Rosenberger '58  
Frederick P. Schaffer  
Frederick A.O. Schwarz, Jr.  
O. Peter Sherwood  
Edward Wallace  
Richard M. Weinberg  
Peter L. Zimroth  
James D. Zirin

The Center expresses appreciation to the individuals and foundations supporting the Center and its work: The Steven and Sheila Aresty Foundation, Fund for the City of New York, The Durst Foundation, The Charina Endowment Fund, The Murray Goodgold Foundation, Jerry Gottesman, The Marc Haas Foundation and The Prospect Hill Foundation.

**CITYLAND** (ISSN 1551-711X) is published by the Center for New York City Law at New York Law School, 185 West Broadway, New York City, New York 10013, tel. (212) 431-2115, fax (212) 941-4735, e-mail: [nycitylaw@nyls.edu](mailto:nycitylaw@nyls.edu), website: [www.citylaw.org](http://www.citylaw.org) © Center for New York City Law, 2012. All rights reserved. Printed on recycled paper. Maps presented in **CITYLAND** are from Map-PLUTO copyrighted by the New York City Department of City Planning. City Landmarks and Historic Districts printed with permission of New York City Landmarks Preservation Commission.

POSTMASTER: Send address changes to **CITYLAND**, 185 West Broadway, New York, New York 10013-2921. Periodicals postage paid at New York, New York.

will make use of the limited square footage by utilizing overlapping functions and flexible arrangement options. The studio-style units will feature two distinct areas: a toolbox zone, which will include a kitchen, separate bathroom, and 16-foot-long overhead storage unit, and a canvas zone, which will be an open space for eating and sleeping. The unit will have a floor to ceiling height of 9 feet, 10 inches featuring a full one-wall window with a Juliette balcony for maximum light and air. Pre-fabricated units will be constructed at the [Brooklyn Navy Yard](#) by [Capsys](#), a local modular manufacturer. Forty percent of the units (22 units) will be affordable for a period of 30 years targeting area median incomes of 80 percent (\$1,115 rent per month), 145 percent (\$1,811 rent per month), and 155 percent (\$1,940 rent per month).

HPD is seeking to extend a C2-5 overlay on the R8-zoned site to allow for the ground-floor retail use, dispose of the City-owned site to allow sale to the development's future owner, and designate the site as an [Urban Development Action Area Project](#) (UDAAP). HPD also sought mayoral overrides in order to facilitate the unique project, including waivers of requirements regarding the maximum number of dwelling units per floor area; minimum dwelling unit size; streetwall, height, setback, and lot coverage; and planting areas.

At City Planning's review session on April 8, 2013, the Commissioners discussed the possibility of permanent affordability and the kind of project analysis that will inform future housing policy as matters that should be examined during the Commission's review process. Chair Amanda M. Burden stressed the importance of determining how success of the experiment will be measured, "Will it sell?" can't be the only measurement," the analysis must also include the project's management and operation, affordability, and overall

community satisfaction.

Chair Burden certified the application and sent it to Manhattan Community Board 6 for a 60-day review.

.....  
CPC: adAPT NYC – 335 East 27th Street (130235 ZMM – rezoning); (130236 HAM – UDAAP and disposition) (April 8, 2012).

## LANDMARKS PRESERVATION COMMISSION

### Designation Hearing

Lower East Side, Manhattan

### Wide Support Voiced for Designation of Carnegie Library

*Testimony supporting designation of 1909 library focused on institution's importance to generations of Lower East Side's immigrant communities.* On April 2, 2013, the Landmarks Preservation Commission held a public hearing on the potential landmark designation of the [Seward Park branch](#) of the New York Public Library. The branch, located at [192 East Broadway](#), is a Renaissance Revival building that was completed

in 1909 to designs from the firm of Babb, Cook & Welch. The library was one of 67 built in the City between 1902 and 1929 with funds provided by Andrew Carnegie. The three-story building is clad primarily in red brick, with limestone trim and a rusticated limestone base. A weathered copper railing stands above the building's modillioned cornices and originally enclosed a unique open-air reading room on the roof, which is no longer in use.

The library originally possessed a large Yiddish-language collection, and served as a center for Jewish cultural life in the City. As successive waves of immigrants groups made their home in the Lower East Side, the library expanded its collection to include Chinese and Spanish texts.

Numerous community members, representatives of local organizations, and preservationists spoke at the hearing. Christabel Gough, of the Society for the Architecture of the City, called the library an example of "New York's small civic buildings" that are "the legacy of a more just and intellectually honest society that existed in this City a hundred years ago." Linda Jones, speaking on behalf of the [Seward Park Preserva-](#)



New York Public Library, Seward Park branch, 192 East Broadway, Manhattan. Image Credit: LPC.

[tion and History Club](#), said the history and architecture of the Seward Park branch was an “important part of the library experience.” A representative of the [Bowery Alliance of Neighbors](#) urged swift designation, and noted that the library was listed on the National Register of Historic Places.

Area resident Rima Finzi-Strauss said it was important to ensure the library’s protection as “one of the few remaining reminders of the unique history of the Lower East Side” in light of “all the tremendous real estate changes happening in our immediate neighborhood.” Neighborhood resident Judith Prigal testified that the library, “aside from its architectural merits, has also had an important place in the history and lives of the people in its community.” The library was a place where her father, along with many other immigrants, were able to study English. Another resident described the library as the neighborhood’s “epicenter for immigrants and language learners.”

Members of the [New York Landmarks Conservancy](#), the [Friends of the Lower East Side](#), and the [Historic Districts Council](#) also offered testimony urging Landmarks to designate the property.

Landmarks Chair Robert B. Tierney closed the hearing without comment. No date has been set for a vote on designation.

LPC: New York Public Library, Seward Park Branch, 192 East Broadway, Manhattan (LP-2531) (April 2, 2012).

## LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness  
SoHo, Manhattan

### New Green Design Development Near Puck Building Approved

*Commissioners embrace plan by CookFox Architects that would replace gas station, garage, bar and*

*billboard.* On April 9, 2013, the Landmarks Preservation Commission approved the issuance of a certificate of appropriateness for the construction of a new, seven-story building at 298-308 Lafayette Street. The three lots face the Puck Building and are at the corner of Lafayette and Houston Streets in the [SoHo-Cast Iron Historic District Extension](#). The plan calls for the demolition of three existing structures that currently occupy the site. This includes the demolition of the Puck Fair bar, Houston Car Care, a BP gas station, and a billboard. The new building will be used for office and retail space.

Developer Marcello Porcelli, President of LargaVista Companies, said the plan utilizes the site for “a higher and better use” than its current occupants. Porcelli said “we were extremely selective in choosing the right steward for this design process,” and that sustainability was a “guiding principle” of the project.

Preservation Consultant [Bill Higgins](#) called the site a “gateway to SoHo,” and noted that all the buildings proposed for demolition were listed as “no style” in the district’s [designation report](#). Higgins also stated that the evolution of architec-

ture in the neighborhood had been a consistently greater ratio of glass to solid materials, but the interplay of the two was “crucial” to the district’s character.

Richard Cook, partner at [CookFox Architects](#), presented the plan for the new building at the “amazing site.” The architect would seek LEED Gold certification by the [U.S. Green Building Council](#). Cook said that sustainability was a driving force in many aspects of the proposal, as well as a desire to “connect people to nature in a dense urban form.” He said he also wished to design a street wall building that would maintain views of, and not detract from, the architecture of the [Puck Building](#), which was designated as an individual [landmark](#) in 1983. He also said the plan would continue the lineage of innovation in SoHo’s architecture.

The building would be primarily done in floor-to-ceiling non-reflective glass, with a two-story base. The frame would be clad in limestone at the base and in terra-cotta at the upper floors, with stainless steel edge details. A trellis on the seventh floor would be constructed of rust-colored zinc, which would echo the red masonry of the



Rendering of development at 298-308 Lafayette Street, view from Houston Street toward the west.  
Image Credit: CookFox Architects.

Puck Building. The sixth and seventh stories of the building would be set back from the main facade, and the total height of the structure would be slightly less than that of the Puck Building. Species of plants indigenous to Manhattan would be planted on the roof and on the balconies on every floor above the second story. Blinds inside the building would be uniform to prevent the facade from becoming a “patchwork” from different interior curtains. The building would use structural elements like post-tension concrete floor plates, with plastic molds running through the slabs to minimize the amount carbon dioxide generated for the project.

Kramer Levin attorney [Valerie Campbell](#) explained that the project would require three special permits from City Planning. The structure would require a variance for height and setback, because the applicants did not find the as-of-right building envelopes under the lots’ M1-5B zoning appropriate for the site, though the overall floor area will be the same as if the project were built as-of-right. The other special permits would be for the modification of use regulations, to allow large retail establishments below the second floor.

Rick Bell, Executive Director of the New York Chapter of the American Institute of Architects, testified that the “exemplary” project served to “map a future of reduced energy efficiency,” and had “citywide ramifications” as an example of transit-oriented development. A representative of the [U.S. Green Building Council](#) similarly praised the “beautifully appropriate design,” and said that the building’s “day-lit spaces, highly filtered fresh air, and immediate access to landscaped spaces are qualities that support the health, well-being, and productivity of its users.” A representative of Manhattan Community Board 2 recommended approval of the proposal, stating that the design would not set a precedent for development design

in SoHo, given the unique qualities of the site. A member of the Broadway Residents Coalition also spoke in favor of the plan.

Chair Robert B. Tierney read a letter into the record from Assembly Member Deborah Glick, who said the proposal would be “a welcome addition to replace the gas station,” and that the project respected community concerns.

The [Historic Districts Council’s](#) Nadezhda Williams requested further revisions to the proposal, saying “HDC had hoped to see something more evocative of the historic district,” and that “the details, fenestration and material should all be restudied.”

Commissioners were unstinting in their praise of the proposal, with Commissioner Fred Bland calling the project “thrilling and novel,” and urging Commissioners not to amend the plan, but to “go with Rick’s vision.” Vice Chair Pablo Vengoechea found the proposal to be successfully “mediating” between the SoHo and NoHo historic districts, and praised its materials and craftsmanship. Commissioner Michael Devonshire praised the plan for its “magnificent” deference to the Puck Building, which he called the “crown of this neighborhood.” Commissioner Libby Ryan expressed reservations about the addition of large retail stores to the district, but concluded the issue was outside of Landmarks’ purview, and that the proposal was otherwise “terrific.”

Chair Tierney commented that he found the proposal to vindicate the inclusion of the site in the historic district, and led a unanimous vote to issue a certificate of appropriateness for the project.

.....  
LPC: 298-308 Lafayette Street, Manhattan (14-1612) ([April 9, 2013](#)) (Architect: CookFox Architects).

---

## LANDMARKS PRESERVATION COMMISSION

---

### Designation

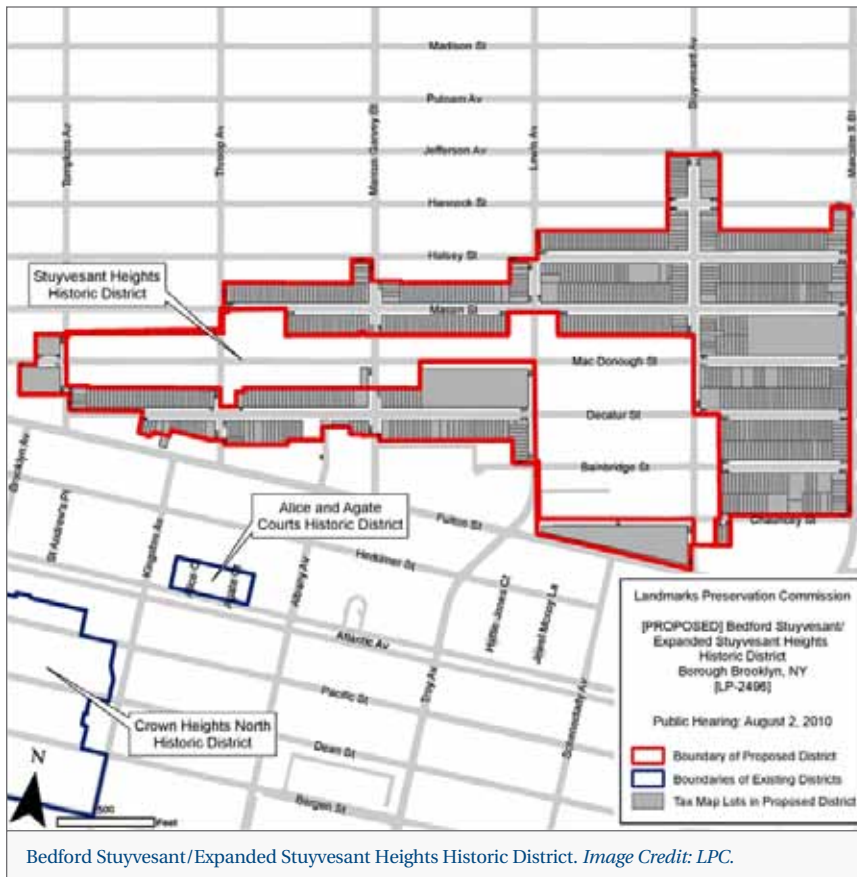
Bedford-Stuyvesant, Brooklyn

### Bed-Stuy/Expanded Stuyvesant Heights Historic District Designated, Capping Decades-Long Process

*Landmarks staff recommended removal of two properties from the district, but Commission voted to designate the district as proposed.* On April 16, 2013, the Landmarks Preservation Commission voted to designate the [Bedford Stuyvesant/Expanded Stuyvesant Heights Historic District](#) in Brooklyn. The district is generally bounded by Halsey and Macon Streets to the north, Fulton Street to the South, Malcolm X Boulevard to the east, and Tompkins Avenue to the west. The new district surrounds the 1971-designated [Stuyvesant Heights Historic District](#), and is comprised of approximately 825 buildings.

The residential area was developed primarily within the period between 1880 and 1920, though some mid-19th-century wood-frame houses still stand in the district. The area is largely characterized by speculatively built rowhouses, in the Queen Anne, neo-Grec, Romanesque Revival and Renaissance Revival styles. The 1890s also saw the construction of several four- and five-story apartment buildings known as “French flats.” Significant institutional buildings in the district include the Bethany Baptist Church and the former Sumner Avenue Baptist Church.

The community was initially populated by people of New England origins, as well as German and Irish immigrants. By the First World War, African Americans had become a significant demographic in the neighborhood, drawn by the high-quality housing and lack of discriminatory purchasing policies. In the 1920s and 1930s the area grew in



importance as a focal point of Black cultural life in the City, and served as a residential alternative to Harlem.

Landmarks initially considered the proposed district in the early 1990s and held a hearing in 1993. At the [August 2, 2011 hearing](#), wide support for designation was voiced by elected officials, preservation groups, and community residents.

Before the vote, Landmarks Research Department director [Mary Beth Betts](#) stated that the department recommended the removal of two lots from the designation as proposed. The two lots consist of a one-story no-style commercial structure and a vacant lot, both on the periphery of the district near the intersection of Malcolm X Boulevard and Chauncey Street. Chair Robert B. Tierney called the amendment to the district's boundaries a "sensible, tiny tweaking." Landmarks Counsel [Mark Silberman](#) stated that the excisions would be "consistent with past practice," but the omissions faced objection from some

Commissioners. Vice Chair Pablo Vengoechea was concerned about maintaining "cohesive boundaries," and ensuring that any future development at the sites was appropriate to the district. Commissioner Margery Perlmutter agreed with the staff recommendations, and argued that Landmarks' oversight should be "limited to contributing buildings."

Commissioners were united in their appreciation for the district's architectural, cultural, and historic merit, and voted unanimously for designation. Commissioner Joan Gerner praised the "wealth of architectural styles" in the "gorgeous" area, while Commissioner Perlmutter said it was "obvious" that the Stuyvesant Heights district should be expanded to include the proposed buildings. Commissioner Michael Goldblum stated that the "vehemence and strength and unity and intensity" of the community response supporting designation made a great impression on him, and he believed that "the City

should respect that and honor that." Commissioners Michael Devonshire, Gerner and Goldblum all opposed the removal of the disputed lots from the designation.

Chair Tierney noted that 32 people had testified at the 2011 hearing in strong support, and commended the residents' "justifiable pride" in their community. He led the vote, which included all the proposed lots, concluding a "20-year process." The vote was met with applause and cheers from assembled community members and preservationists.

.....  
LPC: Bedford Stuyvesant/Expanded Stuyvesant Heights Historic District, Brooklyn (LP-2496) (April 16, 2013).

## REGIONAL PLAN ASSOCIATION

23rd Annual Assembly

New York Metropolitan Region

### Fourth RPA Report to Focus on Climate Change and Transportation Technology

*Regional Plan Association event featured a variety of discussions on how the New York metropolitan region might face climate change, tackle transportation advancements. The*



[Regional Plan Association](#), a non-profit urban research and advocacy organization, focuses on planning for economic competitiveness, quality of life, and long-term sustainability in the region that includes New York City, Long Island, Westchester and Orange counties, western Connecticut and northern New Jersey. On April 19, 2013, the Association held its 23rd Annual Assembly to discuss the challenges the region faces, and to plan a livable, sustainable, and economically strong future for the area. The Association recently commenced work

## Greenmarket and the Urbanscape

Alfred, Lord Tennyson wrote “In the spring, a young man’s fancy lightly turns to thoughts of love.” May that always be so, but it is equally true today that for many New Yorkers spring also turns thoughts to Greenmarket, a collection of producer-only farmers markets that now blanket the City.

The first Greenmarket opened in July 1976 in a lot on Second Avenue at the Manhattan end of the Queensboro Bridge. Seven farmers sold produce at a once-a-week pop-up fair during the late summer season. Today’s Greenmarket has grown into a year-around program with [54 retail markets in all five Boroughs](#), where 230 family farms and fisherman from seven states bring regionally produced foods for sale to consumers.

The primary objectives of Greenmarkets are to promote regional agriculture by providing urban retail outlets for family farms, and to provide consumers in the City with convenient access to fresh, locally-produced foods. The [54 Greenmarkets](#) occupy a diverse set of spaces, ranging from the great open plazas in Union Square to indoor spaces at the Port Authority Bus Terminal in Midtown and the Staten Island Ferry Terminals. Greenmarkets are also located on wide sidewalks on Queens Boulevard in Forest Hills and along Columbus Avenue behind the American Museum of Natural History, in church yards such as St. Stephen’s on East 82nd Street in Manhattan, in temporarily closed streets like Union Avenue beside McCarren Park in Brooklyn, and in parking lots such as the one at the Staten Island Mall.

Wherever they are, the Greenmarkets serve a village square function filling a traditional need in human societies for safe, comfortable places for the community to gather and engage in everyday activities. In New York City many public spaces are dominated by motorized vehicles and anonymity. Greenmarkets create an environment in the midst of the big city where walking, face to face encounters, leisurely trade, visiting with others and the like can take place on a neighborhood scale.

Greenmarkets also produce ancillary beneficial impacts on the communities in which they operate and on their surrounding neighborhoods. The [McCarren Park Greenmarket](#) in Williamsburg Brooklyn is a good example of the ripple effect on neighborhood character a retail farmers market can have. The market is open on Saturdays year-around and operates at the junction of a quickly modernizing Williamsburg community and the more traditional Greenpoint neighborhood. On market day the focus is on the market, which has expanded to include cooking demonstra-

tions, musical performances by local artists, collecting of food scraps for composting, and textile recycling. In addition, all types of family friendly activities take place in the park and on the streets around the market which energizes the whole neighborhood and provides vibrancy to the surrounding area. Around this core one can see changes in street level uses with restaurants, shops, outdoor seating areas, a community garden, public art and more intensive park activities that have been attracted to the area to take advantage of the attention drawn to it by the Greenmarket.

A similar expansion occurred at the [Jackson Heights Greenmarket](#) on 34th Ave at 77th Street in Queens. There the nearby [Friends of Travers Park](#) have designated 78th a “playstreet” where they host lively events each market day using the lure of the open air farmers market to bring people to the Park and its vicinity for a community get-together. Throughout the City other Greenmarkets have had similar effects on their environs.

Community sponsorship is important both to the integration of a Greenmarket into the neighborhood life of its location and to inspire nearby complementary uses. Site selection for additional Greenmarkets favors places where there is a nonprofit organization, religious institution, business improvement district or another committee willing to partner in setting up and providing continuing support for a market in a visible spot accessible to foot traffic, but where farmers’ trucks can also come and park. We welcome [suggestions](#) for additional Greenmarket locations.

Twenty-two of the Greenmarkets are now open year-around, thus waiting until spring is no longer necessary for hard-core locavores. But, there is nothing like the coming of spring when the root vegetables and orchard products that have sustained us through the winter give way to what comes in May: asparagus, lettuce, radishes, rhubarb, ramps, scallions, spinach, sweet peas, mesclun, and beet and turnip greens. The first 2013 maple syrup has just arrived. With the kidding season comes fresh goat cheese, and spring is also the season for blue Araucana eggs.

— Robert J. Kafin

*Robert J. Kafin is Chair of [GrowNYC](#), which was formerly called the Council on the Environment of New York City (CENYC). It is a nonprofit organization that also manages other environmental programs, including waste recycling, community gardens and environmental education. [Greenmarket](#) is a program of GrowNYC.*

on its regional plan, which will be the fourth since the organization's inception in 1929. The plan will address climate change, deteriorating infrastructure, population increases in urban centers, and the lack of affordable housing, among other issues.

Association Executive Director [Thomas K. Wright](#) stressed that as we exit a recession, "we confront new threats to our prosperity and quality of life," especially given the "capricious nature of climate change" exemplified by Hurricane Sandy. At a climate change panel discussion led by [Rohit T. Aggarwala](#), former Director of Long Term Planning and Sustainability for the City of New York and current Stanford University professor, Aggarwala said that Hurricane Sandy proved climate change "is not just a problem for polar bears but something that directly impacts us all." He noted that the region is becoming "denser and denser," a trend that will continue in the future. Aggarwala said people in the region "rely utterly" on systems vulnerable to failure, including electric power, fuel distribution, and a "complex supply chain" for many goods. Aggarwala found hope in evidence that "we live in a region that is taking this seriously," and that Hurricane Sandy served to "help us understand the broad concept of resilience."

Senator [Kirsten Gillibrand](#) addressed the assembly, stating that it is a "moral responsibility ... to be stewards of our environment and to be stewards of our community." She said that the federal government needs to address climate change, calling the "status quo" unacceptable, and calling for "smarter, long-term regional planning." She said the government lacks a "clear and integrated resiliency strategy." She recommended the creation of a non-partisan national infrastructure investment authority that could work outside of campaign cycles, as part of an effort to "take politics out of the process." She also advo-

cated for the establishment of more "pocket parks" by reutilizing existing, unused spaces and structures as public amenities.

Association President [Robert D. Yaro](#) explained that the upcoming regional plan would emphasize recommendations for the "modernization and expansion of transit, aviation, port, road, and environmental systems." Connecticut Governor [Dannel P. Malloy](#) discussed the importance of transportation to the region, adding that any growth in the region must focus on "transit-oriented development." Malloy identified infrastructure investment as a priority for the region, decrying a "political divide" on infrastructure spending, which he believed should not be a partisan issue. Malloy also stated that the impact of Hurricane Sandy should serve as a notice to local governments and residents "between the Potomac River and the Charles River that we are in this together." Malloy said the area's economic decline during the period following the Second World War to the 1990s was due to the fact that "we ignored the obvious dangers and we refused to confront them." He argued that there was a good chance that future generations in the area would not be successful if the current lack of infrastructure investment continued.

In a panel on transit and technology, recently-appointed Chairman of the Metropolitan Transportation Authority, Thomas F. Prendergast, said NYC's Metrocard payment system is "reaching the end of its useful life." He expects the MTA to move towards an open-architecture system that would offer more flexibility to customers. He added that, as one of the largest transportation systems in the world, it is difficult to implement new technology; the system is unique in that it was largely built at the turn of the 20th century. [Peter Rogoff](#), of the Federal Transit Administration, noted that while new technology is important in improving reliability,

it is not "a panacea." He noted that during Hurricane Sandy, Eisenhower-era infrastructure fared better than newer, more technologically sophisticated equipment. Prendergast added that the MTA had to revert to older technology in the aftermaths of 9/11 and Hurricane Sandy, and suggested the MTA develop a method to update the system while maintaining backup plans should new technology fail. A balance needs to be struck by implementing new technology and maintaining existing infrastructure in a state of good repair.

In a session on "Rethinking Penn Station," moderator [Marilyn Taylor](#), of the University of Pennsylvania, said that transportation "will be key" in the Association's fourth regional plan. The "inhospitable" current station is an inadequate hub for the northeast corridor, which needs increases in capacity, speed, and reliability of rail service. She also said that the region merits a "world-class gateway." Architect and Columbia professor [Vishaan Chakrabarti](#) said that the Farley Building, [once rumored as a potential new home for Penn Station](#), is "physically impossible" as a wholesale station replacement. Chakrabarti also stressed that advocates must seek to cooperate with Madison Square Garden, rather than see them as an opponent in a "battle." The Municipal Art Society's [Vin Cipolla](#) added that there were "remarkably obvious" alternative possibilities for siting a new arena. Panelists urged those who wished to see a new transportation hub to urge City Council not to give an open-ended special permit to Madison Square Garden for arena operations. New York Times architecture critic [Michael Kimmelman](#) stated that those who want a new and better station need to commence a "process of education and public engagement," to convince people that a new station is "a possible thing." During the panel, architect [John McAslan](#) discussed the restoration and reno-

vation of London's King's Cross Station and its positive impact on the immediate neighborhood as well as on the country as a whole. He said that high-speed rail opened up opportunities in "regions that have been lost" in England.

During a panel on economic opportunity moderator [Anthony E. Shorris](#), of NYU Langone Medical Center, said that the region "hasn't grown equally" in the past two decades. He said that poverty is rising in the suburbs and is exacerbated by rising costs, particularly in housing. The Community Service Society's [David Jones](#) called for "a major readjustment in how we think about education" with a "major focus on career and technical education." The Empire State Development Corporation's [Kenneth Adams](#) said input from community stakeholders is important in determining development policy and identifying priorities.

The meeting concluded with a plenary discussion on governance, in which moderator [Julia Vitullo-Martin](#) from the RPA discussed the regulatory, fiscal, and decision-making aspects of identifying the problems of implementing effective government in the region. [Steven Bellone](#), County Executive for Suffolk County, said that local governments are not structurally and culturally set up to think and act on a regional basis and that a structure needs to be instituted to force them to do so. Executive Director of the Port Authority [Patrick Foye](#) stated that "governments are broke," and that public-private partnerships offer the most effective way of realizing major projects. He noted that the new Goethals Bridge will be built primarily with private capital, which will bring "private-sector discipline" to infrastructure development. [Maxine Griffith](#), of Columbia University, criticized [ULURP](#)'s pre-certification process during which projects can languish for months and years. She also bemoaned the lack of a real federal urban policy and a regional

planning governance structure. Foye concurred that "having a more sophisticated level of land use process at a higher level of government would be a positive thing."

.....  
*Regional Plan Association, 23rd Annual Assembly (Apr. 19, 2013).*

## PRESERVATIONIST GROUPS EVENT

Landmarks Preservation Panel

Citywide

### Past LPC Chairs Gathered to Share Reflections, Advice for Future

*Four past Landmarks chairs gathered to discuss what makes a chair effective, how to make the land-marking process more efficient, and challenges facing the Commission.* On April 25th, 2013, at the [General Society of Mechanics & Tradesmen](#), four past chairs of the NYC Landmarks Preservation Commission participated in a panel discussion titled "Past Leaders Look to The Future." The event was co-sponsored by the Society and a number of preservationist organizations, including the [New York Preservation Archive](#)

[Project](#), [Historic Districts Council](#), [Fine Arts Federation](#), and the [Institute of Classical Architecture & Art](#).

Anthony C. Wood, of the [New York Preservation Archive Project](#), introduced the event, noting that a new mayoral administration will likely mean the appointment of a new Commission chair. Wood hoped the event will "help inform" the thinking of mayoral candidates, serve to define the challenges facing the next chair, and examine what characteristics the next chair must possess. Liz McEnaney moderated the discussion, which included former Chairs Beverly Moss Spatt (1974 to 1978), [Kent L. Barwick](#) (1978 to 1983), [Laurie Beckelman](#) (1990 to 1994), and [Sherida Paulsen](#) (2001 to 2003).

Moss Spatt took the podium to make recommendations for the next chair of the Commission. She stated that the purpose of preservation is to achieve an understanding of social, cultural, architectural, technical, political, and philosophical human qualities, and that preservation is "the tissue that holds us all together." She said a consortium of development interests are seeking to "eviscerate" the authority of the Commission, a movement which



"Past Leaders Look to the Future" panel discussion on April 25, 2013. Image Credit: CityLand.

# CITYLAND PROFILES

## Sam Schwartz: Managing Traffic Through “Fair Pricing”



Sam Schwartz is the president and CEO of [Sam Schwartz Engineering](#), a firm that specializes in transportation planning and engineering. Schwartz's new

congestion pricing proposal, “[Move New York](#),” offers a novel approach to the controversial subject.

Sam Schwartz was born and raised in Brooklyn, attended Brooklyn Technical High School, graduated from Brooklyn College where he majored in physics, and earned a Master of Science degree in Civil Engineering from the University of Pennsylvania. In 1971, Schwartz began working with the City's Department of Transportation, as a junior engineer. He rose to be DOT's Chief Engineer and First Deputy Commissioner.

In 1990, Schwartz left the DOT to teach classes at Cooper Union. Schwartz also began writing columns for the *Daily News* under the pen-name “Gridlock Sam.” In 1995, Schwartz opened his own engineering firm called Sam Schwartz Engineering. The firm is involved in projects throughout the globe, including a revolutionary street-car system in Aruba, powered solely by battery and hydrogen fuel cells.

Currently Schwartz has been advocating a novel congestion relief plan for New York City. He believes the old congestion pricing model is antiquated and unfair. The problem with past proposals is that they were all based on an archaic paradigm. Schwartz believes that opponents were suspicious of the old model because it was viewed as a tax and it was unclear where the revenue was going.

Schwartz predicts that the MTA's current toll collection system will fail because the tolls are becoming disproportionately high. As of March 2, 2013, tolls increased from \$13 to \$15 round-trip, and are on a course to reach \$25 by 2020 and \$51 by 2030. Because most of the toll revenue collected in the past went directly to transit entities, such as the Metro-North and the Long Island Rail Road, Schwartz believes there is a disparity between the people who benefit from the tolls collected and the



The City's current pricing scheme. Image Credit: Sam Schwartz Engineering.



Schwartz's “fair pricing” model. Image Credit: Sam Schwartz Engineering.

people who pay the tolls.

Schwartz also views “bridge shopping” as a major quirk in our current transportation system, which encourages drivers to shop for the cheapest bridge, even if it means driving out of their way. This takes drivers off the highways and puts

them onto City streets, which Schwartz describes as a “crazy policy.” For example, truck drivers will travel up Flatbush Avenue into Manhattan and exit through either the Lincoln or Holland tunnels to avoid \$80 bridge and tunnel tolls.

The “fair pricing” model. Schwartz

## CITYLAND PROFILES

### Sam Schwartz (Cont.)

has developed a new model, “[Move New York](#),” which he believes can solve these problems. Schwartz, however, is reticent to label his proposal “congestion pricing.” Instead, Schwartz prefers to call his plan the “fair pricing” model because “while there may be a congestion charging element to it, it is far broader than that. It’s more a master plan for New York City.” Schwartz has been developing the plan for over 40 years in what he refers to as a labor of love. He has met with elected officials and community groups throughout the City, and even congestion pricing opponents, many of whom reside in outer parts of Queens, Brooklyn, and Staten Island.

Move New York is performance driven, utilizing advanced technology to gather data about road speeds and trip times. The City would use this data to raise or lower tolls depending on congestion. At the end of each quarter the City would evaluate whether the traffic congestion goal was accomplished. If so, the tolls would remain the same, but if travel times were slower than promised, the City would raise tolls to guarantee a certain speed. Likewise, if speeds are exceeded, tolls would be lowered. This typically occurs during poor economic times because people drive less.

Move New York would lower or elimi-

nate tolls at poor transit locations. These poor transit locations have historically been the same places where opponents to congestion pricing reside. Tolls on the City’s outer bridges, such as the Triborough, Whitestone, and Throgs Neck, would be reduced by \$5 round-trip, and the Verazano would be reduced from \$15 to \$10. Staten Island residents, who receive a 60 percent discount on tolls, would pay a toll equal to what was charged in the 1970s. The Rockaway tolls would also decrease. Although the tolls for both the Battery Tunnel and the Queens-Midtown Tunnel would remain the same, the free East River bridges (Brooklyn, Manhattan, Williamsburg, and Queensboro) would now charge identical tolls, thereby eliminating bridge shopping. The rates would also be discounted for drivers using EZ Pass instead of cash.

Under Mayor Bloomberg’s congestion pricing model, Brooklyn and Queens residents would have contributed more than Manhattan residents. Under Move New York, however, these disparities are eliminated by placing a “congestion tax” on taxis and black cars driving south of 96th Street. Additionally, bus tolls in outer-borough neighborhoods with no access to subways would be reduced by \$1.

Move New York would provide the City with additional revenue of \$1.5 billion annually, which could be bondable. This would create 35,000 local jobs and allow the City to begin planning and building new transportation capital projects. And unlike its predecessors, the allocation of revenue under Move New York would be entirely transparent. Five hundred million dollars annually would be put towards “state of good repair” costs. This would save the City money in the long-term because it would help preserve the City’s infrastructure. Of the remaining \$1 billion, two thirds would be put towards transit, and the other one third would be put towards roads and bridges.

Among the myriad projects included in Schwartz’s proposal is the construction of three new, narrow, pedestrian/bicycle bridges about 20 feet wide connecting Manhattan to Hoboken, Long Island City, and Downtown Brooklyn. The bridges would connect Manhattan to areas that are attractive to younger people, who like to incorporate active transportation into their daily routines. The bridges would charge 50 cent tolls for bicycles and would help promote environmentally sound transportation.

— Randy Kleinman

the next chair will have to combat. She further stated that the Commission will need to reckon with the planned [East Midtown Rezoning](#) which she sees as a threat to preservation priorities and a strain on the City’s infrastructure. (See *CityLand*’s coverage [here](#).) Moss Spatt also argued for transparency, saying the community should have knowledge of, and involvement in, every stage of the designation process.

Laurie Beckelman and Sherida Paulsen noted that a large amount of designations were made during the Bloomberg administration with [Robert B. Tierney](#) at the helm of Commission. Beckelman said that though there have been losses, preservationists “have a lot to cel-

ebate” in what has been saved in the City. Beckelman commended the stewardship of current Chair Tierney, calling the amount of designations during the Bloomberg administration “remarkable.”

Paulsen said it is “insane” that the Commission, the Department of Buildings, the City Planning Commission, and the Department of Transportation are not coordinated in their efforts, and the next chair should seek to address the issue. Paulsen said that a mayoral administration needs to balance preservation and development, and that preservationists need to “advocate effectively.” She said the East Midtown Rezoning would fail only if other stakeholders are aware of the

plan’s flaws, and urged preservationists to seek common ground with other interest groups. Moss Spatt, however, believes that the next chair should be non-political and a preservationist.

The former commissioners also talked about the political realities of chairmanship, which is often about relationships. Beckelman said that [Jennifer Raab](#), who served as chair from 1994 to 2001, was able to designate properties in lower Manhattan because of her access to Mayor Rudolph Giuliani. Kent Barwick concurred, stating that the best way to be an effective chair is to “be very good friends with the mayor.” Barwick said anyone under consideration for the chairmanship should

not accept the position without a clear commitment from City Hall of its support.

The speakers also addressed the relationship between the Commission and City Planning. Beckelman described her struggle to prevent the Commission from being merged into City Planning. Moss Spatt characterized City Planning as “a very powerful agency” which has long had a difficult relationship with the Commission. She said

City Planning has strayed from its original conception as an independent agency, and now “whatever the mayor wants, the City Planning Commission gives.”

Some contested the idea that the Commission is an opaque organization, with Paulsen stating that the amount of community outreach has increased in the life of the Commission. She also said that the public needs to be better educated about the process that takes place before

a potential designation reaches the full Commission. Beckelman also believes that the landmarking process had grown more open. Barwick found part of the problem is the nature of the process, when a designation “leaves the desk of the Landmarks Commission, it enters pure politics,” rather than being the objective decision of experts.

.....  
*Past Leaders Look to the Future, General Society of Mechanics & Tradesmen (April 25, 2013).*

## CENTER FOR NEW YORK CITY LAW

### UPCOMING EVENTS

#### CITY LAW CLE SERIES 2013

**REGISTRATION IS NOW OPEN** for the 19th annual Citywide Seminar on Ethics in New York City Government — presented by the Center for NYC Law and the NYC Conflicts of Interest Board.

**When:** Tuesday, May 21, 2013, from 8:15 a.m. to 1:15 p.m.  
**Where:** 185 West Broadway (between Worth & Leonard Streets), Auditorium  
**Credit:** 4 Ethics CLE credits, Non-credit option also available  
**Cost:** \$30 general registration fee

**Seats will only be held after receiving full payment.**

Online payments will be conducted via PayPal. Visa & Mastercard payments can also be made over the phone at (212) 431-2383. Checks should be made payable to “Center for NYC Law at New York Law School” & mailed to: Sarah Knowles, Center for New York City Law, New York Law School  
185 West Broadway, New York, NY 10013

Need more information? Require special accommodations? Contact coordinator Sarah Knowles via (212) 431-2383 or [sarah.knowles@nyls.edu](mailto:sarah.knowles@nyls.edu).

New York Law School has been certified by the New York State Board of Continuing Legal Education as an Accredited Provider of Continuing Legal Education in the State of New York. This program is approved for newly admitted and experienced attorneys.

#### FOLLOW CITYLAND FOR FREE!

Previously a subscription-only, printed journal, *CityLand* — the Center for NYC Law’s award-winning land use publication — is now a totally free resource available to the general public! This new web-based format enables us to pass along breaking New York City land use news in a much timelier manner.

Sign up to receive e-mail notifications when new articles are posted! All you have to do is go to the new *CityLand* homepage — [www.CityLandNYC.org](http://www.CityLandNYC.org) — and enter your email address into the sidebar box. This is a simple procedure which asks only for your email address.

**Social media users, take note: *CityLand* is now on Twitter and Facebook!**

If you’re a Twitter or Facebook user, it’s now simpler than ever to stay informed of breaking NYC land use developments. Follow us today: <https://twitter.com/CityLandNYC> & <https://www.facebook.com/citylandnyc>

**NEW YORK  
LAW SCHOOL**

*The Center for New York City Law • New York Law School*  
185 West Broadway New York NY 10013-2921