

**From the President**

## Skyline at Risk



Last year about this time, CIVITAS was in the thick of a fight to stop a developer intent on raising a 30-story glass tower above the low-rise Parke-Bernet building on Madison Avenue within the Upper East Side Historic District. Fortunately, the Landmarks Preservation Commission was persuaded that this dubious project was not a harmonious fit with the neighborhood.

The struggle continues, but with an unexpected twist. The proponents for inappropriate development now are not the major real estate firms, but rather respected non-profits who see an opportunity to generate coveted funds for their religious, educational, health and social programs. On the West Side the New-York Historical Society and Temple Shearith Israel both seek to put up residential towers on quiet, low-rise side streets. On the East Side, Ramaz School and its affiliated synagogue on East 85<sup>th</sup> Street between Park and Lexington Avenues are seeking approval from the Board of Standards and Appeals (BSA) to erect a 340-foot tower that will exceed contextual building height limits by more than 135 feet. All of the additional height will be devoted to residential apartments to be sold as a package to the highest bidder for resale to the luxury co-op/condo market. So too, Mount Sinai, a major force for good in the East Harlem community and the city at large, will seek BSA approval for a science and research building that includes a separate residential tower, topping off at 550 feet (and looming over Central Park), to be sold off to a private real estate developer.

There is no question that all of these institutions (and many more waiting in the wings) are engaged in worthy pursuits that often benefit the larger community. But, that cannot be the basis for looking the other way when

*Continued p. 7*

## There Goes the Neighborhood

### *Small stores and restaurants disappear from the Upper East Side*



*Architect David Beer recalls where the gracious old Loew's 72nd Street Theater stood*

Over thirty years ago, I wrote an article for the Long Island Newsday extolling the owner of the restaurant, Sign of the Dove on 65th Street and Third Avenue for restoring his five-story building and encouraging his neighbors to do the same. It was in the only low-rise nineteenth century block remaining on the avenue. Not only was the restaurant beautiful and frequented by the neighborhood, but there was a florist, magazine store, a deli -- all locally owned convenience stores. Both to the north and south on Third Avenue there were giant new residential towers that housed only national chain stores. Starting to the north where the Tower East houses a movie house, a fine neighborhood theater except that it replaced the glorious, temple-filled, cloud-moving, star-twinkling Loews 72nd

*Continued p. 4*

### *In this Issue:*

- There Goes the Neighborhood p. 1,4,5
- CIVITAS in Action p. 2
- Planting Trees goes Citywide p. 1, 8
- Is the 125th Street Zoning Right? p. 3
- Go Green Conference -- a Missed Opportunity p. 7



*Planting trees goes Citywide. See article p.7*



CIVITAS is a union of citizens concerned with the quality of life on the Upper East Side and East Harlem. Since 1981 CIVITAS has worked to improve the urban environment, advocating for better land use, zoning and urban planning, affordable housing, public transportation, clean air and water and public access to the waterfront.

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# CIVITAS *in Action*

## Third Church of Christ Scientist

Late night revelers streaming out of the Third Church of Christ Scientist on Park Avenue at 63<sup>rd</sup> Street; crowds of smokers taking the evening air on the sidewalk outside the church; double parked black cars blocking traffic on the side street and along Park Avenue before, during and after gala events. What’s wrong with this picture? Plenty. The Rose Group, a high-end caterer for corporate and large charitable events, at some point negotiated a deal with the church to turn the elegant red brick structure, located within a distinctly residential neighborhood, into a major Manhattan party site in exchange for generous compensation and a commitment to maintain the building. But in order to make it happen, the church and its new partner had to convince the Department of Buildings that the catering service was an “auxiliary use” to ecclesiastic operations.

While the Department of Buildings was reviewing the application (opposed by many residential neighbors), it granted temporary permits for scheduled events, as many as four in a given week. Promotional materials generated by the caterer and the events that have taken place so far pursuant to the ill advised temporary permits demonstrate conclusively that there is no connection between the catered functions and the operations of the church.

In response to the neighbors’ request for help, CIVITAS fired off a letter in late September to the Commissioner, protesting a practice of granting temporary permits that was gradually turning this quiet part of Park Avenue into a de facto commercial district. Finally, on October 30<sup>th</sup>, the Department of Buildings denied the application for “auxiliary use”, although it did allow the caterer to honor already signed commitments for staging events at the church during the next six months.

*A forum on Congestion Pricing will be held on Monday, December 3rd at 7 p.m. at Park Avenue Methodist Church on East 86th Street between Park & Lexington.*

## Traffic Congestion

In the Spring CIVITAS joined with other environmentally concerned groups to support Mayor Bloomberg’s bold plan to establish congestion pricing for trucks and automobiles in the heart of Manhattan. In response, the state legislature established a temporary commission to consider the proposal and to work out the details, with a report to be produced by the end of January 2008. If approved by the City Council and the state legislature by March, implementation of the plan is almost sure to benefit from substantial federal funding. On October 25, 2007 CIVITAS presented testimony before the commission at a public forum held at Hunter College. We stressed the need to act now so that total gridlock will not overtake Manhattan and the other boroughs in the coming years. The funds generated by the variable pricing technique must be earmarked for the improvement of public transportation so that those who sensibly forego the privilege of using a car will have a safe, convenient and rapid means of getting to their destinations.

## Newsrack Citywide Coalition

Over the summer a diverse coalition that includes CIVITAS, neighborhood groups, business improvement districts, real estate owners and elected officials joined forces to demand fundamental changes to the current law regulating the many unsafe and unsightly news boxes that clutter our sidewalks. Taking its cue from legislation that has been enacted in other cities – Los Angeles, San Francisco, Houston and San Diego, just to name a few – the coalition is pressing to cut down on the number of newsracks, to require that they be of a uniform color, shape and size and to promote the use of multiracks, such as are found in the Grand Central area. The first open meeting of the coalition took place on Tuesday, November 13, 2007 at the CUNY Graduate Center. A featured event was the announcement by the Municipal Art Society of the winning photograph in its contest for the most disgusting newsrack.

# Is the 125th Street Rezoning Right?

On October 1st, a rezoning proposal for 125<sup>th</sup> Street in Harlem was officially certified and launched on its seven-month period of public review, the process called ULURP. Why is the corridor being rezoned, and why is it happening now?

Harlem used to be an exciting place. But in recent decades, disinvestment and abandonment have taken their toll. Now that cycle is ending, and we have seen some welcome developments such as the Adam Clayton Powell, Jr. State Office Building and residential construction along Frederick Douglass Boulevard, as well as some grandiose, misguided proposals such as the Marriott Hotel and Uptown New York. Redevelopment is beginning; the need for an overall strategy is clear.

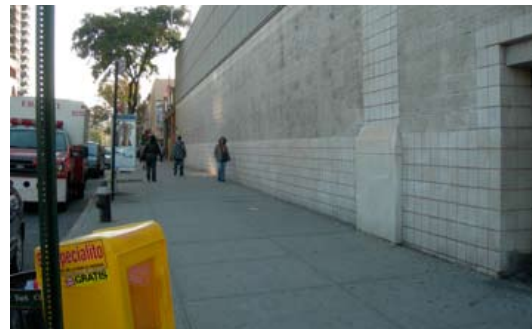
With the Department of City Planning's River-to-River study as foundation, Deputy Mayor Daniel Doctoroff formed an Interagency Working Committee which, together with a 125<sup>th</sup> Street Advisory Committee, drafted a set of goals for revitalizing the 125<sup>th</sup> Street corridor. The goals are:

- \* To keep 125<sup>th</sup> Street's unique character and strengthen its continuity
- \* To increase density where appropriate
- \* To encourage housing, including affordable units
- \* To increase the number of visitors and nighttime activity
- \* To encourage a diverse mix of business with an emphasis on arts and entertainment
- \* To offer career opportunities to local residents
- \* To improve crosstown transportation

Harlem has significant assets. It is the cultural heart of Black New York. It has a certain cachet – the food, the clubs, the theaters. The community is cohesive. Once the population came primarily from the American South and Puerto Rico. Now the area includes more Caribbean,

Africans, Colombians, Ecuadorians, and Mexicans. The new residents have a higher income level than those of a generation ago. 125<sup>th</sup> Street has excellent transit service – commuter rail, two subway lines, and many bus routes. It also enjoys a high level of pedestrian activity, in spite of the generally tired streetscape. This street life probably accounts for the small stores' survival.

125<sup>th</sup> Street needs a boost if it is to realize its potential as a regional business district. The existing zoning is obsolete, and offers neither incentive for redevelopment nor protection for the beautiful brownstone blocks near Mount Morris Park. There are effectively only two zones: either medium density residential/commercial or high density mixed use. The only solution to overaged, generic zoning is a contemporary, specific scheme. And that is the proposal that has been devised



*A retail store on East 125th Street lacking windows along the streetwall.*

The new zoning proposes that 125<sup>th</sup> Street from Second Avenue to Broadway become a Special 125<sup>th</sup> Street District. Within the district, all new buildings would have to maintain a consistent street wall. Retail stores would have to have windows at the ground floor. Uses like banks, offices and hotels would be restricted in their street front-

age, as well as their height. The greatest density would be limited to a business core area between Frederick Douglass and Malcolm X Boulevards and adjacent to the Park Avenue Metro North Station, with a height limit of 160 feet on the south side of 125<sup>th</sup> Street and 290 feet on the north side. New buildings would rise from a 60 to 85-foot base with a 15-foot setback. East and west of the business core, only moderate density would be permitted. Building height on the brownstone blocks north and south of 125<sup>th</sup> Street would be capped at 70 feet.

To encourage new arts and entertainment venues, developments of over 60,000 square feet in the core would have to devote five per cent of their total floor area with qualifying (there is a list) arts and entertainment-related uses. Bonus floor area would be granted developers in exchange for providing space for non-profit arts uses.

To trigger the creation of affordable housing, an inclusionary housing bonus would permit residential or commercial/residential buildings to reach their maximum density only by devoting 20 per cent of their residential floor area to affordable housing.

I asked Edward Marshall of the City Planning Department about local response to the plan. He replied that there is no major opposition. Some people have questioned the 290-foot height on the north side of the core. The planners decided to maintain that height rather than downzone a major east-west street. Others would have the rules for ground floor use extended to the entire Special District. Still other issues, like below-market commercial rents, are beyond the scope of zoning, and are being addressed by other city agencies.

There is a more serious objection, however, which is that the zoning proposal is too modest. Planners expect the proposed zoning to generate the construction of about

*Continued on p. 6*

*There Goes The Neighborhood (continued from p. 1)*

Street where I and so many others of my generation spent Saturday afternoons in the children's section overseen by a matron in white. To the south of 65th Street on Third there are now more giant towers housing mostly banks. On one corner there are three alone, Citibank, Sovereign Bank and Bank of America. Half of my special block remains, the rest contains Robert Stern's rather elegant apartment house which unfortunately shades the idyllic St. John's Wood garden and the back of St. Vincent Ferrer. The single retail tenant is Banana Republic. There goes the neighborhood.

At the moment, at least five corner block locations are under construction, two on 86th Street, two on 79th Street, and one on 72nd Street. The prospect of having local stores and restaurants fill their street fronts is not encouraging. On 90th Street and Third there exists now a Chase Bank in a new tower replacing what Zagat referred to as the perfect neighborhood bistro, Sharz, and the quintessential pub restaurant, the Victory Café, which had stood on that corner forty years before the El was torn down. It was the place where local youth met price conscious Heavenly Rest Church. Diversity.

I love Paris in the springtime or anytime for that matter and not only because of the Louvre and Notre Dame, but because of the street life, cafes, bakeries, funky clothing stores and delicious neighborhood restaurants. There are parts of the Upper East Side that still have diverse shopping and places to eat. I live at 90th and Lexington over Gristedes Pharmacy; I call it a mixed use with white bricks above and the pharmacy below, a dreary combination. But within two blocks of my front door on the avenue are a supermarket, a bicycle store, a runner's place, health food, a fine Korean deli, two newsstands, a hair dresser, two nail salons, an excellent new bakery, a liquor store, a gourmet coffee house, (not Starbucks), a shoe repair store, a sushi place, a decorator, and two fine neighborhood restaurants including Restaurant Lex, which stays open late enough for me to unwind after

the opera with a couple of policemen whose precinct is nearby. We tend not to talk about the finer points of Wozzeck. Sadly the anchor to this glorious strip mall, Service Hardware, was forced to vacate by a landlord who lived on 87th and Park. Where does the landlord go for picture light bulbs and wood coat hangers? He takes a taxi to Bed Bath and Beyond, I suppose.

The buildings that house all these urban marvels are all either low-rise or in one case, a prewar apartment house. In Paris their low-rise buildings are 19th century mansarded gems with wrought iron balconies that are architecturally significant. Our low buildings are not conventionally distinguished, certainly not landmarkable. On Second Avenue the balconies are not fantasies in metal but fire escapes, the façade not limestone but brick. The old Sign of the Dove building, along with most of the buildings on Columbus Avenue, proved that if they are properly restored and imaginatively and lovingly painted, they can have great charm. Almost all have fanciful and amazing details if one takes the time to look. At any rate we have to begin to think about a strategy to limit their destruction. A look at Third Avenue looking north from 86th Street tells us why. On the east side of the Avenue all the way to the Ruppert Towers is an environment so ugly that it may be the most overpoweringly hideous residential wall of building in New York. Not only are the buildings brutal but with the exception of Mr. Wright's liquor store there are no locally owned restaurants or bars. Contrast this with the area north of 79th Street looking north. It starts unpromisingly with a Duane Reade in a new building but after that is the most diverse restaurant row imaginable including Italian, Kosher, Va Bene, Vietnamese, Japanese, Indian, Mexican, two more Italian, an English pub, Brady's Pool Place, outdoor dining at Willy's, a cleaner, liquors, and a very interesting shop called Oldies, Goldies and Moldies. New York living at its best.

I keep referring to the destruction of restaurants not only because I dine out so much but because virtually all New

York's restaurants are housed in low rise buildings. From



*Diversity versus.....*

La Grenouille in midtown, to Swifty's and Elaine's and Sette Mezzo, to essential neighborhood pubs like Mellon's, all are restricted to the width of an individual building. Overwhelmingly this defines the character of New York dining. Except for restaurants in hotels and a few in apartment houses, Michael's in midtown, Lenox on Third, the rest are in low-rise buildings. Their destruction would mean losing our favorite haunts.

I mention this stretch of Second Avenue because as things are advancing its diversity is not long for our world. The Second Avenue subway after years of delay is scheduled to be built. Land values will rise, rents will go up, low-rise buildings will be replaced with apartment blocks. Willy's will be replaced by Wachovia. The last vestiges of German Yorkville, Schaller and Weber and the Heidelberg are sure to be forced out for a subway ventilation shaft. Many of us remember how pervasive the Teutonic atmosphere was in Yorkville, with the Bavarian Inn, the Konditorei and others. Truly it would be a shame if these last two establishments were gone. I know that it seems inconceivable but someday if the price of land becomes exorbitant on Second Avenue, even mighty Elaine's might fall.

*Continued p. 5*

No one expects neighborhoods not to evolve; 2007 is not 1947. Change should bring progress but in these sixty years developers and their architects, with three or four exceptions, have produced extremely mediocre buildings above, and a bland mixture of chain stores, banks and pharmacies on the street. I believe that it is time to protest their lack of imagination and creativity architecturally, their lack of interest in encouraging some local shops and restaurants to remain in the neighborhood by including them in their new buildings. More imagination is needed. As hotels have incorporated high end restaurants that add glamour, prestige and boost room rates, might not an apartment building gain from having a destination restaurant on the ground floor? Room service from a Daniel could be more of an attraction than a bag of Halloween candy corn from Rite Aid. Just possibly classier too.



..... sameness

Is the situation hopeless? I am afraid that developers will not show creativity and that the avenues east of Lexington will not be protected, as most of the rest of the Upper East Side is protected by being part of the East Side Historic District. I would have gone to the barricades to protest the inappropriate Norman Foster tower but I am

sure the preservation organizations that kept the Whitney from demolishing one neighboring low-rise building will fight any future catastrophic proposal. At the Whitney site there were laws and organizations to protect the five story building on Madison but no one ever protests the wholesale destruction of similarly scaled buildings further east. Years ago the Fifth Avenue Association legislated that no banks, airline office, and building entrances could be on Fifth Avenue. They protected the Avenue's retail character. It seems unlikely that similar legislature could be passed that would limit the number of pharmacies and banks in the Yorkville area. There are six chain pharmacies and one old line drugstore, Boghen's, within a three block radius of my apartment house's front door. Absurd. On the corner of 79th and Lexington is a retail corner that used to house three restaurants, a liquor store and the great seafood shop, Rosedale. Republic National Bank built a shiny new branch bank. Striped bass out, ATM's in, a sorry trade off.

The Lord helps those who help themselves, and I am a great believer in the power of protest whether it is equal rights, women's rights, men's rights, gays' rights, hawks' rights, and neighbors' rights. People should have a say in the quality of the environment in which they live. I remember over thirty years ago when our family looked out our window in our landmarked building on Sixty Sixth Street and Lexington, we saw that the Abby Funeral Home was being torn down. It was being destroyed on Memorial Day weekend when no one would be in the city, except as it turned out, my country house-challenged family. The doorman told us a McDonalds was to be built on the same corner as three landmarked buildings, our apartment house, 131 East 66th, St. Vincent Ferrer and the Armory. Also, McDonalds was to be built not only at this site but on every ten blocks up Lexington replacing Mom and Pop stores with Big Macs. On one weekend my family collected 17,000 signatures at two card tables placed on Madison and Lexington. With the great help

of the Cosmopolitan Club, neighbors like the Schlesingers, the Whitneys, the Theodore Whites, Jean



*A brutal prospect as the price of land becomes exorbitant*

Sulzberger, Iphigenia Sulzberger and Peggy Rockefeller, it became a national issue with a Time magazine cover story and my appearance on evening news programs. McDonalds backed down not only on our sites but on all of Lexington Avenue. The issue was the landmarked buildings, and also saving Mom and Pop stores. It was NIMBY, Not In My Back Yard, on a rather grand scale. I would like this group, as well as those who so successfully kept the apartment house low on 91<sup>st</sup> and Madison to be aware that down the hill the urban quality of life is threatened for their neighbors and for everyone in terms of visiting ethnic restaurants and special shops. I will fight to preserve the view of the incomparable Hotel Carlyle from the sailboat pond from being blocked by a clumsily sited, overly tall glass tower, but I want neighbors to be aware that the last vestiges of Yorkville may well be demolished and that the character, charm, and convenience of the rest of the area is being threatened. To the barricades on Madison, but also on Lexington, Third, Second and First. The Upper East Side as we know it is at stake.

David W. Beer, FAIA

# Go Green Conference — A Missed Opportunity for East Harlem

On October 25th, I attended a conference on sustainable design at the Academy of Medicine, co-sponsored by Manhattan Borough President Scott M. Stringer and the NYS Energy Research and Development Authority. Since the conference, entitled “*Build It Green: A Conference on the Future of Green Building*,” was a component of the Go Green East Harlem Initiative and took place in East Harlem, I expected the focus to be East Harlem. The Go-Green East Harlem Initiative’s mission is transforming East Harlem into a showcase for sustainable design and green healthy living in Manhattan.

The conference began with comments by Manhattan Borough President Scott M. Stringer; Jo Ivey Boufford, MD, president of the New York Academy of Medicine; Jose Serrano, New York State Senator for East Harlem and Melissa Mark-Viverito, City Councilwoman representing East Harlem. In addition there was a display of green design products available. Four breakout sessions followed -- Public and Private Partnership, Sustainable Maintenance, Greening Existing Buildings and Green Roofs. The featured speakers were Amanda M. Burden, chair of the NYC Planning Commission and director of the Department of City Planning; Carlton Brown, founding partner and chief operating officer of Full Spectrum of New York, a real estate development company; and Randolph R. Croxton, FAIA, of the Croxton Collaborative Architects, PC, a nationally recognized architectural firm in sustainable design.

“Shaping the City: A Strategic Blueprint for NY’s Future” was Amanda Burden’s topic. It included (1) the World City of Opportunity, (2) Sustainable City, (3) City of Neighborhoods, (4) Comprehensive Planning for Significant Sites, (5) Vibrant Waterfronts and Public Open Space and (6) Urban Design Excellence. Land use and rezoning studies for projects throughout the city were presented, but the only mention of Harlem or East Harlem was the recently rezoned Frederick Douglass Boulevard, East Harlem and the proposed rezoning of 125<sup>th</sup> Street.

Carlton Brown, whose topic was “*Making the Case for Green*,” spoke about the impact of asthma on the nation, including hospitalizations, emergency room visits, missed school days, missed work days and the \$14 billion cost to the nation’s economy. East Harlem and the South Bronx have the highest asthma rates in the nation, including asthma related hospitalizations of children. He commented on the disproportionate high costs of energy in the African-American and Latino communities, at the level of 25% of disposable income. He also spoke about the United States Green Building Council (USGBC) and the Leadership in Energy and Environmental Design (LEED) certification program for sustainable design. The LEED certification program addresses energy and atmosphere, indoor environment, water, and renewable and recycled resources. He compared costs of a regular building design to a sustainable design in residential buildings, highlighting two of his projects in Central Harlem -- the recently completed 1400 Fifth Avenue and the Kalahari. Both are on West 116<sup>th</sup> Street, and are sustainable designs and LEED certified. Sustainable design can add about 2% to a building’s construction costs, which can be offset by the savings in energy costs.

On the topic, “*Debunking the Myths of Green*,” Randolph Green detailed the pioneering of sustainable design by his firm for the Audubon Society offices in lower Manhattan, his green planning documents for the New England Aquarium and his Sustainable Design Guidelines Reference Manual for the Port Authority of NY & NJ and the Lower Manhattan Development Corporation. Some of his award winning projects across the country, which incorporate sustainable design, were presented as well.

Although the conference overall was very informative, there was little discussion or case studies of planned sustainable design projects in East Harlem. There should have been more said about the city’s new local law on the requirement for sustainable design in public buildings and the fact that other cities are incorporating sustainable

design as a zoning requirement. One issue not addressed was the impact of the construction, now underway, of the largest project in East Harlem, the one million square foot East River Plaza Shopping Center (Home Depot, Target and Best Buy) on East 116<sup>th</sup> Street and FDR Drive. That site is likely to become East Harlem’s biggest polluter. It is not known to incorporate any sustainable design features, nor is it LEED certified. Unfortunately, the forum did not address what impact this shopping center would have on the asthma rates of the community, particularly the adjacent public school children.

Raymond Plumey, FAIA

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## Is the Rezoning Right? (continued from p. 3)

1.8 million square feet of commercial space and 2,500 new residential units, 500 of them affordable. If the zoning does not offer developers enough of a return to warrant improving their properties, they will not build. Some urban planners feel that the proposed zoning is the wrong zoning, because it doesn’t offer developers adequate profit. The money they can make will limit them to maintaining the tired street, not modernizing it. As for the affordable housing bonus, the increase translates only into a few more units; it simply isn’t worth it.

The answer to this argument is a zoning of higher density, which would provide developers with profit sufficient for them to subsidize desired, and required, uses. But zoning is not a panacea; it cannot solve all city problems. Zoning dictates use, bulk, and building form. Other goals are perhaps better achieved by other means. Preservation is best accomplished with a preservation program that includes landmarking and transferred development rights. The Economic Development Commission is the agency best equipped to address the needs of small businesses.

Willa Hutner

*ULURP (Uniform Land Use Review Procedure) public hearings of 125th Street will take place on November 27th at Apollo Theatre.*

# Planting Trees Goes Citywide

Under Board Member Janis Eltz’s leadership, CIVITAS has long supported street tree planting on the Upper East Side and East Harlem. Janis secured funding for planting trees in cooperation with the Parks Department along 86<sup>th</sup> Street and where possible she has ensured tree guards to be used around all trees planted there.



*Cabbages mixed with cyclamen beautify the neighborhood*

One unexpected result of the effort has been a blossoming of decorative and exotic plantings inside the tree guards along Park Avenue and many cross streets. It’s become almost competitive — cabbages mixed with asters — the more original the better. Only in New York, as far as I can recall, do you find these delightful mini gardens at the edge of a busy sidewalk. Recently I spotted a tiny box surrounding pink gloxinia behind an elegant black iron gate.

Yes, the city has always supported street tree planting, but in September the Department of City Planning went one step further. They proposed an amendment to the Zoning Resolution that would establish a citywide requirement for street tree planting in all zoning districts for all new developments and major enlargements, and in addition require

a planting strip between the sidewalk and the curb in lower density zoning districts (R1-R5). The environmental and aesthetic benefits of this proposal cannot be questioned.

“These new regulations requiring street tree planting will go a long way to fulfilling Mayor Bloomberg’s pledge to plant and care for one million street trees throughout the five boroughs over the next decade.” City Planning Director Amanda M. Burden said. “Street trees not only help beautify neighborhoods, cool the streets and cleanse the air, they will also create a healthier, more environmentally sustainable city.”

Nicole Rodriguez of City Planning has recently reported that “so far, there has been a very favorable response to the new tree proposal from the community boards.”

Before the City Council votes on this issue in December, CIVITAS members could signal their support for a greener city by contacting their local Council member to support the tree planting amendment (N 080081 ZRY).

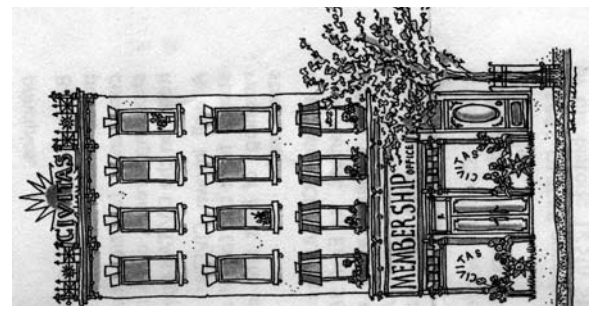
Roberta Hodgson



*Robbie Hodgson admiring mini garden*

## Skyline at Risk (continued from p. 1)

the drive for funding runs afoul of zoning laws that have been crafted for the benefit of all to provide much needed light and air, to promote contextual streetscapes and to protect neighborhoods. The temptation to do so must be firmly resisted.



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**2008**

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