ARCHITECTURE VIEW

ADA LOUISE HUXTABLE

The Problems Of Zoning

In New York, the game is real estate; it is played for big stakes on a boom and bust cycle. In the most recent swing, a long downturn was coupled with the city's financial crisis for a bust so bad that it took tax breaks and other development incentives to get construction going again. Now the process is in high gear; the deals and the buildings have never been bigger.

But the boom is not a matter of unalloyed joy for everyone. As welcome and necessary as this activity is for the city, it has a price, and this time it may be too great. That price will only be clear once the current crop of skyscrapers is completed, and people begin to live and work, quite literally, in their shadow, and to understand the impact of the immensely increased scale of this new construction on what is left of the city's amenity and style.

What must be understood is that this wave of bigger-than-ever New York buildings is not some passing fancy; it is the new and future norm. Nor is it just the product of the current state of ambition and economics; even the aspirations of builders and the high costs of development are ultimately controlled by the city's zoning. The bottom line is that the developers build what they are permitted to by law.

The present construction is the result of the revision of New York's zoning in 1961, but because there was little building in the last decade the effect has yet to be fully assessed. Immense projects designed under the new regulations, such as Olympic Tower on Fifth Avenue or Citicorp on Lexington, seemed unique when they went up; as singular structures they were more interesting than overwhelming. As a standard to be replicated, however, they become cautionary examples.

The real estate business being the poker game that it is, every rule is stretched, warped, and turned inside out and upside down to maximize what is allowed. Interpretations of the law, requests for variances and end runs around city agencies have become increasingly skilled; the builders' bluffs are enormous and the city seems unable to call them.

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There is a growing sense among observers of this game that the 1961 zoning, with its subsequent amendments, is creating a potential overload on the city's services and a cutoff point for its human pleasures. The irony, of course, and the dilemma for the critic, is that these buildings are

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being far better designed than ever before. What we are getting, or are about to get, are some monstrously good buildings, as well as some plain monsters. A great deal of publicity has been given to the triumverate of superstars on the 56th-57th Street blocks on Fifth and Madison Avenues — the IBM, AT&T buildings and the Bonwit Teller replacement. The real estate pages have been featuring numerous projects of similar size for a concentrated area of midtown, and for downtown, as well. Some are being built as-of-right, which means that their form and dimensions follow the zoning regulations without change; others increase their size still further by using every legal maneuver in the developers' considerable bag of tricks.

When the planners tried to gain some life and breath for the huge new towers at street level, they did so through a series of required or optional public features, such as plazas, arcades, shopping gallerias and small parks, for which the developer would receive bonuses of more floors. That made the buildings bigger still. The results left a lot to be desired. Part of the game for the developer was to see how close he could stay to the letter of the law while flouting its intent; many of the public spaces have turned out to be considerably less than public. Builders still find it more to their liking, and inconsequential to their bookkeeping in these huge investments, to leave the stores empty and to keep the spaces unused.

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Community boards are registering protests about such legal esoterica as merged zoning lots, air rights purchase and transfer, and the as-of-right and discretionary bonuses that shape these superbuildings; they are knowledgeable about such things as floor area ratios and sky-plane exposures.

The sky plane, for example, is a way of calculating the amount of light and sky a tall building must not cut off from the street and its neighbors; to preserve this light and air the builder is required to step the building's mass back above a certain height. The solid shafts that now rise straight up from the street without setbacks, thanks to Planning Commission variances, increasingly sacrifice the law's purpose to architectural esthetics and the corporate taste for huge floors. The old, pre-1961 "ziggurat" buildings, so decried by architectural purists, opened the streets to more sun and light and reduced the building's bulk significantly at the top. That is as important as what happens at the bottom.

Even those who lack technical knowledge know that the sun will disappear behind those blockbusters by 2 P.M. next winter, and that the city's shadows will get colder and deeper. Many are aware that the downdrafts will get stronger. Seeing the sky in New ork is a high-priced privilege, but the height and bulk of the new construction will affect not just the views of the affluent, but the saving light and remaining sense of openness that make the city liveable and that zoning was meant to protect.

It should have been no surprise recently when the Board of Estimate, in its review of a City Planning Commission decision, lopped off two floors of a bonus given to a proposed 35-story tower at 805 Third Avenue for a covered pedestrian space, or "atrium" with stores. This was one of the discretionary bonuses that the Planning Commission may choose to give, and the two extra stories were only part of what it could have allowed. Without the bonus, or the atrium, the building would have been five stories lower.

The local community board objected strenuously to any bonus at all, having learned through experience that even the best of such enclosed ground-floor spaces is only a somewhat more dramatic retail venture than would have been available otherwise. Those who testified at the hearing were distinctly skeptical about the limited public advantages of such a feature versus the larger public disadvantages of the building's increased size. The decision threw the building's renting and financing into disarray.

But what is wrong here goes beyond the developers' legitimate cries about being unable to do business with a city that doesn't know its own mind or follow its own laws. The fact is that the city really doesn't know its own mind. It is the last to understand the results of overzoning, from the destructive incompatibility of new and old buildings and the disruption of neighborhoods to the strain on municipal services. It is the last to admit that downzoning is indicated, or that incentive zoning needs to be overhauled.

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Something has clearly gone awry. New York's zoning has been turned into an instrument for maximizing real estate return through token tradeoffs. Its real purpose, within constitutional limits, is to make a city a fit place to live; concern for light, air, health, safety and beauty — all considerations that have been established by the courts — is supposed to be at the heart of zoning law. That is what the poker players have all forgotten.

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This is the central issue, but there are also some curious side effects of the building boom. In a small, frivolous gesture that will impoverish the downtown skyline, the "Genius of Electricity," a statue by Evelyn Longman that stands atop the old AT&T Building on Lower Broadway, is to be moved to the lobby of the new Johnson/Burgee-designed headquarters uptown. The New York Landmarks Conservancy has written Charles Brown, the chairman of the board of AT&T, calling the move inappropriate for sculpture meant to be seen high and at a distance, and protesting the loss of a familiar landmark view from City Hall Park. It has invoked the primary law of esthetics and urban decency: Let It Alone. Mr. Brown replied that a firm decision had been made. The old building will be raped for the new one and the "Genius of Electricity" will become the prisoner of post-modernism.

Nothing seems to bring out the worst in realtors like prosperity. There is Harry Helmsley wanting to build on the Tudor City parks and Donald Trump smashing up the sculpture on the Bonwit Teller Building. Not least to blame are the high land values and high stakes set by the city's overly permissive zoning that encourages such abuses. In some ways, the boom is a bust. ■