

Times Square: Zoning

The question about the Times Square area is not why it hasn't been cleaned up, but why it hasn't been cleaned up before this. The issue is not what can be done, but why it hasn't been done yet.

The area is distinctly pathological: sick, criminal, aberrant and offensive to even the most tolerant sensibility. Legitimate business has difficulty in surviving. Too many of the Square's cancerous operations are either illegal or exist through legal loopholes; bad drives out good and crime is anything but victimless. With this traditional and essential tourist and commercial center of the city turned into a place of aggressive misuse, the ultimate victim is New York as a whole.

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It is intolerable that there have been Times Square Task Forces addressed to the problem for five years now, supposedly directed from City Hall, and that things have got worse instead of better. Periodic police cleanups and temporary code enforcement have had no permanent effect. Game plans have been drawn up on paper, and broad hints given by officials of action to come—such as the Mayor's recent announcement of proposed zoning changes.

But in five years no such action has been taken. The city has failed to do anything at the root level of reform. Without basic legal changes, no amount of policing will produce anything but sporadic publicity. Nor are limited zoning amendments enough, such as those that would close loopholes in "physical culture" uses that front for prostitution.

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In the last five years the city has managed to enact special district zoning for other parts of New York with extremely sophisticated and specific land use controls aimed at protection of neighborhood character. This is a tested, correct and established exercise of the police power in the public interest. Nonconforming uses that threaten the amenity, health or welfare of the community as a whole are outlawed. There is nothing novel or controversial about this kind of zoning; New York, of all cities, knows all about it. In fact, it has led the country in the new zoning except for Times Square. The question is, why?

Why, also, has the Buildings Department been issuing certificates of occupancy like popcorn over these same years for porn-serving "penny arcades" when the legality of the number and use of projectors has often been in question? How has the city managed to remain so unaware of so many violations for so long? Why has it aided the abuse of the controls it already has? And why, when corrective zoning has been successfully passed to deal with the special problems of such disparate areas as Fifth Avenue, Clinton and Yorkville, can't it be done for Times Square? Only City Hall knows for sure.