

ARCHITECTURE VIEW

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Update on The Music Hall

It is just a year ago this spring that Radio City Music Hall was declared an interior landmark by the New York City Landmarks Preservation Commission. It is also the first anniversary of Rockefeller Center, Inc.'s, response with a lawsuit challenging the designation and the landmarks law.

Designation was made on March 28, 1978, following a January announcement that the Music Hall would close due to operating losses, after the Easter show. A week later, on April 6, Rockefeller Center's attorneys, Milbank, Tweed, Hadley and McCloy, served the Landmarks Commission and the City of New York with the suit. Rockefeller Center, Inc., also applied for a demolition permit for the Music Hall; as it stands now consideration of the permit has been temporarily denied for technical reasons, but the application can be resubmitted at any time.

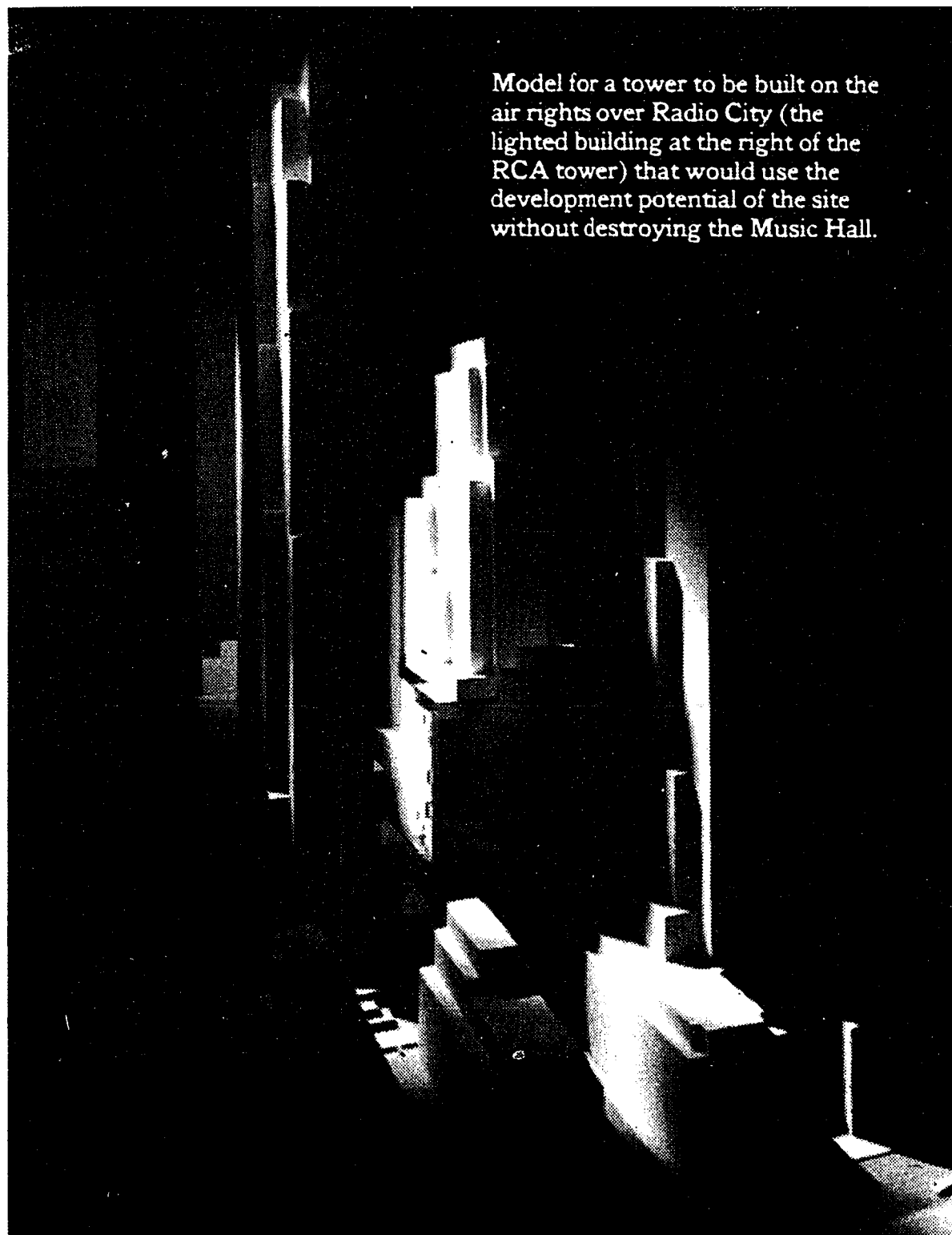
After a great deal of silly and unproductive publicity and a battle for the headlines between the New York State Department of Economic Development and the Lieutenant Governor's office over who was doing what to save the Music Hall, no salvation plan was produced. Following that fiasco, the New York State Urban Development Corporation took over for a trial period of operation after the April 12 closing. Rockefeller Center predicted monster deficits, but once U.D.C. began to get the hang of show biz, it did quite well by changing policies and introducing new kinds of programming, eventually cutting losses and even moving toward a profitable operation. At that point, offering dismal figures to counteract U.D.C.'s more optimistic arithmetic, Rockefeller Center took the Music Hall back.

Then came the big surprise. Rockefeller Center, Inc., announced that it was forming a corporation to package popular entertainment on a national basis, for which Radio City would be the showcase, and if the enterprise proved successful, a share of the profits would be used to subsidize the Music Hall. No one mentioned the irony of Rockefeller Center producing a plan while preservationists and politicians ran around in soggy circles, at the same time that it had been assuring all and sundry that nothing could be done. Everyone just breathed a huge sigh of relief and wished the new undertaking well.

That project is now going full speed ahead. There is, of course, the further irony of Rockefeller Center presently applying to the Landmarks Commission for approval of the interior refurbishing of the Music Hall — a review required for a designated landmark interior — after years of cost-cutting neglect. The original colors and fabrics are being carefully matched and reproduced. A former Disney executive has been hired as head of the new corporation with a mandate to devise a program of family fare; that would seem a wise step in the light of Rockefeller Center's almost uncanny record of picking cinematic losers and missing the public pulse. There are reports of a "spectacular" in preparation for the tourist season. Alton G. Marshall, president of Rockefeller Center, Inc., and a master of Academy Award-quality performances himself, from the tearful announcement of the Music Hall's demise to the upbeat launching of the present effort, admits that mistakes of judgment may have tipped the scales toward disaster in the past. Astute businessman that he is, he clearly wants the new venture to succeed.

That is the good news, and it is having the effect of lul-

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Model for a tower to be built on the air rights over Radio City (the lighted building at the right of the RCA tower) that would use the development potential of the site without destroying the Music Hall.

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ing a lot of people into a false sense of security. Like life, the Radio City story has no guarantee of a happy ending. The most ardent preservationists admit that running a 6,000-seat theater profitably is a serious problem. And even as the new venture begins, Rockefeller Center's lawsuit against the city is moving forward, with every scrap of paper being commandeered from the Landmarks Commission's office that might yield any possible morsel to be used against it.

The suit reads like constitutional overkill. In designating Radio City Music Hall, Rockefeller Center, Inc., alleges that the Landmarks Commission has imposed confiscatory regulations that constitute a taking of private property without just compensation in violation of the Constitution. As applied to the Music Hall, the suit continues, the landmarks legislation denies the owners equal protection of the law, also in violation of the Constitution, and is an excessive delegation of legislative authority, once again, in violation of the Constitution.

And there is more. Radio City Music Hall cannot be designated, the suit goes on, because private property to which admission is charged, and which is not open or accessible to the public if the owners choose to close it, does not qualify as an interior landmark. It is further claimed that the only way a reasonable return can be obtained on the Music Hall is through alteration of the interior, something landmark designation prohibits and for which criminal penalties can be levied unless the changes are approved by the Landmarks Commission — a prohibition and a process that Rockefeller Center says has meant the loss of "valuable opportunities."

Wherefore and whereas and so forth and so on, Rockefeller Center, Inc., asks the court to overturn the designation of the Music Hall and award compensation for an unlawful taking of property, including the loss of those "valuable opportunities," and to give any other relief the court sees fit to supply.

So much for the Easter bunny. The prosecution could not be more prestigious or suavely high-powered, and if New York were to lose it would be an extremely damaging and dangerous precedent. The city will, of course, answer the allegations in court, as it did in its ultimately successful defense in the Grand Central case.

But what is really at the heart of the matter, as in most challenges to landmarks law, are those "valuable opportunities" that Rockefeller Center claims to have been denied through the restrictions of the landmark designation, and still closer to the heart of the matter is the fact that, as the suit also points out, the Music Hall is located in "one of the most valuable commercial areas of the world." The tears shed by Mr. Marshall for the closing of the Music Hall have been clearly mixed with tears for the unrealized development potential of this enormously expensive and very choice bit of midtown land.

The question of development rights is of more than academic interest to Rockefeller Center. While most people tend to think of the folks at 50th Street in terms of Christmas trees and sugar-plum pageants, Rockefeller Center is a corporate entity that has long since ceased to be a purely management or custodial firm; it has moved into the construc-

tion business in a big way. Building and real estate investments are Rockefeller Center's prime activity now, including a wholly owned major construction corporation that is engaged in large-scale commercial development across the country.

There is, however, one more switch to the Radio City scenario. If preservation push comes to development shove, there is a way to use the real estate potential of the site by building on the air rights over Radio City, without harming the Music Hall at all. An excellent, underpublicized study commissioned by the Urban Development Corporation during its period of stewardship has produced a plan that would be both esthetically and economically feasible.

This carefully developed proposal is the work of Davis, Brody Associates, a prize-winning New York architectural firm that is currently designing the new American Stock Exchange Building for Lower Manhattan. The Turner Construction Company has analyzed the scheme for construction and costs, and Landauer Associates has done the same for marketing and financing. Built totally without subsidies, the project would yield about a 10 percent return, based on what Landauer calls a mix of optimistic and pessimistic projections, and still throw off \$1.5 million a year for Radio City.

The proposal calls for a tower over the Music Hall, supported by concrete columns that would not disturb the landmark interior. The new, matching limestone structure would be about the size of the International Building, and considerably smaller than the RCA Building.

Its base, and entrance, would be at Radio City's roof level, which would be treated as a sky lobby garden, in the spirit of the roof gardens that were one of the most attractive, and subsequently neglected, features of the original Rockefeller Center plan. Access would be by exterior observation elevators on the side of the Music Hall building and a lobby in the present Guild Theater space. The tower would serve either offices, or offices and a hotel. It would be joined to the neighboring Amax Building with glass, turning what would be a tall, narrow space between them to mutual advantage — a dramatic, daylight atrium rising from a garden at its base.

The present zoning, with landmark benefits, would permit a very large air rights building here; this one, at about 900,000 square feet, would actually be about one-third less than the law allows. The scheme is far handsomer than anything Rockefeller Center has produced in its own building operations, and the marketing aspects are spectacular.

It would be best, of course, not to have to build at all, and if the new entertainment venture succeeds, it would eliminate any need to do so. But even failure would not be an unmitigated disaster for Rockefeller Center, Inc., since economic hardship could then be claimed under the law, and after an appropriate amount of time a demolition permit for the Music Hall would have to be issued. (Yes, kiddies, that is the way New York's fair, equitable and Constitutional landmarks law works.) The U.D.C. scheme is therefore extremely important, whether it is ever built or not. It clearly demonstrates that there are development alternatives that could proceed without demolition, and that it is possible for Rockefeller Center to obtain the fair return on its landmark property guaranteed by the landmarks law.

Still, Mr. Marshall is keeping his options open. There is that lawsuit moving quietly toward trial. He has nothing to lose but Radio City.