

Planned—or Planless?

The Board of Standards and Appeals ideally represents a judicious balance in the city's building process. When a developer is faced with a genuine economic hardship on a particular construction site, such as an odd-shaped lot or unusual foundation conditions, he can ask—and often gets—an exception to the zoning requirements to make up his additional costs. Usually this means a larger structure or permission for nonconforming features.

But at what point can inflated costs, rather than a special site condition, be called sufficient hardship of itself to justify breaking the city's code? When can the city's controls, achieved through zoning, be thrown out on this basis? Where does the danger arise of completely negating the city's need and right to plan?

The answers to these questions may determine both the density and the design of the city, and whether, in fact, the city has the responsibility to determine them at all. A case in point, with particularly serious consequences, is the current request of a builder to the Board of Standards and Appeals for almost double normal density in the Lincoln Center area on the grounds that the Lincoln Center Zoning District creates an economic hardship. He claims that he cannot afford to build within its design restrictions.

With today's intensely inflationary construction costs, the argument being presented could probably be used to wipe out all the special zoning districts in the city. The "economic" densities required would destroy every progressive attempt New York has made to improve the urban condition. The additional bulk being requested raises the question of how much is enough? Just how much more density can the city stand?

The developers tell us that without such action all construction could stop, with disastrous consequences for the city. But this kind of overconstruction could be even more disastrous. The real question is: When does the hardship become the city's, rather than the builder's? It is New York's right to plan its future that is at stake, not just the builder's profit margin.