

A Solid Dross City?

By ADA LOUISE HUXTABLE

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Architecture

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THIS week, in our continuing discussion of zoning, we are dealing with castles in the air. That sounds a lot more romantic than air rights construction. But it is literally true; we build on air in our cities today, because the zoning laws that control construction say that we can put a certain volume of building on a certain site, and if less is built, what is left over are unused "air rights."

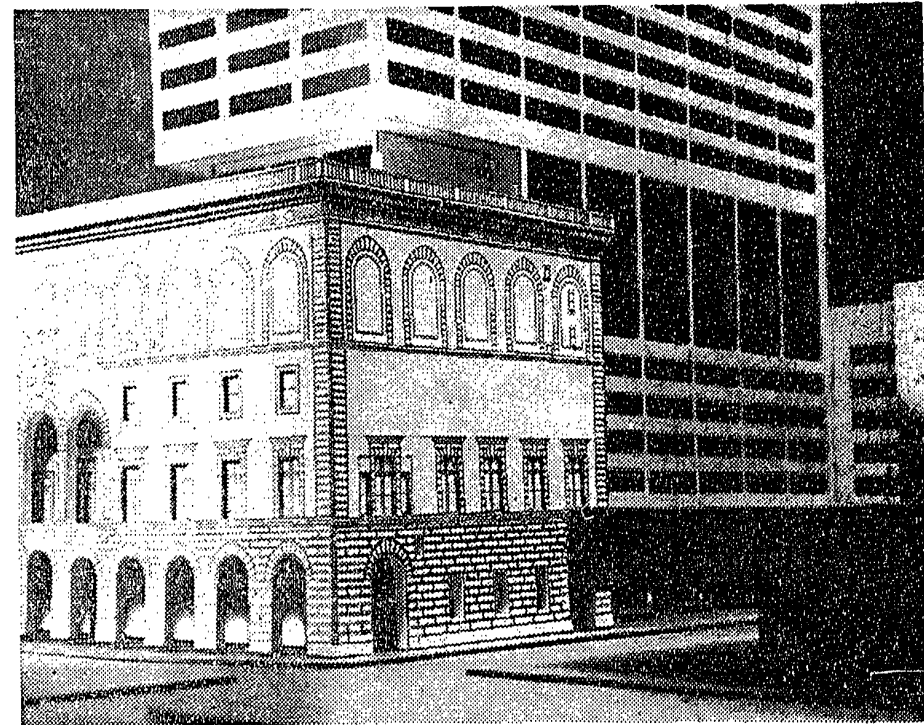
Owners can combine air rights on two or more properties to build bigger (commercial) castles. Those invisible air rights have a lot of tangible value. They hover, like a golden cloud, over small or old buildings that have not used up their development limit. In New York, air rights are worth so much that the conventional wisdom says tear down small, old buildings that do not capitalize on the maximum construction permitted by law. The casualties include landmarks, the more human neighborhoods, and places where there is still a sky. Don't waste those solid gold air rights. Even if you get a solid dross city.

New York is now saying that air rights have more than monetary value. They are an important tool for a better city. The City Planning Commission view, already being put into zoning amendments, is based on a whole range of newly learned environmental values.

You can stir up a good, hot-eyed debate anywhere today on what the city is, in physical terms, and what it is going to be. The same eyes glaze if you talk of solutions, because they are technical and legal. But to zoning freaks (I am one), there is no more quietly fascinating subject than the intricate jigsaw of law, economics and esthetics by which the rules are formulated that put a city together.

And that's exactly what's happening now. In one of advertising's more dreadful phrases, we're putting it all together. Air rights are being considered in terms of whole blocks and districts instead of plot by plot. They are a device to be used as a means to an end. The means—transfer of rights for the plum of more profitable development—is directed to the end of keeping a landmark, or protecting a neighborhood, or preserving a land use of value or character.

The process acknowledges that there are "places where underdevelopment is highly desirable," according to the Commission, in midblocks, for example, where a human scale of housing and intimate variety of services still exist, or on landmark sites. A system of value judgments is in operation, weighing what is



Model of the landmark Racquet and Tennis Club on Park Avenue, with suggested tower behind to which the Club's development rights could be transferred. A Columbia graduate student study.

best for the city, and where, as part of the urban condition.

New York has had a zoning amendment since 1968 that permits transfer of air rights from a landmark to new construction on an adjacent lot, or to nearby lots if contiguous and under the same ownership. The owner of the landmark can sell his unused development potential, and the purchaser can use it for a structure up to, but not exceeding, a 20 per cent increase over permitted bulk.

This procedure has been followed in the case of Amster Yard and a new Third Avenue office building, as well as for the South Street Seaport development. The idea grew out of the proposal for an air rights tower on top of the Grand Central Terminal, which so horrified the city's planners that they came up with this alternative.

By permitting still wider transfer within a specified district, more preservation and protection and greater planning flexibility would be possible. This is being studied now. Wider transfer requires extremely careful evaluation of support services wherever the shifted air rights would create heavier densities.

Another air rights proposal — transfer from low density, midblock brownstone parcels to adjacent avenues — was recently withdrawn by the city after neighborhood protest. The local fears were for the destruction of sound, lower-rent housing on the avenues and the question of services. But the basic idea, the need to treat a whole block as a coordinated unit rather than on a single lot basis, was sound.

New York's East River medical and research institutions have just come up with an air rights plan that would allow them to expand by building over the East Side highway rather than through incursions into the communities to the west. At present, the proposal needs a great deal more creative and coordinated planning, including provision for housing. But the

use of air rights over arterial highways is still one of the most promising and underutilized solutions for new construction in congested cities where destructive displacements are increasingly painful.

Some of the new zoning has been born out of crisis — specifically, the redevelopment threat to the theater district and to Fifth Avenue — and some out of that municipal rarity, advance recognition of change and the need for qualitative controls. It is tied, for the first time, to principles of urban design. (Urban design officially entered New York thinking with the setting up of the Urban Design Group within the City Planning Commission as a result of the Paley report in 1967. The work of the city's special design offices has been the steady target of Mr. Procaccino, who would have abolished them, and Mr. Beame, who has terminated all their essential consultant services.)

The proposed Fifth Avenue zoning district is meant not only to keep the street's retail functions; it is also meant to protect those urban design qualities that are such a large part of its appeal, and to which we respond instinctively, if not analytically. The zoning will make it mandatory to keep the unbroken street line, that glittering Fifth Avenue "wall" that draws the shopper onward to the strategic, elegant, open green spots at the 59th Street Plaza, Rockefeller Center, and the 42d Street Library and Bryant Park. The quality of that urban experience is a calculated element of the new regulations.

In Chicago, a combined special district - air rights proposal that surges briskly past New York has been devised by a brilliant young lawyer named John Costonis. He has had respectful attention nationally, and is finally being listened to at home. This advance, too, is the child of crisis: the great Loop monuments of the Chicago School are threatened by rising land prices and zoning that rewards large

parcel development. The imminent demolition of the Adler and Sullivan Stock Exchange triggered a foundation-grant study and the proposed new law.

The law would create special districts, such as a Loop Preservation District, and the air rights over landmark structures, acquired from the owners by tax benefits or other means, would be pooled in a municipal air rights bank. These unused development rights would be sold by the city to developers within the district, according to strict controls, and the funds would be used to maintain the landmarks. We have said that Chicago could find a way to keep its heritage and it has — if it follows through.

To this observer, it is no small marvel to see how the apparatus of zoning that began with a permissible extension of the police power to protect light and air can now define and embrace large parts of a city's destiny.

As Mr. Costonis points out, the new zoning raises a fundamental and important question of public policy — the treatment of urban space as a kind of currency that cities may use to enhance the urban environment. This is not acceptable to 19th-century property concepts or orthodox planning doctrine. But both, he says, are giving way "under the onslaught of increasing urban concentration and the progressive impoverishment of our cities. What is now a novel view of urban space will eventually become commonplace." It is certainly one of the most dramatic and hopeful developments in urban America.