

# City Landmark Gets a Chance For Survival

By ADA LOUISE HUXTABLE

While other cities watch and Chicago, in particular, hopes, New York has taken a giant step into the controversial field of air rights transfer. If the Board of Estimate approves the action taken by the City Planning Commission and backed by the Landmarks Preservation Commission, a 42-story office tower will go up on the east side of Third Avenue between 49th and 50th Streets adjacent to Amster Yard. The tower will be built, in part, with the air rights from that 19th-century landmark.

In New York, Chicago and many cities, rising land values threaten the continued existence of landmark structures built in days of more gracious lifestyles. New York is now setting a legal and zoning precedent of far-reaching impact in dealing with the problem.

Amendments to the city's zoning resolution passed from 1968 to 1970 have made it possible for the builder of 801 Third Avenue, Laird Properties, Inc., to purchase the air rights over Amster Yard.

Payment will be made to James Amster, the owner, or to his trustee-administrators, for a period of 15 years, based on the number of square feet of development rights transferred from the landmark site to the adjacent lot.

The Yard, with its picturesque, century-old, one-to-four-story brick houses around an L-shaped garden courtyard, does not use its permitted development square footage up to the legal zoning limit. The unused rights amount to 30,697 square feet. The payments will total \$494,731.

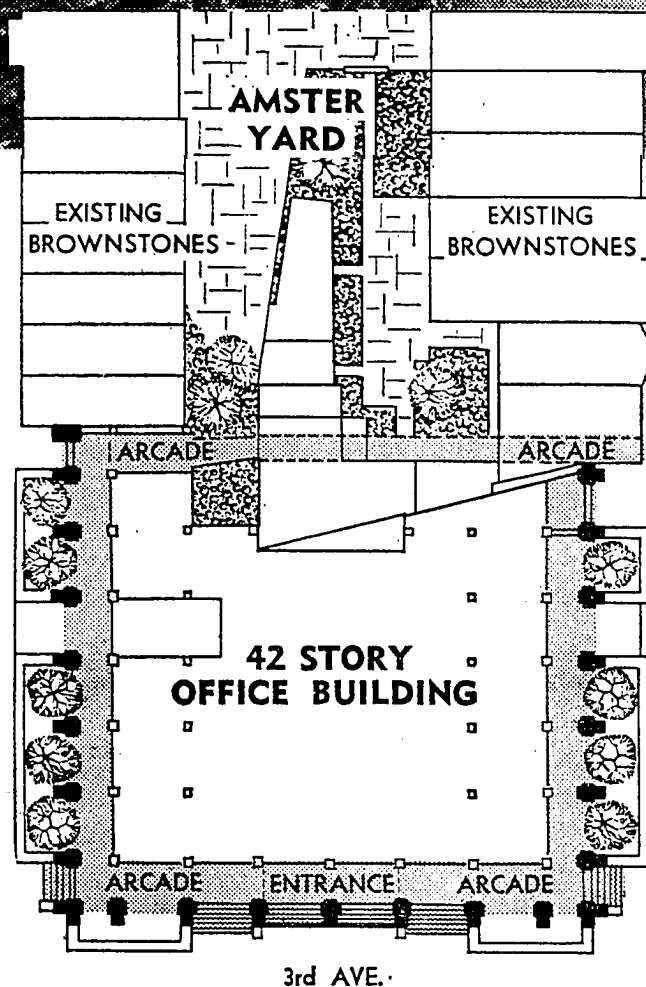
In another precedent-setting step, \$100,000 of the purchase price will be set aside in a trust to be used toward the maintenance of the landmark.

Once sold and added to the new structure, these development rights can never be used on the original site again. This removes much of the speculative appeal of "underused" landmark property, since it can no longer be built to its maximum potential. At the same time, with air rights transferral, the owner can realize some of that potential. He has income and incentive to keep the landmark.

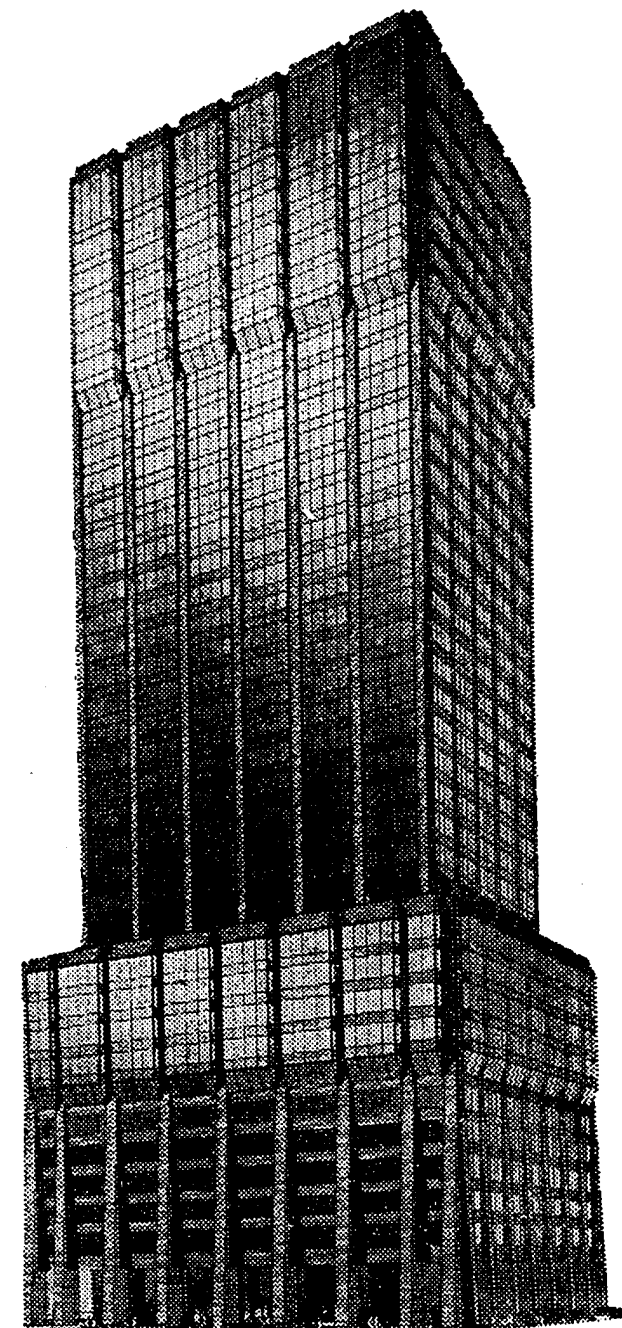
The legislation is expected to offer similar incentives to tax-exempt institutional owners who get no relief from tax abatement provisions of the landmarks law. The most recent amendment extends the procedure to government-owned buildings.

This kind of zoning is considered virtually the only hope for landmark survival in cities where land costs and development possibilities are so great that anything old is economically obsolete. Some fears have been voiced of overconcentrated building and alarming densities through mass air rights sales. But under the New York law, the maximum increase over allowable floor area by transfer has been set at 20 per cent except

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Amster Yard, a century-old cluster of picturesque, small houses around a courtyard is one of the city's landmarks. If Board of Estimate approves, air rights will be sold to a builder for construction of 42-story office tower. Rendering shows results of careful study to relate scale and tone with adjacent Yard.



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in the highest density commercial districts. Frequently, as with Amster Yard, which is zoned for fairly low density, there are few unbuilt air rights to sell. As the procedure is being used there, it has been backed by the local community through Planning Board No. 6 and the Turtle Bay Association.

In the negotiations by the builder, architect and city departments for the permit for the air rights transfer, a number of design concessions were made that are intended to produce a new building more compatible with the old ones. The new structure, by Emery Roth and Sons, will use materials and colors selected to be sympathetic to the scale and style of the landmark and will have features lacking in standard commercial construction.

These features have been worked out in record time with the agencies involved—the Landmarks Commission, the Department of City Planning, the Buildings Department and the Office of Midtown Planning and Development. They include a dark red-brown brick meant to be more harmonious with the 19th-century brickwork than the usual curtain wall, and the use of dark metal trim.

There will be a covered shopping arcade on three sides of the new structure, set back from the building line and studied for its relationship to the landmark in both scale and pedestrian use. A block-through arcade behind the building from 49th to 50th will give access to Amster Yard from both streets. Structural provisions are being made by the developer for future subway entrances.

For these special features, the developer, in turn, gets a bigger building, with about 30,000 square feet added to the 544,122 square feet that would have been its legal limit. There will be larger, and more desirable, tower

floors, averaging 14,000 square feet instead of 12,000 square feet—a distinct commercial advantage.

In creating the ground floor concourse, it was possible to work out split-level store space, with one level five feet down and the other reached over a raised entrance bridge. This gives almost twice as much pedestrian activity and commercial rental as in more conventional buildings.

spending an extra \$900,000 to provide the Third Avenue building's special design. It has gone beyond color, materials and plan to include an odd series of "mansarded" bay windows topping the base and the tower, which are explained as an attempt to create a "related" detail to the older buildings.

This detail is as unfortunate as the planning is excellent. Little elegance is gained from the bay window

commission does not consider these design elements essential for compatibility with the landmark."

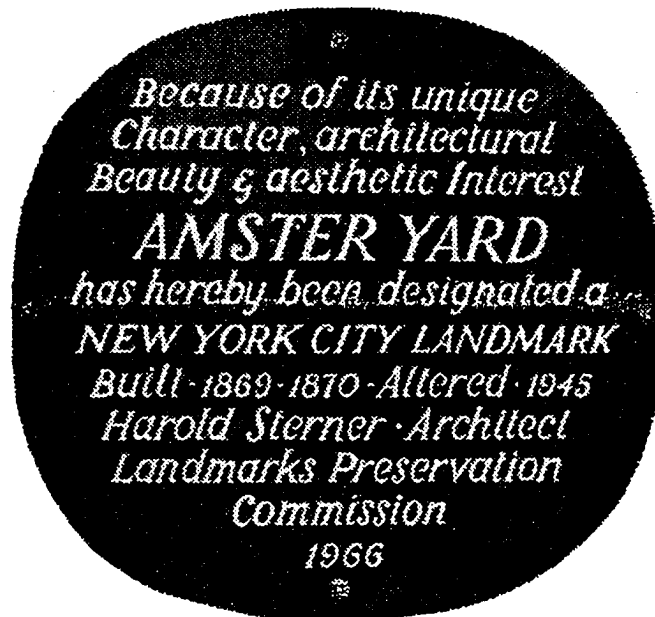
Far more important for compatibility is the successful treatment of the building's street level, the only place where relationships with the landmark group are really critical. Here again, a good plan is marred by such design details as heavy, canted brick piers lurching upward to uncertain union with the projecting bays. The result is a clumsy and fussy structure rather than a distinguished one. But awkwardness may be preferable to the cheapness that is New York's endemic architectural disease.

Design details pale, however, next to the precedent being set, both in the protective and creative use of air rights zoning, and in the provision of landmark maintenance funds. The funds involved for Amster Yard are small and so are the air rights. Still, the potential is great.

Another example under study, the proposal for transfer of air rights over the Custom House at Bowling Green to a new United States Line tower, has the unusual potential of constructively related preservation and planning. That scheme is temporarily grounded by tight money.

In Chicago, the New York experiment is being watched closely. Faced with rapidly rising land values in the Loop, where the historic and handsome skyscrapers of the internationally famous Chicago School are located, air rights transfer may offer the city the difference between saving and losing its unique architectural heritage. Bills are being studied now to make the procedure possible.

The choice, for once, is simple. Without this device, the economic pressures of the normal development process doom urban landmarks. And as they go, so goes much of the city's environmental quality.



Laird Properties, a division of Laird, Inc., investment bankers, a recent entry into the New York construction field, is becoming adept at this kind of sophisticated urban trading involving a whole new range of city laws and standards.

The firm has already completed successful negotiations with the city and the Murray Hill community for a specially designed apartment building. There is a noticeably greater flexibility toward present New York goals of urban planning and design among some of the old line builders who were accustomed to a laissez faire attitude from the city.

Laird estimates that it is

oustles, which seem more appropriate to maximum win-low-to-window rental measurements than as a dubious 19th-century recall. The contrast of old and new, enhanced by finesse of detail and material, is the genuine esthetic drama of this kind of construction and it has been betrayed by a fallacious and finicky invention.

The bays appear to have been initiated in early talks with the Landmarks Commission, pointing up a very real danger of the advisory process when it veers too far into design. In its final recommendations to the Planning Commission, the Landmarks Commission now says that the windows "may be included if the owner and the architect wish them, but the