

Overbuilding By Community Facilities (Hospitals, Churches, Universities, Etc.)

by {ga=tangotti}

Friday, March 01, 2002 05:37 PM

The Topic

"Land Use" refers to the processes by which alterations are made to the built environment and the pr

The Context

New York City has over 200,000 acres of land, and we fight over every square foot. The city's land u

The Reporter

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The Archives

[See past monthly updates for Land Use.](#)

Many neighborhood groups have complained for years that New York City's zoning law lets community facilities like hospitals, universities and churches grow too big, and do so without their neighbors having a say. Community facilities can build much more than residential developers could on the same land, and they can do so "as-of-right" — without community review.

New York University is a case in point. According to the Greenwich Village Society for Historic Preservation, the university has used the community facility bonus since the 1980s to develop eleven high-rise buildings. Some of the buildings are more than twice as large as the surrounding residential buildings. The city's zoning law allows schools and like facilities to build up to twice as much in residential districts than permitted for housing. This encourages expansion into residential blocks and can produce buildings out of context with existing development. According to Arthur Strickler, District Manager of Community Board 2 in Manhattan (which includes Greenwich Village), NYU has "destroyed the views, light, and character of the neighborhood by building structures like fortresses that are ruining the neighborhood, especially Washington Square Park."

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The City Planning Department and City Council are considering changes to the community facility regulations in the zoning law. These are long overdue. The city's planners have studied the problem since the Koch administration but no administration since then has made the changes a priority. The previous City Planning Commissioner, Joseph Rose, tried to address the community facility problem by limiting the height bonuses in some residential districts as part of his proposed Unified Bulk zoning proposal, but was forced to remove the changes amid howls from institutional developers. The affected institutions clearly don't want more restrictions, and their expected opposition is one major reason why the rules haven't been changed. Recent articles signal the renewed interest in zoning changes: "A Delicate Balance: Community Facilities and Communities" by David Dunlap in the Sunday, October 27, 2002 issue of The New York Times Real Estate section; and an article by Aimee Molloy scheduled for the December issue of City Limits.

It appears that this latest attempt at zoning revisions will go forward in small steps rather than one giant leap, and thus could evade the political muscle of the big institutions. Queens Councilmember Tony Avella, chair of the Council's zoning subcommittee, is working on a measure that would require religious institutions and doctors' offices to provide better onsite parking. These institutions, he says, have intentionally abused a loophole in the zoning law that mandates parking based on seating that is fixed to the floor. Churches that have folding chairs can get away without providing parking, a problem in some Queens neighborhoods that have many new churches. City Councilmember Alan Gerson, who represents parts of Greenwich Village, is considering legislation that would limit the number of times that institutions can use the community facility bonus without first getting community approval.

But when it comes to limiting the overall size of community facilities, a bigger problem looms. One of the original reasons for the community facility regulations was to encourage institutions to concentrate their facilities instead of spreading out and taking over their neighborhoods. If the city takes away the zoning bonus, will this create an even greater problem of institutional sprawl? Or will it force giant institutions to finally question the wisdom of centralizing their operations? It is always assumed, but never proven, that concentrating health care and educational facilities, for example, is more efficient. But what may be logical and beneficial for the administration and staff may not be best for the city's neighborhoods or the people who use these services. Many institutions have already decentralized to serve a population that's spread throughout the city. For example, the City University of New York has twenty-two campuses in the five boroughs. We don't hear anyone clamoring to bring them all under one roof, for very good reasons. The multiple campuses are accessible to more students and offer a wide variety of specialized curricula. Very little would be gained by stuffing them all in the same district.

Zoning Revision: False Promises

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The city's planners keep looking at the community facility problem as a zoning problem, not a planning problem. But zoning changes alone won't resolve the basic conflicts between big institutions and their neighborhoods. The conflicts come about because of a lack of planning -- planning by the institutions, and planning by the city. Imagine what would happen if every hospital had a long-range plan for facility development that it put together with the advice and consent of neighborhood leaders. Imagine if each neighborhood had a long-range development plan that incorporated the needs of its major institutions. Zoning would then do what it was meant to do, and what it does in other cities — lay out the rules established by plans. The planners in New York City use zoning as a substitute for planning instead of as an instrument for planning.

There is a bigger problem looming, however, and it usually is not mentioned in the zoning debates. The problem is with the location of some community facilities, like homeless shelters and drug treatment facilities, which tend to be concentrated in lower-income neighborhoods because other neighborhoods do everything they can to keep them out. The city doesn't enforce the principle, buried in the New York City Charter, that neighborhoods should have no more than their fair share of burdensome community facilities. Consequently, they force the "over-burdened" neighborhoods — like Fort Greene in Brooklyn, for example, which is now putting up a fight against a homeless facility — into a position of opposing new facilities that are desperately needed in the city. The main reason is not the exclusionary sentiments of the lower-income neighborhoods (though it would be hard to deny that these sentiments play a role), but the failure of the city to plan comprehensively and involve all neighborhoods as partners in developing these facilities. If people who live and work in every neighborhood are involved in the problem-solving process, with the assumption that every neighborhood must provide its fair share of facilities, the outcome would be quite different. In Seattle, for example, the city's master plan projected future housing needs and let each neighborhood come up with a plan to locate its fair share of new housing, including low- and moderate-income housing.

Perhaps New York City's planners should be looking at the issue of dispersing community facilities. The zoning law actually encourages the dispersal of nursing homes — a reaction to opposition in some communities. There is a precedent, then, for using zoning to both disperse and concentrate community facilities. What is lacking is an open, transparent planning process in every neighborhood that involves neighborhoods as partners in determining the best outcomes for them and the city as a whole. The city's central offices are very poor advocates for city-wide interests because they don't effectively deal with fair share issues, thereby encouraging concentration. Maybe it's time to give the neighborhoods both the responsibility and authority to do what the city hasn't done. Then it may be possible to have zoning rules that are fair and equitable.

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New York City's non-profit institutions pay no real estate taxes or make limited contributions to the city in lieu of taxes. As a group, community facilities get a hefty subsidy from taxpayers. This is justified because these institutions provide services that we, collectively, consider to be important. It should also justify public involvement in making the policies that directly affect the communities in which these institutions are located. That's a job for planning, and not just zoning.

Aimee Molloy, an urban planner and freelance writer, contributed to this column.

Sites For Beginners:

- [How Zoning Works](#) - An overview of zoning: its definition, purpose and implementation in NYS and NYC. This primer also explains who has authority to make which decisions, with accompanying laws and citations. Excellent.
- [NYC Department of Planning](#) - The official city site, revamped, frequently updated, colorful, a good repository for official New York City Land Use documents. Find the complete text of the Zoning Resolution (a hard copy would run you \$400+) and downloadable zoning maps. Find out which zone you live in!
- [Regional Plan Association](#) - The venerable and still influential pro-planning organization. Particularly good for information on big-item controversies, e.g. Governor's Island. Second Avenue subway, anti-sprawl legislation. Check out their MetroLink proposal and the Gowanus Tunnel Study.
- [NY Metro APA](#) - A small site for the local chapter of the national professional organization: [American Planning Association](#).
- [Municipal Arts Society](#) - A great place for all things regarding New York planning, architecture and design. Most relevant: the just released [Briefing Book of Community-Based Plans](#) available to download, which offers for the first time ever a comprehensive look at the sometimes spotty, sometimes inspired plans for (and from) each neighborhood across the city, complete with maps and community contact information.
- [NYU's Urban Planning Links Page](#) - This page is chock full of great land use links which focus both on NYC and the USA.
- [Planners Network](#) - The national organization of progressive urban planners and community activists, founded in 1975, publishes Planners Network: The Magazine of

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Progressive Planning four times a year. Selected articles from back issues and other working papers are on the web site. Membership is affordable and open to all, and members receive the Magazine free.

Other Recommendations:

- [Air Rights](#) - An old Gotham Gazette Issue of the Week, still relevant and interesting, though a slightly arcane Land Use topic.
- [Tenant Net](#) - A great source for NYC real estate, if slightly biased toward the lessee.
- ["The Cultivator by Martin Filler"](#) - A fascinatingly critical article about Fredrick Law Olmsted and what's wrong with Witold Rybczynski's new biography of him. From The New Republic.
- [New York Landmarks Preservation](#) - Packed with information on preservation and restoration of landmarked buildings.
- [New York City Landmarks Preservation Commission](#) - The Official City site for landmarks preservation.
- [Pace Law School Center for Land Use](#) - Excellent introduction to land use issues by a leading academic think tank. Check out the "Land Use for Local Leaders" section.
- [Van Alen Institute](#) - An immense amount of information on current and future NYC land use issues. Start with the well organized, user-friendly contents page and then zero in on your prime concern.