

Making 42nd Street Grand

If Broadway is the Manhattan's meandering, crooked spine, then 42nd Street is the island's straight, well-balanced hips, holding the island in good posture, and dividing its southerly and northerly activities.

Since at least World War I, the street has marked the city's center of gravity for public and private activities of every sort. Once Pennsylvania Station at 33rd street and Grand Central at 42nd Street were completed in 1910 and 1913 respectively, the city's business and commercial center shifted to Midtown. Add to this the nucleus of subway lines meeting at Times Square, and it's understandable why this street is not just another cross-town connector.

Today, you can walk from the United Nations headquarters on the East River, past Grand Central, The New York Public Library and Bryant Park, into Times Square, past the New Amsterdam and other Broadway theaters, and past the Port Authority bus terminal. Only on the far West Side does the progression of major city institutions peter out.

But walking along 42nd Street, particularly in and near Times Square, means seizing a very small share of a very skinny sidewalk with many others doing the same. In the busiest areas, crowds spill into the street.

But what if 42nd Street had wider, curbless sidewalks? What if most or all cars were banned? And what if a trolley – a light rail line -- ran down the middle of 42nd Street? Then, tourists, business people, shoppers and others could stroll along, or take a train between

points. Imagine sidewalk cafes.

This is the vision of the Institute for Rational Urban Mobility, which is pushing an "auto-free light rail boulevard for 42nd Street" under the banner of "vision42." Roxanne Warren, architect and author, and George Haikalis, a civil engineer and transportation planner, are its chairmen. The group unveiled a new website this week, www.vision42.org.

Their vision makes sense. The cars on 42nd street carry little economic freight; New York needs more cross town mass transit; and making 42nd street pedestrian would compliment Times Square's new role as a family-oriented, tourist center. A family from Des Moines could stroll the entire length, or hop the train to the United Nations.

If done correctly, the project should boost property values along and around 42nd Street and thus the city's tax coffers. New York pedestrianized Nassau and Fulton Streets in Lower Manhattan with little ill effect, Warren and Haikalis point out, and much of Rockefeller Center is car-free. Dozens of European cities, including, Copenhagen, Lisbon and Zurich, have major streets that are all pedestrian.

Advising the group are about a dozen urban luminaries, drawn from the ranks of developers, writers, academics and non-profit leaders. They include Tony Hiss, Fred Kent, Douglas Durst, Arthur Imperatore and Michael Sorkin among others.

vision42 is not the first to imagine remaking 42nd Street. In 1994, the City Council overwhelming approved a light rail

line on 42nd Street, but the project stalled during the Giuliani administration. What makes vision42 different, and better, is the emphasis on restricting car traffic and pedestrianizing the street. This, as much as a light rail line, is needed on 42nd Street.

“The main obstacle to this is that people are afraid to take any street space away from cars,” Warren told Spotlight. “But only 23 percent of Manhattan households even own cars. On 42nd Street, there are at least five times more pedestrians on the sidewalks than people in cars.”

Access for emergency vehicles, deliveries and other vital needs could be worked out, Warren said. Taxis with handicapped patrons could be allowed entry, at low speeds.

The group estimates the project would cost about \$100 million per mile, including reconstruction of utilities, pedestrian enhancements, and the usual markups for building in New York City. Not cheap, but about a tenth the cost of a subway. The group hopes to have the project included in a public study of extending the Number 7 subway line, a pet project of many in the Bloomberg administration. Warren said vision42 compliments an extended Number 7 subway line, by providing mobility and space for the additional crowds an extended subway line would generate by stimulating development.

Warren and her partner have presented their proposal to 72 individuals and groups, and hope to win Mayor Bloomberg’s support.

Courts Respect Poor, and the Profitable.

In three recent cases, the New Jersey Supreme Court gave builders, municipal governments, and supporters of affordable

housing and Smart Growth legislation something to like and to worry about.

On the whole, the decisions were, at least symbolically, a victory for affordable housing advocates, because they upheld the controversial Mt. Laurel decision. But whether a significant number of new affordable homes end up being built is still far from certain. Some observers muttered that the New Jersey courts may be as concerned with protecting the interests and profits of developers as with providing more housing for lower-income residents. It is clear that in two of the cases, the court said “We trust the builders and housing advocates more than the town.” With these three cases, the Supreme Court finished its first major review of housing practices in New Jersey in 16 years.

In the first case, Toll Brothers v. West Windsor Township, the Supreme Court upheld a ground-breaking law that created a “builder’s remedy” allowing developers to bypass local zoning and build more housing that includes shelter for people with low and moderate incomes. The unanimous opinion upheld the 1983 Mount Laurel decision, and found West Windsor failed to provide builders with a realistic opportunity to construct affordable housing. In reaction, Governor James E. McGreevey, a former Mayor of Woodbridge Township, urged the Legislature to re-examine the affordable housing laws, saying that builders could use it to coerce towns to allow them to build poorly planned developments.

In the second case, the high court rejected a large Cherry Hill development that contained no affordable housing and held that a town in Hunterdon County was right to reject a sewer hook-up for a development of McMansions in an adjacent town. Both builders and towns

expressed dismay at these decisions, which will require both to go back to the drawing boards. While towns were not successful in getting the Court to abolish the builder's remedy, they were glad the courts drew the line at requiring neighboring towns to assist in certain cases. Builders and affordable housing advocates wondered if the new rulings would have a chilling effect on private contributions for affordable housing.

The Cherry Hill project was a planned new town center with retail, offices, parks and 1,200 units of luxury housing, replacing an old horse race track. A non-profit group sued Cherry Hill, arguing the project didn't include affordable housing. According to the Court, Cherry Hill Township could not meet its affordable housing obligation by requesting a development fee of \$4.25 million into a municipal fund to provide affordable shelter in another town. Cherry Hill's former Mayor, Susan Bass Levin, supported the town center project; she is now the Commissioner of the N.J. Department of Community Affairs, and oversees the state's Office of Smart Growth and the Council on Affordable Housing.

The third Supreme Court case involved a developer, Bi-County Development of Clinton, who sued the town of High Bridge to force the town to extend its sewers to a 100 unit luxury housing development in nearby Clinton Township. The developer argued it had special rights, by paying an affordable housing fee to Clinton, which would be transferred by intermunicipal agreement to another community. In other cases, these fees and Regional Contribution Agreements (RCAs) have been upheld. This time, while the Court did not rule on whether RCA promotes segregation, it did infer that inclusionary

developments with only a financial component would be more suspect than those with affordable housing within the project.

While the Supreme Court grabbed attention, a recent Superior Court decision also was significant. It involved East Amwell Township and the ability of local regulation to protect natural resources and community character.

Superior Court Judge Helen E. Hones ruled recently that East Amwell's new requirement of 10 acres of land per house, instead of the previous minimum of three acres, was consistent with local, county and state planning goals, and did not destroy property values. The judge rejected claims of landowners that reducing land density reduced property values significantly.

With possible appeals to the East Amwell decision, much remains to be written. It's clear though that New Jersey is the home of the good, bad and the ugly of planning.

To avoid endless court intervention in their decisions, towns and the state should explore regional approaches, including new ideas such as a "growth share" where a region determines future opportunities for affordable housing based on growth expectations. But in the long run, the only real way to address many of the land use ills may be to enact property tax reform. Only then will much of the competition between municipalities to capture wealthy households and businesses, and avoid lower-income residents, stop.

--Tom Dallessio, Director, RPA New Jersey Office

Some Danish Rules For A Better New York Downtown?

The premiere city of Denmark, Copenhagen, is a splendid place, with young

and old bicycling everywhere, its shop-filled, all pedestrian Stroget street, and its harmonious scale. True, the region does have surprisingly large suburbs, complete with shopping malls and gas stations with mile-high signs. But the city proper improves each year.

Writing in the September issue of *Metropolis Magazine*, writer Paul Makovsky lists ten rules that he says Danish planners have used over the four decades to improve Copenhagen, beginning with making its main street pedestrian back in 1962. With the big exception of limiting building height, most of these rules could be applied here, and to Lower Manhattan in particular.

The rules are:

1. "Convert streets into pedestrian thoroughfares."
2. "Reduce traffic and parking gradually."
3. "Turn parking lots into public squares."
4. "Keep scale dense and low."
5. "Honor the human scale."
6. "Populate the core."
7. "Encourage student living."
8. "Adapt the cityscape to changing seasons."
9. "Promote cycling as a major mode of transportation,"
10. "Make bicycles available."

A downtown New York with more pedestrians, more cyclists, more residents and students, fewer parking lots, less traffic and better urban design sounds like a recipe for success. It also fits with ideas pushed by Pittsburgh economist Richard Florida on making Lower Manhattan a Mecca for creative individuals, and the businesses they might work at -- or start.

Calendar

August 27, 6-8pm -- Auto-Free New York Meeting, "Lower Manhattan Rebuilding - Putting Pedestrians First," briefing and walking tour, George Haikalis, Transportation Planner. 212- 475-3394 or www.auto-free.org

September 12, 5 pm -- Voorhees Transportation Center Speaker Series, "Making National Transportation Policy: The Next Surface Transportation Act," Emil Frankel, U.S. DOT. 33 Livingston Ave, New Brunswick. 732-932-6812 or cdanku@rci.rutgers.edu

Sept. 19., 4-7 pm – The New Jersey offices of Regional Plan Association will hold an open house. Plans are to dovetail with the festival on same date, *New Brunswick Cooks*. 94 Church Street, suite 401. New Brunswick, NJ 08901. Tel. 973-623-1133.

September 21, 2 pm -- The Future of Public Architecture in New York. Featuring a panel of New York City architects, planners, and historians. The Museum of the City of New York, 1220 Fifth Avenue. Call (212) 426-6891

Regional Plan Association

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