

SUNNYSIDE GARDENS: WHOSE LAND IS IT ANYWAY?

by

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Almost 60 years after it was built, Sunnyside Gardens in Long Island City, Queens, remains a prime example of open space planning in American cities. But it also represents a unique case study of the difficult legal, social, and political issues that surround the use of open land in a contemporary urban community, on a common basis, where one man's private property is another's common ground.

Sunnyside Gardens was the first planned community in the United States based on the English "Garden City." Built between 1924 and 1928, this community of attached brick homes, many with slate roofs, clustered around common gardens, was a forerunner of the New Towns of the 1930s and even the planned unit developments of more recent years.

The community consists of 1,200 dwelling units, mainly one-, two-, and three-family brick homes built on a grid of twelve premapped city blocks. Fully 72 percent of the land was reserved as open space. This reversed the proportions of open space to developed area in tenement housing built during the same period. More significantly, almost half the open space was designed as common gardens for the use of all the residents or as public access to the commons and was legally restricted for these purposes.

The notion of designing urban communities with open areas for common use originated in the English slum clearance programs of the nineteenth century and was based in part on utopian social theories. Ebenezer Howard's proposal for a "Garden City" for the urban working class resulted in the development of the first such planned community at Letchworth, England, in 1903. Twenty years later the concept was incorporated into the plan for Sunnyside Gardens, the heart of which is the common gardens, or courts, at the center of each block.

Today the proposed use of valuable urban real estate for parks, vegetable gardens, or recreation areas is often a source of conflict between developers and community groups. Public officials are often torn between the two, and between the competing concerns of ensuring adequate open space for community use and permitting private development of property for taxable purposes. Some of the key problems in making policy choices between these divergent objectives are determining the common use to which land should be put, how decisions about use should be made, how the property can be maintained without public expense, and how its use may change over time.

Sunnyside Gardens is unique in that such questions have been asked and answered by several generations of residents in an urban setting that is different but still comparable to many others. Over the years, the community's original design and the legal structures imposed by its planners have been adapted to changing circumstances through a series of political conflicts and community initiatives. The history of the American garden city sheds light on issues today as diverse as the development of commercial buildings with public arcades and the redevelopment of vacant lots.

By the same token, the recent establishment of a community land conservancy in Sunnyside Gardens is an outgrowth of specific events in a particular community, but is also an effort with deep historical roots, which may serve as a model for a new generation of urban homesteaders.

The Common Problem

The Homestead Act of 1862 was the source of the greatest American conflict over the common use of open land—the "range wars" between the sodbusting farmers who fenced the open prairie, and the cattlemen whose herds had used it for grazing. The similar centuries-long struggle in England between landless farmers and large landowners concerned fencing lands previously used in common and culminated in the Enclosure Laws of the nineteenth century. Although the original Garden City proponents intended to avoid the enclosure problem, the very same issue has arisen over the last twenty years in Sunnyside Gardens.

By comparison to English manors and American range wars, both the real estate and casualty rates involved in the common land disputes of Sunnyside Gardens appear quite small. Nonetheless, in cities like New York community parks and recreation areas have come to be seen, in very emotional terms, as essential to the welfare of neighborhood children and the maintenance of social stability. The larger question remains: how to balance private property rights and the needs of the community.

In its 60 years, Sunnyside has witnessed a variety of efforts to conserve open land for common use. At the time of its incorporation, into the Greater City of New York, in 1898, the village of Sunnyside was an unurbanized part of Long Island City, mostly farmland. Named for an eighteenth century farm that occupied the sunny, western slope of a large hill, most of the land had poor drainage and was too marshy for early development.

By the turn of the century, Woodside, the area further east, was already built-up. Long Island City proper, to the west of Sunnyside and directly across the East River from Manhattan, was a growing industrial center and the busy junction point for ferry lines, turnpikes, and railroads. Thus a large tract of land within a mile of the commercial center of New York City remained open until the beginning of the twentieth century, a time of rampant rowhouse reconstruction and, the early stirrings of land conservationism.

In 1902, the Pennsylvania and Long Island railroads brought the first development to Sunnyside and with it, the first land conservation and historic preservation controversies. To build the railyards, farmland was bought up. Sunny-side Hill was levelled to fill in the wetlands, and amidst protests, farmhouses dating from colonial times were razed. With the opening of the Queensborough Bridge in 1909, the Long Island Rail Road tunnel in 1910, and the flushing subway line in 1915, Sunnyside became accessible

Apartment houses suddenly rose where there had been nothing but farms for two hundred years. Although construction stopped during the First World War, it boomed again in the 1920s, especially in 1923 and 1924 when the city was exempting new dwellings from real estate taxes. During this same period however, there was growing interest among American architects and planners in planned housing, in particular the clustering of houses on one part of a site to keep the rest as open, commonly shared land.

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The advocates of planned community development and residential open space formed the Regional Planning Association of America (RPAA) (not to be confused with the Regional Plan Association) in 1923. The charter members included Clarence Stein, an architect who was then chairman of New York State's Commission for Housing; Henry Wright, a landscape artist whose work drew upon Olmsted's design for Central Park; Alexander Bing, a wealthy real estate developer; and others, like Lewis Mumford, the urban historian, with remarkably diverse backgrounds and a shared interest in planned housing.

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At Stein's urging and as an outgrowth of RPA's concerns, Bing organized the City Housing Corporation (CHC) in 1924 as a limited profit (6 percent) company for the purpose of building moderate income housing with ample open space. The corporation's board of directors included such prominent New Yorkers as William Sloane Coffin, Douglas Elliman, Arthur Lehman, Mrs. Joseph Proskauer, and Eleanor Roosevelt. As CHC's first project, Sunnyside Gardens was intended to demonstrate the economic viability of Stein and Wright's architectural and social planning theories.

Their plan for Sunnyside Gardens provided for retaining as much open space as possible as well as obtaining low population density by grouping low-rise housing around the perimeter of the block. Only 28 percent of the land was developed, housing 27 families per acre (or 92 per city block).

Contemporary newspaper accounts noted that the most important features of the housing were the large amount of open space, which was set aside for gardening and recreation, the elaborate landscaping, and the planting of trees throughout the area. These, however, were only embellishments on Stein and Wright's elaborate open space plan, which included the following major elements:

- **Building Design:** To maximize light and air, most of the development was built in the form of rowhouses no higher than two and a half stories. To maximize open space in the interior of the block, the buildings were set close to the sidewalk, but with varied setbacks that permitted small front gardens; instead of driveways and individual garages for each house, a two-story parking facility and a block of single garages were located at the community's edge.
- **Private Gardens.** In addition to a small front garden, each house was given a 400 to 500 square foot private garden in the rear.
- **Common Gardens.** Each block was designed around landscaped, central courts, taking the form of either a series of quadrangles running down the center of the block, or a set of U-shaped areas opening on one side of the block. The total area of the common gardens, each of which was named for an American historical figure, is nearly six acres.
- **Lanes and Pathways.** Public walkways were laid out to traverse the blocks from street to street and to provide access to the common gardens and the rear entrances of homes.

- community Park. CHC created a three and a half acre private park with play areas, a baseball field, and clay tennis courts, the largest private park in the city.

The landscaping helped to differentiate the various kinds of open space. LondoT planes and other trees were planted in the small plots of land next to the street curbs. The private gardens, which were intended for family use and small children's play, were generally enclosed by hedges or low fences. Since the common gardens were for quiet enjoyment, they were surrounded by semi-formal plantings of flowers and shrubs. The park had playgrounds and large grassy areas set aside for the recreation of older children and adults. And the entire scheme was reinforced by deed restrictions which required that open land be kept that way.

Above all, Stein and Wright wanted to create a place where a democratic community could flourish, with the courts as the focus of neighborly activities and the park serving as the communitywide social center. Common land was necessary towards this end, because it encouraged interaction among the residents and a shared sense of community. However, when Sunnyside Gardens became divided by social and political forces, its common land was neglected and eventually divided by fences.

To understand why there is a need to build cooperative institutions for common urban land conservation today, it is useful to examine how social change has affected land tenure and maintenance in a single urban community over a period of some 60 years.

Sunnyside Up and Down

Prior to Sunnyside Gardens, there were other efforts to build moderate to middle income housing with substantial open space. The nonprofit Russell Sage Foundation sponsored the development of Forest Hills Gardens for working class people in the first decade of the century; the results were handsome, but contrary to intentions, the homes were affordable for those with higher incomes only. A few years later, the Queensboro Corporation built apartment houses with landscaped center courts and streetside parks in Jackson Heights, but for speculative purposes; when the market permitted, the developer sold the open areas, and they were replaced with apartment houses.

The City Housing Corporation, was, by contrast, a limited profit company which pioneered the use of innovative financing and construction techniques to reduce the initial price and carrying costs of the housing. Both rental and cooperative apartments were included in the development, together with privately owned homes, to permit people to remain in the community as their incomes and housing needs changed. Deed restrictions not only prohibited fences and sheds in the common gardens, but required residential use and barred speculative resale of the homes for three years. Fees for the maintenance of the courts were included in the monthly mortgage payments for the houses.

The whole Sunnyside venture was a sharp departure from the housing developments of the time, devised to withstand social and economic pressures to build on the community's open land. Furthermore, in 1926, clic built the community park and deeded it over to the residents, in order to limit the recreational use of the courts. In 1928, clic constructed and began to operate an off-street parking facility, alleviating the need for private garages, but it later failed. And in 1930, CHC sold part of the Gardens tract to the Phipps Foundation for the purpose of building the Phipps Garden Apartments, a low-rise, rent-subsidized building—also designed by Stein—to meet the increased demand for housing.

There is an unusual amount of data available about the early social composition of the community, since the community self-consciously sought to ascertain whether it had accomplished its goal of providing housing for those of moderate income. According to a 1926 community survey, half of the first residents of Sunnyside Gardens came from tenements on the East Side of Manhattan, among the first of many to leave its precincts to raise families in Queens. A 1928 survey of 504 homeowners (almost half the community) found they included 184 blue collar workers, including 116 mechanics, 50 chauffeurs, and 18 restaurant workers; there were also 355 white collar workers, including 99 professionals (teachers, social workers, lawyers, and doctors), 79 office workers, 55 small tradesmen, 49 salesmen, and 35 government employees.

The mixture of social and economic groups in Sunnyside contributed to a lively community life throughout the 1920s. There were numerous social groups, athletic events, and, in the park, a log cabin theater. Many accounts of the early years of the Gardens can be found in newspaper and magazine articles, but the best known are those of Lewis Mumford, the urban historian, who lived there from 1925 to 1936. In his book, *Green Memories*, Mumford memorialized the "space, sunlight, order [and] color" of the community, which had been "framed to the human scale," where the common gardens had a "friendly air," and where the "plane trees and poplars continued to grow."

As the prosperity of the twenties gave way to the Depression, there was a great deal of political activity in the Gardens. In addition to the usual Democrats and Republicans, the area had active Socialist and Communist groups and later housed the headquarters of the American Labor Party. Seeking relief from the burden of making what had become onerous payments, a Homeowners Mortgage Committee was formed to conduct a rent and mortgage payment strike against the bank. Eleanor Roosevelt led protest marches as Sunnyside Gardeners barricaded their homes against the marshals serving foreclosure and eviction notices.

Between 1928 and 1933, when nearly 40 percent of the residents were unemployed, it was estimated that Sunnyside Gardeners suffered a 50 percent loss of income and a 75 percent decline in net worth. Despite national attention and their own best efforts, more than half lost their homes. As a 1936 article put it, the course of events in the first decade had been "Sunnyside Up and Down." But the relatively low cost of the housing and an aroused community saved Sunnyside Gardens, as a community, from complete destruction.

In the 1940s, Sunnyside, and the rest of the nation, entered a second, longer period of prosperity, which continued until the mid-1960s. In the forties, Sunnyside Gardens became a haven for young couples leaving Greenwich Village and other more costly and crowded parts of Manhattan, in addition to a large number of artists and performers. Among those who lived there were entertainers Rudy Vallee, Judy Holiday, and Perry Como, trumpeter Bix Baerdedbecke, poet Florence Baker, journalist A.H. Raskin, and painter Raphael Soyer.

By 1960, the community was decidedly middle class and still relatively homogenous, with mainly Irish, Jewish, and German residents. In just a decade, however, the Gardens entered a second period of decline brought about by social forces as profoundly disruptive as the economic dislocations of the 1930s. Moreover, these forces led to the first real threat to the common land of the Gardens.

The large number of original owners still in the Gardens during the 1960s were rapidly replaced by newcomers who had little understanding of the history, architecture, or open space plan of Sunnyside Gardens. As younger, middle income city residents began to move to the suburbs in growing numbers, Sunnyside's population grew disproportionately older, accompanied by falling levels of income and community activity. An influx of lower income residents to the Woodside-Long Island City area coincided with the presence of many of the urban problems that began to appear more frequently during this period, including adolescent crime and drug abuse. With a population of 100,000, and with no public health or recreation facilities, the Sunnyside community found itself hard-pressed to deal with such problems.

As architect Henry Wright had predicted it would as early as 1933, Sunnyside's proximity to Manhattan and Long Island City led to cross-pressures for higher density residential construction and new industrial development. Both of these were serious threats to the area during the 1960s, particularly industrial expansion. While the area's zoning permits factories to be built close to housing, Gardens residents helped to prevent the building of a major warehouse complex. A factory planned for Rabbit Island, the wooded strip of land separating one side of Sunnyside Gardens from the railyards, was also stopped.

Sunnysiders responded to the adversity with the same kind of determination, and organization they had demonstrated in earlier eras, using the techniques that had worked in the past, establishing youth groups at local churches and a senior citizens center, expanding a public playground, and organizing a series of arts and health fairs called "Sunnyside Up" But the social crisis of the sixties and seventies caused permanent damage to the common land resources of the Gardens.

The housing shortage of the eighties has created new pressures for development of the open land and the enlargement of the houses in Sunnyside Gardens. As one magazine after another rediscovers western Queens, the residents of Sunnyside Gardens are beginning to unravel the tangled land use problems created by the events of the last twenty years.

The Law and Politics of Common Land

The City Housing Corporation created legal restrictions on the common land of Sunnyside Gardens as well as a governing structure to ensure the intended use of the park, pathways, and common gardens and to protect other aspects of the community plan. In a series of covenants and easements dating from 1925, CHC established restrictions on the use of open land "for the common benefit." However, because of objections to permanent encumbrances by the banks and insurance companies providing mortgages, only some areas were protected in perpetuity.

Specifically, permanent easements of light and air were created to prevent the enlargement of buildings; likewise, permanent easements on the walkways prohibited obstruction of access to the courts. But the prohibitions against fencing or erecting structures in most of the common gardens were limited to 40 years. This single concession on CHC'S part was to give rise to an issue during the social turmoil of the sixties that went to the heart of the open space schemes and community life of Sunnyside Gardens: fencing the commons.

The original covenants had also provided for a committee of five trustees to control the use of the parks and commons and to perform related functions. The committee had the power to regulate building

modifications and assess monthly charges for the care of the gardens. Its members included two CHC representatives, two property owner representatives, and one independent member. Each of the courts also had its own association of homeowners, which was primarily concerned with the actual maintenance of the courts. After the rent and mortgage strike of the 1930s, followed by CHC's bankruptcy, the original trustees were replaced by a group of homeowners, the United Trustees, which ceased to function when the court easements began to expire, block by block, in 1965.

The park that CHC donated to the residents of Sunnyside Gardens and the Phipps Apartments in 1926 was subject to a permanent trust indenture which limited it to recreational use by the residents. It, too, was initially under the jurisdiction of the community trustees. However, in 1931, the trustees delegated management responsibility of the park to the independent Sunnyside Gardens Civic Association (socA). By 1965, both the park and the common gardens were in disrepair; the park and the court associations were in desperate financial straits, since the expired easements had incorporated the collection of maintenance fees.

Two events prior to that critical juncture should be mentioned. In 1956, the United Trustees organized a committee to secure the voluntary extension of the court easements by individual residents. They expressed the fear that the "small oasis of grass, trees, and flowers in the center of a city of cement and stone" would become a "jungle of fenced plots, indifferent gardening, and all sorts of sheds." Their campaign met with only partial success, most notably the 1964 extension of easements signed by 54 of the 60 homeowners on Hamilton Court. The second event, which occurred in 1960, involved an effort by the trustees to assert control over the park and to build a large swimming pool there to rally community support for both the park and common gardens. This maneuver resulted in a split between the trustees and the SGCA, the abandonment of the pool project, and heated disputes over the central problem of actually conserving the community's open, common land.

Today, fourteen years after the last of the original court easements expired, only six of the fifteen center courts retain their original configuration; four are largely enclosed by fences along the property lines of the surrounding homes, though their pathways are unobstructed; three are completely enclosed. The U-shaped courts found on two blocks in the Gardens have not been affected. But the plan of the first block of houses built in the Gardens, which is separate from the rest of the community and lacks common gardens, has nearly been obliterated by fencing, structural modifications, and front garden plots paved as driveways.

Growing Generation Gap

Many of the objections to the original court easements were actually objections to the perceived high-handed arrogance of the trustees. This was especially true of their regulatory powers concerning decisions that many later residents considered to be private matters, like what color the wood trim on a house could be painted (only white, beige, or green). According to long-time residents, this resentment was fed by conflicts over such community issues as the pool and the growing gap between the first generation of residents and more recent arrivals. Press reports from the 1960s and 1970s reported census data emphasizing the aging of Sunnyside's population. By 1975, there were 50 percent more people over age 65 in Sunnyside than citywide—about 20 percent of the local population.

The generation gap in Sunnyside Gardens became an acute problem since the older, original residents were those most supportive of efforts aimed at preserving the original architectural design and the common gardens. At least some of the later arrivals were indifferent, or even hostile, towards these concerns. Moreover, the chronological split in the community was reinforced by cultural, economic, and political cleavages. The younger residents were of different ethnic backgrounds than their predecessors, with different views about the most appropriate use of the gardens. In some instances, they felt that the courts should be more actively cultivated with flowers and vegetables, or used for their own children's recreation and therefore fenced.

The newer residents also tended to have little disposable income to use for the commons' upkeep, and in this respect they resembled their older neighbors living on retirement incomes. The planting, pruning, and tending of the court gardens were increasingly neglected. The fencing that followed was symbolic of the divisions already present in the community.

The fencing of the common gardens began in 1965, as the 40-year easements ended. Bitter arguments broke out between neighbors, pitting preservationists, many of them older original residents, against those seeking privacy or merely asserting their new property rights. Spite fences were erected, followed by retaliatory hedges to cover the fences. Friends stopped speaking to one another, and some families even moved away.

New political divisions formalized matters, with many of the preservation-minded joining a "reform" Democratic club, while their critics tended to be "regular" Democrats or Republicans. At an earlier time, the founder of the Liberal Party had lived in the Gardens, but in the early seventies, the Sunnyside area elected the first Conservative Party member of the state legislature. Moreover, the preservationists and the advocates of the private property rights came to be described respectively as liberals and conservatives, in the divisive rhetoric of the time.

Given the partisan and ideological factionalism of the community, it was unlikely that some generally acceptable measure would be found to protect the park, common gardens, and other community open space.

In the Wake of Designation

In 1974, after press reports called attention to the fencing feuds in Sunnyside Gardens, as well as the imminent threat of new construction in-fill at a garden apartment complex in Fresh Meadows, Queens, action was taken to protect the open land of both areas. On the recommendation of the City Planning Commission, the Board of Estimate designated them as Planned Community Preservation Districts, the first such districts in New York City. A special zoning resolution was adopted to prevent Sunnyside's common gardens from being further diminished.

The resolution requires that City Planning, with Board of Estimate approval, grant a special permit for any substantial enlargement of the buildings or change in landscaping. While the new zoning therefore prohibits any fencing of the commons or new driveway installation, it was not retroactive and therefore did not affect the dozens of fences or other encroachments on the open space plan that had been made in the nine years since the court easements ended. Nor was the city able to enforce the new law effectively,

since it had difficulty with, among other things, distinguishing between old legal fences and new fences built after the zoning ordinance.

The preservationists were identified with the preservation district zoning, and the community polarized over the fencing issue. While it may have had the strongest support of all the contending parties, the anti-fencing faction lacked a solid majority. The preservationists were not formally organized, except as members of the reform Democratic Club, West Queens Independent Democrats (wQum), which led the move to create the preservation district. The new zoning also had support from a City Councilman, two members of the State Assembly and some members of the Anoroc Regular Democratic Club.

At the same time, those who had opposed extension of the court easements saw the preservation district as a threat. It rekindled arguments about the kind of community Sunnyside Gardens ought to be and prompted comparisons between the arrogance of the United Trustees and the obstructionism of City Planning bureaucrats. In 1978, a group called Concerned Citizens for Sunnyside was formed to win tacit approval of curb cuts and driveway installations made with building permits, but without Board of Estimate approval. While Concerned Citizens did not oppose the preservation district per se, it argued for the flexible administration of the district's procedural requirements.

A City Planning official acknowledged that the confusion created by the driveway "curb cut" issue was significant. The head of the local planning board was unwilling to become involved on either side because the community was so seriously divided.

The rise and fall of the community park—the residents' most important common land resource—is another story, one whose history also serves to summarize the problems faced by Sunnyside Gardens. When the park was created in 1926, CRC deeded the land to a trustee to hold the land in trust for the residents of the Gardens and the Phipps Apartments, on the condition that the residents maintain and use the land for their recreation. While Sunnyside Gardens trustees managed the park at first, in 1931 they delegated that duty to the SGCA, when it was created for this purpose.

Initially CRC subsidized the park's operation, with the balance of its annual budget of \$8,000 paid by the park's 700 members' yearly dues, then \$5.00 per family. CRC gave the park \$50,000 of its stock as an endowment to pay for maintenance costs in 1930, but the stock soon proved worthless. In 1961, when the park began to receive funds from the Phipps Foundation, SGCA dues were \$20, but membership had fallen to 300. In 1981, dues were \$48 and there were 160 members.

Economic and organizational decline also characterized the community in the 1970s. Since the United Trustees was dissolved in 1965, there has been no basis or mechanism for collecting fees from the entire community for the upkeep of its open, common land—the small plots by the street curb, the lanes and pathways, the common gardens, and the park. While some of the court associations still function, only one has the power to assess charges for court maintenance under the extended original easements. And where the courts have been partially fenced, the potential membership of the court association is also divided. The "community spirit" of the early days was grounded on certain legal obligations to maintain the common land, which no longer exists, and a common set of social values.

The Tree as Metaphor

It should be emphasized that Sunnyside Gardens is still a uniquely diverse community which accommodates people of all ethnic backgrounds and socioeconomic levels with ease and civility; far more serious problems have occurred in other New York City neighborhoods. But its initial success as a social experiment notwithstanding, a generation gap with social, political, and economic overtones has been a direct cause of the worsening condition of the community's open land. Yet another conflict between the generations has emerged in the last two years which symbolizes this proposition.

Many of the 50-foot tall trees planted in the 1920s, the distinctive London planes in particular, are dying. There are numerous causes, including disease, lack of care, air pollution, cementing of curb plots and even some instances of girdling (or cutting a band around) unwanted trees. Economic factors have played a part here as well: the city was unable financially to prune curb trees or to replace trees cut down during the late seventies; residents, too, are unable to pay for pruning court trees, a cost that can run as high as \$3,000 per court.

But it is the generation gap that resulted from simultaneous planting and the lack of a replacement cycle that has made the problem seem intractable. A 1972 appraisal by Ada Louise Huxtable of Sunnyside Gardens and Clarence Stein's other work spoke of the generation gap confronting Sunnysiders in a larger sense:

With Henry Wright, [Stein was] responsible for at least partial realization of the American dream. It took only two generations for the dream to seem tarnished and unreal. One generation blurred their names and was incapable of measuring their stature. Another generation, just come of age, neither knows them nor cares. The world moves fitfully and forgetfully. Today the dream has almost disappeared. It was a social dream based on those physical arrangements, with their bonuses of light, air, open space, serenity, and greenery. It is far too important to be lost.

A Community Land Conservancy

The present generation of Sunnyside Gardeners—not just the new ones or the old ones, the liberals or the conservatives, but all of them—have a common interest in conserving their open land and protecting their unique community.

It should first be said that there are a number of groups and organizations, religious, political, and otherwise, as well as individual residents and public officials, already engaged in related endeavors. However, it is essential to address open land problems within Sunnyside Gardens separately, because they are unique to the Planned Community Preservation District, and organizationally, because they require cooperative solutions. While the Sunnyside Gardens Community Association has a potential, community-wide constituency, it, most preoccupied with the difficulties of operating the park and therefore draws its relatively small membership, from the residents with children who use the park, most of them from the Phipps Apartments, and is not a tax-exempt organization—a matter of some importance. The court associations that still function are even more limited in scope, resources, membership, and influence, .

In 1978, fifteen residents attempted to establish a new community. wide entity "to maintain and improve Sunnyside Gardens." One member of the group who supported the preservation district, a so-called preservationist, suggested using the. model of the. United Trustees and having a member, from each

court, but because several courts no longer have, active court associations, this did not, seem representative. A so-called anti-preservationist suggested expanding Concerned Citizens for Sunnyside, but its defense of curb cuts had antagonized many residents. A proposal by a City Planning official for an "umbrella organization" representing all community groups was adopted, but the attempt still failed to win the support of enough residents to begin to address community issues.

But in the fall of 1981, more than 40 residents attended a meeting on open space questions with a slideshow presentation by an architect studying the area. This meeting led, in turn, to other discussions and, in February 1982, to a meeting of seventeen residents.. with representatives of the Trust for Public Land (TPL), a national conservation organization which seeks to conserve open land for public use in and near urban areas. The group present decided to pursue the establishment of a foundation (or tax-exempt organization) to serve as a community open land conservancy, based on the principle of voluntary individual cooperation.. In order to avoid divisive questions, the organizational group decided to emphasize cooperative concepts, incentives, and organizational methods.

Conservation vs. Preservation

In recent years, residents of the Gardens have been most sharply divided on preservation issues: the preservation or adaptation of the original design of the common courts; the establishment of the Special Preservation District procedures and their, enforcement with respect to curb cuts; and, at present, the preservation of the original design and dimensions of building facades undergoing renovation.

Today, some of the community is subject to the extended preservation easements and all of it to the Preservation District restrictions—even the one block that has been almost completely altered by fencing, driveways, and new construction. While many residents are preservationists who favor the more stringent restrictions of a historic district under the city's Landmark Preservation Law, many others disagree on the ground that these protective devices interfere unfairly with their property rights. Some broader, more flexible principle must be established for future community purposes.

In concept, landconservation differs from historic preservation in two key respects. First, it focuses on the land itself and its open space functions, not some particular historical arrangement of the land. Sunnyside Gardeners today certainly have different aesthetic and recreational values and needs than did their forebears 60 years ago. Second, and even more important, it implies the protection of existing resources, not reclaiming land from others.

Given the protection of the special district against further enclosures and encroachments, the care and improvement of all the community's open land— including both private and common gardens, curb plots, and common courts— should be emphasized. Furthermore, a tree is a community resource whether it is planted at the curb, inside a fence, at the park, or in a court.

The community's most crucial need is for funds to maintain its open, common land. The loss of park fees and court assessments has inexorably led to deterioration. The pruning and planting of trees is too costly for most residents. In this context, there is growing interest nationally in the formation of "community land trusts" for farm acreage, timberland, and other community property as a way of generating funds through grants, government aid, and tax-deductible contributions. Since the park and court associations are not tax-exempt organizations, residents cannot even give them such contributions at the present time.

The collection of deductible contributions is a function that could be served by a Sunnyside Gardens Conservancy.

The conservancy would not and should not try to manage land directly, since that function is now being served by the court associations and the park association. But it would have the resources to provide and coordinate financial and technical support to these groups and to individual homeowners. It could also play an important role in reviving the court associations with grants and annual contributions and could address questions relating to the maintenance and improvement of the courts, park, trees, and other common open space.

The tax laws have created two kinds of individual incentives to support the community land conservancy. The first is the simple matter of being able to make tax deductible contributions for the improvement of one's own community. The second is the more complicated possibility of creating conservation easements—which would mean adopting certain restrictions on use but not relinquishing ownership of the property—to protect and provide funds for the maintenance of the common gardens.

A recent article in the New York Times described the effective use of this mechanism by the Nature Conservancy and other organizations in Milford, New Jersey. Four owners of adjoining homes there received large tax deductions for donating permanent easements against enclosing or developing their property, which is now a common area with restrictions similar to those in effect in Sunnyside Gardens under the old easements or the new zoning. Unlike Sunnysiders, the Jerseyites realized as much as \$20,000 in tax savings for the donation of each easement. Unlike historic preservation easements, conservation easements do not require that the entire area be a historic district, but permit homeowners to act individually. (In New York, it may be necessary for two or more homeowners to establish mutual easements, but a bill now in the state legislature would eliminate any such requirement.)

Conservation easements could be placed on front gardens and curb plots (to ward off curb cuts) or other garden areas outside the courts, as long as the land adjoins other land, and would then be maintained as open land. The conservancy could provide legal documents and other assistance to residents wishing to establish such an easement. In return, residents could donate a portion of their tax savings to the conservancy for the commons' upkeep—which would also be a tax deductible contribution.

The nature of a land conservation foundation should help avoid the organizational problems that have bedeviled such Sunnyside groups as the United Trustees, the Sunnyside Gardens Community Association, the Concerned Citizens for Sunnyside, and the abortive Sunnyside umbrella organization.

The proposed conservancy does not have to have a mass membership to foster conservation. Because it is to be a tax-exempt foundation, it can not become involved in partisan politics. Because it will rely on individual incentives, it does not have to become involved in group conflicts. Because its major purpose would be to provide funds for open land conservation, it need not assume operational responsibilities. And most of all, because it will be a voluntary organization, it can stimulate the cooperation necessary to conserve open land.

Residents of Sunnyside Gardens are now taking steps to incorporate the conservancy, to develop a fundraising plan, and to devise initial conservation programs for this summer.

Sunnyside Gardeners

"Of course, no foresight can absolutely ensure that the purchasers will use their property [well]," Clarence Stein acknowledged in 1925, while placing his hope for the future of Sunnyside Gardens in the "the desirability of the housing" and "the development of community organization." Nevertheless, Stein's arguments that the conservation of open land, common gardens, and community parkland in urban areas is essential "to conserve human values," seems truer now than ever before.

In 1981, four homeowners on Roosevelt Court voluntarily reopened their part of the common court, removing fences and hedges which had previously subdivided the section. But since fences and hedges cost money and, once removed, cannot be erected again under the preservation district zoning regulations, there is little reason for others to follow suit. In 1982, a larger group from Roosevelt Court reestablished the defunct court association and began gardening the open areas of the common again for the first time in more than a decade.

The Sunnyside Gardens Conservancy has been established and is in the process of being incorporated with the help of the Trust for Public Land and with widespread community support. The Conservancy is sponsoring proposals to repave the streets of Sunnyside Gardens and to create distinctive crosswalks. At its request, a bill to restore the historic street names of the district is being considered by the City Council. Other projects, ranging from T-shirts to grant proposals, are under way. Once again the task of solving common problems is being taken up by Sunnyside Gardeners.