

# A Zoning Law in Need of Reform

It is easy to see what is happening on New York City's streets as big building begins again; it is far from easy to understand the zoning regulations that are shaping the new skyscrapers. The laws that control the concentration of huge structures now being shoe-horned into a small part of midtown Manhattan are setting an alarming pattern of development. The density that the new buildings promise for the future also threatens some of the city's best blocks and buildings.

It is now quite clear that the comprehensive zoning revisions of 1961 set midtown bulk and density much too high. The huge "zoning envelope" was a hypothetical construct, never expected to be filled. But the costs of land, money and construction have risen. And the palliatives devised to offset the increased congestion with pedestrian conveniences, or to assure protection of neighborhood features, have often failed to work as anticipated. They have even added up to more bulk through a system of compensatory bonuses. Almost every new building requires tortuous special stipulations to negotiate the patchwork of regulations that has developed over the last 18 years.

Theoretically, New York's zoning is supposed to be revised every ten years or so; there have been murmurs about zoning review for the past five. Practically, it is an almost impossible job. The City Planning Commission is belatedly considering a study limited to rezoning only midtown, where the need is greatest and the scope manageable. Since this is the area coveted by the city's biggest builders, with massive sums of money involved, it also presents some of the most intractable problems.

The inevitable conclusion must be that midtown is overzoned — which the planners privately admit. But

just as inevitably, that conclusion is politically and economically explosive and so a lot of the commission's foot-dragging is understandable. But if that accounts for the official inertia, it does not excuse it; much of the complicated and time-consuming analysis of what has worked and what hasn't in the 1961 legislation should have been done before now.

The failure of public space bonuses, for example, has been obvious for some time. Builders have gotten extra square footage in exchange for providing pedestrian features, but these often turn out to be useless, unused or even unbuilt — and enforcement is impossible. A whole maze of such "improvements" has been added to the original law and requires evaluation.

Just as disturbing as the law's visible failures is the ingenious way in which it is being manipulated to make projects that are already too large even larger. One of the legal tricks is to count floor areas in adjacent buildings to increase the permitted size of new buildings when air rights are transferred. Air rights transfer itself has turned out to be a mixed blessing that needs to be rethought.

Beyond the failures and loopholes of the law, attention has to be paid to other related factors. No zoning works independently of tax policy, landmarks preservation, economic incentives and environmental requirements.

The city has developed a "trade-off" mentality and every important zoning package has become an exercise in bazaar bargaining. That is no way to zone, or build, a city. What is lost in the short-range preoccupation with the details of each deal is New York's long-range livability. Zoning review must begin at once, with legislative reform to follow.