MOTT & MULBERRY STREETS:  
THE ROLE OF FORMAL RULE SYSTEMS

Richard Tseng-yu Lai (38. 1988) has identified two different bases that urban design practice is typically founded upon. The first, and the more traditional, basis is that of urban design as a "... progeny and variation of architecture, albeit at a generally greater scale and complexity." The second basis is that of urban design as an outgrowth of public policy. (see also 38. Barnett 1974 & 1982) If the material discussed in the previous chapter was to be classified according to these criteria, it would likely be identified with the former basis. Its discussion of change in the physical/tangible elements of the environment over time is a perspective that is approachable from the project-oriented, single-client position that most architects hold with regard to urban design.

This chapter however, will adopt the latter basis and look at change in the same environment from the perspective of public policy or more precisely, of the law. This perspective is an important one to adopt in discussing the creation of cultural landscapes because as Richard Tseng-yu Lai (38. 1988) has argued, and Robert Greenstreet (38. 1991) has expressed, law "... exerts a profound impact upon the city ... (and it has) shaped the city to a far greater degree than is commonly believed ..." Accordingly, with regard to this study, new populations migrating to existing urban neighborhoods since the mid-nineteenth century often not only inherited a stock of predetermined fixed features (streets, blocks, buildings, etc.), they have also inherited an array of governmental controls that constrain the use or modification of those fixed features, and semi-fixed and non-fixed features as well.

The potency of law with regard to the design of cultural landscapes has not gone unnoticed of course, and the most obvious of contemporary land-use controls, zoning, has expressly manipulated cultural landscapes for nearly 80 years. (38. Crane 1960) Lately contemporary urban design practice has also, to paraphrase Jonathan Barnett, shifted to designing cities through the application of codes and regulations, in lieu of designing individual buildings. (see 38. Barnett, 1974 & 1982; Williams, Kellogg & LaVigne, 1987; or 40. Krieger & Lennertz, 1991.)

However, those regulations, which have been expressly developed to manipulate the cultural landscape, are not the only regulations warranting consideration. The law is often an "... indeliberate and even accidental ordainer of city form..." (38. Lai 1988) Many regulations that ostensibly concern only public health, morals, welfare and safety, also often have specific impacts on the urban environment and are relevant to a study of cultural landscapes. A small body of previous work has considered these issues in a variety of settings (see for example, 38. Hakim, 1979
Mott and Mulberry Street, by virtue of their comparatively long history and by their situation in New York City, present an interesting opportunity to observe the history of regulations that have had both deliberate and unintentional impacts on the cultural landscape, from an urban design perspective. (It is important to reiterate that this project is concerned with cultural landscapes that are comprised of fixed, semi-fixed and non-fixed features. The array of applicable regulations is accordingly broader than if the study had the more common focus on fixed features alone.) Among the regulations identified as having had a role in the manipulation of the cultural landscape are:

- The Zoning Resolution (as first enacted in 1916 and revised in 1961)

- The Little Italy Special District (a “special zoning technique”)

- Building Laws (known after the consolidation of New York City in 1897, as the Building Code)

- Housing Laws

- Peddling/Vending/Retailing Laws/Controls (including licensing requirements placed upon these activities by public agencies like the NYC Department of Health.)

- Language/Signage Laws

- Traffic Laws/Controls

Others that will not be explored here, but that would warrant further consideration are: any fire regulations outside of the aforementioned laws, labor or “factory” laws, the new Americans with Disabilities Act, and any laws designed to control public assembly, e.g., laws concerning loitering (see 22. Stains 1994).

In approaching the study area from the perspective of the law, the same analytical devices used in the previous chapter will be applied here, i.e., the varying scales and the distinction between fixed, semi-fixed and non-fixed features. As will be shown, some regulations are wide reaching in their scope and they span several of the scales used (i.e., Street, Block, Lot, Building, Smaller Than Building).

It should also be reiterated that this analysis does not present a complete picture of the regulatory framework in effect on the study site, either currently or through history. It is also important to recall that this study is focused on the public domain and accordingly, only elements of the relevant regulations that affect this portion of the urban environment will be addressed. Other limitations of this study include a gap, as of this writing, with regard to the building laws early in the 20th century and, due to time constraints, only a brief consideration of the amendment process associated with Zoning.
Streets and Blocks

Of all of the components of the inherited environment comprising Mott and Mulberry Streets, the Streets and Blocks have been demonstrated, in the previous chapter, to be the least changed dimensionally over time. One explanation for this is the opposing role that these two categories typically occupy with regard to public/private ownership. Directly related to the prominent role of property rights in American Constitutional Law (i.e., Articles 5 and 14 of the Bill of Rights), legal boundaries at the juncture of the public/private domains have been demonstrated historically as being remarkably durable. As Christine Meisner Rosen (26. 1986) and T.F. Reddaway (26. 1965) have demonstrated, private property boundaries, in both American and English cities, have resisted public encroachments even when substantial portions of the urban environment were razed following massive conflagrations. A source of great frustration to some Progressives and Reformers, (26. Rosen 1986) the only recourse to markedly changing urban structure at such a fundamental level is via governmental fiat.

This authority has been mustered for particular projects on the Lower East Side of New York for both large-scale Urban Renewal and transportation projects. These projects have, at the scale of Streets and Blocks, manifested themselves in street closings and widenings, and in the creation of "super-blocks." However, this activity has been largely confined to the areas east of the Bowery, on the old DeLancey and Rutgers estates. (See Figure 2-1 - The Colonial Estates on pg. 16) The site of the initial Bayard platting has not undergone such transformation. (Robert Moses did propose the Lower Manhattan Expressway in the 1950's, which would have cut through Little Italy and SoHo, but the communities mobilized and successfully opposed the plan. Jane Jacobs' 1961 book: The Death and Life of Great American Cities was at least in part inspired by this battle.)

With this in mind, the discussion will focus on some of the regulatory powers that wield authority concerning the use of the Street and the Block more than their modification. However, much of the regulatory effort is focussed on smaller-scale environmental features and they will be discussed later in the finer-scale sections of this chapter, as appropriate.

Streets

There is a host of public, semi-public and private enterprises that have jurisdiction over portions of the Street as a large-scale entity, but in the scope of this study and at this scale of analysis, the purview of two agencies is of primary concern. These agencies are the New York City Department of Transportation, which maintains the local city streets, and the Department of Traffic, which enforces traffic regulations. In terms of fixed features, the Department of Transportation determines, in part, the width of the thoroughfare versus the sidewalk within the right-of-way. It also determines the use of these features with regard to traffic flow and the use of air-rights over the thoroughfare.

TOWARDS URBAN FRAMEWORKS
Both Mott and Mulberry are one-way streets (Mott containing southbound traffic and Mulberry, northbound) which, aside from their direction, is typical of most of the streets in Manhattan. Together with the decision to permit limited parallel parking on both sides of the streets, this has created a single, narrow traffic lane through both face blocks. Traffic regulations also endeavor to limit truck traffic to local delivery service on both streets in order to minimize through traffic to and from the nearby Manhattan Bridge. Parking, on both Mott and Mulberry, is restricted on the east side of the streets during certain hours, (9am-6pm on Mott and 8am-6pm on Mulberry) to accommodate delivery trucks. The west side of both streets is restricted by metered parking (with 1-hour meters on Mott, and 2-hour meters on Mulberry).

Blocks

The most important regulatory device designed to act at, or near, the block scale is the Zoning Resolution, which was first applied in New York City in 1916. The “district” level control of the Zoning Resolution of 1916, in some ways, was the logical culmination of decades of increasingly stringent, public control at the building-scale. As New York City’s Commission on the Building Districts and Restrictions argued in support of the original Resolution:

Special regulations have ... been passed with relation to tenement houses, factories, garages, theatres and others classes of buildings. Such regulations are often rendered wholly or partially ineffective by failure to control the environment of the building. The Tenement House Law provides for minimum size yards and outer courts which really depend for their adequacy on their being supplemented by similar yards and courts in adjoining lots. If, however, a towering loft building or warehouse is built next to a tenement, the standards of light and air aimed at in the Tenement Houses Law are impaired. (38. Commission on Building Districts and Restrictions 1916)

The aim of the resolution was far greater than resolving issues of frustrated attempts to provide individual tenement houses with adequate light and air though. It was also motivated generally by the era’s progressive, Reform ideology and more specifically, by a desire to thwart change in certain areas and to mitigate the effect of activities that were considered to be inappropriately mingled. These aims were readily displayed in disdainful statements made by the Commission, like “(t)his Bronx street was once lined with private residences, each with its lawn and shade trees. Had it been protected against the first small store it would have never have come to this (referring to a photo of a push-cart lined, retail-street scene.) Another reads, “(s)tores on the ground floor have brought these push carts with a consequent congestion of sidewalk and street. Tenants are deprived of their legitimate use of the street and children are robbed of the only 'playground' they might have. Drivers of fire apparatus hate these streets.” (38. Commission on Building Districts and Restrictions 1916)
The landmark, 1926 *Ambler Realty Co. v. Village of Euclid, Ohio* Supreme Court decision expresses similar sentiments while addressing the broader concerns of health, safety and welfare. Affirming the implementation of Euclid's zoning ordinance and zoning in general, it states that:

...the segregation of residential, business and industrial buildings will make it easier to provide fire apparatus suitable for the character and intensity of the development in each section; that it will increase the safety and security of home life; greatly tend to prevent street accidents, especially to children, by reducing traffic and resulting confusion in residential sections; decrease noise and other conditions which produce and intensify nervous disorders; preserve a more favorable environment in which to rear children, etc. With particular reference to apartment houses, it is pointed out that (in) the development of detached house sections ... very often the apartment house is a mere parasite, constructed to take advantage of the open spaces and attractive surroundings created by the residential character of the district. (38. Haar & Wolf 1989, pg. 186)

To accomplish these large-scale goals, the New York City's municipal government had to be granted the authority to regulate construction within the city by the State Legislature. In granting this authority, the Legislature essentially defined the means and methods available to the City:

...the board of estimate and apportionment shall have power to regulate and limit the height and bulk of buildings hereafter erected and to determine the area of yards, courts and open spaces. The board may divide the city into districts of such number, shape and area as it may deem best ... The regulations... shall be uniform for each class of buildings throughout each district. The regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers and to promote the public health and welfare ... The board of estimate and apportionment may regulate and restrict the location of trades and industries and the location of buildings designed for specified uses ... Such regulations shall be designed to promote the public health, safety and general welfare ... (38. New York State Legislature 1916; ch. 497)

As applied in New York City zoning was initially used to "... reinforce existing land use patterns, not to predict future ones ..." (38. Kelly 1988) and it was not retroactive. (38. Commission on Building Districts and Restrictions, 1916) The mixed residential, commercial and industrial character of Mott and Mulberry Streets and their proximity to the central business district, evidently resulted in the streets' inclusion in a large, unrestricted zone. The unrestricted zone was one of three generic zones defined by the 1916 Resolution. The other two, progressively more use-exclusive, zones were "business" and "residential." Future development in the unrestricted zones was assumed by the Commission to
be for industrial uses. (38. Commission on Building Districts and Restrictions 1916)

As the quoted section of the Enabling Act suggested, in addition to use, zoning would be implemented by controls on height and setbacks. Mott and Mulberry Streets were allocated to a “Z” zone regarding height and a B zone regarding setbacks. This meant that any future buildings could reach a height of twice the thoroughfare that they fronted on and the most significant impact of the B zone, according to the Commissioners, was that even industrial buildings had to have a modest rear setback if they backed-up to another lot. This rear setback had to begin 18-feet above the height of the curb in front of the building, which permitted 100% lot coverage on the ground floor. (38. Commission on Building Districts and Restrictions 1916) An example of this coverage and setback can be seen in Figure 4-1 (Meitz Building Rear Setback) which depicts a loft building that generally conforms to this envelope even though it was constructed before the Resolution was adopted.

However, since large-scale construction on the face blocks of Mott and Mulberry Streets has been almost nonexistent since 1914, the restrictions of the 1916 Resolution had limited physical impact on the cultural landscape. The Resolution’s lack of amortization* of non-conformities has resulted in “(z)oning (having) far less relevance or influence where there is little incentive for development.” (38. Kintish & Shapiro 1993) It is also possible that the ordinance somehow discouraged development, but most discussions of the 1916 Resolution note its generally accepted leniency in terms of limiting bulk (38. Strickland 1993; Makielski 1966) and virtually any use could have been made of the unrestricted zone. However, this greater degree of flexibility could also have discouraged some development.

In 1961, after a 45 year period in which over 2,500 amendments were made to the original Resolution, (38. NYC Planning Commission 1985; Marcus 1993) a comprehensive revision of the Zoning Resolution was adopted. Among the significant revisions relevant to this study was the replacement of the height and setback restrictions with Floor Area Ratio (FAR) bulk controls and the re-conceptualizing of the three generic zones. In place of the residential, business and unrestricted zones, the 1961 Resolution created the broad categories of residential, commercial and manufacturing. Noting that the 1916 Resolution did not account for finer-grain control of use, the three 1961 categories were subdivided into 14 residential, 8 commercial and 3 manufacturing zones.

* When discussing zoning, amortization concerns “...the gradual phasing out of previously existing, non-conforming land use.” (38. Lai 1988, pg. 139; see also Haar & Wolf 1989) The term has apparently been derived from a similar concept used in finance involving the gradual “extinguishment” of a debt.

Figure 4-1 -- Meitz Building Rear Setback
Each of the subdivisions could now effect varying, and possibly gradated, intensities of use. For example, among the commercial zones, C1 is for local, neighborhood-oriented, retail use, while C8 is for heavy service (excluding industrial) use only. (38. Strickland 1993; NYC Planning Commission 1988)

Mott and Mulberry Street are currently considered to be part of a C-6-2G zone, a zone established for “high bulk commercial uses” outside the central business district. Within this zone, the blocks can house, as-of-right, a broad range of new commercial and residential, but not industrial, uses. (41. Young, personal communication 1995) However, as discussed above, the Resolution is not retroactive, (38. NYC Planning Commission, 1988) and since most of the buildings on Mott and Mulberry Streets were constructed prior to the enactment of the original 1916 Resolution, many buildings do not conform to the prescribed commercial or residential land-uses. These non-conforming uses, which were permitted as-of-right until the 1961 rezoning, involve primarily manufacturing, and have been grandfathered into the zone. However, if the buildings or spaces housing these uses are converted to a conforming use, the space cannot revert back to the non-conforming use. (41. Young, personal communication 1995) Amortization of non-conforming uses has been implemented in some cities, but the constitutionality of such a decree has generally been held to be conditional to the potential re-use of the structure for a conforming use. (38. Lai 1988) In New York, even amortization clauses limited to signage in the 1961 Zoning Resolution were hotly contested prior to its adoption. (38. Makielski 1966)

In 1977, as was discussed in Chapter Two, the Little Italy Special District was adopted. This district is an “overlay” on the area’s current C-6-2G zone. Special districts can be seen partly as location-specific attempts to counteract the influence of the 1961 Zoning Resolution by encouraging more contextual development through the reintroduction of building height and setback requirements. The Resolution’s emphasis on FAR requirements had often resulted in the construction of buildings that were “out of character” with existing development. (38. Marcus 1993)

Due to limited, new, large-scale construction on Mott and Mulberry Streets, these contextual regulations have also had little impact on the study area. The Little Italy Special District, following the lead of the 1961 Resolution and of the City’s earlier use of the Special District technique, has imposed some new requirements that have had significant impact on the study area’s cultural landscape. These requirements operate largely at the Smaller Than Buildings scale though, where the (re)construction cycle often operates at a faster pace, as the previous chapter demonstrated.

Lots and Buildings

Like Streets and Blocks, there is a reciprocal relationship between the two categories of Lots and Buildings. Accordingly, the discussion here will largely tend to fo-
ocus on buildings with the lot playing an ancillary role.

Zoning

Zoning determines the use, "... height, length and bulk of a building and its placement on the lot ..." (38. NYC Planning Commission 1988) and it is through these building level controls that zoning also affects both the Street and Block scales of the framework model. Accordingly, much of the discussion relevant to Buildings and Lots has already been addressed. To quickly summarize the zoning regulations that have been placed upon Mott and Mulberry Streets:

1916 Zoning Resolution

Unrestricted Zone: Building height was limited to twice the width of the street fronted. Setback rules largely affected side and rear lot areas. Ground floors could occupy 100% of the lot and a rear setback had to occur in the rear of the lot above 18'. (38. Commission on Building Districts and Restrictions 1916)

1961 Zoning Resolution

C-6-2G Zone: Commercial FAR = 6.0 (7.2 with bonus) and Residential FAR = .94 to 6.02 (38. NYC Planning Commission 1988)

Building to a residential use. However, the city is endeavoring to remove this requirement. (41. Young, personal communication 1995)

Special District

Little Italy Special District: Maximum height is limited to 7 stories, coverage is restricted to 60 to 70 percent of the lot, the building must maintain the "streetwall" and only "limited" recesses are permitted on the front elevation. (38. Ramati 1981) The coverage requirements are also not applicable for the ground floor up to 23 feet above the curb, i.e., the ground floor can achieve 100% coverage.

Building Laws & the Building Code

As mentioned above, zoning is only a portion of the long history of building regulation in New York. As early as 1648, local law prohibited the construction of wood and plaster chimneys. (35. Comer 1942; Plunz 1990) In the 18th century, Hendrick Rutgers placed restrictive covenants in his leases limiting his tenants' construction activities with regard to materials, siting, and massing. (32. Blackmar 1989) Initially, public regulation was of a more limited scope than Rutgers' covenants and it appears to have been largely targeted at the prevention of fire. Major fires had occurred in New York City in 1776, 1811, 1828, 1835 and 1845 (35. Plunz 1990) and it is probably not coincidental that laws regulating the thicknesses, materials and method of construction of
exterior walls were enacted in 1813, 1822, 1823 and 1830. (35. Comer 1942) Another was enacted in 1849 that mandated that within the city "(a)ll dwelling houses, store, storehouses, and all other buildings . . . be made and constructed . . . of stone, brick or other fireproof materials . . .". This law also prohibited the relocation of wood-frame buildings, within the City’s fire limits (then occupying the roughly the southern fourth of Manhattan Island and considerably beyond the study area), from one lot to another and greatly limited their expansion opportunities, including a height restriction of 35 feet. (35. New York State Legislature 1849, ch.84)

These laws were superseded in 1860 by what has been called a "... more or less complete building code for the city ..." (35. Comer 1942) This Act refined the constraints of the 1849 Act to read "... all outside or party walls of every such dwelling house, store, store-house, or other building, shall be constructed of stone, brick or iron . . .". (35. New York State Legislature 1860, ch.470) By limiting the controls to the exterior walls, an essentially non-fireproof building could still be constructed, with regard to its interior structure and finishes. This Act roughly coincided with the beginning of a period of construction that would be noted for the use of elaborate cast-iron facades. (Just north of the study area is a historic district of loft buildings called, "The Cast-Iron District." (32. Gayle & Gillion, 1974)) Within the study area, a significant change of the building stock was also under way between 1855 to 1914. (see Figure 3-7 – Face Block Buildings Over Time, on pg. 40) Several manufacturing loft buildings were constructed during this period, as were many new front-lot tenements. The street elevations of these buildings, in conformance with the building law, were largely built of brick and ultimately all but one of the many wood buildings on the two face blocks were replaced.

The building laws were again amended in 1862 and 1866 and again in 1871. The latter of these amendments apparently had the most impact on the cultural landscape at the building scale. In this version, non-fireproof buildings were limited in width. (35. Fryer 1898) This would appear to be an extension of a requirement of the 1849 Building Act which required an intermediate firewall in dwelling houses or storehouses over thirty feet wide. This wall was intended to reduce the amount of unfireproofed open space within the interior of the building. This firewall requirement and the width restriction possibly explains the division, by a firewall, of the visually-unified (in elevation) Meitz Building, (128-130 Mott Street) into two functional halves in plan. (See the plan included in Figures 3-21 on pg. 58 or 5-5 on pg. 111) The building occupies two unconsolidated lots and the maximum width placed upon buildings might have effectively placed an upper limit on lot consolidation for a time.

The next significant revision of the building laws occurred in 1885, which included a maximum height limit of 85 feet for non-fireproof buildings. This limitation was changed to 70 feet in 1886 and then relaxed to 75 feet in 1897. The latter modification of the height limit, Fryer (35. 1898) noted, ended a 5 year period in which the building laws remained relatively unchanged. This
duration apparently struck him as unusual and with the consolidation of the cities of Brooklyn and New York in 1897, considerable modification of the laws continued. In this year, the consolidated City was granted the authority to issue building regulations on the municipal level and the ensuing regulations were no longer contained within the City's Charter, but were issued as an independent document, the Building Code. (35. Fryer 1898) With regard to height limits in the study area, most significantly, the industrial Mietz Building was apparently constructed under the height restrictions imposed in either 1886 or 1897. Many of the later tenement buildings on the face blocks, constructed just after the turn of the century, were subject to a different set of height restrictions contained within the State's Housing Laws, which will be addressed in the next subsection.

The City's Building Code was revised in 1938 and again in 1968. The 1968 Building Code was last amended in 1993. (35. New York City 1993) However, these revisions had little impact on the Building scale due to the almost total absence of large scale construction on the study area after 1914.

**Housing Laws**

Fire was not the only concern in the 19th century that generated legislative action with regard to building construction. As many of the original buildings, constructed in the 18th and early 19th century, were replaced by large tenement buildings, concern about the effects of inadequate light and air on the health of their occupants, in addition to fire prevention, instigated the passage of a series of increasingly stringent housing laws. The first of which was the Tenement House Act of 1867 which, among other requirements, dictated the placement and minimum size of window openings and required an airshaft to ventilate any room smaller than 100 square feet that "...does not communicate directly with the external air." The law also mandated sideyard access to rear lot tenements - in single-family dwelling to tenement conversions of in new tenement construction - and required a rear setback for new rear-lot tenements. (35. New York State Legislature 1867, ch.908)

The Tenement House Act of 1879 actually consisted of several amendments to the 1867 Act. These amendments set a minimum rear setback of ten feet for tenement or lodging houses, and restricted total lot coverage to 65% on "...an ordinary city lot..." but did not include corner lots. (35. New York State Legislature 1879, ch. 504) The amendments were influenced by a competition to design a model tenement, held by the magazine Plumber and Sanitary Engineer. The competition challenged entrants to develop economically-feasible designs that improved upon the qualities of "light, ventilation, sanitation and fireproofing" found in existing tenements. The winning design created a controversy due to what many critics considered to be limited improvements over existing tenement designs, but the design still became the prototype for the "Old-Law" or "dumbbell" tenement legislated by the Act (see Figure 4-2). (35. Plunz 1990)
Figure 4-2 -- Massing Effects of Housing Law Changes
These dumbbell tenements, like the “Pre-Law” buildings, were designed to fit on the standard 25 by 100 foot lot and the prototype featured a functional organization of center entry with an adjacent ground-floor storefront and a ground-floor apartment, and with several floors of flats above. (see Figure 4.3 – Prototypical Old Tenement) Two Old Law tenements exist in the study area (139 and 141 Mulberry Street) and from the street, these buildings are nearly indistinguishable from the numerous Pre-Law tenements on the site (nearly all of the buildings on the west side of Mott Street are Pre-Law tenements).

In contrast, when viewed from the street, housing constructed according to the requirements of the Tenement House Act of 1901 does appear significantly different from the older tenements. The new Act had modified the massing requirements placed upon tenement houses in 1879. The Old Law’s coverage requirements had been largely disregarded by developers as being too stringent (35. Plunz 1990) and the New Law struck a compromise by permitting slightly greater allowable coverage. These limits were 90% on a corner lot and 70% on an interior lot. A building’s height was also restricted to a maximum of one-and-a-third times the width of the street that it fronted on. In addition to this maximum, the Act also contained another potentially more important constraint involving height limits and exceptions to these limits. The Act required that:

(e)very tenement house hereafter erected exceeding fifty-seven feet, or exceeding five stories or parts of stories, in height above the curb level, shall be a fireproof tenement house... provided that this... shall not apply to a building of a height of six stories or parts of stories in height above the curb level, if such a building shall have a frontage exceeding forty feet. (35. New York State Legislature 1901, ch. 334)

The standard 25 by 100 lot, without considering the Act’s setback requirements, could contain at most, a five-story, non-fireproof building or, considering that frontage on a fifty-foot wide street would permit a maximum height of 66.65 feet, a six-story, fireproof building. As the previous chapter discussed, most of these New Law tenements, in the study area, were built on newly consolidated lots and the buildings are six-stories tall. It appears very likely then, that the non-manufacturing-driven lot consolidation, at the turn of the century was driven by tenement house developers who were taking advantage of this exception. There was also another incentive toward lot consolidation in the Act. The greatly enlarged dimensional requirements for air shafts and setbacks and the requirement that every occupiable room have windows, effectively “... eliminated single 25-foot lot development from the mass (housing) market.” (35. Plunz 1990)
It was still possible to construct a tenement on a 25 by 100 foot-lot, but the plans become very inefficient (according to Plunz (35. 1990)). 146 Mulberry is the only example of a New Law tenement on a 25-foot wide lot in the study area, and behind its street elevation, its footprint becomes quite long and slender. The more common application of the New-Law is depicted in Figure 4-2. In this diagram, the massing of two New-Law buildings in the study area is depicted in relation to a Pre-Law and an Old-Law building. Each of the New Law tenements depicted occupies a significantly larger portion of the street frontage than the older buildings.

The other incentive in the Act, regarding lots, is that buildings placed on corner lots could achieve a higher coverage than was permitted on an interior lot. The New Law buildings in the study area seem to indicate some response to this exemption as they were often constructed on corner lots.

The New Law remained in effect until 1929 when the Multiple Dwelling Law superseded it. The Multiple Dwelling Law continued to refine and develop the regulations set forth in the New Law and was last amended in 1993. (35. New York City 1993) No new tenement buildings (now called “multiple dwellings”) were constructed in the study area after the adoption of this law however.

Smaller Than Buildings

Like its counterpart in the previous chapter, the purview of this section is broader than those sections discussing the larger scales. Instead of concentrating on large-scale fixed features, this section is predominantly about small-scale fixed, semi-fixed and non-fixed features.

The extant Streets, Blocks, Lots, and Buildings of the study area have been shown to have largely been in place since 1914. When observed at the Smaller Than Buildings scale however, the environment does not have the static quality that might be implied by the consistency of these large-scale fixed-features. As was discussed in both Chapters Two and Three, social change in the area has been quite pronounced since 1914 and many of the small scale features have been modified, replaced and/or removed. Accordingly, the zoning and building laws have had greater influence at this small scale.

Zoning and the Little Italy Special District

As the previous sections have discussed, Mott and Mulberry Streets were initially located in an unrestricted zone and effectively no small-scale constraints were placed upon them by the 1916 Zoning Resolution, an ordinance that was primarily concerned with use and large-scale elements. (The 1916 Zoning Resolution did however, regulate the permissible projection of cornices, to prevent too large a shadow from being cast onto the street.) This changed with the 1961 revision of the Reso-
ution and as discussed above, Mott and Mulberry are currently in a C-6-2G zone. This zone places a number of important constraints on the blocks that affect use, square footage available to particular uses; signage and enclosure requirements.

At the Smaller Than Building scale, one of the more important regulations of the Resolution is once again, an exception. The current Zoning Resolution states "... that in all use districts except C7, uses must be located within completely enclosed buildings. Open store fronts and store windows are allowed, however, in... C6-1 through C6-4... districts." (38. NYC Department of City Planning 1988) Accordingly, within a C-6-2G zone, the construction of an open-storefront as typically found on Mott Street, and discussed in the last chapter, is permissible as-of-right.

Also important to the study area and within the scope of the Zoning Resolution are sidewalk cafes. The Resolution permits only unenclosed sidewalk cafes that use only moveable tables and chairs. These semi-fixed features must leave a clear path of at least 8 feet or 50% of the sidewalk, whichever is greater, for pedestrian circulation. As well, no signage, aside from the storefront's permissible signage, is permitted to be among the elements of the cafe and no music, taped or otherwise, can be played. (41. Young, personal communication 1995)

The Little Italy Special District was designed around three zones; the "Preservation Area," the "Corridors" and the "Mulberry Street Retail Spine." The former encompasses the entire 31-block district and includes regulations largely concerning the building scale. The Corridor zone addresses the periphery of the district and involves manufacturing and industrial uses. The zone of most concern to the study area, and the most heavily regulated, is the Mulberry Street Retail Spine. It encompasses all of the Mulberry Street face block and the first 100 feet of Mott Street closest to Hester and

![Figure 4-4 -- Sidewalk Cafe Plan Legend]

A: Tables on Inner Sidewalk
B: Tables on Outer Sidewalk
C: 1/2 Sidewalk Width (OK to Use for Cafe if E ≤ 16 feet)
D: 1/2 Sidewalk (Required by Law for Pedestrian Path if E ≤ 16 feet)
E: Sidewalk
F: Parking Strip
Grand Streets (in other words, it doesn’t affect the middle 200 feet of Mott.)

Within this Retail Spine, retail occupancy is required on the ground floor of any new or renovated building (38. Ramati 1981) and two listings of uses have been developed that are considered to contribute to “… the existing retail character of the neighborhood.” These listings address 14 “convenience retail” and 39 “retail or service establishments.” The former includes such uses as: restaurants, bakeries, hardware stores, beauty shops and variety stores. The latter includes: antique stores, book stores, tobacco stores, newspaper stands, gift shops, optometrists, social clubs and shoe stores. (38. NYC Planning Commission 1991)

The use groups were developed with the intent of limiting large scale retail and commercial establishments on the ground floor, in favor of small shops. Accordingly, a number of these uses have had restrictions placed on the square footage that they may occupy or on the total number of people that may occupy the premises at one time. Relevant to the existing uses on both Mott and Mulberry Streets, the restrictions include: Food Stores - limited to 5,000 square feet; Eating Establishments with entertainment - limited to 200 persons; and Clothing or Clothing Accessory Stores - limited to 5,000 square feet. The entry to upper floor uses is also constrained to no more than 25-feet of frontage. (38. NYC Planning Commission 1991)

The Special District also has detailed guidelines for new or renovated storefronts within the Mulberry Retail Spine. They were developed to “… preserve the original storefront materials and scale and to relate new storefronts to existing ones.” (38. Ramati 1981) “Storefronts … shall comply with the following standards (see Figure 4-5):

Show Windows shall have a sill height of not more than 2'-6" above curb level and extend to a maximum height between 8'-0" and 10'-0" above curb level.

The storefront shall have transparent areas no more than 10 feet in width, measured horizontally and which transparent areas shall be separated by a mullion of no less than 6" in width.

Storefront entrance doors shall be set back a minimum of 2'-0" behind the vertical surface of show windows.” (38. NYC Planning Commission 1991)

The District also adds to the regulation of signage within the Mulberry Retail Spine. These restrictions limit business signs to an area not greater than 25% of the total area of the store front, accessory signs may not cover columns, cornices and sills and permitted signs that project from the building wall must be at least 10-feet above curb level. (38. NYC Planning Commission 1991)
The storefront guidelines have rescinded, within the boundaries of the Mulberry Street Retail Spine, the C-6-2 zoning district's as-of-right opportunity to construct an open storefront. This is an effort to encourage the replication of the original or existing storefronts. Figure 4-5 contrasts a storefront designed according to the guidelines with a "setback" storefront typical of Mott Street. As this diagram and the previous chapter suggest, these guidelines are a significant barrier to construction of the type of open Chinese storefronts found along the middle section of the Mott Street face block and throughout Chinatown.

The District has reiterated the Resolution's earlier coverage exemption for the ground floor with a commercial occupancy and within the Mulberry Street Retail Spine, ground floor lot coverage can reach 100%. This exemption is similar to those in the underlying C-6-2G zone, and is intended to permit the restaurants to expand. (38. Ramati 1981)

The Mulberry Street face block has had many storefronts constructed and reconstructed since the establishment of the Special District and, in contrast to Mott, has no open storefronts. While this is in conformance with the design guidelines, not all of the new storefronts have complied precisely with the regulations. The older photo the Caffe Palermo (Figure 4-6) was used as an illustration of the existing character of the storefronts of Little Italy while the Special District was being developed. (38. Ramati 1981) Sal's Hairstylist, with its slightly recessed entry, was seemingly more of the prototype than the Caffe Palermo for the guidelines, but they have their similarities in the amount and location of glazing, the location of signs/lettering, the relation of the entry to the display window and the awnings. The recent photo (taken in March 1993) of the Caffe Palermo shows that the restaurant has expanded into Sal's old store, and further "modernized" its storefront. Contrary to the spirit of District's guidelines, the cast-iron column dividing Sal's and the restaurant's entries and the original cornice above the storefronts have been covered up or removed, and in direct conflict with the guidelines, the entry doors are not setback 2-feet behind the display windows.

Even more recently, in the last two years, all four corner storefronts on the Mott Street face block have changed. These four storefronts have either changed from unoccupied spaces (2), to different uses (1) or to a different tenant who retained the same basic use (1). (see Figure 4-7 - Mott Street Corners) Each of these storefronts is in the Mulberry Street Retail Spine and is subject to the guidelines set forth above. Of the four, three comply with the guidelines and one (Fig. 4-7F on the northeast corner of Mott) does not. In the case of non-compliance, the storefront enclosure is set back from the front elevation, and the doors are flush-mounted with the window assembly. The area before the enclosure is used for selling produce as in

![Sal's Hairstylist](image)
an open storefront. At the rear of this corner building, fronting entirely on Mott, is another new open storefront (Figure 4-8) that is also violating the guidelines.

These violations of the Special District regulations could be indicative of the increasing complexity of the “web” of building controls within the City, a progression that should be apparent from the discussion in this chapter alone. In particular, Marcus (38, 1993) cites the idiosyncrasies of the numerous Special Districts as a cause of the erosion of zoning enforcement in general, within the City. The Building Department was organized to administer a zoning ordinance comprised of uniform districts and does not, he states, have the resources to also supervise the application of the 37 existing Special Districts. Perhaps one small indication of this is the output of a database of “Work Permit Data” obtained at the Department. Many of the database’s fields (specific areas for inputting pertinent data) have been left at the presumed default of “N/A,” including the Special District field, with regard to a permit for the “renewal” of the storefront at 116 Mott. (35. NYC Building Department, 1995) This storefront, which two years ago was occupied by Fretta Brothers meats, now houses “Optical 88” (Fig. 4-7C-I and it is in the Mulberry Street Retail Spine.

**Building Codes**

As discussed in the Building scale section, building laws have played an important role in determining the visual quality of the cultural landscape. As the discussion up to this point has observed as well, the larger scale elements of the environment often have not been effected by regulations due to the longevity of these features and the non-retroactive character of many of the requirements. While some of the features of the Smaller Than Building-scale coincide closely with the change of larger scale features, many change much more frequently.

One of the more consistent features is the fire escape, which was first introduced into the building laws in 1860, (referred to as exterior “fireproof balconies” and connecting “fireproof stairs”) but which was limited to “dwelling houses” containing more than eight families, and which apparently required reinforcing by the Tenement House Acts of 1867, 1879 and ultimately, 1901 to be fully implemented. (More on this in the next subsection.) Like fire escapes, many of the features regulated by the building laws can be classified as projections from the elevations of buildings and some of these features were already being controlled in 1849. The 1849 regulations were limited to the means of attaching gutters to the elevation and they required that any wooden gutters be covered with copper, zinc, tin or iron. (35. New York State Legislature 1849, ch. 84) By 1860, the building regulations also regulated exterior cornices - which might also have acted as gutters. No wooden cornice could extend across two or more adjacent buildings. On build-
Figure 4-7 – Mott Street Corners 1993-1994
Legend (This Page)
A - Northwest Corner 1993 - view across Grand St.
B - Northwest Corner 1994 - view across Mott St.
C - Northwest Corner 1994 - view from intersection of Grand & Mott
D - Southwest Corner 1993 - view down Hester & across Mott
E - Southwest Corner 1994 - view across Hester, Mott in right
Enclosure has been setback (out of view) and an "open" style produce display has been located in front of it.

Sign in Italian (which translates roughly as: "pork sausage maker")

Retractable Canvas Awnings

Change from Glazed to Opaque Wall

Figure 4-7 Continued -- Mott Street Corners 1993-1994
Legend (This Page)
F - NorthEast Corner 1994 - view across Mott St.
G - SouthEast Corner 1993 - view across Mott St.
H - SouthEast Corner 1993 - view across Hester St.
I - SouthEast Corner 1994 - view down Hester St.
ings taller than 38-feet (increased to 40 feet in 1866), new cornices were to be fabricated from metal, brick, stone, terra cotta or another fireproof material and appropriately fastened to the wall. When the cornice projected above the roof, parapet walls had to rise to the top of the cornice and no wooden cornice could extend across two or more buildings. While most of the materials of a building elevation were required to be made of fireproof materials by 1860, the building laws permitted the construction of wood bay windows, oriels, “piazza’s” (porches), or balconies. (35. New York State Legislature 1860, ch. 470)

By the time that the 1938 Building Code was developed, the scope of the regulations appear to have broadened considerably. This iteration of the Code now began with a statement restricting any projection, on any new or expanded structure, beyond the lot line. Exceptions to the rule were made for columns, pilasters and ornamental projections (cornices, lintels, sills, quoins, rustication . . . ) within definite limits, as long as they could be removed without compromising the building’s structural integrity. (35. New York City, 1968)

By the time the current Building Code was developed in 1968, it appears to have grown to display a great degree of control over small-scale features of the urban environment. In addition to the restrictions on projections, “architectural details” and ornamental projections expressed previously, the new Code ultimately included regulations on projections like signage, awnings, marquees, flagpoles, and light fixtures.

Signage, in the Code, is identified largely by the general location of the sign, e.g., wall signs or projecting signs. In general, projecting signs are set perpendicular to the building wall while wall signs are set parallel and flush to the building elevation (see Figure 4-9). Any signage must be hung by a licensed sign hanger and in no instance can a sign be attached to a fire escape or exterior stair. Wall signs cannot project further than 12 inches beyond the lot line into the street and in Manhattan, they must be made of noncombustible material. Projecting signs are allowed to extend ten feet beyond the front lot line, with the constraint that they cannot come within 2 feet of the curb, which is measured as if a plane was projected upwards to meet the horizontal projection of the sign. They also must be at least ten feet above the sidewalk and a sign narrower than two feet may extend 5 feet above the roof.

Figure 4-8 -- New Open Storefront (right) at 146 Mott Street within Mulberry Street Retail Spine. (left) View of vacant storefront in 1993.
Two other relevant categories of signage are illuminated signs and temporary signs. Illuminated signage requires that any projecting reflector cannot extend horizontally any closer to the curb than two feet. Temporary signage of less that 500 square feet can be constructed of combustible material and if combustible, they cannot extend further than 1 foot into the street (i.e., past the curb) without the permission of the Department of Transportation. The sign also must be taken down after 30 days.

Storefront awnings must be at least eight feet above the sidewalk (a flexible valance is permitted within 7 feet), supported entirely from the building elevation, and they cannot extend more than 8 feet beyond the front lot line. The frames of any awning must be made of noncombustible materials and covered with flame-proofed canvas, slow-burning plastic, sheet metal or similar material. As well, awnings cannot block any fire escape drop ladder. (35. New York City, 1993)

Clearly, on Mott and Mulberry Streets, signage and awnings have long been part of the cultural landscape (see nearly any historic or contemporary photograph of the site contained in this document.) Aside from the functional aspects of some of the awnings, they clearly occupy an important role in establishing the identity of the storefront on which they are located and of the block as a whole. Accordingly, in practice the distinction between signage and awning is somewhat blurred. Many awnings are adorned with the same graphics, colors and text that would be found on a sign, in effect making them projecting signs. However, the Building Department still distinguishes between the two. For example, the output of the Building Department’s Work Permit Data database (35. NYC Building Department 1995) shows that some awnings are granted permits with the understanding that they carry no text, but the awning as constructed may actually feature text. (see Happy Tree Market, Figure 4-7F)

The temporary signage requirements are also important to the study area as Mulberry Street today is regularly decorated with banners hung across the street. Recently, for example, a large banner hung mid-block, welcoming the Italian soccer team to the United States for the World Cup matches. These signs are particularly evident during the holiday seasons of Easter and Christmas, and especially during Feast of San Gennaro, when decorations spanning across the street are located along the entire length of "Little Italy's" portion of Mulberry Street. (see Figure 4-10)
Housing Laws

The Tenement House Acts of 1867 and 1879 contributed one important feature to the public domain at this scale. This was due to the reiteration of the building laws' requirement of fire escapes. However, this requirement apparently left much open to interpretation, e.g., "(e)very such house shall be provided with a proper fire escape" (35. New York State Legislature 1867, ch.908) and initially it was often disregarded. (35. Plunz 1990) In principle this Act had, in conjunction with the building laws, "... legislated a major impact on the aesthetic character of New York streets..." (35. Plunz 1990) To mitigate any ambiguity in the previous Acts, the Tenement House Act of 1901 (the "New-Law") contained a lengthy exposition on the design and placement of the fire escapes, making the fire escape a ubiquitous element in lower Manhattan's neighborhoods to this day.

The New Law also specified a minimum entry dimension to the dwelling units (3’-6") and it also required an entry leading directly to the basement from outside of the building. (35. New York State Legislature 1901, ch. 334) This entry, usually accessed through an encroachment into the sidewalk, is a common feature even on the Pre-Law and Old-Law buildings, which were not originally required to have them according to the previous Acts.

The influence of the Multiple Dwelling Law of 1929 has been limited, but one provision may be important. It states that unless otherwise prohibited, business may be conducted in a multiple dwelling with the restriction that in a non-fireproof building the partitions enclosing the business activity must be fire-retardant. (35. New York State Legislature 1929, ch. 713)

Other Regulations

In the creation of cultural landscapes, during the process of sequent occupancy in the United States, semi-fixed and non-fixed features play a prominent role. Accordingly, when endeavoring to discover the determining role of regulations in these environments, one can not only look at codes directed exclusively at the fixed features. In this section, a few of these regulations will be addressed, including a regulation that has played a very prominent role in the history of the Lower East Side and New York in general, and another that has played more of a role in communities outside the Lower East Side but is none-the-less important to recognize.

Restrictions on Peddling

New York has had a long history of pushcart peddling on neighborhood streets and it also has a lengthy history of trying to control such activity. As Chapters Two and Three discussed, outdoor markets were an important part of community activity in both the Italian and Jewish dis...
tricts in the Lower East Side at the turn of the century. As Chapter Two illustrated, these outdoor markets were comprised of numerous peddlers who sold their wares typically from pushcarts lined up at the curb. At the same time, tables of goods would be stacked in front of the adjacent storefronts creating what Jacob Riis (19, 1890) described as “...two rows of booths in the street itself, and along the houses is still another...” As Riis also pointed out, the character of the area was not principally determined by the houses, which were “...still the same old tenements...” but by the market.

Not everyone found the markets picturesque, or at least useful, and regulations restricting peddling dates back to the middle of the 19th century and in 1894, the New York State Legislature passed a law granting disabled veterans “special consideration” with regard to peddling. This exemption was suspended for four years beginning in 1991 to prevent some qualifying peddlers from evading attempts to create a no-peddling zone in Midtown Manhattan. The State legislature is to consider permanently suspending this exemption before July 1, 1995. (37. Martin 1995; Lee 1990) Otherwise, Suzanne Rachel Wasserman (37. 1990) states that “(t)he City of New York did little to regulate the markets before 1906. For almost forty years, from about 1866 until 1906, a few local statutes governed the regulation of the markets. Among the statutes was one that prohibited peddlers from stopping in one place for more than half an hour.”

After 1906, a series of commissions were set up to resolve the problems believed to be caused by significant increases in the number of peddlers working on the streets at the turn-of-the-century. One commission found, in 1913, that pushcarts “…caused congestion and were a menace to health and safety... impeded use of the street and were a fire hazard.” (37. Wasserman 1990) The relationship between peddlers and shop-owners varied from one of financial symbiosis, where the peddler paid the shop-owner for the right to consistently occupy the space in front of their storefront, (19. Gabbacia 1984) to one of apparent animosity and perceived competition. (37. Wasserman 1990) The latter found support in the commission’s various findings regarding, ostensibly, health and safety issues. Attacking the “old world” way of conducting business, the City along with the support of some Lower East Side merchants, in the 1930’s, began to aggressively police the streets for unlicensed peddlers, stopping some and the moving others into stalls in new, carefully regulated, centrally located, indoor market buildings. They also restricted the outdoor locations available to licensed peddlers. (37. Wasserman 1990) The store owners did not escape similar scrutiny of their “old-world” practices either. The common Lower East Side practice of “pulling-in” was made illegal when a law was passed making it “…unlawful for any person to stand... in front of, or in the entrance or hallway of any store or building for the purpose of calling the attention of passersby to goods, wares or merchandise displayed or on sale in such store...” (37. New York State Legislature, Local Law No. 29, 1939)
A year later, store owners on the Lower East Side again bore the brunt of the City's effort to "transform the East Side." This time, the Department of Markets began issuing summons for "stoop stands" set up in front many shopfronts. A short-lived compromise permitted Department-authorized displays as long as the display was operated by the store owner. The City reversed this decision though and later outlawed all "... peddling, hawking or selling of any wares or merchandise on city streets." (37. Wasserman 1990)

Whether or not the complete ban was ever effectively implemented, the City is still fighting to control vending on the streets, and each of the last three recent mayoral administrations has been drawn into contentious public battles with the peddlers. The Giuliani administration is currently reliving the LaGuardia administration's experience of the 1930's by forcing the relocation of the extensive 125th Street outdoor market to a centrally located site and by cracking down on illegal vendors. (37. Hicks 1994)

Licensed food vendors must comply with a variety of regulations regarding the construction of their displays and the equipment that it must contain (i.e., for food processing carts: hot and cold water, hot or cold food storage, waste disposal, etc.) Food vendors are also limited in the location that they can set up. The limitations specify that:

No mobile food unit shall be placed upon a sidewalk unless said sidewalk has at least twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk ... in no event shall any mobile food unit be placed on any part of a sidewalk other than that which abuts the curb ...

No mobile food unit shall occupy more than ten linear feet parallel to the curb, on any sidewalk.

No mobile food unit shall be located against display windows or fixed location businesses, nor shall such mobile vending unit be within twenty feet from any entranceway to a building, store, restaurant ...

No food vendor shall operate within ... ten feet of any ... crosswalk at any intersection ...

No food vendor shall operate within twenty feet of another vendor.

A food vendor shall not place a vehicle, pushcart or stand, or conduct a business in the roadway in a
metered parking space unless such vendor has complied with the coin requirements of such meter. A food vendor shall not remain in a metered parking space for a period of time in excess of the maximum time permitted at such space. (37. New York City Department of Health, no date)

Clearly, many of these regulations alone, would make any “mobile food vending” illegal on Mott or Mulberry Streets, although itinerant peddlers do appear frequently on Mott Street. They often locate at the curb across from a building’s upper floor entrance or along a blank wall, and they use small shopping carts or luggage carts to display and transport their goods. (see Figure 4.7B) Other vendors have “leased” the space in front of the storefronts to display their wares. Whether or not it is intentionally designed to frustrate peddling enforcement, one shopper has found that in his experience, it is sometimes unclear whether the storefront displays are affiliated directly with the store, or are independent “lessee’s.” (41. Mott Street Shopper, personal communication 1994)

Language Laws, or the Content of Signs

While the subject of language laws has not arisen with regard to Mott or Mulberry Streets, it is directly relevant and it has become a topic of debate many times in other communities. These other communities are as close as Flushing, Queens, the location of New York’s “second Chinatown.” (36. Pierson 1990)

Language laws, as they affect the public domain, are generally targeted at the content of signs and apparently arise in public discourse most often during times of change, as in Flushing or Monterey Park, CA; (9. Fong 1994) or even in places as distant as Jakarta, Indonesia (36. The Wall Street Journal 1993) or Moscow, Russia. (36. Bohlen 1993) The typical argument made is that all signs should at least carry a translation of any language not spoken by the majority. The opposite situation has also been played out between Anglophone and Francophone residents of Quebec over a French-only commercial signage law that ultimately became an issue to be ruled upon by the United Nations. The U.N. found that the monolingual requirement was a violation of the International Covenant on Civil and Political Rights. (36. Farnsworth 1993)

In the United States, similar requirements have run afoul of the First Amendment to the Constitution. For example, in Monterey Park, CA the City Attorney’s concern that a divisive law regulating the language of signs would be unconstitutional was partly responsible for its failure to be adopted. (9. Fong 1994) In Pomona, CA a similar law was in fact ruled unconstitutional by the courts. (36. Shell 1993)

In the case study area, this issue might have been effectively diffused by the prevalence of English translations on much of Mott Street’s business signage. It is not clear why English is commonly used in conjunction with Chinese characters on Mott Street but not in some Chinatowns elsewhere. In Flushing, Queens, for ex-
ample, signs are often without an English language translation (and they are often more vertical than horizontal in their design, in contrast to those on Mott Street). Possibly, the greater apparent ethnic diversity of Flushing is partly responsible. The presence of Korean, Malaysian and Indian stores in addition to Taiwanese and Chinese shops, has introduced a greater array of languages onto the area’s signage. (Flushing accordingly, might better be considered an “Asiatown” instead of a Chinatown.)

As Chapter Three demonstrated, signs in Little Italy in the 1930’s were commonly in Italian and without English translation. (Some were in English, however.) The question that arises then is whether or not the language displayed on signage was an issue in the Little Italy of the 1930’s or elsewhere at the time, or whether this is a more recent phenomenon. It seems possible, in either case, that the debate over signage is closely linked to the process of sequent occupancy and the inter-group tension that arises from it. If this is so, then it seems that this debate is more likely to arise in a community in the early stages of transition than in a community that has become as well-established as Manhattan’s Chinatown is now, north of Canal Street.

that this control grew progressively over the past 150 years from the regulation of particular small scale features of individual buildings to sweeping control over numerous fixed, semi-fixed and non-fixed features that comprise the cultural landscape.

The regulations that have been developed over this period also span each of the scales used in this study. However, many of the regulations intended to control the larger scale features of the environment have not had considerable impact on the case study face blocks. This was a result of the adoption of the relevant regulations after the construction of many of these features, like the majority of the extant buildings. At the Smaller Than Buildings scale however, the cycle of (re)construction is more frequent and as a result, regulation has played an important role at this level.

In discussing regulation across the scales and particularly at the Smaller Than Building scale, this chapter has also attempted to indicate the importance of what Lai (38. 1988) called “indeliberate” determinants of form within our society’s body of law. Regulations that have profound impact on the cultural landscape that might not be considered deliberate determinants are: elements of the building laws and housing laws, peddling/vending laws and language laws.

Summary - Formal Rule Systems

This chapter has endeavored to display the remarkable breadth of public control wielded over the design of cultural landscapes. It has also tried to demonstrate