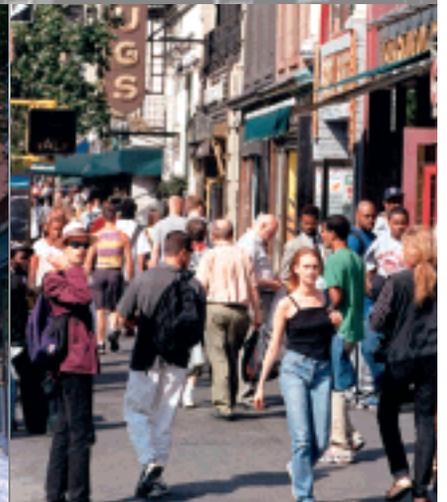


MUNICIPAL ART SOCIETY OF NEW YORK

Zoned Out

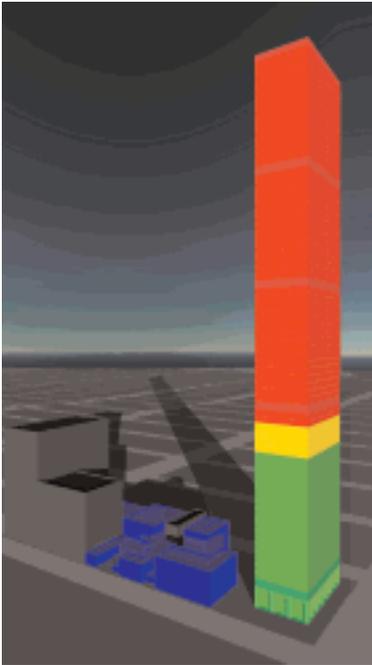
**A Call
to Overhaul
New York's
Zoning Laws**



Zoned Out

Bad Neighbors

New York's outmoded zoning law gives us juxtapositions like the one at right: hulking behemoths that provide housing at the expense of neighborhood character.



Right now, Donald Trump is building New York's tallest residential tower. It will loom over the neighboring United Nations by 310 feet, more than the length of a football field. Civic groups have tried to stop Trump's tower, yet it marches inexorably upward.

Trump World Tower points to an escalating crisis for New York's cityscape. Everywhere, out-of-scale buildings are rising to dwarf their neighbors and cast shadows over backyards. These buildings are shaped neither by economic imperative nor architectural fashion. They are shaped by a land-use law written almost forty years ago.

New York's zoning law, written in 1961, is profoundly destructive of New York's neighborhoods. In the words of City Planning Chairman Joseph B. Rose, it "promotes an architectural vision that does violence to our urban fabric." Not surprisingly, its 900-plus pages of confused and conflicting regulations have become "discredited in the eyes of the public." Prodded by energetic community groups and planning boards, the city has in fact carried out some reforms. But zoning continues to turn many vital New York neighborhoods into sterile and unpleasant places to live. It is time to scrap this dangerous and outmoded law and replace it with thoughtful new guidelines.

Mayor Giuliani and City Planning Chairman Rose have announced that they want to reform the zoning. But strong forces will struggle to minimize change. We must build the political will to carry out this difficult but essential reform before the opportunity is lost. We can—we *must*—have new zoning laws that give us buildings that are compatible with our neighborhoods, streets that are pleasant and vigorous, and the certainty that we can prevent future abuses like Trump World Tower.

This special publication of the Municipal Art Society exposes a few of the most egregious abuses that zoning inflicts every day upon our

neighborhoods: the slabs that turn pleasant streets into incoherent jumbles, the empty plazas that drain away the vitality of our bustling sidewalks, and the faceless boxes that fill up our backyard gardens. We explain the most bizarre of the zoning law's many loopholes—the one that allows Donald Trump to plant the world's tallest residential tower in a midrise neighborhood. And we invite you to become part of a coalition to create new rules that can give us livable, beautiful neighborhoods.

The Municipal Art Society of New York
1999



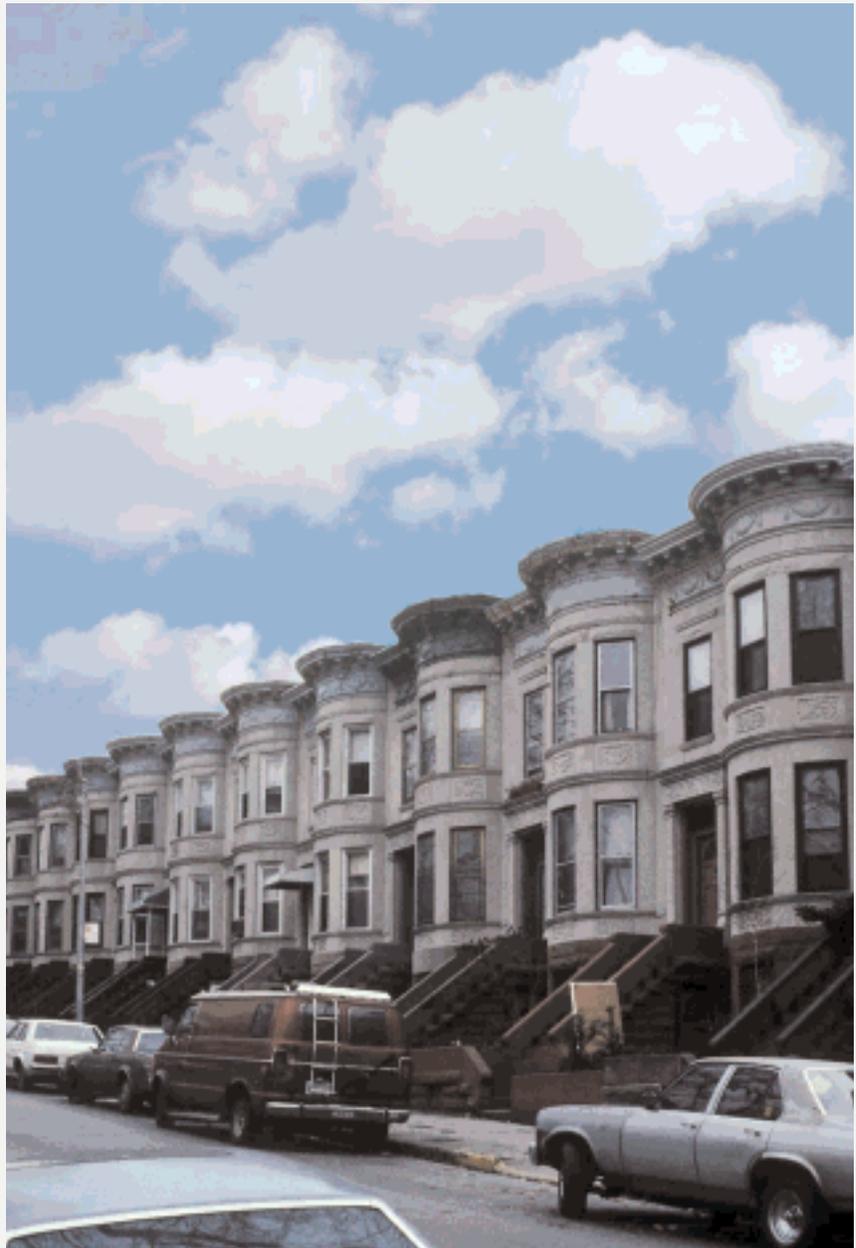
Good Streets, Bad Streets

Neighborhoods are places where people live, shop, eat out, see a movie, walk the dog, go to school or to work. New York is a city of neighborhoods, each with its own character. New York's zoning is destroying that character, systematically sacrificing it to generic development formulas. Sometimes indeed the zoning rules have so little to do with the scale

and flavor of neighborhoods that one might almost believe they had come from outer space.

Take Brooklyn's Sunset Park, for example. Like many Brooklyn neighborhoods, Sunset Park is intimate in scale, its streets lined with century-old rowhouses. A new building should respect that character. Yet a developer in Sunset Park is not required, or even

A street in Sunset Park typifies old New York at its best. Yet it could easily be spoiled by new development: this hypothetical example (far right) shows what would happen if a developer followed the recommendations of the City Planning Department's own Zoning Handbook.



encouraged, to do this. The illustration below shows what the zoning code would permit for this charming street of three-story houses. The eleven story slab towers above the rooftops, breaking the graceful line of stoops and bow windows. It is clearly out of scale and out of character.

Sunset Park is far from alone. Buildings like this are disfiguring

neighborhoods all over New York. In large parts of Manhattan, zoning regulations have favored—and in some areas still favor—excessively tall towers. The result: an incoherent cityscape with towers that stick up like giant popsicles above the surrounding walk-ups and rowhouses.



Park Avenue's harmonious streetscape reflects New York's first zoning code, adopted in 1916.



Incongruous slabs and slivers ruin the proportions of many Manhattan neighborhoods (below). Each one is but a little reflection of what New York's zoning law envisions for the entire island.



Lively Sidewalks, Lifeless Plazas



popular neighborhood restaurant

florist pedestrians

ethnic food

apartment doorway

newsstand

fast food

Running into friends on the street is one of the joys of living in New York. This doesn't happen in other American cities, whose downtowns have been reduced to empty plazas and open parking lots. It happens here because New York's sidewalks are still—as they've always been—its great public spaces, its agora, its public

market place, its forum. The sidewalks, such as this one on First Avenue, are where the action is: stores and restaurants line the shopping streets, creating corridors of bustling activity, while the lively textures and detail of stoops and doorways make our residential streets pleasant places to walk.



planter (designed to discourage sitting)

blank window

curb cut and driveway cutting across sidewalk

car parked in "pedestrian" plaza

The 1961 Zoning Resolution dealt a heavy blow to New York's sidewalks. The so-called plazas that it favored, such as this one at 45 East 89th Street, turned out all too often to be empty and unappealing spaces that break the continuity of shopfronts, disrupt the neighborhood's architectural texture, and drain the vitality of its street life. Shops don't thrive in iso-

lated towers. Pedestrians don't sit in barren plazas. It would be bad enough if the zoning merely allowed plazas. In fact it has given developers a huge incentive to provide them: the right to inflict a twenty per cent bigger building on the neighborhood in exchange for empty "plaza" space that merely compounds the injury.



more pedestrians

video store

street vendor

more street vendors

branch bank



another curb cut

branch bank

another planter

Concrete Gardens

New York is a great tourist town. But it holds back a special treat for its residents. At the heart of every block of rowhouses is a garden, a tree-shaded, flower-planted oasis hidden from public view. Each homeowner has a little private slice of that backyard garden, but all residents share in the enjoyment of the whole, and all are hurt when this backyard eden is diminished.

New York's zoning destroys backyard gardens. A loophole allows doctors' offices, nursing homes, social clubs, and other "community facilities" to fill them up, replacing flowerbeds and brick patios with additions that cast the neighboring gardens into perpetual shadow.

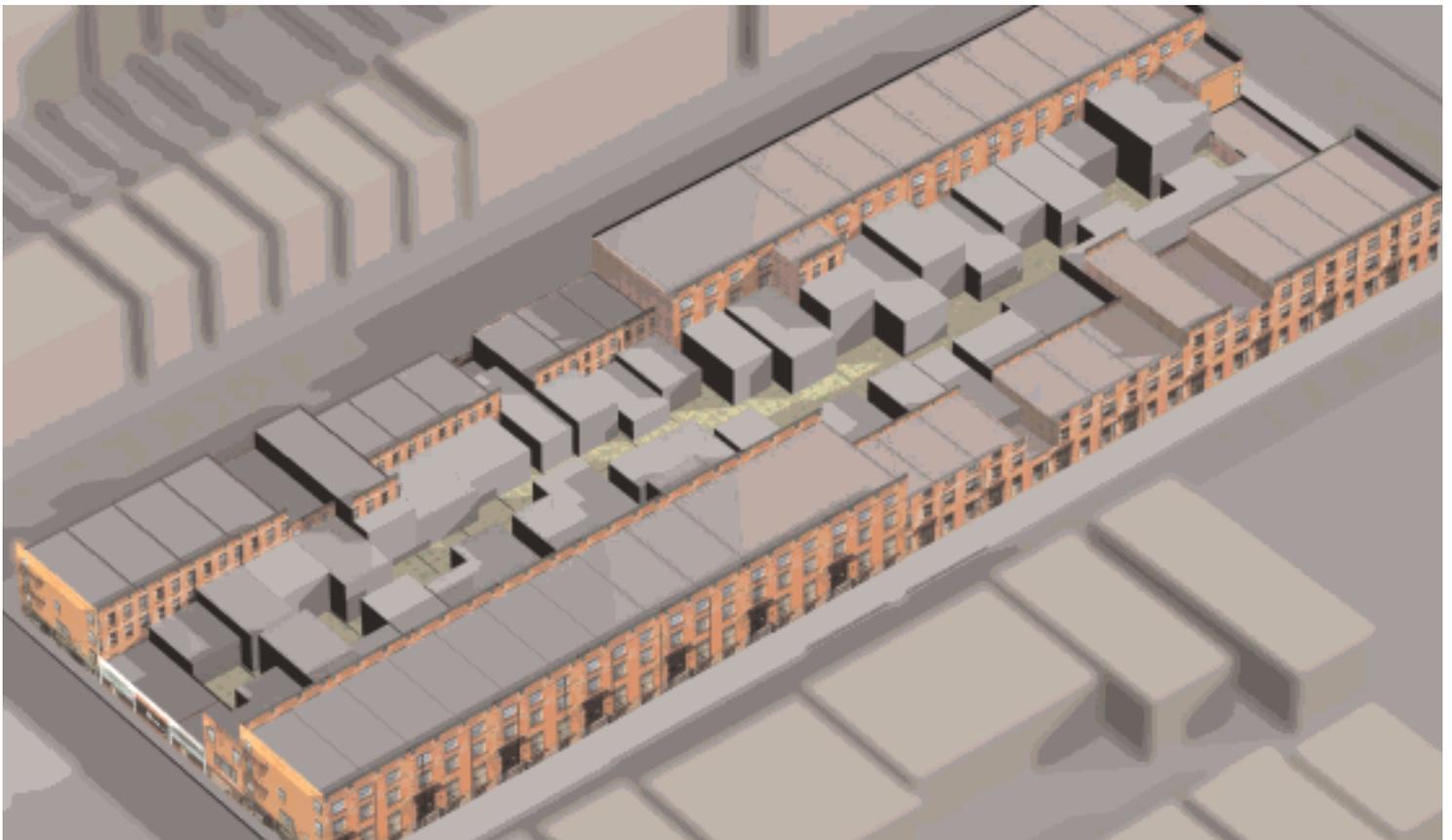
The so-called "community facility" provision is a gaping loophole in New York's zoning code that destroys the purpose of its rear-yard requirements. On the following pages you'll find other loopholes that developers are using to build much bigger buildings than the zoning envisions.

Laws and Loopholes

A zoning law is a set of rules. Developers should be able to understand the rules. Residents should be able to anticipate the results. New York's zoning law fails this test. It is so complex that even highly paid consultants disagree about its meaning. Worse, it contains loopholes big enough to create hugely oversized buildings and to destroy beautiful backyard gardens.



New York's brownstone backyards are oases...



Loophole City

Do you know what a developer can build on the vacant lot next door to you? Say the zoning allows buildings in your neighborhood of up to ten times the size of the lot. The lot next door is 25 by 100 feet. Your neighbor's building can be 25,000 square feet, or 10 times 2500—but no larger. Unfortunately, the zoning doesn't limit the building's height. But it does cap the overall square footage, except for a loophole called the Zoning Lot Merger.

To understand this loophole, imagine that on the other side of the vacant lot is a building. The developer does not own this building. He does not buy it. Instead, he buys the imaginary building—so-called development rights—that zoning says could be built there! He adds this imaginary building to his own, very real, new building. He then may buy the development rights from other adjacent lots. With each successive Zoning Lot Merger, his own new building grows bigger and taller, until it soars far above the limit seemingly imposed by zoning.

Zoning Lot Mergers are easy to do. They can be done as private business deals, without public review, and the sky is literally the limit. The Zoning Lot Merger makes it impossible to predict what might be built next door. It is a giant question mark looming over many neighborhoods.

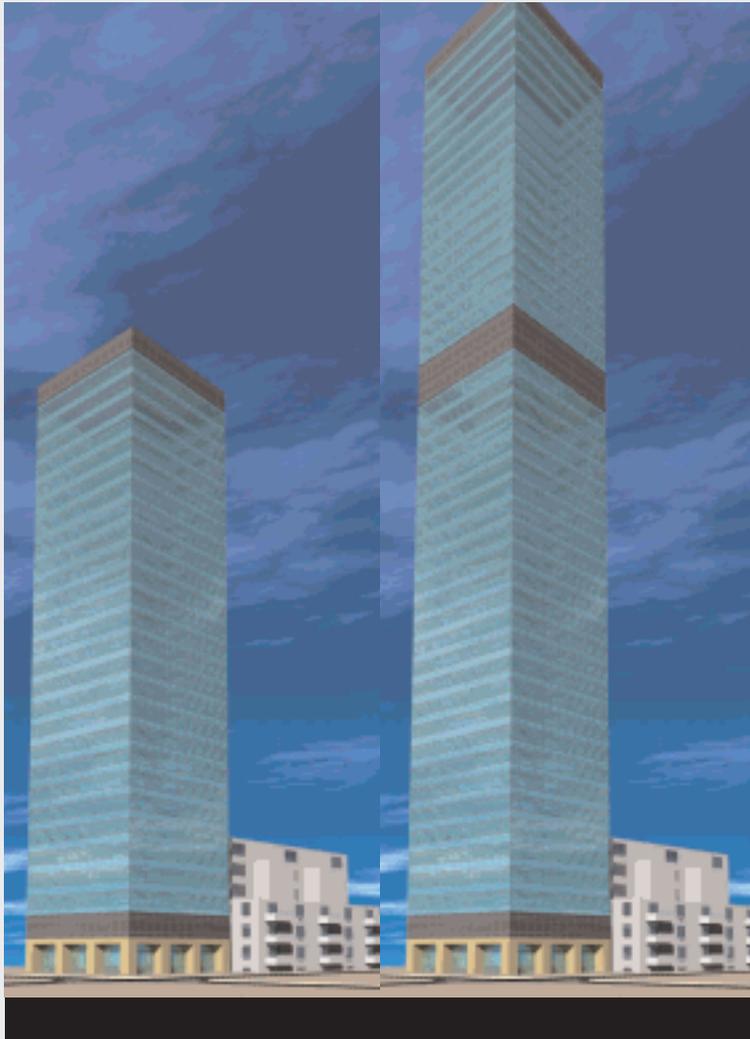
The diagrams below show how a hypothetical zoning lot merger might work. At left, a developer builds an office tower next to a small apartment building. It is in a commercial district where large buildings are allowed. At right, the developer has bought the development rights from the apartment building and added them to his own building. The result is a tower almost twice as tall as the one on the left.



The Mechanical Equipment Ploy

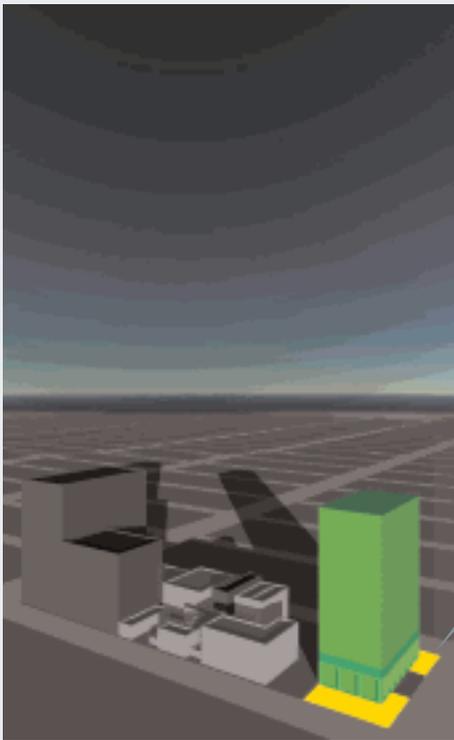
Zoning caps the size of every building—in theory. But elevators, chillers, heaters, generators, fiber optic cable boxes, and so forth don't count towards the cap. Such mechanical equipment used to add between five and ten percent to the typical midtown office building. But now a building is going up whose mechanical equipment will add over 25 percent to the bulk allowed by zoning! There is no theoretical or legal limit to how high mechanical equipment can go. Quite the contrary, as technology becomes ever more complex, existing zoning rules will prove ever more inadequate.

Right: even without a zoning lot merger a developer can build a very large building. A zoning lot merger (far right) turns it into a gigantic tower.



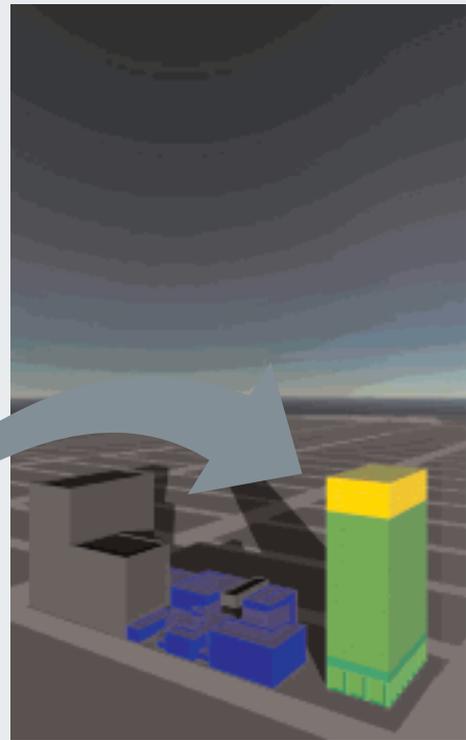
Trumped!

How could Donald Trump build a tower 310 feet taller than the United Nations? The answer: a “zoning lot merger” plus a little help from a plaza bonus. These diagrams show how he did it.



Trump buys a building lot of 20,083 square feet. The tower he can build is ten times that size, or 200,830 square feet. It is shown in green. Shaping this tower into a narrow slab increases its height. It also clears a zone of empty space around the base. Zoning calls this empty space a “plaza.” It is shown in yellow.

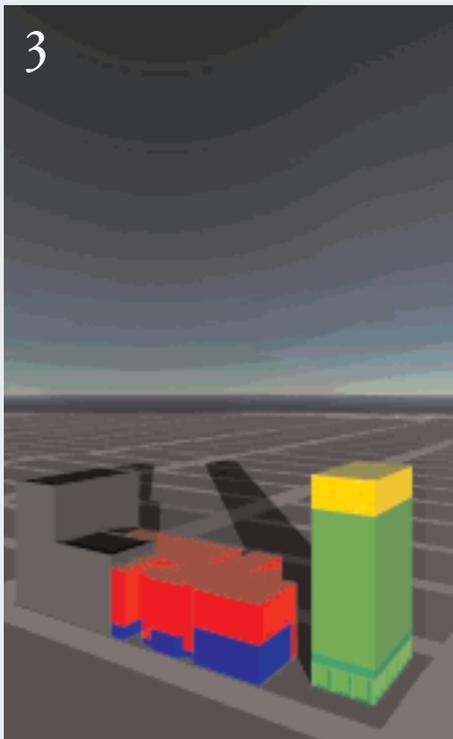
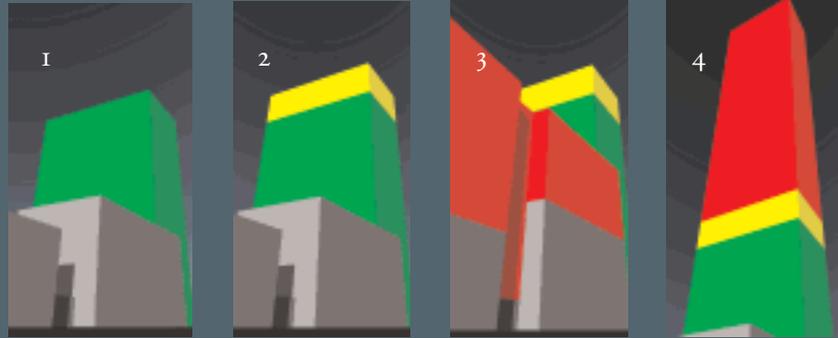
plaza adds 20%
to building size



The plaza earns Trump a “plaza bonus”: a twenty-per-cent larger building. Trump adds 40,166 square feet (shown in yellow) to the tower.

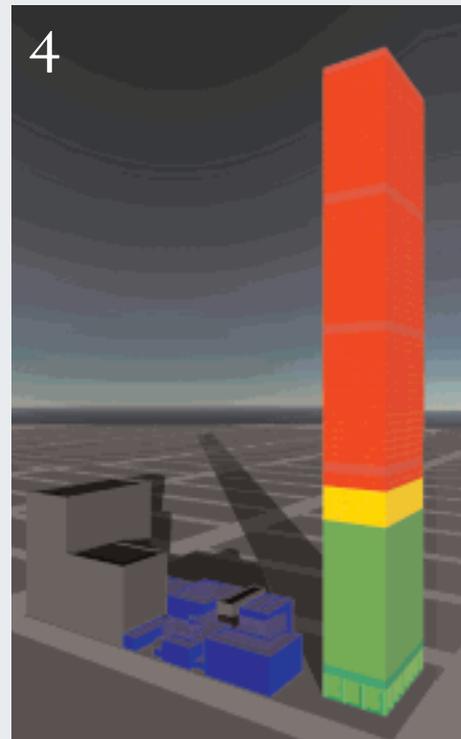
Meanwhile, Trump is negotiating with his neighbors. Through private business deals he merges his zoning lot with seven other lots covering much of the block. The buildings on these lots are shown in blue.

Right: the same steps as below, from the pedestrians' point of view.



purchase of unused air space of surrounding buildings adds more size to building

extra-high ceilings add yet more.



The neighboring lots all have buildings on them, but they are much smaller than the zoning allows. The difference between them and the new buildings that could be built there is shown in red. This difference equals the development rights that now belong to Trump. These rights are substantial. They are like a large but imaginary building...a building that doesn't exist but could exist.

Trump scoops up his imaginary building—his development rights—and places it on top of his own building, adding 526,105 square feet of floor space. The result: a tower of 767,101 square feet. But this tower keeps growing! Because the zoning has no height limit, Trump pumps his tower yet further skyward by raising the ceiling heights to twenty per cent above average.

Though the zoning resolution limits the floor space of a building on Trump's site to ten times the size of its lot, Trump World Tower will be more than thirty-eight times the area of its lot. A building that should have been under 250 feet tall will be almost 900 feet tall!

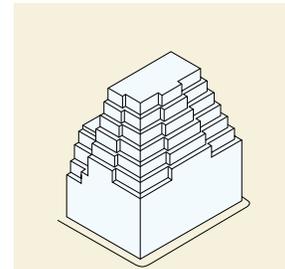
Why Zoning Reform?

Most of us assume that buildings look the way they do because that's how someone wanted them to look. In fact, all buildings constructed in New York after 1916 follow strict rules laid out by zoning. New York's first zoning law, in 1916, created an uninterrupted "streetwall" that is the key to New York's active streetscape. It encouraged architects to set the base of their buildings at the sidewalk line and to shape the tops into the "wedding-cake" silhouettes that gave New York a dramatic as well as a harmonious skyline. Park Avenue's handsome facades are a product of the 1916 zoning. So is Rockefeller Center. So is the Chrysler Building.

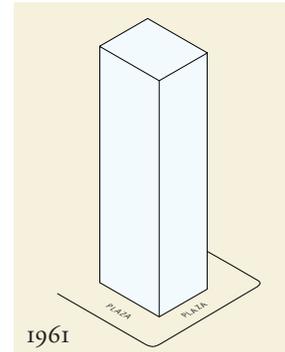
After World War II, European modernist ideas rose to prominence. Modernist architects didn't like buildings densely stuck together and didn't particularly like traditional streets. They admired French modernist Le Corbusier, who wanted to replace Paris with a gleaming new city of great towers standing in magnificent isolation (the so-called tower-in-the-park idea). This vision of isolated towers in plazas inspired Mies van der Rohe's Seagram Building, one of New York's most elegant modern buildings. It also inspired the new zoning law of 1961, which didn't lead to the gleaming city of Le Corbusier's dream but to an incoherent and increasingly inhuman cityscape. A few freestanding towers and empty plazas could have provided welcome relief in a dense city. But when the plazas multiplied and the towers invaded residential neighborhoods, when the scale of those neighborhoods was broken again and again, then the fabric of New York began to fall apart. The continuity of street life was ruptured and the image and scale of neighborhoods became incoherent.



Park Avenue's classic streetscape contrasts with the bleak spaces and jarring proportions of "tower-in-the-plaza" urbanism.



1916



1961

New York's classic "wedding-cake" buildings, a result of the 1916 zoning code, created a lively streetscape. By contrast, the 1961 zoning, still in force throughout large parts of the city, favors slabs and towers that stand alone, draining the vitality of sidewalk life and creating awkward silhouettes.

A Call to Action

Zoning determines the size, shape, and use of every new building in New York City. Right now, zoning is giving us buildings that look as though they were dropped onto their neighborhoods with no regard at all for neighborhood scale or character.

New York needs to scrap its zoning and replace it with new rules that reflect a deliberate judgment about the character of each one of the city's neighborhoods. This zoning should leave the door open to needed growth, profitable development, and innovative design, but slam it tight against buildings that injure our neighborhoods and public spaces.

New zoning is a civic necessity. It is urgently needed. Please help the Municipal Art Society build a city-wide coalition to overhaul the old rules, end anti-human planning, and close the loopholes that are destroying the character of our neighborhoods.

We need your help to get new zoning tailored to the needs and aspirations of each neighborhood. Please send back the attached postcard so that you can be part of the movement to overhaul New York's zoning.



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Zoned Out is a publication of the Municipal Art Society of New York, a private, non-profit membership organization that advocates for excellence in urban planning and preservation. Founded in 1893, the Society was instrumental in supporting New York's first zoning law (1916) and the city's Landmarks Law (1965), blocking a proposed tower at Columbus Circle, preserving Grand Central Terminal, St. Bartholemew's Church, and New York's eighteenth century African Burial Ground, advocating for a great new Penn Station in Manhattan's old Main Post Office, and restoring numerous public monuments and murals. Currently, the Society is leading a plan for New York's waterfront, proposing new neighborhoods west of Penn Station, and promoting New York's most historically significant places.

The Society also sponsors a lively program of educational events, including lectures, panel discussions, exhibits, and walking tours; manages The Information Exchange, a research center open to the public; and sponsors Urban Neighbor Books, New York's leading architectural bookstore.

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Zoning reform has many parents. The Municipal Art Society wishes to acknowledge the leadership of the many civic groups, neighborhood associations, and community planning boards that have dedicated themselves to the cause of better zoning. Their work is reflected throughout these pages.

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