

Saving the York Avenue Estate: Landmark Preservation as Land Use Control

By

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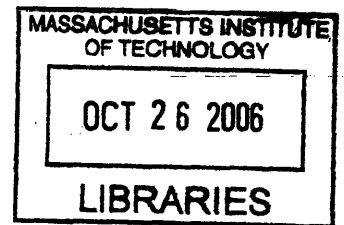
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In loving memory of my father Harold

*“It's not the years in your life that count.
It's the life in your years.”
-Abraham Lincoln*

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Abstract

The battle between preservationists and developers has been waging for years, especially in places where the real estate market is hot. The pressure to develop is often met head-on with the need to conserve the architectural, historical, and cultural resources of the past for the benefit of current and future generations. At the foundation of this confrontation is a desire to control the use of land, making it imperative that neighborhood planning efforts acknowledge the affects of landmark preservation. This is the story of the York Avenue Estate; the City and Suburban Homes Company, which built the Estate; the model tenement movement, which inspired it; Peter Kalikow, the developer who wanted to raze it; the Coalition to Save the City and Suburban Homes Company, the group of residents, community members, and preservationists that fought to save it; and the NYC Landmark Preservation Commission, the political board that had the authority to designated the York Avenue Estate a city landmark.

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Introducing the York Avenue Estate
Yorkville, Manhattan Island, NYC



The York Avenue Estate, a view along York Avenue

Source: Meghan Boyce, February 2006

One of the most hotly contested landmark designation battles in New York City history was over fourteen undistinguishable beige-brick buildings. The York Avenue Estate was situated on a section of highly coveted and valuable real estate overlooking the river on the Upper East Side of Manhattan. If razed, the property's economic potential would increase. Any development aspirations were thwarted, however when the York Avenue Estate was claimed to have enough architectural, historic, and cultural significance to be designated a city landmark. This claim ignited a bitter and sometimes irrational, but disturbingly typical battle between a property developer and the community.

The old and deteriorating six-story model tenement complex, stretching across an entire three-acre city block bound by East 78th and East 79th Streets to the south and north and York Avenue and FDR Drive to the west and east, was considered by many to be less valuable than the riverfront land which it sat upon. This assessment made the York Avenue site the perfect target for a redevelopment project; however, such calculations failed to factor in the benefits of affordable housing for the tenants, the views of the river enjoyed by community members, and the conservation of a piece of the city's built history for future generations.

Despite vastly different motivations, the developer and the coalition formed among residents, community members, and preservationists to save the York Avenue Estate from demolition each understood the importance of asserting control over the use of this property. Although zoning restrictions provide the most obvious means for exerting control over the use of real estate, landmark designation ordinances have become a popular way to effect permanent control over the use of a particular site. These ordinances typically prohibit any exterior alteration of a landmarked structure, which can severely restrict the present and future uses of that structure.

New development and preservation efforts can each be effective planning tools for a community, but explosive confrontations between the proponents of each of these tools are unfortunately the rule rather than the exception. These conflicts arise, at least in part, because city planners often fail to recognize the significance of and complications associated with the designation of landmarked properties.

Noticeably committed to protecting iconic New York City structures like the Brooklyn Bridge and the Metropolitan Museum, the NYC Landmark Preservation Commission has historically focused its primary attention on the designation of architecturally significant structures; however, there has been a recent shift toward preserving landmarks that are recognized more for their cultural and historic significance, such as the York Avenue Estate. It was the consideration of this fourteen building model tenement housing project in one Upper East Side neighborhood that fueled one of New York City's most ferocious battles over landmark designation. The stakes were high for all parties involved, and the precedent that could be set by the Commission's resolution of this bitter conflict would have the ability to shape the future of the preservation movement in New York City from that day forward.

Set in the late 1980s, this is the story of the York Avenue Estate; the City and Suburban Homes Company, which built the Estate; the model tenement movement, which inspired it; Peter Kalikow, the developer who wanted to raze it; the Coalition to Save the City and Suburban Homes Company, the group of residents, community members, and preservationists that fought to save it; and the NYC Landmark Preservation Commission, the board that had the authority to designate the York Avenue Estate a city landmark and stop the development.

Purchasing the York Avenue Estate



The York Avenue Estate, a view of the East River looking down 79th Street

Source: Meghan Boyce, March 2006

The Purchase

In the fall of 1984 Peter Kalikow, a New York City real estate developer, purchased fourteen buildings in the Yorkville section of Manhattan's Upper East Side for \$43 million from East River Management, whose principal partner was Richard J. Scheuer.¹ These fourteen beige-brick buildings spread across an entire three-acre city block bound by 78th and 79th Streets to the south and north and York Avenue and the Franklin D. Roosevelt Drive to the west and east.² These six-story walk-up buildings, collectively known as the York Avenue Estate (complex), included space for some local services along York Avenue, such as a pharmacy and a delicatessen, but the primary use for the site was high-density affordable housing. The complex provided the neighborhood with valued stability along the rapidly changing Manhattan Gold Coast, with the average monthly rent totaling just \$300 at the time Kalikow bought the property, which was in stark contrast to many apartments in the neighborhood that carried million-dollar price tags.³

Unlike many other apartments in this neighborhood, the York Avenue Estate had a long history of draining its owner's resources. The burden of continuous substantial upkeep, while producing little profit, made it clear why the complex was put on the market by the Scheuer family. There were several maintenance and repair issues that the Scheuers endured for many years in order to keep their tenants comfortable and the building safe. When Scheuer first bought the complex some thirty years before selling it, he was amazed to find some of the apartments had not been changed; they were still burning gas for lighting and had no

¹ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 11.

² See Appendix A for a location map and Appendix B for an aerial satellite view.

³ Hinds, Michael. "New York Developer Seeks to Evict 1,200 Under Rent Controls." New York Times. April 19, 1985.

electricity.⁴ Now with about 300 rent-controlled tenants and about 900 rent-stabilized tenants out of an approximate 1900 tenants, there was barely enough income to tend to the daily needs of the property let alone the exterior and interior improvements that were clearly needed. With a plan to alleviate the increasing burdens of such an old and deteriorating apartment complex, Kalikow did not hesitate to purchase the property largely because the complex was resting upon desirable real estate.

A Brief History

In the late 1800s the sordid condition of slum housing in American cities grew even worse. Not unlike other countries at the time, America was experiencing a population explosion; however, relatively unique to America was the additional increase in population through waves of mass immigration. Often, the only housing these poor immigrants could afford was in multifamily tenements, which are routinely rundown, low-rent apartment buildings whose facilities and maintenance barely meet minimum standards. Living quarters in 19th century tenement districts were often crowded, filthy, diseased, and dark. Most apartments did not have plumbing facilities, windows, or proper heating units. Not coincidentally, poverty, crime, and corruption frequently plagued these areas of American cities. “These poorly and hastily constructed dwellings eventually housed close to 85% of all New Yorkers.”⁵ In other words, approximately 2,500,000 people out of about 3 million at the turn of the century were living in poor housing conditions.

Various solutions for improving the living situation of the poor were considered, such as suburban re-settlement, regulatory legislation, and improved housing design, however the most

⁴ Interview with David F.M. Todd on March 14, 2006.

⁵ Birch, E. and Gardner, D. “Seven Percent Solution: A Review of Philanthropic Housing 1870-1910.” *Journal of Urban History* Volume 7 Number 4, August 1981. p 404.

promising solution was first revealed in the mid 1870s. Privately financed, limited-dividend companies committed to addressing the housing problems of the city's working poor would make an attempt to solve the catastrophic housing crisis through tenement housing design. Their mission was to alleviate the problems of traditional slum housing by designing a cost-efficient tenement building that improves living conditions in these social housing complexes by providing simple amenities that are often taken for granted today, such as interior plumbing, resistance to fire, and access to sunlight and fresh air. The assumption was that improved housing conditions would increase morality while decreasing the crime and filth that plagued the working poor. This venture, which was led by housing reformer Alfred T. White, would become known as the American model tenement movement and would become a fixture of the Progressive Era.⁶

The ideal entity to construct such model tenement housing complexes in New York City would be one that was willing to maintain the necessary but delicate balance between traditional profit-making and philanthropic development. The idea was that a private developer with investors willing to limit their returns to about seven percent would be able to provide wage-earners with comfortable, safe, hygienic, and well-maintained housing at market rates, which would put the company at a near competitive basis with other conservative investors. The intention was also to inspire other speculative builders to build tenements of the same or better standards.⁷

Among the largest and arguably most successful of these companies in America was the City and Suburban Homes Company, a Manhattan based company funded by many of the city's most prominent residents, including developer Alfred White, socialites Caroline and Olivia

⁶ Dolkart, Andrew and Sharon Z. Macosko. A Dream Fulfilled City and Suburban's York Avenue Estate. p 5.

⁷ "Public Hearing Notice for October 6, 1988." Landmark News Letter. September 13, 1988.

Phelps Stokes, railroad magnate Cornelius Vanderbilt, and financier R. Fulton Cutting.⁸ A New York Times article dated November 22, 1896 remarked, “While not wanting in philanthropic spirit, the recently organized City and Suburban Homes Company proposes to try to earn dividends as well as to benefit the home seekers of moderate means.”⁹ Dr. E.R.L. Gould, a municipal affairs expert and author of The Housing of the Working Poor, proved to be a wise choice for the company’s first president.¹⁰ The philosophy of the company, which recognized the practical need to earn a 6% profit on its investment while still achieving its charitable social purposes, is what set the City and Suburban Homes Company apart from other tenement development companies of the period. Most other companies that built tenements were either completely philanthropic in purpose or driven solely by maximizing profits, but the City and Suburban Homes Company was a hybrid of the two since the structure of the company yielded limited-dividends for its investors.

Adding to the uniqueness of this company’s efforts was their emphasis on large scale development, which was rare at the turn of the century. Similar to large scale developments today, the efficiency and cost-saving advantages of such development served as the foundation of their strategy for building tenement housing complexes. During the first year of operation, the City and Suburban Homes Company committed to its first large-scale development project, the First Avenue Estate, which was built and still stands on the block bounded by East 64th and 65th Streets to the south and north and First and York Avenue to the west and east. The company also began two other projects in 1896, although they were both slightly smaller in scale. The Alfred Corning Clark Buildings, now demolished, were nine model tenements

⁸ Landmarks Preservation Commission Designation Report on City and Suburban Homes Company, Avenue A (York Avenue) Estate. April 24, 1990. p 2.

⁹ “Better Tenement Houses.” New York Times. November 22, 1896.

¹⁰ Birch, E. and Gardner, D. “Seven Percent Solution: A Review of Philanthropic Housing 1870-1910.” *Journal of Urban History*, Volume 7 Number 4, August 1981. p 422

located at West 68th and 69th Streets; and Homewood, remains located in Brooklyn, was a suburban development consisting of small single-family detached homes.¹¹ In the years that followed, the City and Suburban Homes Company began work on the Tuskegee and Hampton tenements, which have since been destroyed, but were originally designed to house black families on West 62nd Street between Amsterdam and West End Avenue.¹²

In 1902, six years after its founding, the City and Suburban Homes Company began construction of a new tenement project on Avenue A, later renamed York Avenue, between 78th and 79th Streets.¹³ The fourteen building tenement complex was designed to offer adequate housing to the working poor. Since construction began after the Tenement Housing Act of 1901, the complex was classified as a “new law” building.¹⁴ The Tenement Housing Act required improved light, ventilation, and toilet facilities, and established the Tenement House Commission for the purpose of enforcing new regulations. The Avenue A Estate followed the new regulations; and the buildings were designed with a series of private courtyards in order to assure each apartment adequate light and fresh air in addition to privacy and a sense of space.

Built in nine phases over eleven years, starting on the parcel of land closest to Avenue A and then ultimately ending on the parcel closest to the East River, the Avenue A Estate was an

¹¹ Dolkart, Andrew and Sharon Z. Macosko. *A Dream Fulfilled City and Suburban's York Avenue Estate*. p 6.

¹² Dolkart, Andrew and Sharon Z. Macosko. *A Dream Fulfilled City and Suburban's York Avenue Estate*. p 7.

¹³ Avenue A was proposed as an addition to the Commissioners' Plan of 1811 for Manhattan, which designated 12 broad north-south Avenues running the length of the island. The geography of Manhattan left a large area on the Upper East Side east of First Avenue without a major north-south thoroughfare, so Avenue A was extended to compensate. During the early 19th century Kips Bay and Turtle Bay were actual bays, which interrupted the continuity of Avenue A. When those areas were filled in they became Sutton place, and only the lower portion remains Avenue A. The upper portion of Avenue A became known as York Avenue in 1928. Since construction for the model tenement complex named after the Avenue it was situated upon began in 1903, it was historically called the Avenue A Estate and then later called the York Avenue Estate. York Avenue was given its name as a result of the region of New York City that it serves known as Yorkville. York Avenue is now a short north-south thoroughfare on the East Side of Manhattan in New York City which runs from 59th Street north to 91st Street in the Upper East Side.

¹⁴ http://www.tenement.org/features_dolkart.html

experimental project for the City and Suburban Homes Company.¹⁵ The years that separated the construction for each of the buildings allowed the company to secure financing for the next stage of development, as well as revise design plans to reflect the lessons learned from the earlier construction projects.¹⁶ It was these regular attempts at improvement and evolution of design that made the project one of continuous experimentation. In this respect, the planning, construction, and aesthetic appeal of the complex served as an investigational project for the City and Suburban Homes Company. The last building to be built was unique. Unlike the other six-story apartment buildings built for families, it was constructed as the Junior League Hotel for working women.

The land along Avenue A between 78th and 79th Streets was the perfect location for the City and Suburban Homes Company to build the model tenement complex because of the parcel's close proximity to the River and its large size. A January 1987 New York Newsday article claimed, "The site purchased for the York Avenue Estate was seen as ideal for construction of model tenements, since the surrounding streets were wide and a park and the riverfront were nearby."¹⁷ Such favorable natural conditions would seem to accommodate the free flow of fresh air and other elements of a suitable standard of living that the model tenement movement was founded upon.

The large size of the parcel was also an attractive quality of the site. Once an open field, controlled by Public School 158, in an underdeveloped neighborhood, this parcel quickly became desirable because of the recognized potential for this area of Manhattan at the turn of the century. Since the City and Suburban Homes Company investors made it clear that some profit was expected from this endeavor, choosing the site must have also been provoked, at

¹⁵ See Appendix C for an aerial layout sketch of the complex.

¹⁶ See Appendix D for typical floor plans and Appendix E for typical exterior plan drawings.

¹⁷ Dolkart, Andrew. "High Praise for Tenements." New York Newsday. January 30, 1987.

least in part, by its projected economic gain. The probable yield of a building on this location would be enhanced by the considerable size of the parcel. Such a large plot of land was perfect for the large-scale development for which the City and Suburban Homes Company was known. The City and Suburban Homes Company committed itself to many large-scale development projects, such as York Avenue Estate, “likening itself to a chain store, able to offer quality goods at bargain prices because of large-scale organization.”¹⁸ Large-scale developments, if done well, had the ability to quickly enhance their respective communities because such large developments yield a considerable impact. For this reason building the Avenue A Estate made perfect sense during the early part of the 20th century when housing problems were at their worst and needed to be fixed quickly. This underdeveloped real estate on Manhattan’s Upper East Side was a prime location for dense model tenement that came to be known as the Avenue A Estate.

Upon completion, the original Avenue A Estate comprised of 1,257 apartments, 8 commercial stores, and a hotel with 336 rooms for working women.¹⁹ The Avenue A Estate was the largest model tenement housing complex in the world at the time it was completed, and it would maintain this status for nearly twenty years.

Over the next century, the scale and density of New York City would increase dramatically, and the dense six-story walk-ups would no longer allow the site to reach its economic potential in the New York City real estate market. By the 1980s this parcel of land was once again considered underdeveloped by the real estate community, and Kalikow bought the property with a similar high-density residential priority in mind that the City and Suburban

¹⁸ Landmarks Preservation Commission Designation Report on City and Suburban Homes Company, Avenue A (York Avenue) Estate. April 24, 1990. p 3.

¹⁹ Landmarks Preservation Commission Designation Report on City and Suburban Homes Company, Avenue A (York Avenue) Estate. April 24, 1990. p 3.

Homes Company had some eighty years earlier. Before Kalikow purchased the property in 1984, the Junior League Hotel building had already been converted into luxury housing without any fuss from the surrounding community.

The Plan

In December of 1984, the eight commercial tenants of the York Avenue Estate were served eviction notices, and soon after the residents of the housing complex received similar notices. Kalikow planned to raze the fourteen low-rise buildings of the York Avenue Estate in order to erect four forty-six story luxury apartment towers with 1,676 units. Kalikow might not have realized that his plan, had it been executed, would have led to one of the largest dislocation of tenants in New York City history.²⁰ However he must have known that the tenants of the York Avenue Estate, especially those enjoying the advantages of rent-control and rent-stabilization, would not support his plan if it meant that they would be forced to find a different place to live.

There were two sets of laws protecting the three hundred rent-controlled tenants and the nine hundred rent-stabilized tenants respectively. Those tenants living in apartments continuously since before July 1, 1971 qualify for protection under the rent control laws, while those tenants who moved into apartments at the York Avenue Estate after June 30, 1971 are protected under the rent-stabilization laws. Under the rent-stabilization laws, a developer can refuse to extend a tenant's lease if plans to construct a new building on the site have been approved; however, those tenants retain the right to inhabit their apartment for up to one year following the rejection of their lease renewal. The rent-control laws require a developer to prove "financial hardship" before tenants covered by the law may be evicted to pave the way

²⁰ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 12.

for new development. “Financial hardship” requires the property owner to show that he or she has failed to earn at least an 8.5% return on the assessed value of the property and that he or she plans to redevelop the property with at least 20% more housing units than currently exist on the site.

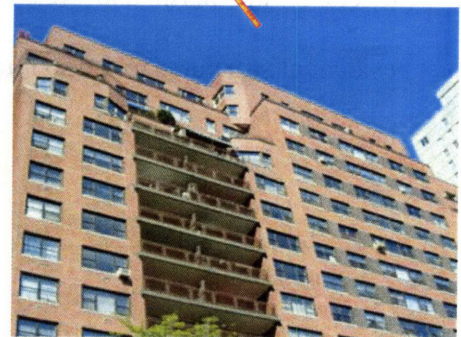
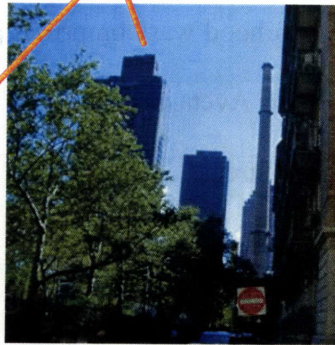
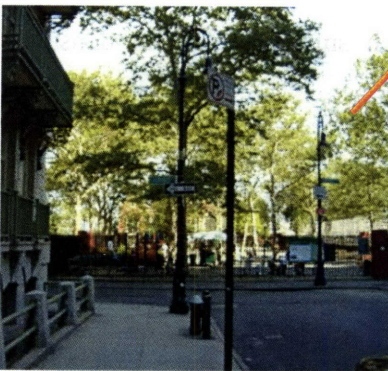
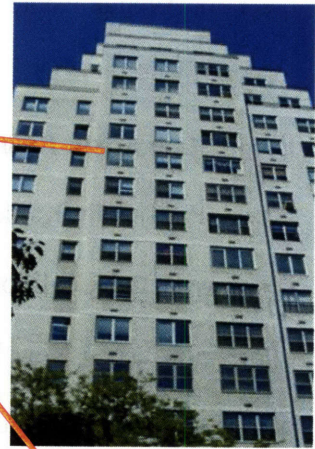
In addition to this legal obstacle, the rental housing market in New York City also created a barrier that Kalikow would have to overcome before he could execute his plan to build 1,676 luxury rental apartments. During the mid 1980’s, the availability of affordable housing in Manhattan resurfaced as a major urban dilemma once again, and building more luxury apartments was not viewed as an acceptable solution to this crisis. When Kalikow’s plan was made public an aggressive opposition campaign was launched, fueled by concerns that the current stock of affordable housing would greatly decrease as a result of the demolition of the York Avenue Estate.

Real Estate worth Fighting For

Partly why Kalikow found the York Avenue property to be worth the battle that was to ensue with the Coalition was because the complex sat atop some of the most valuable real estate, not just in New York City, but in the entire country. Overlooking the East River, the property was zoned for high-density residential use, as were many of the surrounding properties. The majority of the neighborhood was comprised primarily of high-rise residential towers to the north and west of York Avenue Estate and much smaller-scale, but dense residential structures to the south of 78th Street.²¹

²¹ See page 22.

The York Avenue Estate's Neighborhood



New York City's real estate market began to boom during the early 1980s. Market values of commercial and residential properties were rising while vacancy rates were declining, and construction and renovation projects on all types of properties were moving forward at a rapid rate throughout Manhattan. With a hot real estate market and a political and social climate that seemed to welcome development, Kalikow acquired the York Avenue site anticipating a relatively simple and fairly typical development process. Instead, what Kalikow endured was one of the most lengthy and bitter land use disputes in New York City history.

The Manhattan real estate boom of the early 1980s steadily continued throughout the decade, with prices continually rising. Finding affordable space became a greater challenge for those looking for both professional and residential units. By the end of the 1980s, there began to mount within the community a significant resistance to new development. This changing trend in the real estate market, coupled with the anti-modernism movement in the field of architecture, dramatically altered the traditionally streamlined trajectory that new development had historically enjoyed from site acquisition to project completion. Purchasing the York Avenue Estate in 1984, Kalikow unwittingly positioned himself to be one of the first developers to feel the adverse effects of this shift.

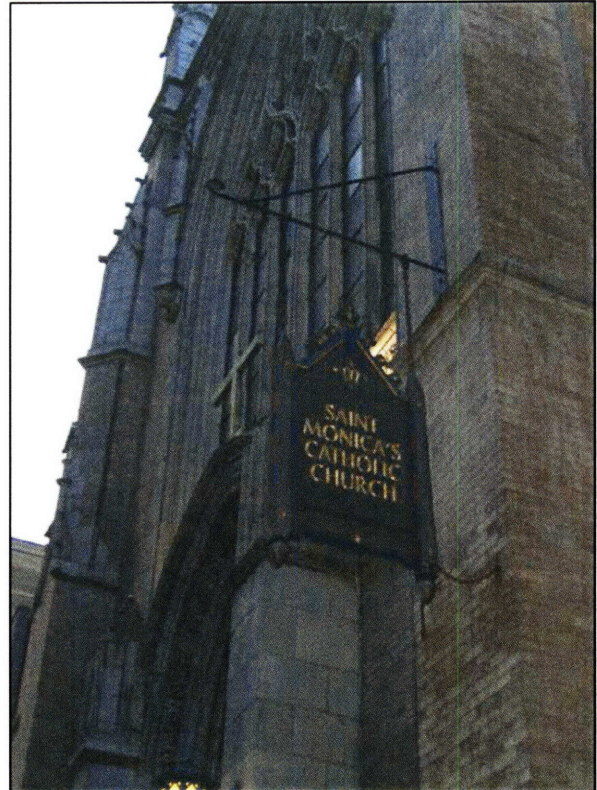
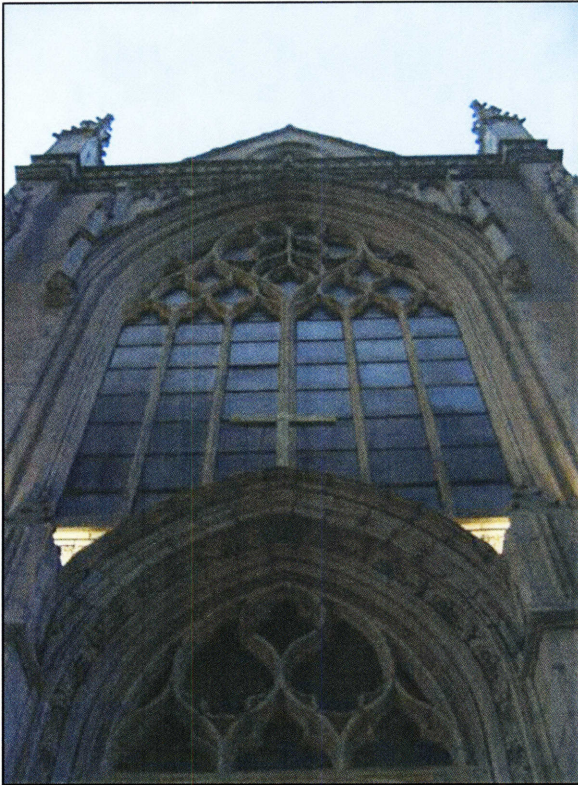
Although it would have been difficult for Kalikow to have anticipated the variations within the real estate market, he could have easily anticipated potential challenges of developing a project in such a dynamic neighborhood. One factor affecting Kalikow's venture in the Upper East Side of Manhattan was the savvy and influential connections of many of the community members. The neighboring property owners to Kalikow's parcel were not about to acquiesce to a plan that would almost surely change the dynamics of their neighborhood in terms of people, property value, physical views, and access to sunlight. Acknowledging the

interests and concerns of the tenants and community members, Kalikow prepared himself to begin serious negotiations; however, it remained unclear to Kalikow who exactly he would need to negotiate with, since his plan provoked opposition from so many different people and groups.

Kalikow almost surely could not have realized that his plan would be met with such disapproval by so many members of the community, especially preservationists. It was simply unforeseeable that such an undistinguished complex as the York Avenue Estate would be considered a candidate for landmark status; and so it would have been entirely reasonable for Kalikow to dismiss the prospect of landmarking as irrelevant during his due diligence process. Even if he had decided to explore the property's susceptibility to landmark designation, the only way for Kalikow to learn whether his site was an official candidate to become a City Landmark would be through an examination of the Landmark Preservation Commission's (Commission or LPC) survey of potential designation sites throughout the city. These survey results however are not considered public knowledge until a particular site is calendared for a public hearing, so there was no way for Kalikow to get this information even if his York Avenue property was included as part of a Commission survey, which it probably was not.²² Although such a process is designed to protect historic sites from the unfettered will of proactive developers, this practice often leaves developers with a mistaken presumption that their property will be unaffected by potential landmarking issues.

²² Conversation with Dorothy Miner on May 4, 2006.

**Forming the
Coalition to Save City and Suburban Housing**



*Saint Monica's Catholic Church,
a meeting place for the CSCSH located just two blocks west of the York Avenue Estate*

Source: Meghan Boyce, March 2006

Getting Evicted

Imagine an environment so densely populated that your neighbors become your closest and oldest friends. You pass Eloise while walking out of the pharmacy, and later you wave to Patrick as you turn the corner. You enter your building and are greeted with a friendly handshake by Helen's friend who lives in the next building over, and just as you turn the key to your apartment Mr. Olsen is opening his door across the hall to leave. Sitting down on the davenport with a cup of warm tea, you can hear a Patsy Cline record being played by your other neighbor, Ruth. Out of 1,200 apartments housing approximately 1,900 residents, "this place was always rented, there were never any empties."²³

In the mid 1980's residents gradually noticed they were not seeing as many neighbors, and the complex seemed much quieter than it had been in the past. Warehousing was suspected by some residents. Warehousing is an illegal activity by a property owner, whereby the owner gradually builds up a holding of empty rentable apartments in an effort to drive-up demand for space within the property or in the hopes of clearing the property of enough tenants to pave the way for future redevelopment of the site. One December day in 1984, the eight commercial tenants as well as the roughly eight-hundred remaining residential tenants received eviction notices.²⁴ Confused and frightened, the tenants began to ask questions. It was not until this point that they realized that their beloved York Avenue Estate had been sold for \$43 million by the Scheuer family, known for their benevolent development and housing management practices, to Peter Kalikow, a developer known primarily for his corporate office development ventures.

²³ Interview with Loretta Printicollo on March 10, 2006.

²⁴ Interview with Marie Beirme on March 20, 2006.

Kalikow publicly announced his plans to redevelop the entire York Avenue Estate parcel with four forty-six story luxury apartment buildings, requiring the demolition of all fourteen of the existing buildings. In addition to catching the tenants' attention, residents of the surrounding community also became concerned. Increasing the scale of the development on the York Avenue site by forty-stories certainly warranted the neighborhood's attention. The proposed redevelopment would affect things such as access to sunlight and views of the river, in addition to placing added strains on public services and changing the current make-up of the community.

Community Organizing

Shortly after the eviction notices were sent, the tenants sought the advice of the Lenox Hill Neighborhood House, a century-old community association that had, at the time, nearly one-hundred years of experience in addressing systemic problems such as the lack of affordable housing and the needs of an aging population.²⁵ Their initial advice was to organize building representatives and committee groups, and soon after the Tenant Association of the City and Suburban Home Company (Tenant Association) was formed.

At the same time, the 79th Street Association led by Betty Wallerstein set-up a meeting to educate the residents about issues that could be pursued by the residents without Kalikow's cooperation, such as the NYC Housing Law. From this initial meeting, a coalition between the residents of the York Avenue Estate and members of the surrounding community was formed. Different strategies to impede Kalikow's plan for the site were discussed. The possible alternatives to stop the demolition of the York Avenue Estate was reflected in a diverse array of committees, such as legal, zoning, historic preservation, affordable housing, and elderly rights.

²⁵ <http://www.lenoxhill.org/about.html>

Although bonded by a shared interest to stop the proposed development, the tenants and the community had very different motives fueling their passion for this cause. While the tenants were mostly concerned with keeping their apartments, many of which were kept affordable by the city's housing laws, the community members were much more interested in maintaining the character of their neighborhood, particularly the low-rise structures. Ironically, many of the involved community members were living in high-rise apartment towers bordering the York Avenue Estate to the north and west.

Calling themselves "The Coalition to Save City and Suburban Housing" (CSCSH or Coalition), they first took action to oppose the development plan through the administrative process. The CSCSH reasoned that Kalikow's plan, which was contingent on his ability to evict a large number of people from their rent controlled apartments, couldn't possibly be legitimate since "it would be one of the largest dislocations of tenants in New York State [history]."²⁶ Housing Laws were the first place the Coalition sought protection for the residents. As the owner of a social housing complex that contained rent-controlled and rent-stabilized apartments, Kalikow had to meet stringent legal requirements before he could evict the tenants without their consent. Under the NY State Division of Housing and Community Renewal however, Kalikow satisfied these requirements and qualified for a "special hardship provision" by showing that he was not receiving an 8.5 % net return on his investment for the York Avenue Estate, thus allowing his plans for development to go forward.²⁷

²⁶ Hinds, Michael. "New York Developer Seeks to Evict 1,200 Under Rent Controls." New York Times. April 19, 1985.

²⁷ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 14.

Funding

Frustrated by the initial failure of the administrative process to provide relief, the tenants decided to document building violations and file complaints against Kalikow's management company with the City Building Department. Recognizing their game, Kalikow engaged his legal team to explore technicalities in the leases and the law which would allow for the eviction of violating residents. It became clear to the CSCSH that much more serious, inventive, and consequently costly measures would have to be employed in order to compete with Kalikow's resources and experience.

Betty Wallerstein was able to successfully locate a number of descendants of the prominent early members of the City and Suburban Homes Company in an effort to gain more support and begin a fundraising campaign. The wife of Vincent Astor, a member on the board of the City and Suburban Homes Company, wrote a letter to the New York Times on January 9, 1986 pleading to the Governor and Mayor that "the city urgently needs a strong, clear law that imposes a moratorium on the demolition of sound housing. Without decisive public leadership, New York's tradition of concern for the middle-income people - exemplified by City and Suburban Homes - will be lost."²⁸ With strong connections to the Vincent Astor Foundation, which has distributed over \$100 million to citizens of New York, Brooke Astor proved to be an important ally in the effort to save the York Avenue Estate from demolition.

Another written statement in support of the CSCSH was made by Joan Kaplan Davidson, president of the J.M. Kaplan Fund – a private foundation established by her father in 1945. A board member of the Municipal Arts Society, Davidson was clearly interested in preserving New York City's architectural heritage and its liberal and artistic urban values. In

²⁸ Astor, Brooke. "Stop Demolition of Sound Housing in New York." Letter to the Editor, New York Times. January 16, 1986.

1987, “the fund’s endowment hovered around \$80 million and its philanthropic contributions totaled nearly \$6 million.”²⁹ With the support of such influential members, the Vincent Astor Foundation and the J.M. Kaplan Foundation injected significant sources of financing that fueled the efforts of the CSCSH.

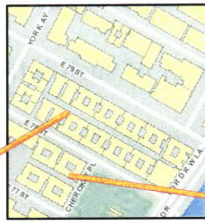
The Strategizing and Scheming Continues

The CSCSH’s next move was to hire a publicist, Joyce Matz, who helped bring the case to the attention of the local media; as one of the tenants explained, “That’s the only way to get the public behind you and also attract the support of legislators and other civic groups.”³⁰ At this point, however the CSCSH was not achieving the results it desired, and the organization began exploring what other approaches it may be able to take.

In the spring of 1985, the CSCSH joined forces with a few other volunteer groups, including the Friends of the Upper East Side Historic Districts, East 79th Street Block Association, Civitas, and the East Side Rezoning Alliance, that were all interested in changing the zoning regulations on the residential side streets of the Upper East Side. With the influence of this alliance, the CSCSH decided to pursue designation with the City Planning Commission as a “special planning community,” which would not allow the layout of the complex to be altered. Legal experts at Berle, Kass & Case, hired by the CSCSH to explore this issue, soon discovered that the complex did not meet the requirements for such a zoning designation and no formal application process was ever completed.

²⁹ Van Gelder, Lindsay. “Champion of the Cityscape.” *Town & Country*. September 1988.

³⁰ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 15.



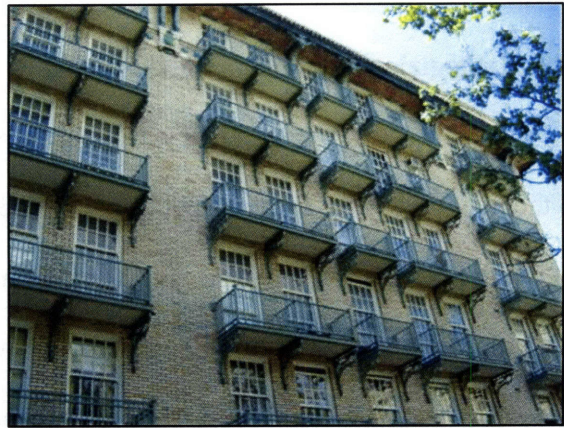
York Avenue Estate

v

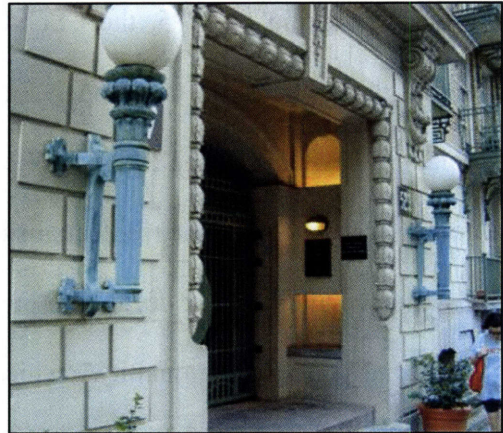
Cherokee Apartments



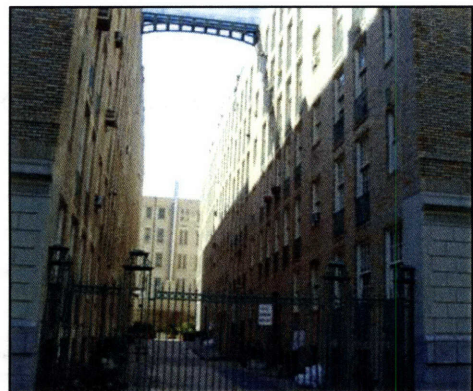
Façades



Entryways



Lightwells



Stymied, the CSCSH felt compelled to explore the possibility of landmark designation, since achieving landmark status would protect the buildings from demolition. For several good reasons, the CSCSH was concerned about raising a landmark claim. First, the organization did not have any prior knowledge about or experience in the process or politics of the NYC Landmark Preservation Commission's designation procedure. The Tenant Association Landmarks Committee Chair admitted, "I knew nothing about the landmarks process in the beginning."³¹ This strategy was also viewed by many as a long shot, since up to this time the majority of landmarked properties were designated by the Commission in New York City because of their architectural attributes.³²

Also working as a disadvantage to a claim of landmark status was the view down 78th Street from York Avenue. The uninspiring York Avenue Estate was situated on the north side of the street, while on the south side was the very attractive Cherokee Apartments, once called the Shively Sanitary Tenements and before that the East River Houses. Originally built around 1910 as tenement housing for working families, especially those with a member suffering from tuberculosis, the Cherokee Apartments were bejeweled with Giastavino tile vaults, triple-sash windows, large central courtyards, and decorative balconies. The Cherokee Apartments were more beautiful than the York Avenue Estate; and they had already been designated a landmark.³³

Although there was nothing visibly or architecturally significant about the York Avenue Estate in relation to other NYC buildings, the community group hoped that it might be possible to make an argument that the historical and cultural significance of the complex was enough to warrant landmark designation. As different as the neighboring York Avenue Estate and

³¹ Interview with Marie Beirne on March 20, 2006.

³² Interview with Tony Wood on March 24, 2006.

³³ See page 32.

Cherokee Apartments seemed, the complexes shared certain social and historical characteristics since they were both constructed as part of the model tenement movement. Given the proximity of the two properties, the CSCSH thought it would be possible to create a historic district encompassing the two tenement houses, effectively giving the Landmark Preservation Commission the discretion to object to any development proposed for that area. It was becoming evident that the York Avenue Estate's geographic situation in relation to the beautiful and already designated Cherokee Apartments gave strength and hope to the CSCSH landmark designation campaign.

Historic Preservation Makes Sense

Not completely convinced that this claim would permanently halt Kalikow's redevelopment plans for the York Avenue site, the CSCSH continued to simultaneously explore further strategies involving zoning control, housing laws, and even public pressure. Despite resources being spread thin between many different strategies, historic preservation would prove to be a savvy move on the part of the CSCSH. At the very least, being granted a public hearing by the Landmark Preservation Commission could buy the CSCSH more time to conceive of a more permanent solution to their dilemma. It was only after the Commission calendared the site for a public hearing that the Buildings Department would postpone Kalikow's request for a demolition permit. If Kalikow obtained a permit before the Commission scheduled a public hearing however, there would be no such protection for the buildings.

This race against time by both the developer and the community was only the first battle in a nearly decade-long war over the landmark designation of the York Avenue Estate.

Ironically, the historic preservation strategy that the CSCSH was initially so uncertain about proved to be the strategy that provoked some of the longest debates. Using historical preservation as a platform to save the City and Suburban Homes Company's York Avenue Estate gave the community a forum in which to be heard; and as a result the CSCSH was able to gain the support of other New Yorkers and a number of public officials. This support gave the CSCSH an incredible amount of leverage for their pro-designation position. Such loud screams could not be ignored by the owner of the York Avenue Estate or the Landmark Preservation Commission.

In addition, the timing was right for this historic preservation argument to be raised. The mid-1980s marked a turning point in the history of development, since for the first time developers were being questioned about the new structures they were seeking to build, especially when the existing improvements on older sites would be destroyed. Perhaps, the negative effects of urban renewal which occurred in the 1950s and 1960s were finally being realized, or maybe the real estate boom in 1980s just yielded such high rental and purchase costs that development needed to be tamed. Most likely however, the dispute over modern architecture in the design field was primarily responsible. The late 1980s marked a high point in the anti-modernism movement. The general thought at the time was that no new building was as good as an older building. A new building couldn't possibly fit as neatly into the urban context as an older, more established structure.³⁴ At this point new developments and modern architecture were on the defensive; and consequently, so were Kalikow and his plan.

³⁴ Interview with David Handlin on March 31, 2006.

The Commission and the Law that Created It



A view of one of the light courtyards in the York Avenue Estate

Source: Meghan Boyce, February 2006

The fall of Pennsylvania Station and the Rise of Landmark Preservation

Preservation had been a concern for New Yorkers for well over one-hundred and fifty years, as first documented in an 1831 New York Mirror editorial criticizing the destruction of an old Dutch house on Pearl Street in Lower Manhattan.³⁵ New York City did not officially organize their need to protect and preserve their cultural resources however, until 1963 when a monumental gateway and transportation hub for New York City, Pennsylvania Station, was demolished to make way for the Madison Square Garden sports arena. Although many saw the loss of this structure as a tragedy for the built environment of New York City, this case provided the momentum needed to thrust New York City into the center of the preservation movement in the United States after decades of trailing behind other cities. New York City eventually became the first city to give teeth to local preservation laws.

A Bit more History

Not long after World War II, many American cities, including New York City, underwent major urban renewal projects in which a significant number of historic buildings and neighborhoods were torn down to make way for new construction. A small price to pay for progress some thought. Pieces and entire sections of the built environment that were once vital architectural, social, and historical elements in urban communities were replaced by large sports complexes, broad highways, and out-of-scale office buildings in this modern urban planning scheme. A member of the Coalition to Save City and Suburban Homes remembers the Upper East Side in the 1950s looking “like bombed out Berlin, because block after block was

³⁵ Diamonstein-Spielvogel, Barbaralee. The Landmarks of New York. 2005. p 9.

demolished; and there were big holes in the ground for a period of time while they were putting up new high-rises.”³⁶

Several important buildings were lost during this time period because there was neither an adequate legal mechanism nor sufficient public pressure to stop such acts, until the financially troubled Pennsylvania Railroad sold its rights to redevelop the property. Although far too late to have impeded the demise of the original Penn Station, the public outcry over the loss of this historic structure led the New York City Council to enact a Landmarks Preservation Law in 1965, which was designed “to protect historic landmarks and neighborhoods from precipitate decisions to destroy or fundamentally alter their character.”³⁷ This law also established the eleven-member Landmark Preservation Commission, which was given the authority to award landmark designation and to protect designated landmarks from demolition.

When the landmarks law was challenged by the owners of New York’s Grand Central Terminal in 1978, the U.S. Supreme Court affirmed the stringent limitations that the law places on land use and further noted that “conservation is but one aspect of the much larger problem, basically an environmental one, of enhancing -- or perhaps developing for the first time -- the quality of life for people.”³⁸ In other words, cities have a right to enhance their quality of life by preserving significant aesthetic elements within their milieu. The NYC Landmark Law itself, in conjunction with the inspiration and purpose behind it, had increased national interest in preserving our built environment and community character.

³⁶ Interview with Marie Beime on March 20, 2006.

³⁷ Penn Central Transportation Company v. City of New York, 438 U.S. 104, S.Ct. (1978).

³⁸ Penn Central Transportation Company v. City of New York, 438 U.S. 104, S.Ct. (1978).

The National Impact

The preservation movement in the United States began in the early nineteenth century as an effort to honor and protect structures identified with our nation's history and culture. Saving Mount Vernon, George Washington's famous Virginia home, from demolition in the late 17th century was one of the earliest and most significant preservation efforts of the time. The Antiquities Act of 1906 was the first federal preservation legislation, authorizing the President of the United States to designate national monuments of historic significance on federal property. In 1925, New Orleans was the first city to mimic the Antiquities Act on a local level, by creating preservation laws authorizing the designation and conservation of locally significant buildings. One decade later, Congress passed the Historic Sites Act of 1935 which asserted "a national policy to preserve for public use historic sites, buildings, and objects of national significance." Later, in 1949, Congress chartered the National Trust for Historic Preservation as an awareness and advocacy organization for national preservation issues. Unfortunately, these national preservation policies failed to protect historic structures from demolition, and many buildings were lost during urban renewal in the 1950s and 1960s. The NYC Landmark Law passed in 1965 attempted to remedy this problem by including an enforcement mechanism in the ordinance, which authorized for the first time an entity such as the Landmark Commission to delay or halt demolition of historically significant structures.

"The council finds that many improvements, as herein defined, and landscape features, as herein defined, having a special character or a special historical or aesthetic interest or value and many improvements representing the finest architectural products of distinct periods in the history of the city, have been uprooted, notwithstanding the feasibility of preserving and continuing the use of such improvements and landscape features, and without adequate consideration of the irreplaceable loss to the people of the city of the aesthetic, cultural and

historic values represented by such improvements and landscape features... It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of improvements and landscape features of special character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.”³⁹

Although NYC was the fourth major city, after New Orleans (1925), Charleston (1937), and San Antonio (1939), to craft a preservation law, the NYC Landmark Law would prove to be the most influential for years to come.

One year after the NYC Landmarks Law was passed, the federal government enacted the National Historic Preservation Act to preserve the integrity of cultural property of not only national importance, but state and local importance as well; meanwhile an inventory database known as the National Register of Historic Places was established to help identify and protect the nation’s historic landmarks.

As the preservation movement grew stronger, a number of local governments began to establish landmark commissions or their equivalent, often citing the NYC Landmark Law when formulating their respective commissions.⁴⁰ As estimated by the National Alliance of Preservation Commissions, there are currently about twenty-four hundred local preservation commissions across the United States.

Over the past forty years, the NYC Landmarks Law has continued to establish itself as a leader among preservation statutes and ordinances. It was after all the decree of the Landmarks Law that established the Commission as an integral part of the city government and it is that Commission which continues to designate structures for preservation at relatively high rates. If

³⁹ NYC Administrative Code § 25-301.

⁴⁰ Wu, Tina Yuting “Enforcement of the Historic Landmark and Historic District Protection Act in the District of Columbia” Paper Presented at Historic Preservation Seminar. April 28, 2003.

the raw number of designated landmarks in a locality reveals anything about the success of that city's preservation efforts, New York City has got to be a leader of the pack, with more than 1,116 exterior landmarks and 84 historic districts.⁴¹ Manhattan has the vast majority of landmarks within each designation category. For example, of the 1,116 exterior landmarks, 800 of them are in Manhattan, including the City and Suburban Home Company's York Avenue Estate.

What is a Landmark?

The New York City's Landmarks Law defines a landmark as a structure that is thirty years old or older and "has special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state or nation."⁴² But a landmark is more complicated than this simple definition indicates. The law has been further interpreted to differentiate between four major categories of landmarks worthy of designation: "historic districts, landmarks (exterior), interior landmarks, and scenic landmarks."⁴³ The City and Suburban Home Company's York Avenue Estate is classified as an individual exterior landmark, which essentially means that once designated the shell of the buildings can not be altered without the Landmark Commission's approval.⁴⁴ Through time and experience, the Commission has found it helpful to further compartmentalize its classifications within the broader realm of individual exterior landmarks.⁴⁵ There are six subgroups - icons, surviving, social and historic interest, seminal architecture, beautiful architecture, and singularity.

⁴¹ Diamonstein-Spielvogel, Barbaralee. The Landmarks of New York. 2005. p 14

⁴² NYC Administrative Code § 25-302

⁴³ NYC Administrative Code § 25-301

⁴⁴ Since the York Avenue Estate is considered an external landmark, this category should be assumed when landmarking is discussed throughout this work.

⁴⁵ Interview with David F.M. Todd on March 14, 2006.

1. **Icons** – Structures, such as the Woolworth building or the Brooklyn Bridge, that are clearly of architectural, historical, or social significance.
2. **Surviving** – Anything that was built in the 18th century and has survived the test of time.
3. **Social and Historical Interest** – A structure that is significant because “some event took place of some impact or importance.”⁴⁶
4. **Seminal Architecture** – The structure has an “historically significant role to play as a seminal influence on style or on a movement that was fundamental to an architectural method of expression.”⁴⁷
5. **Beautiful Architecture** – Structures that are simply well done and of aesthetic appeal, such as the Plaza Hotel.
6. **Singularity** – Peculiar structures, falling into a miscellaneous category, such as street clocks or street plans.

When examining the landmark case for the City and Suburban Home Company’s York Avenue Estate, the historic district classification must be understood. Located next to the already designated Cherokee Apartments, the possibility of designating the area that encompassed both model tenements as an historic district was briefly discussed at the time of the public hearing by the proponents of designation. Historic districts are designated as distinct sections within a city that are characterized by improvements of a special character or other historic or aesthetic interest or value, and which are often noteworthy in terms of architectural style, type, or specific layout plan.⁴⁸ If an area is designated an historic district then essentially any alterations, development, or demolition proposed to occur within that area must at least maintain, if not enhance, the character that made that area distinct and special. Additionally, any such changes to the built environment in a designated area would ultimately be subject to

⁴⁶ Interview with David F.M. Todd on March 14, 2006.

⁴⁷ Interview with David F.M. Todd on March 14, 2006.

⁴⁸ NYC Administrative Code § 25-302.

the Landmark Commission's approval. However, there had never been an historic district in NYC consisting of only two structures. Considering the lack of precedent, the case was very weak for forming an historic district between the York Avenue Estate and the Cherokee Apartments.

The Commission

The Landmark Preservation Commission is a local government agency that consists of a full-time staff and eleven commissioners.⁴⁹ Although the number of staff members fluctuates as often as the budget, architects, architectural historians, restoration specialists, planners, and archaeologists, along with administrative, legal, and clerical personnel are typically represented on the staff. The function of the staff is to research, inform, and make recommendations to the eleven commissioners. Each Commissioner is appointed by the mayor, but only the Chair is paid. The board of Commissioners must include three architects, one historian, one realtor, and one landscape architect or city planner. The remaining five members of the Commission are to be lay people, representing each of the five boroughs that make-up New York City. On its surface, the Commission appears to be representative of the interests affected by designations and regulations; however its flexible structure may result in a composition of both appointed commissioners and staff members that tend to predominantly have an architectural skill-set.

During the time the York Avenue Estate was awaiting a public hearing there happened to be "a loading of the commission...with people who were trained in that kind of [architectural] way."⁵⁰ Chair Gene Norman was an architect, and Vice-Chair Elliot Willensky was an architect and architectural historian who cataloged the American Institute of Architects

⁴⁹ http://www.nyc.gov/html/lpc/html/faqs/faq_about.shtml

⁵⁰ Interview with Anthony M. Tung on March 8, 2006.

(AIA) guide to NYC. Sarah Bradford Landau was an architectural historian who taught at NYU; Leland Weintraub was a landscape architect who represented the borough of Station Island; Adolf Placzek was the chief librarian for Avery Library of Architecture at Columbia; Gaston Silva was a practicing architect, as was George S. Lewis and David F.M. Todd. Mildred Schmertz was the editor-in-chief of *Architectural Record*. Nearly everyone of the Commissioners' primary backgrounds and experience were in the field of architecture.

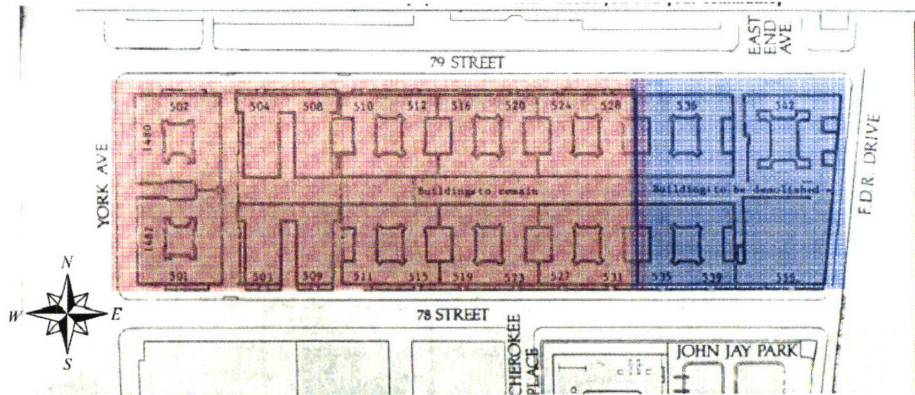
With such an architectural Commission, the Coalition to Save City and Suburban and their adversary, Kalikow, had virtually no choice but to spin their cases for and against designation in a way that would emphasize the design elements of their respective claims, despite the historical and cultural significance that remained at the core of their strongest arguments. For either side to get their respective claim to resonate with the Commission the case must have been argued on architectural grounds, in addition to cultural and historic significance.

Considering the proposed landmark designation of the York Avenue Estate was hard to do when the Landmarks Preservation Laws define a "landmark" using subjectively flexible and vague phrases such as "special character" and "special historical or aesthetic interest or value." Only one specific requirement is given, and that is that a proposed site must be at least thirty years old or older before it may be considered. Although the Commission does not publicly admit to using any specific criteria for designation beyond this one, it is obvious that the Commission must make an effort to base its designations on solid findings of fact or else the Commission would have presumably crumbled under the pressure of public scrutiny. Without openly setting specific criteria, the Commission tends to rely heavily on the precedent it has set in previous designation cases. The greater the similarity between cases encountered by the

Commission, the stronger the precedent becomes. Up to this point in history the strongest cases have been made for those structures with some architectural significance, which indicates “the chief criterion for designating landmarks is architectural integrity; [only] approximately six percent have been designated for their historical significance.”⁵¹

⁵¹ Diamonstein-Spielvogel, Barbaralee. The Landmarks of New York. 2005. p 14.

A Hard and Fast Tool

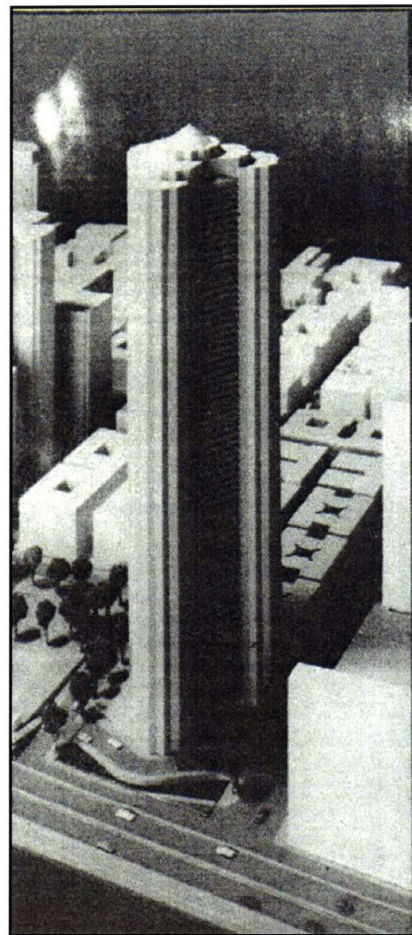


*Kalikow's "Compromise Plan"
for the York Avenue Estate*

Above: Red indicates the buildings that would be preserved. Blue indicates proposed construction site for the new building.

Right: A picture of the model site plan for the new building.

Pictures Source: LPC Archive File



Kalikow's Compromise Plan

Nearly one year since Kalikow released plans to build four high-rise residential towers, he attempted to scale-down his proposal in October of 1985. Kalikow was feeling much pressure from the opposition of the proposed development; and therefore he proposed an alternative development plan called the "compromise plan." The "compromise plan" retained ten of the existing fourteen buildings comprising the York Avenue Estate. Instead of constructing four forty-six story towers, Kalikow proposed to construct one sixty-five story tower on the parcel of land closest to the East River. The four buildings to be demolished had 337 occupied apartments and 64 vacant units.⁵²

In an effort to accommodate the interests of the tenants, Kalikow agreed to offer elderly and rent-controlled tenants space in the 199 vacant apartments spread across the ten buildings that would be retained. In order to ensure enough vacancies in the remaining buildings, approximately fifty tenants would be offered \$12,000 buy-outs to leave their apartments voluntarily.⁵³ The spokesmen for the community groups and tenants rejected the "compromise plan" saying that such a plan was still unacceptable because it would dislocate countless families and destroy hundreds of inexpensive apartments.⁵⁴

Frustrated by the rejection of his proposed compromise, Kalikow and his team held a public meeting at local Public School 158 on November 2nd to address the tenants' concerns and further discuss the terms of his "compromise plan." At this meeting Kalikow also announced a plan to include some affordable units in the new tower for those residents who desired to continue living immediately adjacent to the river. He offered up to 150 rent-

⁵² Hinds, Michael. "Developer, Under Fire, Alters Plan in East 70's." New York Times. October 29, 1985.

⁵³ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 18.

⁵⁴ Hinds, Michael. "Developer, Under Fire, Alters Plan in East 70's." New York Times. October 29, 1985.

stabilized tenants apartments in the new tower at their current rent, but those tenants would obviously have to agree to move out of their current apartments during the approximately two-year construction period. Only about a dozen tenants actually entered the building to formally attend this meeting arranged by Kalikow, but a much larger contingent of tenants and community members stood in front of the school protesting and demonstrating their continued resistance to Kalikow and his “compromise plan.” It was clear that CSCSH was not willing to negotiate with Kalikow. An October 1985 article in the New York Times quoted the tenants’ attorney, David Rozenholc, as saying, “My instructions are very simple: Stop the project. Nobody has any interest in making or entering in this absurd deal with Kalikow.”⁵⁵ Kalikow nevertheless proceeded to increase his individual buy-out offers to \$50,000. This offer was attractive to many residents, but not nearly enough to sway the entire Coalition of residents, community members, and politicians to support the new development plan.⁵⁶

Drained from failed negotiation, Kalikow was aggravated by the luke-warm response from the tenants and complete disapproval from the community. Kalikow suggested an even more profitable plan to build one eight-one story tower, as opposed to the sixty-five story tower the original “compromise plan” recommended.⁵⁷ The luke-warm response of the tenants turned to ice and the community was more opposed than ever to Kalikow and his “comprise plan.”

Although Kalikow quickly revised his plan back to one sixty-five story tower, his “compromise plan” faced continued and ardent opposition, especially from community members. Although the plan addressed some of the tenant concerns, the plan failed to account for the desires and concerns of the community. It was crucial for Kalikow’s revised plan to

⁵⁵ Hinds, Michael. “Developer, Under Fire, Alters Plan in East 70’s.” New York Times. October 29, 1985.

⁵⁶ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 19.

⁵⁷ Polsky, Carol. “Kalikow Revises East River Plans.” New York Newsday. February 20, 1988.

appeal to this particular population within the Coalition. The neighbors of the York Avenue Estate held the political connections and clout that would be necessary to preserve the complex.

The community members were very concerned over the changing character of their neighborhood, especially considering the increase in the scale from six stories to sixty-five stories. Located next to an entire block of several small-scale buildings, the neighbors in the adjacent high-rises were able to enjoy views of the river and have access to sunlight. These two luxuries in NYC would certainly be affected by Kalikow's plan to construct a tower right in front of the river. The Coalition was strategic in emphasizing the large change in scale that Kalikow's plan would bring to the neighborhood. For example, the CSCSH supported a study of the size and shadow effects that the larger, singular tower proposed by Kalikow would have on the surrounding properties.⁵⁸ A member of the Tenant Association recalled, "[Kalikow] changed it to put up one tower that would be as high as the base of the Empire State building and that would cast a shadow all over East End Avenue, and I think even up to Gracie Mansion [the mayor's residence on East End Avenue at 88th Street]."⁵⁹ Unfortunately for Kalikow, the Yorkville community members proved to be some of the most influential players in getting a public hearing in front of the NYC Landmark Preservation Commission.

Getting a Public Hearing Date

Wallerstein, living in the high-rise apartment building across from the York Avenue Estate on the 79th Street side, was credited by representatives of the Tenant Association with finally getting the Landmarks Commission to listen to the preservation claim for the York Avenue Estate. Wallerstein connected with former Landmark Preservation Commission staff




⁵⁸ See page 54.

⁵⁹ Interview with Marie Beirne on March 20, 2006.

Shadow Study of Kalikow's Compromise Plan

Supported by Coalition to Save City and Suburban Housing
Study lead by Brent Porter, an architect on the faculty of the Pratt Institute
Image created by Meghan Boyce on May 3, 2006



K E Y		Proposed Tower
		Gracie Mansion
		Anticipated Shadow

member, Andrew Scott Dolkart, who was a well known NYC architectural historian teaching at Columbia University. With funding from the J.M. Kaplan Fund and the Vincent Astor Foundation, Dolkart along with secondary author Sharon Z. Macosko produced a small book called [A Dream Fulfilled: City and Suburban's York Avenue Estate](#) that gave recognition to the York Avenue Estate's claim of significance. The architectural, historical, and cultural accounts of the York Avenue Estate that were documented in this work gave legitimacy to a claim for

landmark designation, and therefore might have helped persuade the Commission to hear the case in a public forum.

After putting into existence some scholarly work on the City and Suburban Homes Company and the York Avenue Estate, the Coalition was ready to push for a public hearing date from the Commission. The purpose of a public hearing was to give people on both sides of the issue the opportunity to persuade the commission that the York Avenue site in was either worthy or unworthy of more serious exploration by the Commission. Not every site claimed to be significant is granted a public hearing, but it was crucial to the CSCSH that the York Avenue Estate received a hearing. The public hearing would provide the best forum to present the public's opinion about the case, which was clearly in favor of designation. In addition, being calendared for a public hearing would at least postpone the plans for demolition which could provide more time for the CSCSH to strategize ways to stop the development.

After resistance from the Landmark Commission, Wallerstein came to the rescue of CSCSH once again. A long-time resident and Chair for the Tenant Association Senior Committee said, “[The Tenant Association] had a hard time getting a hearing because Landmarks was saying they didn’t have the people to check on this. ...And finally Betty got a hold of the state senator.”⁶⁰ Motivated by Wallerstein’s efforts, Senator Roy Goodman accompanied the CSCSH to the Landmark Commission in June 1988. Still hesitating to hear the case, the LPC claimed they did not have enough personal to properly explore these York Avenue buildings that were of little decorative distinction. Senator Goodman asked the Commission Chair at the time, Gene Norman, how much it would take to hire someone to look into the possible significance of the history and original floor plans of the Estate. A tenant who attended the meeting recalled, “Mr. Norman gave him a number; and Senator Goodman went

⁶⁰ Interview with Loretta Printicollo on March 10, 2006.

up to Albany and petitioned or lobbied, or whatever [Senators] do, to get more funding...and it worked.”⁶¹ After receiving a \$10,000 State Senate appropriation enabling the Commission to hire an additional part-time researcher, the Landmark Preservation Commission finally set a date to discuss the merits of the York Avenue Estate.⁶²

Let the Leveraging Begin

The date of October 6, 1988 was published in the city papers. Letters from the LPC were sent out on August 9th to those parties directly affected by the potential landmarking, especially Kalikow, the owner of the complex. The letter stated simply that the York Avenue Estate had been granted a public hearing to be considered for designation. That however was not the only letter Kalikow would receive regarding the preservation of the York Avenue Estate. In the early part of 1986, Kalikow was notified that the York Avenue Estate was being considered by the New York State Department of Parks, Recreation, and Historic Preservation for nomination into both the State and National Registers of Historic Places. Although there are no regulatory restrictions tied to recognition in the State and National Registers, such designations can prove to be influential on decisions concerning local landmark designation, which does impose regulatory restrictions upon the property owner.

In June of 1986, the York Avenue Estate was declared eligible for both the State and National Register of Historic Places, but was not officially listed in either directory because of Kalikow’s objection.⁶³ This was the only card Kalikow could play in opposition to the landmark case on the state and national levels. Unfortunately for Kalikow the positive response from the National and State Preservation bodies enhanced the CSCSH’s case for local

⁶¹ Interview with Marie Beirne on March 20, 2006.

⁶² Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 29.

⁶³ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 28.

designation since the complex had already been deemed significant by two influential preservation entities, leaving the city to simply ‘follow the leader.’

The fierce battle over the redevelopment and future uses of this property was really just beginning to heat-up. Especially over the next year as preparations began for the public hearing, all parties involved would be forced to develop a variety of creative strategies for leveraging their position before the Commission.

Kalikow's Preparations



Exterior of 502 East 79th Street, York Avenue Estate

Source: Meghan Boyce, February 2006

The Three-Prong Approach

Foreseeing the serious battle that lay ahead, Kalikow wasted no time retaining the best experts he could find. The Kalikow team devised a three-prong plan of attack: legal, scholarly, and public relations.⁶⁴ Sheldon Lobel was the chief legal counsel for the Kalikow team. Lobel had experience in representing a broad range of real estate professionals, owners, developers, managers, architects and engineers, in matters concerning zoning, land use, tax, and other regulatory relief, but was not an expert in landmark designation. Lobel's responsibility on the Kalikow team was to understand the legal issues surrounding the case, and also act as a moderator for both the scholars and the data they compiled in the course of their research. In a closing argument regarding the proposed designation of the York Avenue Estate, Lobel conveyed the following written statement to the Landmark Commission:

“Kalikow commissioned a comprehensive research effort to obtain the underlying data about the property and retained a number of the foremost scholars in relevant disciplines to make an informed and accurate judgment as to whether the property is worthy of designation. These scholars were given a single mandate: to find out the history of York Avenue Estate and report on it.”⁶⁵

Kalikow's scholars were recruited and retained by Gina Luria Walker and Associates, a consulting practice that researched some of the critical components to landmark preservation cases in the event that a historical record for litigation would need to be created. Their clients were typically developers, institutions, and advocacy groups. Walker was quite familiar with

⁶⁴ Interview with David Handlin on March 31, 2006.

⁶⁵ Closing Report to the New York City Landmarks Preservation Commission from Kalikow 78/79 Company, Section B. April 17, 1990.

and well connected to world of scholarship, having earned a Masters in English from Columbia and a Ph.D. in 18th century Literature from New York University. Later she became a faculty member in the Social Science Department of The New School. Walker's connections facilitated her ability to recruit some of the country's leading experts in the documentation and preservation of the built environment. The University of Pittsburgh laid claim to the country's foremost scholar on the American model tenement movement, Roy Lubove, and Cambridge, Massachusetts was home to two excellent historians, David P. Handlin and Robert M. Fogelson. Handlin, a former professor at Harvard University was the architectural historian for the Kalikow team, while Fogelson, from the Massachusetts Institute of Technology, served as the team's urban historian. These individuals on Kalikow's team would come to be known simply as "the scholars," and would prove to be one of Kalikow's greatest strategic assets.

With a collection of highly credible experts, knowledge of real estate development in New York City, strong political resources, and deep pockets, Kalikow was perceived as a Goliath as he prepared to do battle with the CSCSH, fulfilling the archetypical role of the underdog David. Kalikow however received far more ominous than auspicious reviews in the New York media. It quickly became clear that public opinion was not on the side of Kalikow or his proposed Upper East Side development. An October 1985 article in one New York City publication read, "It turns out that the cruelest landlord is the single biggest campaign contributor to the sleaziest politician. The landlord is Peter Kalikow, who is trying to evict 1,200 rent-controlled and rent-stabilized tenants in Yorkville – a third of whom are over 65 years old and living on Social Security and small pensions."⁶⁶

⁶⁶ Archive Newspaper Clipping in LPC file on the York Avenue Estate. "Mr. Eviction Meets the Joker Poker Politician." October 29, 1985.

By 1988, however, the overall landscape of the New York media changed, and Kalikow began to enjoy noticeably more support for his opposition to the landmark designation of the York Avenue Estate. Probably not coincidentally, this change in the New York media scene corresponded with Kalikow's purchase of the New York Post for roughly \$40 million in March of that year. Despite a few articles in favor of less posh agendas, promoting the benefits of large-scale development through the mainstream media was a major feat for the Kalikow camp, especially considering his opposition's very media-friendly agenda, centering on affordable housing for elderly New Yorkers. Despite the boost of some positive media attention, Kalikow could not shake the Goliath image. The court of public opinion continued to weigh-in heavily on the side of the Coalition. As a result of the public's negative perceptions and continued disapproval, Kalikow realized that this war would have to be won by effectively persuading the members of the Commission.

More about the "The Scholars"

During the pre-hearing phase of the designation process, the most relevant prong of Kalikow's three-part plan-of-attack was clearly the scholarship component. After conducting preliminary explorations to learn the history of the City and Suburban Homes Company's York Avenue Estate project, all three of the scholars failed to find the York Avenue property significant enough to warrant landmark designation. A report crafted by Kalikow's scholarly team claimed, "The City and Suburban Homes Company embodied the ethic of the bureaucrat and mass production. ...its buildings were characterized by dense lot coverage and an expedient light court. ...In fact, its forlorn, deserted expanses of asphalt represented a deterioration in

model tenement design...nothing about the buildings' exteriors suggests progressive model tenements.”⁶⁷

Serious scholarship involving such a complex site as the York Avenue Estate takes a long time because of the large amount of information there is to discover, sift-through, analyze, and then attempt to draw conclusions from in the most accurate way possible. In this case, the job was twice as time consuming because there was hardly any previous written information or documentation about the site. “The scholars” realized that their exploration of this case warranted a more thorough examination and analysis of the results that were compiled in the preliminary investigation; and therefore devised a strategy for the initial hearing to express their doubts about the significance of the site and its history, but acknowledge the need for more time to examine the claims being raised by the CSCSH. Practically speaking “the scholars” were hoping for more time to rebut the CSCSH claims, making the proponent’s case for landmark designation even weaker.

Key Arguments

As interesting as the York Avenue Estate and its history may have been, that did not mean that the complex rose to the special level required for designation. Each of the scholars for the Kalikow team came to the same conclusion – the York Avenue Estate was not significant enough to be considered for landmark designation. The architecture of the York Avenue Estate, lacked aesthetically distinguishable or inspiring features, probably because they were tenement houses, built with just enough funding to ensure adequate internal living quarters. Additionally, there is nothing that history has deemed especially significant about the

⁶⁷ Preliminary Report to the New York City Landmarks Preservation Commission from Kalikow 78/79 Company. October 6, 1988.

architects who crafted the original design for the York Avenue Estate, or the methods which they employed. Handlin mentioned that although unknown architects can sometimes produce significant work, the York Avenue Estate was not a case of exceptional work, especially not relative to the other architecture in the neighborhood.⁶⁸ For example, located across 78th Street the Cherokee Apartment's beautiful ornamental detail and pleasing entry-way decoration stood in stark contrast to the bland architectural design features of the York Avenue Estate.⁶⁹

Analyzing the history of the York Avenues Estate, City and Suburban Homes Company, and the housing movements in history at the time of its construction, "the scholars" maintained that no evidence could be found that pointed toward any technical or architectural innovations embodied by the site which may have inspired new projects. Also, the York Avenue Estate met the minimum standards set by the Housing Reform Act of 1901 and failed to commit much, in any, effort to go beyond those standards in building the complex.

The limited dividend companies, like City and Suburban Homes, that were associated with the model tenement movement, were not primarily influential on the next phase of social housing projects in America, which were primarily government sponsored. The two efforts were based on fundamentally different ownership, design, and management principles. The principles influencing this second wave of social housing project development included the cooperative movement, the organized labor movement, the federal wartime housing program, and other constructive housing legislation.⁷⁰ The Kalikow team also questioned the generally accepted fact that the City and Suburban Homes Company was the most successful of the

⁶⁸ Closing Report to the New York City Landmarks Preservation Commission from Kalikow 78/79 Company, Section D. April 17, 1990.

⁶⁹<http://www.cityrealty.com/neighborhoods/features.cr?fid=profile&hid=4&pg=3&CRSESSID=fb2d027635b0b53727fca15d2e61dc60>

⁷⁰ Closing Report to the New York City Landmarks Preservation Commission from Kalikow 78/79 Company, Section B. April 17, 1990.

limited dividend companies. “The scholars” cited evidence that City and Suburban Homes Company’s building techniques caused rents to be too high at many of their complexes for most working-class people, which was precisely who the model tenement movement was organized to assist.

At the pinnacle of the model tenement movement, Jewish, Irish, and Italian citizens were among the poorest in New York City’s working-class. “The scholars” discovered through the City and Suburban Homes Company’s Annual Reports that very few people falling within these ethnic classifications were ever housed in any of their projects, including the York Avenue Estate. Other limited dividend companies, such as the Amalgamated Clothing Workers Union, built far more housing for the neediest working-class immigrants than did the City and Suburban Homes Company.

Several issues were raised by the scholars that doubted the designation of the York Avenue Estate. The complex was studied as well as the company that built it and the movement that inspired it. The three different scholars with three different areas of expertise all found the claim for landmark significance of the York Avenue Estate to be questionable.

Coalition to Save City and Suburban Housing's Preparations



Typical York Avenue Estate stairwell with window for light.

Source: Meghan Boyce, February 2006

Another Three-Pronged Method

The CSCSH also prepared for the LPC public hearing by devising a three-prong approach, which was similar to Kalikow's. The CSCSH's plan, like Kalikow's was to focus on legal issues, scholarship, and public relations. Edward N. Costikyan from the law firm of Paul Weiss, Rifkind & Wharton, and also a neighbor to the complex, was retained as the Coalition's legal counsel. Also Andrew Scott Dolkart, former staff member for Landmark Preservation Commission, was retained to lead a team of architectural historians. Not coincidentally, this was the same architectural historian who produced the first publication in support of the designation effort, entitled A Dream Fulfilled: City and Suburban's York Avenue Estate, which gave claim to the significance of the York Avenue Estate.⁷¹

Unlike the Kalikow team, which focused initially on subverting the Coalition's claims through scholarly investigation, the CSCSH prioritized gaining community support through a public relations campaign. The CSCSH realized that as a quasi-political body the Commission would be forced to weigh community support in the process of considering landmark designation. Since the case for landmark designation was viewed by many as a fairly weak one, the CSCSH knew that rallying community support would have to be a key element to their attack if Kalikow's development proposal was going to be stopped.⁷² The assumption was that political power and the ability to persuade the Commission would result from a massive amount of people in favor of designation. Thus the goal became to pack City Hall's Board of Estimate Chambers (the hearing location) with supporters of the designation so that "there would be standing-room-only all day."⁷³ In their effort to gain public support, the CSCSH not only advocated for the landmarking of the complex, but also worked to educate the public about

⁷¹ Interview with Anthony M. Tung on March 8, 2006.

⁷² Interview with Anthony Wood on March 24, 2006.

⁷³ Letter sent to community by CSCSH in August 1988.

what they understood the history and influence of that complex to be in the broader context of the Upper East Side, and Manhattan as a whole.

Gaining Community Support through Advocating

While the Kalikow team was busy researching the social, historical, and architectural significance of the property in preparation for the preliminary hearing, CSCSH was busy lobbying for support from politicians and prominent members of the community. The New York Times published letters to the editor by wealthy New Yorkers, such as Brooke Astor, the wife of former City and Suburban Homes Company trustee, Vincent Astor.

“Vincent and his fellow trustees at City and Suburban are gone, but the City and Suburban buildings remain as staunch reminders of their vision and commitment to decent housing for all. These historic buildings serve as an invaluable, irreplaceable reference point for New Yorkers as they look to the past in determining what our City will be in the future. I respectfully urge, therefore, that the LPC designate the City and Suburban York Avenue Estate as a landmark.”⁷⁴

Other letters in support of the landmark designation of the City and Suburban Homes Company’s York Avenue Estate flooded the Landmark Preservation Commission as well as Mayor Edward Koch’s office. These letters were sent from a variety of people, including community organizers, citizens, politicians, and actors, all with various backgrounds and interests in the cause. The Tenant Association’s Landmark Chair recalled that some of the community organizations were harder than others to elicit support.⁷⁵ Getting the approval of Community Board 8 was an especially difficult challenge, but one well worth the energy since

⁷⁴ Statement to LPC by Mrs. Vincent Astor in Support of Landmark Designation of City and Suburban York Avenue Estate on October 6, 1988.

⁷⁵ Interview with Marie Beime on March 20, 2006.

the NYC community boards serve as advisory councils to the borough president and city council member from each district, which may in turn hold significant influence over the borough representatives serving on the Landmark Commission.⁷⁶ Community Board 8 eventually passed the following resolution in support of the York Avenue Estate's designation:

“Resolved, that Community Board 8 recommends support of Landmark’s designation because these buildings have contributed to the social and cultural history of New York City, have special character by virtue of their construction as a fourteen unit complex of safe, decent housing for working people and are more than 30 years old.”⁷⁷

One day after passing this resolution, Community Board 8 wrote a letter to the Chair of the LPC, Gene Norman, encouraging the landmark designation of the York Avenue Estate.

The Fine Arts Federation of New York, founded in 1895, also lent support for the designation of the York Avenue complex, as did the Lenox Hill Neighborhood Association, New York Landmarks Conservatory, the Municipal Arts Society, and a number of other influential community organizations. Some individuals contributed their support in the form of letters to Landmark Commission as well. John Iselin, a New Yorker, remarked, “as a significant instance of private enterprise to assist the public good, the York Avenue apartments surely merit landmark designation.”⁷⁸ A letter by Council Member Mirian Friedlander focused on the recognition of the York Avenue Estate on the New York Department of Parks, Recreation, and Historic Preservation’s list of historic places. Actor Anthony Quinn, who lived in the same neighborhood as the York Avenue Estate, wrote, “I have read with interest the

⁷⁶ New York City is divided into community boards which are the advisory boards appointed by the council member and/or borough president.

⁷⁷ Letter to LPC and Chair Gene Norman by Hedi H. White on September 23, 1988.

⁷⁸ Letter to LPC and Chair Gene Norman by John Jay Iselin on October 5, 1988.

history of the York Avenue Estate complex and I believe it should be treasured as part of New York's living history, and should be preserved as a New York Landmark."⁷⁹

Key Arguments

With extremely limited data available about York Avenue Estate and its history, it is at times puzzling as to where these supporters of the landmark designation were getting their information. Prior to the preliminary hearing, the CSCSH underwent a major mail campaign asking each recipient to "please write letters to Chair Norman [of the LPC] and Mayor Koch urging them to designate City and Suburban Homes' York Avenue Estate as a New York City Landmark. ...A sheet of some historical facts is enclosed to give you ideas for your brief letter, and addresses are provided."⁸⁰ The historical facts that were provided to citizens as part of this letter writing campaign not surprisingly outlined the key arguments that the CSCSH hoped would be put forward in the letters to the Commissioners and the Mayor, but they also served another purpose. These historical facts were also designed as a tool to educate citizens about the key issues in the case, at least from the CSCSH's perspective. For example one of the "historical facts" provided by the CSCSH read, "The complex is architecturally significant for its planning and restrained exterior design." Another said, "It is culturally significant as an important example of working class housing that was and still is popular with various native-born and immigrant groups who have called Yorkville home."⁸¹

Purposefully vague, the idea behind these "historical facts" was to provide a basis upon which an argument for the cultural, historical, and architectural significance of the complex may be rested. The major cultural argument was that the complex was a superior example of

⁷⁹ Letter to the LPC by Anthony Quinn on October 6, 1988.

⁸⁰ Letter sent by the CSCSH. August 1988.

⁸¹ See page 73.

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COALITION TO SAVE
City & Suburban Housing
INC.

SAMPLE LETTER TO:

The Honorable Gene Norman, Chairman
Landmarks Preservation Commission
225 Broadway, 23rd Floor
New York, NY 10007

The Honorable Edward I. Koch,
Mayor of the City of New York
City Hall
New York, NY 10007

Please write letters to Chairman Norman and Mayor Koch urging them to designate City & Suburban Homes York Avenue Estate as a New York City Landmark. Below are significant reasons for landmarking these important model tenements:

- *The Complex is a work of major importance in the development of healthful, safe, affordable housing for working people in the early part of this century, and had a profound influence on the early development of government-sponsored housing projects.
- *The Complex was the largest low-income housing complex in America prior to the advent of the public housing movement in the 1930's.
- *The Complex is architecturally significant for its planning and restrained exterior design. The buildings were designed by such prominent New York architects as Harde & Short, Percy Griffin and Philip Ohm. All of the buildings were designed with stylish Beaux-Arts and Neo-Gothic architectural detail.
- *The Complex is historically significant as the major example of a model tenement complex built by the wealthy in an effort to improve housing conditions for the working class, and as a forerunner of early public housing projects.
- *It is the most significant example of a private effort to build improved housing in New York. The corporation that built the complex was not a philanthropic venture, but an example of benign capitalism. These buildings were limited-dividend business efforts.
- *The plan and layout of each building with its rear, side and central courts allowed adequate light and air to reach each apartment. The fire-proofed halls and stairways were light and airy; the arrangement of apartments assured privacy for each family.
- *It is culturally significant as an important example of working-class housing that was and still is popular with the various native-born and immigrant groups who have called Yorkville home.

the healthy, safe, and affordable housing that can successfully be provided for the working poor, while the major historical argument claimed that this complex was the largest project of the most successful limited dividend company, which in turn influenced the development of some of the early government housing projects. And finally, the argument in favor of the architectural significance of the York Avenue Estate was the different design characteristics between each of the individual buildings that reflected the evolution of the eleven-year construction process of the complex.

This letter that was widely circulated to many people, but because of its intentional brevity the letter failed to provide any real support for its claims that the York Avenue model tenement complex should be granted landmark status. Without any identifiable sources, it would be extremely difficult for any recipient of such a letter to conduct an independent investigation into the CSCSH's claims detailing the 'significance' of the York Avenue Estate. As a result the 'historical facts' proffered by the CSCSH in their letters were largely perceived as accurate by the hurried citizens who received these letters.

This same letter further asked people to "be present on October 6 and if you will, to speak in favor of landmark status; and to financially support the historic preservation effort." The CSCSH held two sessions in late September of 1988 in an effort to ease concerns for those who needed more information, rehearse individual presentations in support of the designation, and review hearing procedures. In an effort to further educate people, the Landmark Committee of the Tenants Association in cooperation with the CSCSH conducted walking tours of the property, which were led by Dolkart. Each tour was followed by a short architectural slide show narrated by Marie Beirne, Chair for the Tenants' Landmark Committee. The first

tour given to the public was in mid September, only about 15 days before the LPC's public hearing regarding the York Avenue Estate's designation as a city landmark.

The Slight Backlash

Requesting letters in support of designation from many community members, politicians, and organizations invariably yielded a large number of letters opposing the designation. Although far fewer in number, the letters speaking out against designation provided valuable alternative perspectives for the Commission and Mayor Koch to consider. One former neighbor of the York Avenue Estate and partner in the Architectural firm Brothers + Cura Architects, William Q. Brothers III, wrote a letter challenging preservation as an incorrect tactic in the tenants' fight against Kalikow.

“...if we turn this group of buildings into a cultural institution based on Mr. Dolkart's arguments that a similar case can be made for practically any building in Manhattan over 50 years old. Several years ago, I lived on Cherokee Place and 78th Street where the corner of my living room looked out of a very special landmark building onto the buildings in question and I'm afraid there are much more interesting examples of tenement architecture in other locations and that the strength of the landmarks process should not be diluted through overuse in marginal situations. I sympathize with the difficult situation where you and your constituency are fighting to save your homes from the Kalikow development, but I don't believe that this is the way to do it.”⁸²

Despite relatively little opposition, the CSCSH was very successful in achieving the support of fellow Yorkville residents, politicians, and much of the greater New York City community. It was beginning to look like the CSCSH was well on their way to reaching the

⁸² Letter to Betty Wallerstein/CSCSH by William Q. Brothers III on September 28, 1988.

goal of standing-room-only at the LPC's initial public hearing. Not leaving anything to chance, the CSCSH arranged for chartered buses to leave from the Yorkville neighborhood about an hour before the hearing to further ensure anyone willing to speak in favor of designation at the public hearing would be in attendance.

Persuading the Landmarks Preservation Commission



The York Avenue Estate, a view along 79th Street

Source: Meghan Boyce, March 2006

The Public Hearing

On October 6, 1988 the LPC held a public hearing to discuss and consider three properties for landmark designation: Windemere Apartments on West 57th Street in Manhattan, the City and Suburban Homes Company's First Avenue Estate in Manhattan, and the City and Suburban Homes' Avenue A (York Avenue) Estate in Manhattan. The most debated of the three items on the agenda happened to be the last case discussed: York Avenue Estate. The purpose of the public hearing was to provide a forum for concerned citizens, especially the owners of the properties up for landmark designation, as well as affected community groups and boards, public officials, and neighbors, to voice their support or opposition for the proposed landmarking.⁸³

Both the Kalikow team, which was mostly represented by scholars and experts, and the CSCSH, who was supported by scholars, politicians, and community members, stated their positions and made their arguments before all eleven Commissioners that early October day. Many of those speaking in favor of preservation felt the buildings should be saved because of their role in the evolution of housing for working-class New Yorkers. Others in favor of the designation found the complex to have architectural beauty and aesthetic significance. On the other end of the spectrum were the voices opposed to landmark designation. Most opponents felt the buildings lacked the "physical distinction and architectural grace" of other social housing projects in this neighborhood as well as in other areas throughout the city.⁸⁴

As the third and last item on the agenda, the merits of the York Avenue Estate were taken-up immediately after the Commission's lunch break. Chair Gene Norman began the conversation by recapping the two items that were discussed in the morning, paying specific

⁸³ "Public Hearing Notice for October 6, 1988." *Landmark News*. September 13, 1988.

⁸⁴ Gilbert, Anne. *The Fight for City and Suburban Homes. A Model for Successful Community Action*. p 32.

attention to why they were on the same calendar day as the York Avenue Estate. The common thread linking the three potential landmarks was their original design as residential apartment houses. The Chair commented, “The Commission is examining these apartment houses as part of a continuing effort to make sure that buildings that represent adequate architectural, historical, and cultural importance to our City and perhaps to the housing movement are, in fact, recognized and designated.”⁸⁵ He then linked the cases to similar housing complexes that had already been designated a landmark. The Riverside buildings in the Brooklyn Heights Historic District, Dunbar Apartments in Harlem, and the Cherokee Apartments neighboring the York Avenue Estate were all listed as examples of the Commission’s past interest in and commitment to recognizing worthy low-income housing efforts.

Despite the similarities among the three cases that day, the throngs of people waiting to speak-out for and against the designation set the York Avenue Estate hearing apart from the previous two that day. In addition, York Avenue Estate had the longest and most in-depth introduction that day. The Chair made a special point to mention that “there’s a history to the involvement with the Commission with this matter of the City and Suburban Housing Company.”⁸⁶ Ironically, the year Norman said that the Commission began collecting information on the City and Suburban Company was in 1984, the same year that Kalikow bought the complex.⁸⁷ The basis of the introduction was to explain why the York Avenue Estate was significant enough to warrant a public hearing for potential landmark designation. It was almost as if Chair Norman anticipated the accusatory letter that would be presented on Kalikow’s behalf later in the hearing. Read by attorney Mitchell Ross, the statement submitted by the absent Kalikow said,

⁸⁵ Minutes from the October 6, 1988 LPC Public Hearing. p 3.

⁸⁶ Minutes from the October 6, 1988 LPC Public Hearing. p 4.

⁸⁷ Minutes from the October 6, 1988 LPC Public Hearing. p 5.

“Opponents of this project are using the landmark process in an effort to block construction of this building, which would be built on my property in full compliance with the New York Zoning Resolution as well as other relevant laws. ...No discussion of landmarking was even entertained until I purchased the property and announced plans for its development. The proponents of designation know that the York Avenue Estate is not worthy of landmark status. They are trying to address what are really housing and zoning issues in an inappropriate forum, by making claims about the site that even preliminary research demonstrates to be unfounded...I am hopeful that the Landmark Preservation Commission will carefully review all the research data we are providing and will make its decision in an objective and fair manner, taking into account only the legitimate issues arising under the landmark Preservation Law and not issues that have no place in this forum. If after all the facts are known, any of the Commissioners believe in their hearts that this site is worthy of landmark status, then they must vote for designation - but only if they believe these buildings are genuinely worthy and that process is not being used to subvert existing law. If they determine that these buildings are not of landmark quality, they must vote against designation.”

Kalikow’s letter was basically ineffective after the Chair’s introductory remarks that effectively legitimized the claim for a designation hearing. Kalikow’s letter was not completely useless since he did make a very relevant plea for the commission to only consider claims defined by the Preservation Law. Concurring with Kalikow’s plea, Chair Norman set forth the general guidelines designed to ensure an efficient discussion by specifying the topics that would be deemed inappropriate for exploration in this forum.

“The Commission must follow its mandate and will only entertain and receive information having to do with the cultural, architectural or historical importance of these buildings...our government, city and state, has created suitable mechanisms to address issues having to do

with rent control, warehousing, my view of the East River, my sunlight, my crowded subway...they are really important in another forum. So to maintain the attention of the Commissioners, to convey the interest that you may have, I ask you to stick to the subject today.”⁸⁸

After assuring those present that no decision had been made regarding the designation at that point, Gail Harris of the Landmark Commission Research Department was the next person to speak at the hearing. As a staff member, her role was to present to the Commissioners an overview of the noteworthy background and composition of the complex as well as the Company that created it.

Next, the property owner and his representatives presented their initial arguments in opposition of the designation. The Commission was not used to hearing testimony from such high caliber and influential experts. Some of the commissioners, in their capacity as architects, had the occasion to study earlier work conducted by these preeminent scholars. Chair Norman was quick to remind his fellow commissioners that these scholars were paid handsomely to provide this testimony.

Chair Norman: And that assignment was issued to you for a fee or –

Mr. Lubove: Yes.

Chair Norman: You’re being paid to do that research and what you’re doing here today is reporting on that research for us?

Mr. Lubove: I am reporting on the research, yes.⁸⁹

The first of “the scholars” to testify was Professor Lubove, who was able to successfully capture the Commission’s attention by revealing some of the provocative research he uncovered concerning the City and Suburban Homes Company. Lubove claimed the managerial

⁸⁸ Minutes from the October 6, 1988 LPC Public Hearing. p 6.

⁸⁹ Minutes from the October 6, 1988 LPC Public Hearing. p 31.

prerogative of the company had presumed class and ethnic superiority over the tenants, thus repressing a higher standard of living as opposed to cultivating one. Additionally, the Commission was made aware that the innovative measures utilized in the City and Suburban Homes' projects, such as open courtyards, were standard development features already mandated by the Tenement Housing Act of 1901, which became enforceable at least two years before any construction began on the York Avenue parcel.

Handlin offered testimony that continued to question the prudence of designation by examining the undistinguished architecture of the exterior of the York Avenue complex. "The scholars" were able to continue to command the unfettered attention of the commissioners as evidenced by the Commission's request to see the Annual Reports of the City and Suburban Homes Company that were brought into the record by Professor Fogelson's testimony. Fogelson pointed out that, "[City and Suburban Homes Company's] leaders were well aware that the York Avenue Estate might one day have to be demolished. They thought that if housing standards rose - as they did - their model tenements would eventually become obsolete."⁹⁰ Despite expressing these and other serious doubts about the claim for landmark designation, "the scholars" concluded that they could not offer a conclusive opinion without more time for further research.

The opposition to the designation continued with William Shopsin, a practicing architect and preservation consultant in New York City, who was brought before the Commission to address the proposed nomination of a historic district which would include the York Avenue Estate and its neighboring property, the Cherokee Apartments. Looking at the broader New York cityscape and its previously designated historic districts; Shopsin found this proposal to

⁹⁰ Minutes from the October 6, 1988 LPC Public Hearing. p 93.

be a “strange if not unorthodox precedent.”⁹¹ Groupings of just two buildings have always been considered individually for designation, which was the case with Rockefeller Center and Tudor City. Later Shopsin testified, “The rationale for annexing an architecturally inferior complex such as City and Suburban Homes [York Avenue Estate], which does not meet the criteria for individual designation, to the architecturally superior, already designated Shively Sanitary Tenements [Cherokee Apartments] is highly suspect.”⁹² The Commission must have agreed with Shopsin’s assessment of the claim for a two-building historic district, because the idea was rarely mentioned during the remainder of this proceeding.

The final individual to present testimony on behalf of the property owner was a former trustee of the National Trust for Historic Preservation, Arthur Zeigler. Concluding the presentation of the Kalikow case with an overview of their opposition to designate, Zeigler warned the Commission that once landmark designation is used as a tool to preserve something that is unimportant or insignificant historically, architecturally, or socially, as would be the case with the York Avenue Estate, preservation begins to lose its meaning altogether. Because this case clearly warranted further exploration and consideration, Kalikow’s representatives closed by requesting that the record remain open and that no decision should be reached that day.

The initial arguments in support of the designation followed, and they were presented by an assorted collection of elected officials. City council members Bob Dreyfus, Carol Greitser, and Carolyn Maloney attended the hearing in person to offer their support for the designation, while others sent representatives to read letters on their behalf, such as Manhattan Borough President David Dinkins. Additionally, Ruth Messenger, a future Manhattan Borough President, along with Stanley Michaels and Miriam Friedlander, were in attendance to express

⁹¹ Minutes from the October 6, 1988 LPC Public Hearing. p 104.

⁹² Minutes from the October 6, 1988 LPC Public Hearing. p 104.

their support. The State Office of Parks, Recreation and Historic Preservation also sent a representative to convey to the Commission that the York Avenue Estate buildings were judged eligible for listing in the State's Register of Historic Places, and would be fully listed if not for the property owner's objection.

Although most of these statements in support of the designation were properly limited to claims applicable to the governing law, some nevertheless turned into personal attacks of the opposition. Assemblyman Pete Grannis began by belittling Kalikow's "scholars" and their research.

"These experts appear before you today, having known of this hearing and realizing the direction many people were urging and pushing you to go in on these hearings, coming in here with their half done research and their negative conclusions and urging you to keep the record open so that they can get back to you if and when they get around to it. I think that negativity coming out of their research indicates the great corrupting influence that goes into paying experts that brings you always down on the negative."⁹³

When Kalikow's representatives in opposition of the designation were permitted to again take the floor, Steven Spinola, representing the Real Estate Board of New York, which typically maintains a policy of refusing to speak-out on individual landmark cases, urged the commissioners to find that the York Avenue Estate fails to meet the significance requirements under the Preservation Law and its traditional application within New York City.⁹⁴ With only one lay-person testifying in opposition to the designation, the commissioners next turned to what must have seemed like an endless parade of proponents of the designation.

⁹³ Minutes from the October 6, 1988 LPC Public Hearing. p 126.

⁹⁴ Minutes from the October 6, 1988 LPC Public Hearing. p 148.

A scholar from the Department of Environmental Design at Parson School of Design, Marta Gutman, was the first to speak. She argued that the complex set an important precedent for the design of such projects as the Dunbar Apartments and the Harlem River Houses. This testimony must surely have indicated to the Commission, albeit indirectly, that there was precedent for designating the York Avenue Estate a city landmark since each of the examples mentioned by Gutman had already been designated by the Commission.

Following Gutman's testimony was David Roberts who introduced himself as an attorney and member of the CSCSH. Matching Lobel's legal role for the Kalikow team, Roberts offered some order for the list of speakers in favor of designation. He introduced the next two people giving testimony, which was Columbia Professor Michael Cortler and architectural historian and former Commission staff member Andrew Dolkart.

Dolkart lead the discussion for a favorable designation by stating that the York Avenue Estate was the largest project of its kind in America at the time it was built, and perhaps more importantly, it was built by the largest and arguably most successful builder of model tenements. Urging the Commissioners not to discount the exterior of the buildings as architecturally insignificant, Dolkart testified, "although [the exteriors] are not as elegant as the mansions of Fifth Avenue, they were designed with stylish – yes, stylish – exterior ornament, that is ornament that is not unlike that found on houses built for the wealthy."⁹⁵

Arguments for designation followed from Debra Gardner, who received her PhD in Architectural and Urban History from Columbia; Thomas Millen, co-author with Robert Stern of New York 1930; and Richard Plunz, a Professor of Architecture at Columbia University. All three of these supporters based their claims on the contribution and influence that the York Avenue Estate and its developer, the City and Suburban Homes Company, had on future

⁹⁵ Minutes from the October 6, 1988 LPC Public Hearing. p 167.

subsequent developments. Michael Cortler, the last of the accomplished scholars and professionals to approach the Commission that day on behalf of the CSCSH's designation effort, rested his argument on the notion that the York Avenue Estate represents a quality example of the ability to plan for an entire city block, and that fact alone should hold historical significance, since such a plan broke the stranglehold that typical smaller-scale tenement planning had on the development of privately funded affordable housing at that time.

Finally, it was time for the community members and residents of the York Avenue Estate to be heard by the Commission. Although the hearing was running late into the night at this point, the proceedings got much livelier as the crowd began to respond with applause after most people spoke. The presentations before the Commission mirrored many of the letters the commissioners had already received from prominent New Yorkers, descendants of the original members of the City and Suburban Homes Company, community preservation organizations, neighborhood residents, and tenants. Representatives from some exemplary preservation groups were there to articulate their support for the cause; most notably was the Municipal Arts Society and The Historic Districts Council. Tim Bradley of the Municipal Arts Society claimed, "The perimeter block apartment houses were soon recognized as a superior plan reproduced for middle-class families. ...Jackson Heights, Queens, for example, owes much of its form to the City and Suburban model, even though that community was built for more affluent tenants."⁹⁶

Some of the most compelling stories offered that night were those of the tenants of the York Avenue Estate. The message from many of the residents asserted York Avenue Estate as a cultural and historical example of Yorkville's commitment to bettering the lives of immigrants. Resident and Chair for the Tenants' Landmark Committee, Marie Beirne spoke

⁹⁶ Minutes from the October 6, 1988 LPC Public Hearing. p 196.

about the larger community of Yorkville in relation to immigrant life. She was a first generation Irish-American who grew-up in this Upper East Side neighborhood because her parents wanted to raise children in a neighborhood with quality Catholic Schools. Furthering the claim that the York Avenue Estate impacted immigrant life, another tenant spoke to the Commission about the immigrant experience in the York Avenue Estate.

“I was born in 1913 in City and Suburban and I still live in the same apartment. For me the complex is very important. It is my life. It is a place that my father chose to house his family when they first came from Europe. ...One thing that my father pointed out was that the buildings were simple in architecture... [but] what impressed him were the interiors and the comfort. He lived in a tenement with no hot water, no heat, [and] no bathrooms. That is what the City and Suburban offered: heating, hot water, bathrooms and airy, beautiful marble stair cases.”⁹⁷

Although not quite as passionate or animated as some of the tenants' comments, community members generally conveyed more refined arguments. Attorney and Upper East Side resident, Edward Costikyan, argued that it would be tragic to forego the preservation and protection of a monument that still stands today for the dedication and commitment of an earlier generation of New Yorkers to social responsibility. This comment echoed the idea presented by New York Times architectural critic Paul Goldberger in the Sunday paper earlier that week. Noting Goldberger's article, Costikyan went on to say,

“And as Mr. Goldberger said, we face the same problems that New York City faced 100 years ago. Conferring landmark status on City and Suburban Homes' York Avenue Estate, as a monument to good citizenship, will convey an important message to our community at a time when good citizenship is even more needed than it was 100

⁹⁷ Minutes from the October 6, 1988 LPC Public Hearing, p 268.

years ago, and go a long way to preserving the best of our historic precedents.”⁹⁸

This testimony opened the floodgates for countless interpretations to be entered into the record that were formed by the war being waged in the press between the disputing parties. This was something that Kalikow hoped to avoid, since he was typically not viewed favorably in the media or in the court of public opinion.

After further discussion of the Goldberger article with Costikyan, Chair Norman expanded the exploration of popular media accounts of this case. The Chair inquired about a series of editorial rebuttals to the Goldberger piece that were published in the New York Times the morning of the hearing. Costikyan responded to Chair Norman’s general question of whether he cared to comment on the editorials by remarking,

“I read the editorial, and I thought it completely missed the point and I thought its focus was wrong. If I read it correctly, it is the Times Editorial Board’s conclusion that it will be impossible for the owner of this building to maintain it and take care of it. That, I understand, is the subject of a second hearing after somebody designates something as a landmark, and that your rules are quite clear that you don’t talk about financial hardship until you get farther down the road.”⁹⁹

After hearing from sixty-nine people in total, only seven of whom were opposed to the designation, the general feeling was that a larger and probably more impressionable impact on the Commission was made by the proponents of designation. However, the Kalikow team created some doubt about the prudence of awarding such a designation, which the Commission could not ignore. The Commission decided to close the proceeding after more than eleven

⁹⁸ Minutes from the October 6, 1988 LPC Public Hearing. p 196.

⁹⁹ Minutes from the October 6, 1988 LPC Public Hearing. p 200.

hours of testimony and argument, concluding that they had received sufficient information in the form of expert and lay testimony on behalf of each side. The record would remain open in order to allow time for further reflection, comprehension, and investigation on the history and influence of the York Avenue Estate and the City and Suburban Homes Company.

Since the potentially significant complex would be afforded no official protection without a final decision being issued by the Commission, a few safeguards against possible demolition or alteration to the exterior of the buildings had to be secured before the meeting could officially be adjourned. The Commission required written assurances from Kalikow that no work would be done on the exterior of the complex, and also demanded that the City Building Department be notified of this site's potential designation, so no building or demolition permits would be granted while the decision was pending.

An Open Record

The record remained open for at least another three months following the initial hearing, which was an unusually long time for a designation case. In that time, the Commission was flooded with rebuttals to the public hearing testimony, as well as even more reports and letters from concerned citizens and experts. Both sides diligently worked to unearth the heaps of information that remained to be discovered and devoted even more time to clarifying the reams of information that had already been obtained. In addition to the volume of literature produced for the public hearing, "the scholars" compiled two more volumes for review by the Commission; each coming to the same conclusion that the City and Suburban Homes Company's York Avenue Estate was neither architecturally, historically, nor socially significant. The following reasons present the basis for the argument against designation:

1. The multiple architects who designed the complex were virtually unknown; and their façade work on the York Avenue Estate is ordinary, uninspiring, and undistinguished.
2. The City and Suburban Homes Company York Avenue Estate project was in fact not a model for others since the company did not raise technical or architectural standards, but instead applied standards that had been established two decades earlier by Alfred T. White. The York Avenue Estate merely satisfied the minimum building standards set-forth in the Housing Reform Act of 1901.
3. The York Avenue Estate Housed very few Jewish, Italian, or Irish immigrants – the precise ethnic classes among the working poor for whom proponents of designation claimed the York Avenue Estate was built. The original project provided housing that was far too expensive for most working class people to afford. The same was true for the Junior League Hotel for Women, as many working women did not earn a high enough salary to afford a room.
4. The Company’s management style was intentionally paternalistic, in an effort to control the working poor and to protect the Company’s investment by maintaining a social order which they could benefit from.
5. The model tenement movement actually played no role in later union and government sponsored housing.
6. The Company was not able to meet its goal of satisfying the shareholders while providing beneficial housing options, and therefore this project ultimately must be classified as a failure.

Meanwhile, the architectural historians, architects, and attorneys who had been working with CSCSH were conducting their own research; all of which pointed to the conclusion that the City and Suburban Homes Company’s York Avenue Estate was one of the most significant housing complexes erected during the Progressive Era because of its historic, architectural, and cultural relevance to the Yorkville section of Manhattan Island and the entire city of New York. The following reasons present the basis for the argument in favor of designation:

1. The model tenement movement represents a significant aspect of American social history - housing reform in particular.
2. The City and Suburban Homes Company was the leading tenement developer and embodied the Movement in New York City.
3. Very little remains of the structures built by the original model tenement companies, thus enhancing the value of the York Avenue Estate.
4. It is not just a question of visually appealing architecture, or illustration of light-court technique, but the York Avenue Estate represents the largest housing project built by the largest model tenement company in New York City.
5. The York Avenue Estate illustrates how the requirements of the historic NY State Tenement Housing Law of 1901 could be constructively applied to improve working class housing on a large scale.
6. Sociologically and historically, the significance of the City and Suburban Homes Company is enhanced by its management techniques, notably the social surveillance and control exercised through its rent collection procedures.

With both sides' commitment to intensive research and thorough investigation of the facts and history of this case, the issue of the York Avenue Estate's designation became one of the most information-rich files to ever be considered by the Commission. Although the availability of an ample supply of information is typically advantageous when making a decision based on original truths, the enormous amount of data compiled here, coupled with the often conflicting conclusions that could be drawn from it, would ultimately take the Commission quite some time to sort through. About a year and a half after the public hearing was held in October of 1988, the LPC calendared an executive session to discuss the fate of the York Avenue Estate.

The Decision to Designate



York Avenue Estate's Old Junior League Hotel Buildings, renovated in the 1970s

Source: Meghan Boyce, February 2006

The Executive Session with Chair Todd

On April 17th, 1990 nine of the eleven Commissioners held an Executive Session to discuss the legitimacy of landmarking the City and Suburban Homes Company's York Avenue Estate as well as to prepare for the official designation meeting calendared one week later. At this point, David F.M. Todd, who succeeded Gene Norman, as the Chair was facilitating the discussion among commissioners. With an architectural background in social housing, Todd was a very qualified person to Chair the conversation over what to do with the York Avenue Estate.

Led by Todd, the job of the Commission was to explore whether the claim of historical, architectural, or cultural significance was legitimate. Although public outcry finally made this case ripe for exploration by the Commission, it was the presence of Todd as Chair that finally brought about an ultimate determination of the issue. No action had ever been taken to landmark the complex before the CSCSH became involved even though the York Avenue Estate, simply by being a project of the "great" City and Suburban Homes Company, had been surveyed by the Commission staff many years ago. When there are far more cases that claim to be landmark worthy than the Commission has time and resources to review, then a certain priority of claims is ordered by the Commission. Only those at the top of this priority list will receive a public hearing. Fortunately for the CSCSH, the Commission gave the York Avenue Estate priority. This priority status was a result of the very loud public campaign by the CSCSH in addition to the threat of demolition by Kalikow. It was the volume, not the motives that caught the Commission's attention. Todd acknowledged, "the real moving force [was] that [the CSCSH] didn't want to see a high-rise building...and this is often the case; this is often what happens with promoters of designation." Regardless of any ulterior motives on the part of

the CSCSH, they were hugely successful in bringing the case of the York Avenue Estate to the attention of both the Commission and the general public.

Chair Todd can be credited as the one who created enthusiasm for designation of the complex within the Commission. In a recent interview with Todd, he remarked, "I was the one on the commission who pushed for it [the York Avenue Estate] when it started to become a public issue."¹⁰⁰ Having someone on the Commission who valued the ideals of the City and Suburban Homes Company and the social housing movement within the city was critical to any chance the York Avenue property had of receiving a favorable designation. The fact that perhaps the biggest advocate for official designation happened to be the Commission's Chair was a decided benefit for the CSCSH.

For twelve of the twenty pages comprising the hearing transcript Todd spoke to the Commission about his background and views.¹⁰¹ Through the institutional memory and accrued knowledge that developed throughout the life of the Commission, it was a commonly understood inter-working of the board that those possessing a certain expertise would educate others who may be less informed on a topic. As the only commissioner trained and experienced in social housing matters, the Chair carried a good deal of power and influence in this case. Being a diligent commissioner and chair, Todd was careful to provide just enough insight to allow the others to draw their own conclusions from the facts presented to them.¹⁰² It was obvious however, that the Chair supported the landmark designation.

Todd offered two compelling arguments in favor of the significance of the complex. First, each of the units, progressing down 78th and 79th Streets from York Avenue down to the

¹⁰⁰ Interview with David F.M. Todd on March 14, 2006.

¹⁰¹ April 17, 1990. Transcript of the Landmark Preservation Commission Executive Hearing in the Matter of the City and Suburban Homes Company.

¹⁰² Interview with David F.M. Todd on March 14, 2006.

River, was essentially a laboratory of design for the City and Suburban Homes Company to learn from when construction of the complex progressed from one phase to the next. Todd explained that, in his opinion, the opposition's criticism of the City and Suburban Homes' original development plan as not innovative enough fails to fully comprehend the York Avenue project and its evolution. Todd passionately said to the other Commissioners,

“This [design experimentation] is the incremental side of housing and one who has worked with the New York City Housing Authority knows that you get pretty frustrated but they are learning by experience and the little changes that happen along the way don't appear to be very much at a given time, but they are damn important in going forwards an attempt to perfect the product. I think that is what we see in both of these projects [York Avenue Estate and First Avenue Estate], perhaps more so at the York Avenue project, because that had a number of different elements, some by different architects trying different things.”¹⁰³

Second, the York Avenue Estate was the last real demonstration of what private money could do to address the problem of affordable housing for the working class without some kind of government subsidy. Agreeing with the Kalikow team's characterization of the project as ultimately failing to yield an adequate return on investors' capital, Todd recognized that it was precisely this failure that led to the next, more successful effort to provide affordable housing to working class New Yorkers. Even failed efforts can sometimes become a profound product of our history.

Although not relevant as far as the law was concerned, the issue of the use of the York Avenue Estate seemed to figure prominently in the Commission's ultimate designation decision, focusing primarily on whether the complex was currently “living and surviving and

¹⁰³ April 17, 1990. Transcript of the Landmark Preservation Commission Executive Hearing in the Matter of the City and Suburban Homes Company. p 13.

participating in the life of the city, as it was intended to.”¹⁰⁴ Sometimes the Commission designates a beautiful piece of architecture that is just a structural shell, but in this case the Commission had an opportunity to designate a property that already possessed a socially vital and good use.

The Final Days of Deliberation

During the week that followed the Commission’s mid-April Executive Session, the attorneys for both Kalikow and the CSCSH submitted one last report in an effort to persuade the Commission. The Commissioners reconvened after that week to decide the fate of the York Avenue Estate as well as its older sister structure, the First Avenue Estate. Because both complexes were created by the same parent company, the City and Suburban Homes Company, it was impossible for the Commission to avoid making obvious comparisons and connections between the two, even though they were each considered separately for designation. In between votes, Chair Todd made some distinctions between the two. The First Avenue Estate was the earlier project and possessed a great deal of homogeneous architecture, since James Ware, who was directly influenced by Earnest Flag, was the architect for virtually the entire project, as opposed to the later York Avenue project, which was designed by a number of different architects.

The bulk of the commissioners’ conversation surrounded the York Avenue Estate as opposed to the First Avenue Estate because of the volumes of information and material presented about that project. In addition, the First Avenue Estate was not threatened by new

¹⁰⁴ April 17, 1990. Transcript of the Landmark Preservation Commission Executive Hearing in the Matter of the City and Suburban Homes Company. p 15.

development. In discussions concerning the York Avenue Estate, the commissioners mostly expressed their views about the legitimacy of the opposition's comments.

The Chair began by commenting on Kalikow's statement that was read, those "permitted to become tenants [of the York Avenue Estate] were subject to City and Suburban Homes Company's paternalistic management style, which was intended to control the working poor and to protect the investment of the City and Suburban Homes Company's owners."¹⁰⁵ The Chair addressed Kalikow's contention by saying, "I think it is a very insubstantial argument and one that is unworthy [of consideration]."¹⁰⁶ Commissioner Landau joined the conversation, saying: "We won't tear down every single war monument because they are on the wrong side."¹⁰⁷

Also relevant to the commissioners' discussion was the claim by Professor Handlin that "Philip Ohm was at best a laboratory technician and, not a good one at that; he was certainly not a Nobel laureate."¹⁰⁸ The Chair countered this point by referencing a statement submitted to the Commission on July 31, 1989 by Columbia University School of Architecture professor Plunz that wrote about the brilliance of Ohm's working 'laboratory' in the York Avenue Estate project. It was clear, at least to Todd, that Plunz presented the better argument.¹⁰⁹

Some of the commissioners also saw fit to interject their own insights and first hand experiences with the York Avenue Estate. Commissioner Schmertz who lived for eight years in the Cherokee apartments across from the complex on 78th Street and then seven years in a

¹⁰⁵ Closing Report to the New York City Landmarks Preservation Commission from Kalikow 78/79 Company, Part B. April 17, 1990. p 5.

¹⁰⁶ April 24, 1990. Transcript of the Landmark Preservation Commission Executive Hearing to designate the City and Suburban Homes Company's York Avenue Estate a city landmark. p 34.

¹⁰⁷ April 24, 1990. Transcript of the Landmark Preservation Commission Executive Hearing to designate the City and Suburban Homes Company's York Avenue Estate a city landmark. p 34.

¹⁰⁸ Closing Report to the New York City Landmarks Preservation Commission from Kalikow 78/79 Company, Part D. April 17, 1990. p 6.

¹⁰⁹ April 24, 1990. Transcript of the Landmark Preservation Commission Executive Hearing to designate the City and Suburban Homes Company's York Avenue Estate a city landmark. p 36.

luxury high-rise across 79th Street said, “I lived around that complex for fifteen years. ...I wanted to say personally that I never tired looking at it. ...It delighted me in all seasons, all weather, all lights.”¹¹⁰ Perhaps harboring interests similar to that of the neighbors comprising the CSCSH, Schmertz said his point was simply that the complex was a very interesting and very rich piece of architecture. This point ran contrary to Vice-Chair Willensky’s admission earlier in the conversation that he had never even taken notice of these buildings before hearing this case. But Willensky did lend some support to the claims of his fellow commissioner, Schmertz, acknowledging that the beauty of the complex was the plain architecture which was an honest tribute to the cause of building housing for the poor.

The discussion seemed to be headed in the direction of a favorable decision for designation until the old Junior League Hotel portion of the complex was brought into the discussion. The Commission was very unsettled about the renovations and improvements that were made to that portion of the complex in the late 1970s. An addition was put onto the roof, and the spaces where side porches once extended had been filled. Commissioner Silva noted, “I am troubled by the women’s hotel,” because the degree to which the old Junior League Hotel building had been altered was a significant adjustment to the exterior of this building.”¹¹¹

This was one angle that Kalikow might have been able to successfully push much harder; especially considering it was the portion of the complex that Kalikow most desired to develop. Already renovated into luxury apartments, the old women’s hotel proved to be the weakest link in the argument for the complex’s designation. The minimal attention that

¹¹⁰ April 24, 1990. Transcript of the Landmark Preservation Commission Executive Hearing to designate the City and Suburban Homes Company’s York Avenue Estate a city landmark. p 29.

¹¹¹ April 24, 1990. Transcript of the Landmark Preservation Commission Executive Hearing to designate the City and Suburban Homes Company’s York Avenue Estate a city landmark. p 41.

Kalikow seemed to pay to the hotel building may have proved to be a huge mistake in his efforts to redevelop the property overlooking the East River.

The Final Decision

On April 24th, 1990 the LPC unanimously voted to designate the entire fourteen building York Avenue Estate a New York City landmark. In their final decision, the only caveat was presented by Commissioner Willensky, who “hoped one day [the hotel building] will have its exterior character returned to the more distinguished character that it held when it first opened.”¹¹² The tenants, community members, and preservationists that made up the CSCSH were grateful that the York Avenue Estate had finally become an official landmark after such long battle with the owner.

The Coalition to Save City and Suburban Homes had lived up to their name, and Kalikow’s plan had been stopped before it ever got started. The buildings comprising the York Avenue complex were granted protection by the Landmark Preservation Commission from the wrecking ball. The use of the land was controlled. However, the use of the land was only limited to the extent allowed by preserved exteriors. The low-scale nature of the site was secured by a designation, but there was no protection offered by a landmark designation for the affordable housing element that the tenants needed.

The designation process was not completely over yet. As a formality, a designation report had to be sent to the City Planning Department outlining how the designation related to other land use issues, and then to the Board of Estimate, which held the power to grant final approval for landmarking the tenement complex.

¹¹² April 24, 1990. Transcript of the Landmark Preservation Commission Executive Hearing to designate the City and Suburban Homes Company’s York Avenue Estate a city landmark. p 60.

Conclusion



An apartment window facing the lightwell

Source: Meghan Boyce, February 2006

Foremost Lesson

Controversies and conflicts between preservationists and developers are arising everywhere, especially in places where the real estate market is hot. The pressure to develop is often met head-on with the need to conserve rare resources of the past for the benefit of current and future generations. At the core of this confrontation is a desire to control the use of land, making it imperative that neighborhood planning efforts understand and acknowledge the affects of landmark preservation.

Landmarking is Significant

At the heart of landmark preservation cases, like the one involving the City and Suburban Homes Company's York Avenue Estate, is the presumptive significance of landmark designation. This presumption was outlined in the Landmark Preservation Law of 1965 and was confirmed by the United States Supreme Court's 1978 decision in Penn Central Transportation v. New York City, which upheld that law.

Landmarks contribute to the integrity of a city for many reasons outlined in the preservation law, including compelling design, unique historical contributions, and memories of our culture. Our society and laws give sound reasoning for presuming the significance of landmarks; however, when discussing the particular category of individual exterior landmarks, the significance of the collective impact on the entire city is questionable, since such a small portion of the built environment actually falls within this category. For example, approximately 1,200 properties in NYC are designated as individual landmarks, which is less than one percent of the roughly 1,000,000 properties in the city.¹¹³ Despite the rarity of individual landmark designations, achieving landmark status can have a major impact on planning in portions of a

¹¹³ Diamonstein-Spielvogel, Barbaralee. The Landmarks of New York. 2005. p 14.

community since these areas become protected from change, thus making landmark designation a very serious and important process.

Individual landmarks, viewed independently or collectively, are significant, and the impact of landmark designation can be significant as well. There are both enhancing and restricting consequences to landmark preservation. By the very nature of the creation of a law that protects landmarks, the public good of conserving our historical and cultural resources is being acknowledged. The limiting aspects of landmarking however, are often not as explicit.

Landmarking as Land Use Control

One of the most restrictive functions of landmarking is its ability to control the way a site is used. After being designated a landmark, a building is protected from any proposals to alter or demolish the exterior character of the building. Only approval by the LPC could permit the exterior of a designated structure to be changed. In effect, the peripheral walls and ceilings would become permanent features defining the site and its use. Limited by its current form, the York Avenue Estate could not be used for many purposes other than low-rise residential apartment housing. For example, the designated York Avenue Estate, a complex designed as residential quarters, is not suitable to house a light industrial business since the small door and window features protected on the exterior of the buildings are not adequate for the output demands of an industrial business. Industrial business need large doors and loading docks to function properly; and these physical building requirements would not be compatible with the original and protected building design.

In a practical sense, zoning would typically control for such variation between residential and industrial use; however, in the battle over the York Avenue Estate, zoning

offered no protection since the high-density residential zoning code permitted both the current and proposed residential use. More effective than zoning at controlling the use of the land in this case, landmark preservation was used to maintain the status quo use of the land for small-scale low-rise apartment buildings by prohibiting change to any of the exteriors of the existing structures. The favorable response by the Commission prevented Kalikow from executing his development plan to raze four of the fourteen buildings comprising the York Avenue Estate and build a large-scale luxury apartment tower in their place.

Most likely Kalikow would have never purchased the complex from Scheuer had he known the York Avenue Estate would eventually earn landmark designation. Landmarked buildings require an important standard of care that does not interest some buyers. In addition there are certain limitations on proposed improvements or alterations to the façade. The restrictions and stipulations that may be placed on the owner of a landmarked structure may also reduce the property's value.

Although not an explicit land use control mechanism, landmark preservation often manifests itself as such through its direct influence on property values. Even if committed to a certain use, the real driving force behind investments in real estate is the potential to make a profit. In some cases, potential profits for real property influence the use of the site. Typically designating structures or districts as historic landmarks raises property values to a certain extent, therefore creating a larger profit potential for the owners after designation. However landmark designation may hinder a property owner from fully capitalizing on a strong real estate market since the conserved exterior caps the value-enhancing features of a property. For example, the York Avenue Estate was already located in an area with increasing property

values. Kalikow was concerned that landmark status would restrict the property's ability to create even more value by arresting the development of the exterior of the existing structures.

Ever since NYC passed its Preservation Law, restrained property values as an effect of land use control have been a concern shared by many owners in areas where the real estate market is strong. In 1967 the Washington Post featured an article about Cartier, the New York City jeweler, seeking to renounce its landmark status.¹¹⁴ Just one year after the LPC designated the four-story building on the corner of Fifth Avenue and 52nd Street, the building's landmark designation was withdrawn because the rightful owners of the property, who were revealed after the landmarking had occurred, objected that the property's future use and value would be limited by its designation.

The opponents to landmark designation bring to light a certain corollary of landmarking which affects the entire realm of city planning, not merely preservation. The preservation of landmarks may control the way that land or property can be used. Limitations on land use are such a common by-product of landmark preservation that documenting potential land use concerns are part of the landmarking process. After each favorable designation by the LPC, a report primarily concentrated on exploring how the designation relates to land use issues is given to the City Planning Commission for review.¹¹⁵ Although it was once debated that preservation and planning constituted separate fields of work and study, the connections between the two have now generally become accepted. Planning may clearly be accomplished through preservation, not merely through development.

¹¹⁴ "Cartier Forsakes Landmark Status." Washington Post. August 21, 1967.

¹¹⁵ Interview with Dorothy Miner on May 4, 2006.

Different Motives to Preserve

Certain planning related consequences that flow from invoking the Preservation Law, such as controlling the use of land, may motivate neighborhood advocates to use the law in ways other than its original intention. This of course assumes the law was intended to protect and honor the “special character or special historical or aesthetic interest or value” of the city’s most significant landmarks as stated in the law.¹¹⁶

Looking back at his experience on the Commission, David F.M. Todd confirmed that people often advocate for preservation while actually motivated to maintain low density or scale, increase property value, encourage gentrification, exclude certain individuals or classes of people, or create an aesthetic neighborhood appearance.¹¹⁷ The proponents of the York Avenue Estate’s designation were driven by several motives. While the tenants were largely motivated by a desire to sustain affordable housing, the community members yearned to maintain their neighborhood’s character, and the preservationists wanted to conserve the old tenement complex as a learning tool to help future generations understand the early model tenement movement in NYC. The common thread underlying these very differently motivated groups was Kalikow’s plan to raze the York Avenue Estate and build high-rise apartment towers along the East River; therefore, a unifying solution to each concern was stopping Kalikow’s plan for development.

Although ulterior motives might appear to frustrate the significance of landmark preservation efforts, the possible presence of suspect claims should force the decision-making body to be more discerning when considering a case for designation. Mandating that designation authorities only preserve what is significant and worthy of landmark status

¹¹⁶ NYC Administrative Code § 25-301.

¹¹⁷ Interview with David F.M. Todd on March 14, 2006.

increases the standards of significance; however, this assumes that these decision-making bodies are adequately trained to identify significant structures based on their unique architectural, historical, and cultural characteristics.

Planners: On Your Mark, Get Set, Go...

According to a New York Times article published around the time the original NYC Landmark Preservation Commission was formed, the structures initially considered for designation “were selected for inherent architectural or historic values that reflect[ed] the evolution of the city.”¹¹⁸ As a result, architects and architectural historians in NYC were understandably asked to contribute to the discussions. Professionals in these fields became immediately and heavily involved in the process, and thus the direction of landmark preservation turned more toward one of design and aesthetics. This is clearly evident in the 2004 NYC landmark statistics which show that only six percent of designated individual buildings were presented to the Commission based upon cultural or historical significance standards.¹¹⁹ The result that flowed from this was, not surprisingly, that future landmark cases possessing social or historical value were argued before the Commission primarily on their aesthetic and architectural value.

Often times, landmarks with social and historical significance are considered marginal cases because there is not as much existing documentation or precedent to validate their designation as in cases that emphasize architectural importance.¹²⁰ As a result of such marginalization, landmark designations based on cultural and historic value are often the ones

¹¹⁸ Ennis, Thomas. “Landmark Commission Seeks to Preserve Splendor of City’s Past.” New York Times. July 21, 1963.

¹¹⁹ Diamonstein-Spielvogel, Barbaralee. The Landmarks of New York. 2005. p 14.

¹²⁰ Interview with Anthony M. Tung on March 8, 2006.

that produce the bloodiest battles, like the battle over the York Avenue Estate. One way to conceal these battle scars or even avoid some of them altogether is to make a claim primarily for architectural importance in addition to the historical and cultural merits of a proposal.¹²¹ This was one technique employed by the CSCSH. A review board that is heavy in architectural knowledge is much more likely to understand and relate to issues that speak to their area of expertise. The problem with this reality is, assuming the Preservation Law was created to equally value “structures with special historic, cultural, or architectural significance,” those claims based on historic and cultural significance will continue to be marginalized, forcing advocates for landmark designation to present a case they believe can survive board review as opposed to one based on authentic and more meritorious considerations.¹²²

These marginal cases, which have been brought into the discussion by heated designation battles and excited media campaigns, have helped expand the consideration of issues and the value of landmark designation into a wider range of professional fields involved with guiding the evolution of a city and directing its resources. As more documentation becomes available about designations of cultural and historic significance, the margin shows signs of shrinking, which may indicate a possible shift in the preservation movement in NYC, one of the most progressive cities in the country.

Since the value of cultural and historic structures is often not visually distinguishable, it is understandable that most of the designations to this point in time have been based upon architectural distinctions. Very simply put, architecturally significant landmarks are easy to identify since their significance is visible in the tangible structure itself, as opposed to the intangible and often unrecognizable significance of a structure’s impact on culture or history.

¹²¹ Interview with Anthony Wood on March 24, 2006.

¹²² Penn Central Transportation Company v. City of New York, 438 U.S. 104, S.Ct. (1978).

For more than forty-years, the Commission has designated most of the visibly significant buildings within New York City, so statistically it makes sense that we're beginning to see a shift in the types of individual designations that are being granted by the Commission. The shift from largely architectural landmarking to more cultural and historic recognition is not a reflection of the city running out of significant landmarks, but rather attention finally on the cultural and historical language in the law. Modern cases such as the one involving the York Avenue Estate is evidence of a move in the direction of cultural and historic preservation efforts.

Issues of important qualities that may lie beneath the surface are very complicated and difficult to comprehend, especially when a battle rages between two conflicting parties or ideologies. After considerations move beyond a structure's superficial beauty, it becomes especially vital for individuals trained in those areas less susceptible to physical review to become more involved in the preservation movement generally, as well as in specific designation efforts. Both urban planners and historians are qualified to recognize the beauty and significance that may reside beneath the surface of these structures. Since planners are trained to understand issues of social and cultural significance, and urban historians are similarly skilled, it would be a mistake for scholars and professionals in these fields to assume that preservation falls solely within the realm those skilled in architecture and design.

Final Remarks

Landmarks are significant contributions to maintaining and enhancing the integrity not only of New York City, but of all American cities. The honor of being designated a landmark however also yields serious consequences to the property, its neighborhood, and the larger

community. Stifling control over the use of land is one by-product of landmark designation that has serious implications for city planning. As a result, landmark preservation efforts may be inspired by a number of different motives, some true to preservation and some true to these residual and influential consequences.

Preservation has proved to be a very dynamic and multifaceted planning tool largely because of potential for raising arguably improper claims for landmark designation. Although ulterior motives, such as seeking primarily to control the use of land and halt proposed development, bring a case to the attention of the Commission, this does not necessarily mean that the claim on behalf of the potential landmark should be disregarded. The Commission has the responsibility to make decisions that honor the letter and spirit of the landmark law, but the advocates for preservation do not share that responsibility. The onus falls on the Commission to ensure that sites are not improperly designated. Further more, sites worthy of landmark status should be designated regardless of the motives for seeking such designation. With such a high standard placed upon the Commission, it is imperative that the most qualified people make-up the Commission.

The Epilogue



The decorative railing outside of 513 E. 78th Street

Source: Meghan Boyce, March 2006

The Battle Continues

A landmark designation is official after the Board of Estimate approved the decision made by the LPC. Composed of the mayor, the comptroller and the President of the City Council, each having two votes, and the five borough presidents, each having one vote, the Board of Estimate was a political body. If a Board of Estimate decision over the York Avenue Estate landmark designation was challenged, then the battle would become even more political. Armed with a team of well-connected lobbyists and lawyers as well as his deep pockets, Peter Kalikow was well equipped to wage a political battle. On the other hand, the CSCSH, which exhausted much financial and network energy to get to this point, would be at a disadvantage. The CSCSH felt very confident that this political war would never be waged since the Board of Estimate had only overturned or altered a LPC decision a handful of times since the LPC's existence in 1965.¹²³

However, in August of 1991 the Board of Estimate voted 6 to 5 to strip the four buildings closest to the East River of the landmark status. Essentially, the Board of Estimate was supporting Kalikow's "compromise plan," which involved preservation and landmark status grants for ten buildings and allowing Kalikow to construct one tower in place of the four buildings closest to the River.¹²⁴ The Board of Estimate members opposed to the compromise was Mayor David Dinkins, Manhattan Borough President Ruth Messinger, and Comptroller Elizabeth Holtzman. This is significant because this was the first time in history that the Board of Estimate overturned a LPC decision that had the support of both the Mayor and the respective Borough President. The LPC was furious. Successor to David F.M. Todd, Laurie

¹²³ Terry, Don. "Board Approves Demolishing Part of Landmark". New York Times. August 22, 1990.

¹²⁴ Terry, Don. "Board Approves Demolishing Part of Landmark." New York Times. August 22, 1990.

Beckleman, expressed concerns that the “Board of Estimate had set a very bad precedent...that our [LPC] designations can be negotiated.”¹²⁵

Adding to the political dynamic of the case, the Board of Estimate was effectively acting as a lame duck.¹²⁶ In 1989, the United States Supreme Court had declared the New York City Board of Estimate unconstitutional on the grounds that the city's most populous borough (Brooklyn) had no greater effective representation on the board than the city's least populous borough (Staten Island), an arrangement illegal pursuant to the high court's 1964 "one man, one vote" decision.¹²⁷ During this period, the credibility of the Board of Estimate and its decisions were questioned.

It's All or Nothing

Although the LPC did not agree with the Board of Estimate, the LPC did not attempt to challenge the decision made by the superior Board of Estimate. In fact the broader preservation community in New York City was fearful for a challenge of the Board of Estimate decision. Such a challenge might provoke an ill impression of the preservation community in NYC by the newly forming City Council, which was being developed to takeover many of the out-going responsibilities of the Board of Estimate. The preservation community was concerned for its larger reputation which might be understood as a resistant group to such a governing body, its process, and its decisions. On the other hand, the preservation community sympathized with the CSCSH's longing to get all fourteen buildings designated.¹²⁸ Only one possible

¹²⁵ Dunlap, David. “Court Blocks Giant Tower Proposed by Kalikow.” New York Times. May 20, 1992.

¹²⁶ After the City Charter was rewritten, the City Council then ended up assuming most of the responsibilities that the Board of Estimate had handled.

¹²⁷ Reynolds v. Sims, 377 U.S. 533 (1964)

¹²⁸ Bagli, Charles. “Opponents Vow to Continue the 6 Year War with Kalikow.” New York Observer. September 3, 1990.

arrangement would satisfy the CSCSH: to designate the complex in its entirety; and only one possible place was left to challenge the Board of Estimate's decision: the judicial system. Without the official support of the preservation community, the CSCSH would have to continue the battle alone. Waging a court battle would mean that more energy and money would be required of the two already fatigued opponents.

On November 26, 1990, the CSCSH filed a suit in New York Supreme Court in an effort to initiate an Article 78 proceeding - an infrequently used civil procedure that allows a party to challenge a governmental action if it has been made in an "arbitrary and capricious" fashion. Before the trial court, this petition was denied; and then the CSCSH appealed to the Appellate Division of the Supreme Court of New York in Manhattan. During August of 1991, Kalikow filed for personal bankruptcy and shortly afterward Chemical Bank and Chase Manhattan Bank foreclosed on the property.¹²⁹ Without much fight from the exhausted and financially strung-out Kalikow team, the NY Supreme Court unanimously reversed the lower court's decision in 1992 based on the theory that all fourteen buildings together defined the York Avenue Estate, and therefore preserving all fourteen was essential to landmark designation.

THAT'S *ALL* FOLKS

After seven years of intense conflict Kalikow's plan to develop the area had finally been stopped. Although the physical exterior of the buildings were safeguarded from change and the use of land was restricted, the affordable housing component that was fundamental to its history was not guaranteed. In order to ensure a socially conscious landlord, the CSCSH began exploring ways to attract the right buyer for the complex. Kathryn Wylde, President of the New

¹²⁹ Dutt, Jill. "Chemical Moves in on Kalikow Property." New York Newsday. July 2, 1992.

York City Housing Partnership Development Corporation, spearheaded a study on behalf of the CSCSH that would clarify and evaluate various financial mechanisms that might be used to restore the complex to full capacity. Funded by The Vincent Astor Foundation, the study would be used as a resource in anticipation of a new responsible owner.

In July of 1993, shortly after the study was published, the complex was scheduled to be auctioned-off to the highest bidder. The offer that was accepted belonged to the Wasserman Family, who had been realtors and property managers for almost thirty years in the Bronx and Upper Manhattan. The family paid a total of \$31 million for the entire complex.¹³⁰ Betty Wallerstein wasted no time in setting up a meeting with the new owners in order to educate them about the recent landmark battle that was waged over this property as well as assure the new owners that their investment was a sound one. Some priority had to be given to maintaining the affordable apartments though. In the fall of 1994, the Wassermans gave their permission to the National Register of Historic Places to officially register the City and Suburban Homes Company York Avenue Estate on the nation's list of significant landmarks.¹³¹

As of the time this thesis was written in May 2006, the Wassermans still own and manage this property. The CSCSH still give tours of the landmarked complex in the summer. The tenants continue to be satisfied with their landlord, and are grateful for the space given for the CSCSH archive room located in the basement of 511 78th Street. There are still some apartments that are rent controlled or rent stabilized, but more and more elderly tenants are dieing and thus the affordable mechanism the CSCSH fought so hard to maintain is slowly concluding. Currently, the York Avenue Estate is a market rate apartment complex that recently won a city award for its exterior restoration project.

¹³⁰ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 57.

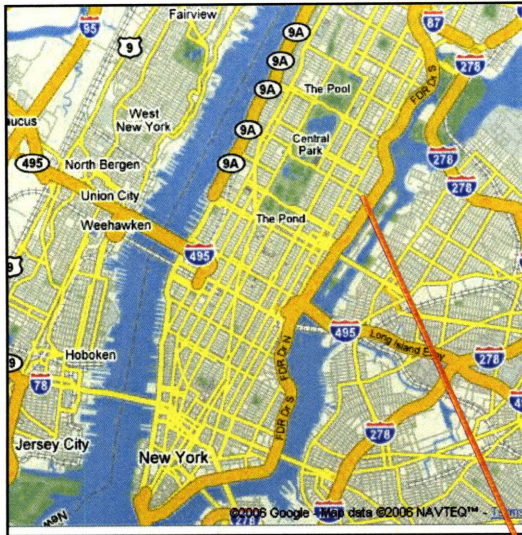
¹³¹ Gilbert, Anne. The Fight for City and Suburban Homes. A Model for Successful Community Action. p 57.

As for Peter Kalikow, he is presently the Chair of the New York Metropolitan Transportation Authority, having been appointed by New York Governor and fellow Republican George Pataki in 2001. His term expires on June 30, 2006.¹³² As the third generation of a 75-year old family real estate firm, he remains the president of H. J. Kalikow & Company.

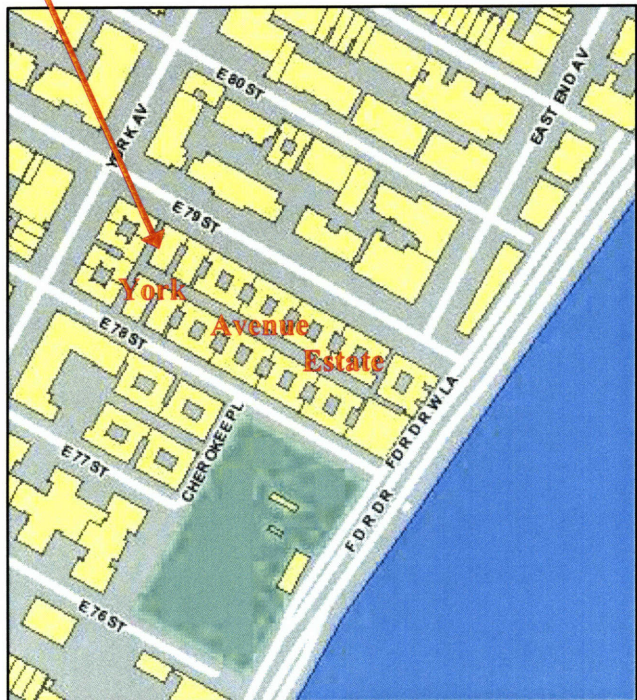
¹³² http://en.wikipedia.org/wiki/Peter_Kalikow

Appendix A – Location Map of York Avenue Estate

Map of Manhattan Island



Map of York Avenue Estate Neighborhood



Source: www.nyc.gov

Appendix B - Aerial View of the complex

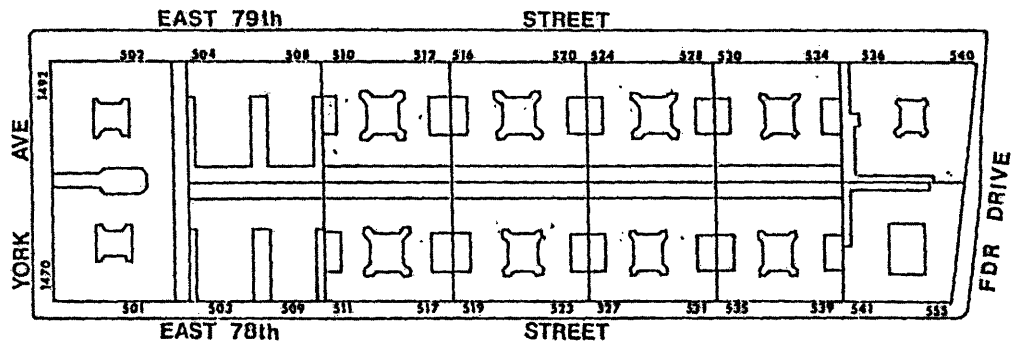


www.local.google.com



Appendix C – Aerial Layout Sketch

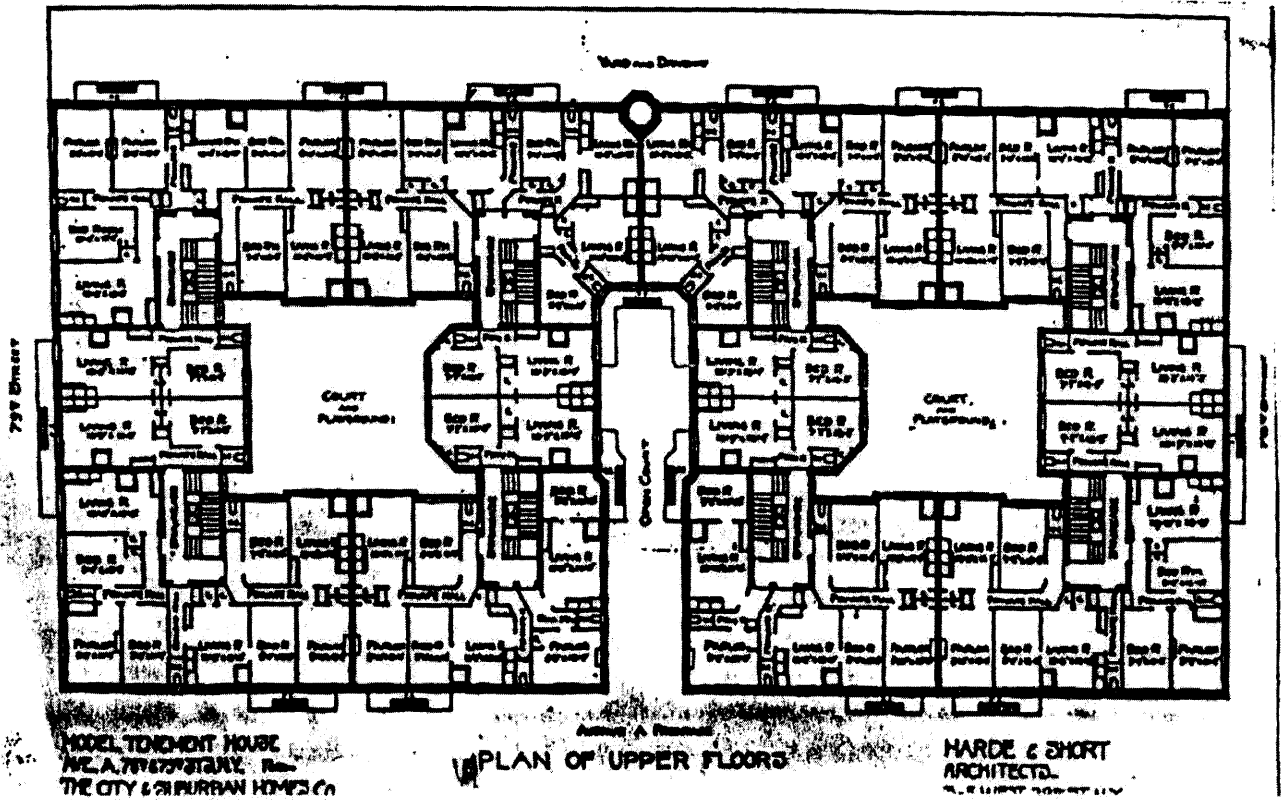
CITY AND SUBURBAN HOMES COMPANY
AVENUE A (YORK AVENUE) ESTATE



LANDMARKS PRESERVATION COMMISSION

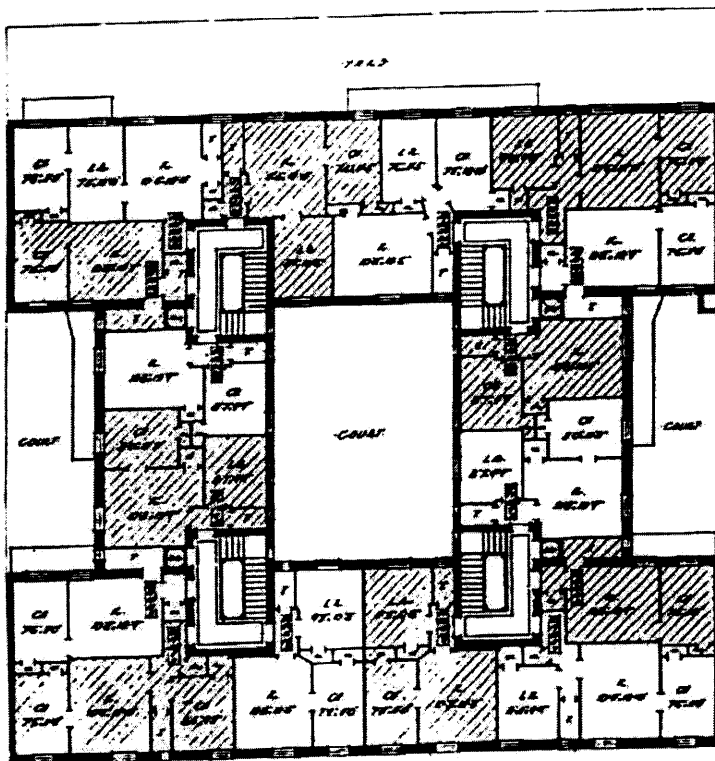
DESIGNATED - APRIL 24, 1990

Appendix D – Typical Floor Plans for a building in the York Avenue Estate



1470-1492 York Avenue, Plan

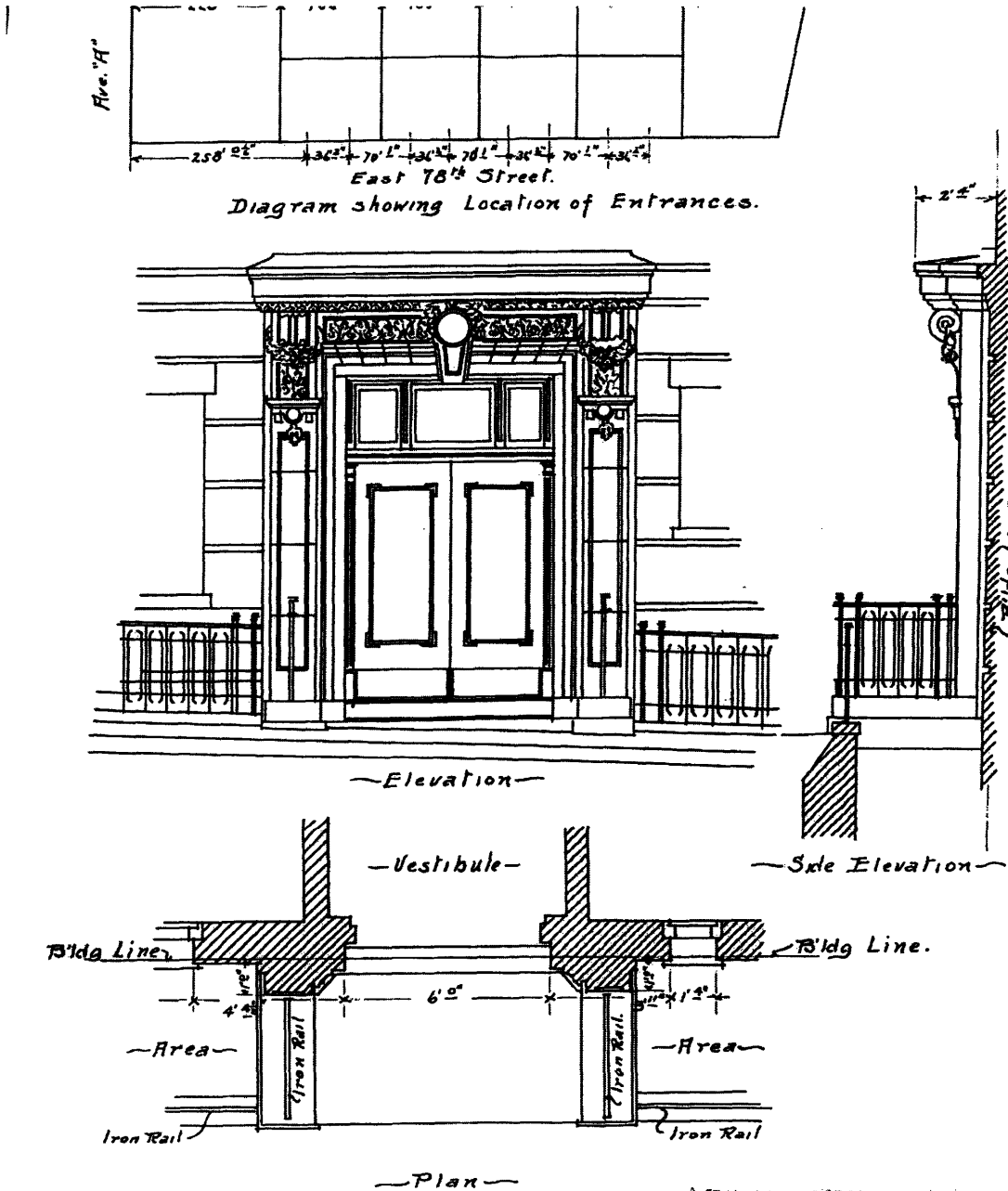
fig. 12



Philip H. Ohm, 511-17 E. 78th Street, 1906.

Plan

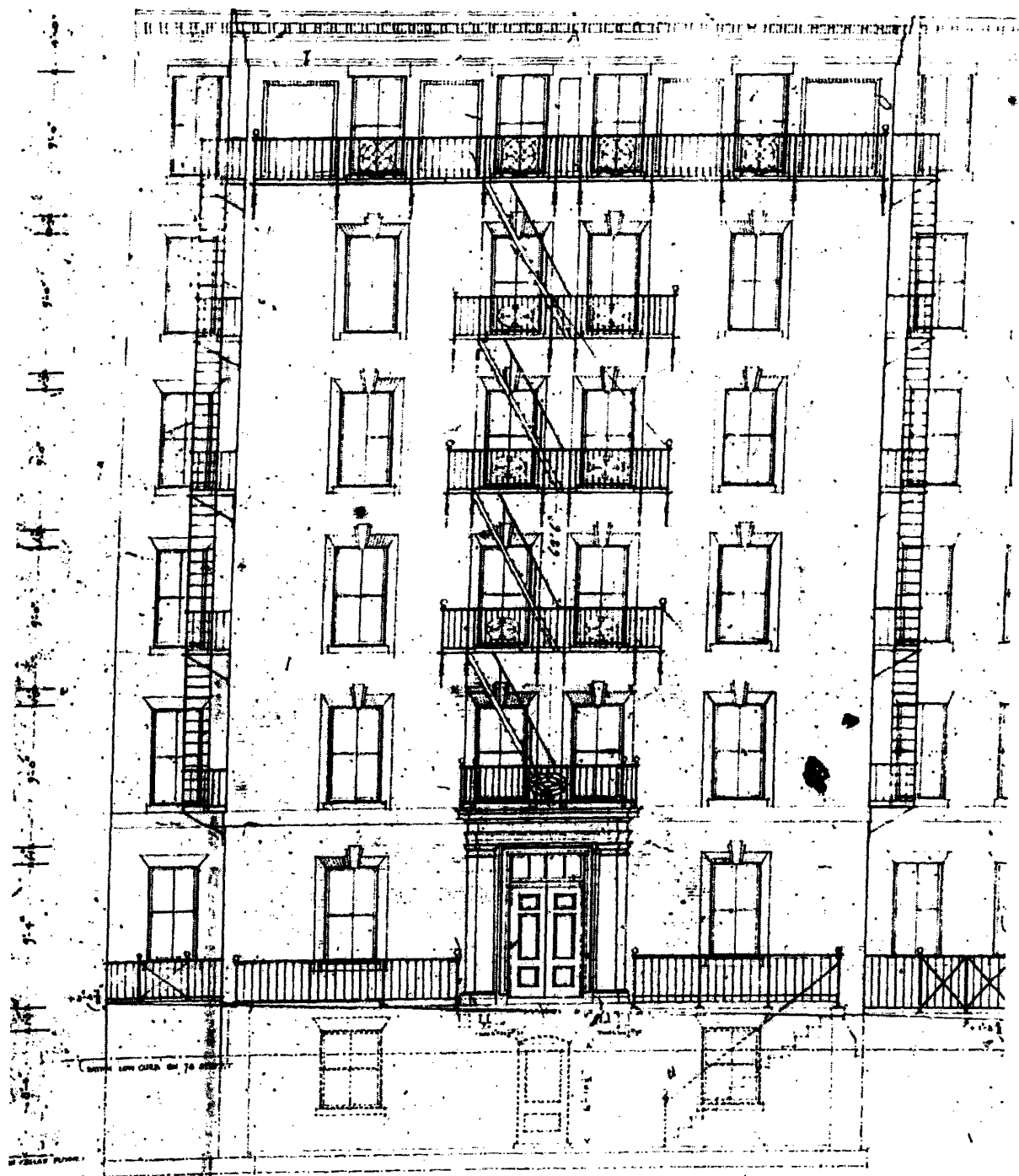
Appendix E – Typical Exterior Plan Drawings for a building in the York Avenue Estate



Entrances to be Erected on
E. 78th & 79th Sts. N.Y.C.

City & Suburban Homes Co. Owners & Architects.
281 Fourth Ave. N.Y. City.

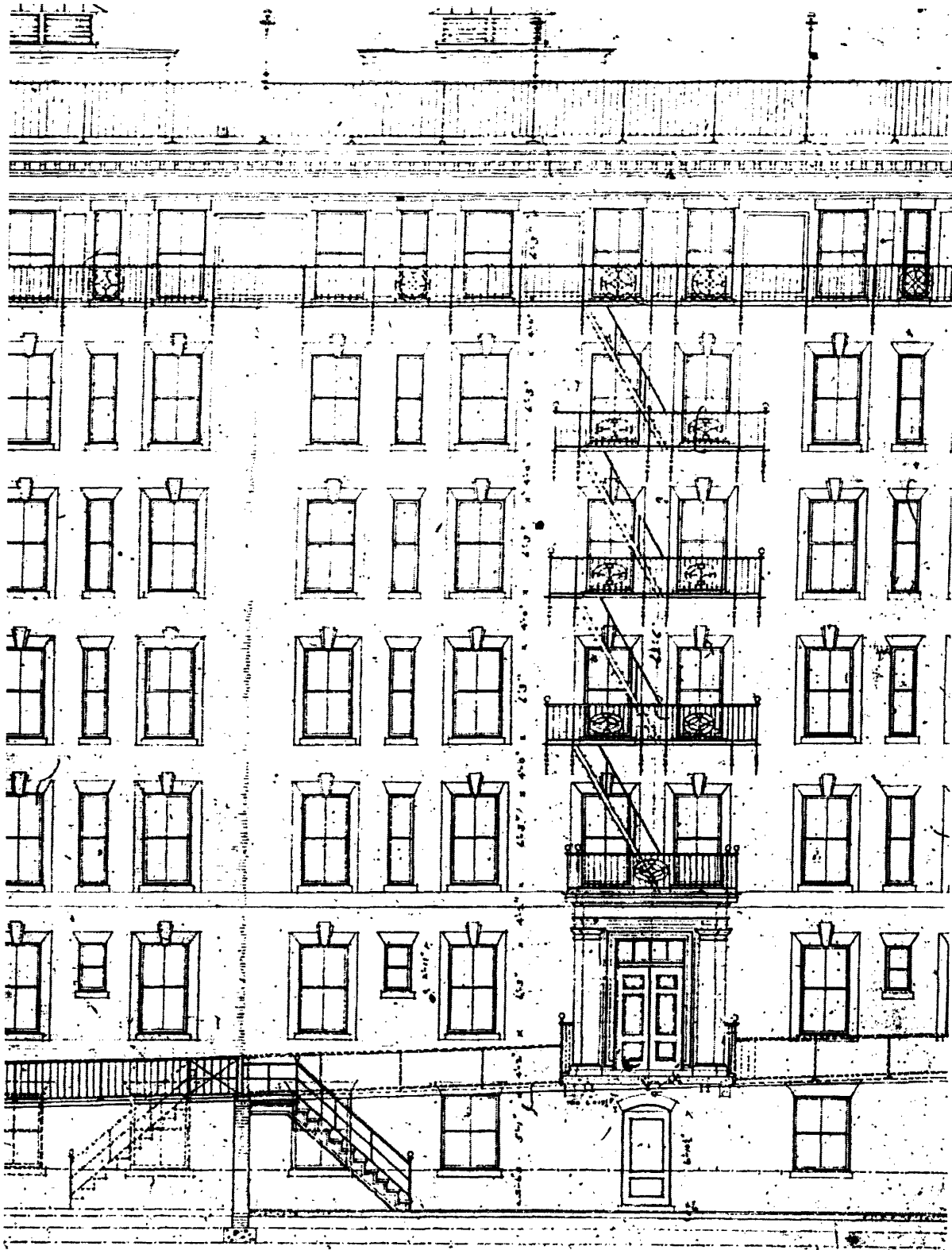
A true copy of plan...
of the Board of...
of the Board of...
Apr. 9, 1906
Clinton K. ...
Sec. Board



Percy
Griffin

503-509 E 74

PERCY GRIFFIN ARCHITECT



Appendix F - Abbreviation and Synonyms

Abbreviations

Tenant Association of the City and Suburban Home Company.	. Tenant Association
Coalition to Save City and Suburban Housing.	. CSCSH or Coalition
York Avenue Estate.	. the complex
New York City.	. NYC or the City
Kalikow's expert scholars.	. the scholars
NYC Landmark Preservation Commission	. LPC or Commission
American Institute of Architects.	. AIA

Synonyms

York Avenue Estate = Avenue A Estate¹³³

Cherokee Apartments = Shively Sanitary Tenements = East River Houses

¹³³ Avenue A was proposed as an addition to the Commissioners' Plan of 1811 for Manhattan, which designated 12 broad north-south Avenues running the length of the island. The geography of Manhattan left a large area on the Upper East Side east of First Avenue without a major north-south thoroughfare, so Avenue A was extended to compensate. During the early 19th century Kips Bay and Turtle Bay were actual bays, which interrupted the continuity of Avenue A. When those areas were filled in they became Sutton place, and only the lower portion remains Avenue A. The upper portion of Avenue A became known as York Avenue in 1928. Since construction for the model tenement complex named after the Avenue it was situated upon began in 1903, it was historically called the Avenue A Estate and then later called the York Avenue Estate. York Avenue was given its name as a result of the region of New York City that it serves known as Yorkville. York Avenue is now a short north-south thoroughfare on the East Side of Manhattan in New York City which runs from 59th Street north to 91st Street in the Upper East Side.

Appendix G – Timeline

1867

- NYC Tenement House Law requires at least one water closet for every 20 tenants and mandatory fire escapes.

1877

- Tenement House Law amended to require adequate fireproofing and proper ventilation.

Late 19th century

- NYC tenement system was declared worst in the world.
- Architects Flagg and White work on building a cost efficient tenement design that bettered the living conditions in these social housing complexes. They led the American model tenement movement.

1896

- Improved Housing Council was formed - largely made up of prominent New Yorkers such as Astor, Cutting, Rockefeller, Morgan, and Stokes.
- A few members of the Council decided to organize their own limited dividend company called the City and Suburban Homes Company was created.

1901

- The Board of Estimate in NYC was founded with the authority to establish the city's budget. It was also given power over zoning and development, and retained oversight over all municipal agencies – including the LPC when it was formed decades later. The Board of Estimates comprised of 8 voting members: the mayor, president of City Council, and comptroller (each with two votes) and the five borough presidents (each with one vote.)

1902-1913

- The City and Suburban Homes Company developed a fourteen building tenement housing complex called the Avenue A Estate between East 78th and East 79th Streets and then between Avenue A and Franklin D. Roosevelt Drive.
 - The complex was the largest low income project in the country. There were 1200 apartments, 8 commercial stores, and a hotel with 336 rooms for working women.
 - It is unclear which architect(s) designed this space, although Philip Ohm was thought to have built the majority of the hotel space.
 - The complex was built on a lot more than 100 feet wide.

1928

- Upper Portion of Avenue A was renamed York Avenue.

1965

- LPC was created.

1978-1989

- Edward Koch was mayor of NYC.

1984

- Kalikow purchased the York Avenue Estate for \$43 million from Richard J. Scheuer.
- Kalikow sent eviction notices to tenants of the York Avenue Estate
- Kalikow announced plans to develop entire block, involving the demolition of all existing buildings. Four 46-story luxury apartment buildings were planned to be erected on the site.
- Under the NY State Division of Housing and Community Renewal, Kalikow proved that he qualified for a “special hardship provision” since he was not receiving an 8.5 % net return on his investment of a social housing apartment complex.

- Coalition to Save City and Suburban Homes (CSCSH) was formed by tenants and other citizens who opposed to the plans.

1985

- CSCSH hired their first professional, David Rozenholcreal, for his legal experience in real estate disputes.
- CSCSH made an effort to pursue a zoning designation as a “special planning community,” but the complex did not meet the requirements for such a zoning designation and no formal application process was pursued.
- Assemblyman Grannis and State Senator Goodman introduced legislation to deny Kalikow’s right to evict tenants if the hardship claim was proved to be based on inflated purchase price.
- The city had a near zero vacancy rate for affordable housing.
- (October) Kalikow proposed an alternative development which would retain 10 of the 14 buildings. Only one new luxury rental apartment building (sixty-five stories) was proposed to be erected on the portion of the parcel closest to the East River.
- (November 2) Kalikow held a public meeting in the local Public School 158 to address tenant concerns and inform tenants about buy-out terms. Only about a dozen tenants came, and a much larger portion demonstrated in front of the school.
- Kalikow was notified that York Avenue Estate was being considered by the NY State Dept. of Parks, Recreation, and Historic Preservation for nomination to the National State of Registers of Historic Places.

1986

- (June) The York Avenue Estate was declared eligible but not listed (because of owners objection) on the State Register and National Register of Historic Places.

1988

- Andrew Dolkart published his findings of the historical significance of the York Avenue Estate in a text called *A Dream Fulfilled: City and Suburban York Avenue Estate*. This publication was funded by the Vincent Astor Foundation and the JM Kaplan Fund.
- (March) Kalikow bought the NY Post for \$37.6 million.
- CSCSH organized walking tours and gallery exhibits of the York Avenue Estate for the first time.
- Kalikow revised his “compromise plan” to build an 81-story tower.
- Kalikow filed plans with the NYC Department of Buildings for construction upon the site of a residential building eighty-one story-tall, which was allowed “as of right” under the NYC Zoning Resolution.
- The plan was scaled down to sixty-five stories once again.
- (June) The LPC voted to calendar the York Avenue Estate for a public hearing on October 6, 1988.
- Senator Goodman requests a \$10,000 appropriation that enabled the commission to hire an additional part-time researcher.
- (August 9) Notification went out about the complex’s Public Hearing on Oct. 6th
- (October 2) Paul Golberger, architecture critic for the NY Times, wrote in favor of designation.
- (October 6) NY Times editorial warned that “torturing the Landmark Preservation Law to block sensible development ultimately only weakens the law and the commission that administers it.”
- (October 6) Public hearing was held in the Board of Estimate chambers at City Hall. The hearing consisted of two hours of testimony in opposition to designation and seven hours of testimony in favor of designation.

1989

- (February) Mayor Koch appointed David Todd as Chair to the LPC. Todd was the former AIA New York chapter president and an architect with a history of working with social housing.
- The United States Supreme Court ruled that The Board of Estimate’s voting structure violated the “one person, one vote” provisions of the 14th Amendment, and therefore was found to be unconstitutional.

1990-1993

- David Dinkins is mayor of NYC.

1990

- (April 24) The LPC voted unanimously to designate the York Avenue Estate a NYC landmark.
- (June 11) City Planning Commission announced approval after determining that such designation would not interfere with any planned public improvements or violate the city's zoning resolutions.
- Commissioner Laurie Beckelman replaced David Todd as LPC Chair.
- (November) City officials drafted a new city charter that dismantled the Board of Estimate and redistributed its power to the mayor, the City Council, and the Planning Commission. Voters approved the charter, and for the remaining nine months the Board of Estimate would be acting as a 'lame duck.'
- Kalikow hires attorney Harold Ickes, who was campaign counsel to David Dinkins for mayor.
- Coalition members requested meeting with the 8 voting members of the Board of Estimate.
- Ruth Messinger, Manhattan Borough President, was against the compromise plan, and in favor of full designation.
- (August 21) The Board of Estimate voted 6 to 5 for the compromise plan – stripping four buildings of their landmark status. Dinkins (2 votes), Holtzman (2 votes), and Messinger (1 vote) voted against the plan.
- The CSCSH decided to file an Article 78 law suit with the NY Supreme Court.

1991

- NY Supreme Court Judge Charles Ramos heard the case, and on Aug. 21st Article 78 petition was denied.
- (August) The CSCSH filed a motion for temporary injunction to prevent Kalikow from altering the buildings while the lawyers prepared an appeal. The motion was denied.
- CSCSH filed an appeal over this decision.
- Over \$350 million in debts, Kalikow filed for bankruptcy on these buildings.

1992

- (May 19) The CSCSH's appeal was presented in front of Justice Francis T Murphy and four other judges of the Appellate Division of the Supreme Court of NY in Manhattan. They unanimously reversed the lower court's decision based on the theory that all 14 builds had been designated a landmark, and therefore preserving all 14 was most consistent.
- (May 21) The Corporation Counsel for the City of New York threatened to appeal the court's decision since it curtailed the council's power over landmarking. Kalikow submitted their own motion to appeal, which was joined to the City Councils.
- CSCSH responded with their brief opposing the motion.
- (July 1) Chemical Bank announced it initiated foreclosure proceedings on the ten buildings it held mortgages.
- Appellate Division denied the motions of both Kalikow and the city's Corporate Counsel.
- Kalikow and Corporate Counsel filed suit to the Court of Appeals in Albany.
- (December 12) The Court of Appeals in Albany denied the request.

1993

- Alan Wasserman, and his father Stanley, bid \$18 million on the 10 buildings foreclosed by Chemical Bank. Their offer was accepted, and the deal was closed one month later.

1994

- Stanley Wasserman and Company purchased the remaining buildings from Chase Manhattan Bank for \$13 million.

- The York Avenue Estate was added to the National Register of Historical Places when Wasserman gave his approval as the new owner.

Appendix H - Sample Interview Questions¹³⁴

1. Is it a common theme in the NYC preservation world for a developer and the community to find they are at odds, such as the case of York Avenue Estate situation? If so, why do you think that is the case?
2. Do you know what motivated Kalikow to initially build four high rise luxury apartments? Do you know what might have motivated him to change his plans?
3. What was the community like in this area? Who were the people making up the community; and what might have been their interests?
4. Do you recall the building tenant situation when Kalikow bought the complex? Who were the people living in these apartments; and what were the interests of the tenants?
5. What motivated the community to educate the tenants within the York Avenue Estate? What were the tenants educated about? Did this create a foundation for the formation of the Coalition to Save City and Suburban Homes? If not, what might have structured the formation?
6. Did you communicate with the Coalition to Save City and Suburban Homes? If so, in what capacity? Did you communicate with the Kalikow team? If so, in what capacity?
7. In your opinion, why did the LPC decide to hear this case?
8. In your opinion, do the LPC and other preservation-minded organizations tend to give greater weight to the opinions of experts or community members when considering a case for designation?
9. Do you believe that NYC preservation politics of the later 1980's into the early 1990's played a factor in the designation process for the York Avenue Estate? Please explain.
10. Do certain groups have a more effective connection with the LPC in terms of perspective and interests than other groups? Are certain groups viewed as a constant threat to the LPC and their objectives?
11. Why do you believe the LPC designated the York Avenue Estate as a city landmark?
12. Why do you believe the Board of Estimate overturned the LPC decision?
13. When Kalikow had the chance to change the facades of the buildings after the Board of Estimate's decision, and after the first appeal was denied, why do you think he did nothing?
14. Is there anything you can think of that I haven't inquired about, but should have?
15. Is there anyone else with whom you would recommend a conversation?
16. Would you mind if I contact you again if further questions arise throughout my research?

¹³⁴ Although questions varied depending on the person I interviewed this is a general list of interview questions I may have asked.

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About the Author

Before arriving in Cambridge, Massachusetts for her graduate studies, Meghan J. Boyce lived in Williamsburg, Virginia, a place well known in the American preservation movement for its recreation of an early Colonial town. The Department of Urban Studies and Planning at MIT offered an excellent forum for Meghan to better understand the common paradigms between historic preservation and economic development, and the effects on community culture and revitalization. As a community fellow her first year with a local Community Development Corporation in the Jamaica Plain neighborhood, Meghan was able to experience preservation planning by working on an adaptive reuse project for a late 18th century brewery building.

Meghan J. Boyce graduated with a Master in City Planning from MIT in June 2006. Upon graduation she worked for the International Council of Monuments and Sites Documentation Centre in Paris, France.

This thesis was produced on a Dell Latitude D600 computer with a Pentium M 725 processor running at 1.6 GHz, a 60 gigabyte hard drive, and Microsoft Word word-processing software. Photo images for this thesis were taken with the 733 Hewlett-Packard Photosmart digital camera with 128 MB ScanDisk Memory Card and 3x optical zoom lens.

