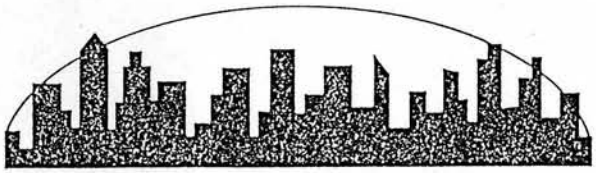
PLANNING AND ZONING NEW YORK CITY

YESTERDAY, TODAY AND TOMORROW



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PLANNING AND ZONING FOR A MATURE CITY

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Adding together the component partial utilities, the rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And another. . . . But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein lies the tragedy. Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all.

Garrett Hardin
"The Tragedy of the Commons"[1]

It is almost forty years since New York City began reconsidering its first few decades of experience under zoning—an effort that resulted in the comprehensive revision of the city's zoning resolution in 1961. Today, that revised zoning resolution has yielded to the same forces of entropy that ultimately undid the 1916 regulations. Unlike in 1961, when every borough except Manhattan was not yet built out and was still favored with enormous stretches of vacant land, even some farmland, planners now must work with a city that is basically built out. Moreover, the city's residents and planners alike are recognizing the ability of New York City's power of "place," its rich history and urban landscapes, to inform and shape our individual and collective identities as New Yorkers.

Most important, one could say the sense New Yorkers have of their city is changing. The notion that New York City is a developing city was widely

held in 1961, but today, city residents are far more likely to think of New York City as a "mature" city. As a result, there has been an increasing tension between conserving and managing the city's "commons," or its extraordinary inventory of neighborhoods and districts, and respecting the city's equally characteristic zeitgeist of dynamic change and often overpowering renewal. As the scale of change has grown and its pace has accelerated in recent decades, the countervailing forces pressing for stability have arisen in an almost Manichaean duality. They are, in effect, "of a piece," two sides of the same coin.

This paper accepts the notion that New York City is a mature city and rejects the notion that the city can be planned and designed through a set of all-purpose rules, such as those promulgated in 1916 and 1961, or sweeping a priori theories. Rather, it argues, the most appropriate approach to planning, designing, and regulating urban space in New York City is fine-grained: each of the city's districts and neighborhoods must be understood both on its own terms and in terms of the contributions it makes to the whole. New York City must, as a city, collectively manage and replenish its commons—its vital neighborhoods and districts—and counter the tendency of the market to maximize the benefit of individuals at the expense of the commons.

NEW YORK CITY: THE MATURE CITY AND ITS CRISIS OF CONFIDENCE

The use of the term "mature" to characterize the way New Yorkers think of their city is intended to be evocative and provocative. "Mature" is meant to subsume the biological, mechanistic, and econometric metaphors that are used to describe large cities into a broader concept that is suggestive of the complexities, ambiguities, and contradictions characteristic of a state of maturity. In a certain sense, maturity is a state of mind that is cyclical; it is reasonable to assume that New Yorkers' perceptions of their city will change as New York City continues to experience the cycles that are unique to great cities.

A mature city is not a physically aging city in which decay has been renamed patina and in which places are treated as museums rather than settings for ongoing life. Rather, it is a vital, fully functioning entity whose citizens have developed an appreciation of limits in a positive way. A mature city is full of places that have distinctive physical attributes and rich associations for neighborhood and city residents, places that signify the durability of the physical and social conventions characteristic of the city and its neighborhoods. The residents of the city recognize the meaning and

value conveyed by the physical and nonphysical traces of these past accomplishments.

Nor is a mature city a neutral spatial environment in which the basic utilitarian economics of cost-benefit analysis play themselves out. Rather, it is a great, evolving, humanistic enterprise that Kevin Lynch succinctly called "a vast mnemonic system for the retention of group history and ideals."[2] As a vast memory machine, the mature city is both a physical place and an attitude about place.

The stability of places adds resonance, stability, and well-being to the everyday lives of individuals and groups who regularly inhabit those places, but this resonance does not depend solely on the formal aesthetic content of those places. It also is influenced by the distinctiveness of the physical features and appearance of places, by the activities and functions that occur in them, and by the symbols and meanings that places embody (especially as understood and reinvested with added meaning by the inhabitants of that place).

In almost any city, zoning regulations and urban design plans are usually the playing fields on which the cultural, political, and economic values held by groups and individuals are measured against each other. In a mature city, discussions regarding the structure of the planning process, the content of zoning and design regulations, and efforts to develop or conserve neighborhoods attempt to focus a broad and meaningful question: How can the forces of change be balanced with the environmental stability that supports our cultural identity?

The perceptions people have about a place are difficult to evaluate. While we may know how a place is perceived by a group of people in the aggregate, we do not know what that place means to any particular person in that group. For example, most people might agree that the Empire State Building is a landmark, but what meaning does the building hold for them? That it is beautiful? That it is visible from anywhere in the city? That it is a symbol of unbridled materialism? No matter how difficult they may be to understand, people's perceptions are real, in many ways more real than facts, and planning must deal with both.

A mature city is in many respects a state of mind. Its inhabitants' perceptions of their city reflect the city's mid-life crisis. The world seems more complicated than it was before: childlike notions of omnipotence and control are counterbalanced by experience, which results in self-doubt and, to some degree, a wavering confidence. New York City's inhabitants have thought of their city as a developing city for the better part of the last forty years; now they are coming to grips with its maturation.

This maturation has brought on a crisis of confidence that is characterized by the role people see mature cities, such as New York City, playing in their regions and in the nation. The image of New York City and other mature

address the physical environment, they very much contribute to New Yorkers' sense of their city and their confidence and attachment to it.

It also is likely that the geographic atomization and fragmentation of the city have contributed to this sense of instability. Overlapping political and service delivery jurisdictions (such as community districts, city council districts, health districts, parks, police, and school districts) are organized, at best, in an effort to optimize or maximize the efficiency of each system. Consequently, they rarely bear a relationship to the real boundaries of neighborhoods, disconnecting them from spaces people understand and undermining accountability, responsiveness, and control. This fragmentation contributes to the city's crisis of identity by atomizing social and political relationships that could support a sense of place.

It appears that the processes of fragmentation and change, both good and bad, have challenged New Yorkers' sense of stability and made them feel that change is out of control. One could surmise that the government's responses to the city's immediate needs have not convinced the majority of those interviewed that those responses will make the city a more satisfying place to be. The most significant result of the poll may be that it indicates the willingness of New Yorkers to dissolve their long-held ties between themselves and the places with which they have identified as individuals and as members of their community: a substantial number of those who have the option to leave the city told the poll takers that they are actively considering doing so. This is due, in part, to people's fear that places they hold dear will no longer be distinct and complete.

CHALLENGES FOR PUBLIC POLICY AND THE PLANNING PROCESS

In a mature city the size of New York City, a varied pace and scale of change is not unusual—in fact, it is characteristic—but the crisis of confidence in the ability of city government and the development community to provide a stable, ambient environment for New Yorkers suggests the need for an entity closer to community residents to assume a stronger role in determining the city's destiny.

Some type of localized empowerment to plan—one that provides a local context for a broad-based planning and regulatory system—would begin to demonstrate the city's commitment to the well-being of its diverse neighborhoods and districts. At the same time, it is critical that responses to immediate local problems be perceived as contributing, ultimately, to the well-being of the entire city. Policies that reinforce a place's identity, residents' sense of real control, and accountability by city officials are critical to restoring confidence.

The development pressures of the 1980s, which many people perceived as a threat to the integrity and stability of places with which they were familiar, have cooled considerably. The oversupply of high-end housing and commercial office space in Manhattan will take years to occupy; as a result, the focus of development probably will shift to the attractive and increasingly vibrant neighborhoods in northern Manhattan and the boroughs, where the scale of development will also tend to be smaller. It is likely there will be a tendency to homogenize these traditional neighborhoods and districts with inappropriate, generalized zoning regulations and through efforts to promote suburban-style privatized developments. Together, these forces will threaten the unique identities of the city's mature communities—the proverbial bedrock communities of the city.

These communities need protection; their stability as viable places must be reinforced. These resources can be conserved through public policies that involve citizens as equal partners in the decision-making process and policies that recognize that there are other places where more dramatic change is appropriate.

The trend toward the decentralization of the workplace is well under way in the region's suburban counties, which are no longer solely "bedroom communities." As this trend manifests itself in the city, one can expect pressures for similarly decentralized workplaces to infiltrate residential neighborhoods. The question of what types of work should be allowed in stable neighborhoods is one that the residents themselves must help answer.

Similarly, the potential of the city's economic development zones (EDZs) to become true mixed-use neighborhoods that provide local jobs is a prospect that should be encouraged; public policy ought to be directed toward evolving innovative mixed-use neighborhoods and districts that would bring the much-needed jobs to these areas in transition. The blurring of the boundaries between the workplace and home, whether in EDZs or residential neighborhoods, seriously challenges the zoning resolution's explicit separation of uses.

New York City's waterfront has a strong potential to transform and unify the city's image. It is one of the few places in which the physical relationships between the different parts of the city (neighborhoods, districts, and boroughs) can be experienced. The waterways themselves have the potential to integrate the disparate parts of this city into a unified network that is both functional and heightens our experience of the connections between the various parts of the city.

While much of the waterfront is in public ownership, it is also underserved by the city's infrastructure. This raises serious questions about what can be developed along the waterfront and its upland areas and what resources must be allocated to sustain new development. The fact that the waterfront is simultaneously a citywide and a local resource requires a par-

ticipatory planning approach that ensures attention is paid to the historic connections between the waterfront and the upland. Also, because the waterfront is one of the city's most observable and vital natural features, environmental concerns must be an integral part of planning for its future.

It would seem that there is not an alternative to planning given the condition of the city and the trends that are shaping it. The question, therefore, is how to plan for a city with New York City's complexity, potential, and problems while adhering to a process that establishes an atmosphere of certainty and predictability for city residents and the environments that sustain the city's life.

Unfortunately, traditional physical plans and policy plans fail to define the future form of the city in any predictable way (whether they include detailed maps and drawings or are composed solely of broad policy statements loosely related to amorphous, organic shapes on a map). These plans generally offer end-state visions and have little capacity to respond to unforeseen issues that present themselves as times goes by. Many are too specific and rigid, with little interplay between the plans and the changing world around them. Others are too vague to be compelling, providing citizens with no sense of what their experience would be like in the city the plan anticipates.

The result of these traditional approaches, in many ways, is the incremental planning that is New York City's current practice. The city's zoning resolution (which is the city's master plan by default) has been adapted over and over again as opportunities and crises have arisen. This piecemeal approach, nudged along by both the city government and the private sector, is fundamentally flawed—not because it is unresponsive to changing conditions (which it is) but because it does not include mechanisms for putting what are essentially localized situations into a broader context.

Currently, the city relies on environmental impact statements (EISs) to evaluate development proposals within a broader context and time frame, but EISs have proven to be inadequate, notwithstanding the considerable effort they require. One problem is that EISs are required only for discretionary projects, generally, proposals that require a modification of the existing zoning or involve the disposition of city-owned land. Since most development in the city takes place as-of-right, EISs affect a very small percentage of change. (An EIS must be prepared for proposals to change zoning, which sets the rules for as-of-right development.) Another problem with EISs is that they typically include information and analyses that have been prepared after the development proposal has been finalized. Consequently, the EIS generally is undertaken too late in the planning process to inform the project design in any fundamental way.

Ultimately, the EIS process falls short of the mark because its approach is incremental, oriented toward individual projects, rather than systemic.

While an individual project may contribute only slightly to a particular environmental problem, the cumulative effects of many similar projects would clearly worsen the situation. To the extent that the EIS-based project requires environmental harms to be mitigated, it does so only on a localized basis. Moreover, most projects are not required to bear the responsibility for their share of the problem unless they happen to be the straw that breaks the camel's back.

The EIS approach, by focusing on the system's breaking point, cannot deal effectively with environmental concerns that require a collective and concerted response. These concerns, familiar to New Yorkers, include: the way that groups of buildings affect wind currents at ground level, cast shadows on parks, and impede or facilitate the free circulation of air; air quality; the relationship between land uses, density, and traffic; and water supply, water quality, and the capacity of water pollution control plants.

Similarly, the incremental approach of the EIS process is inadequate to the task of enhancing the unique aspects of the city's neighborhoods and districts. The land use, urban design, archaeological, and historical sections of the EIS, which require documentation of local conditions, often provide insight into the context that surrounds a project, but they do not add up to coherent public policy. For example, conflicts that often emerge between the qualities that define a place's physical properties and environmental issues, such as districts with uniform, canyonlike, high street walls that tend to inhibit the free circulation of air and degrade air quality, are districtwide rather than project-specific issues.

Finally, the engineering-based optimization and maximizing strategies characteristic of EISs pose problems when applied to the planning of mature cities. The problem lies not only in the absoluteness of their abstraction but also in the notion that there is a unitary, optimal answer to planning questions. In a mature city, such as New York, this assumption is absurd; the planning equation is filled with ever-shifting situations and events that are beyond the city's control, suggesting that at any given time, there are multiple right answers.

Ironically, EISs, which were conceived as tools to support responsible land use planning, actually thwart the areawide zoning that could implement areawide planning. The city is reluctant to undertake such areawide plans because the necessary environmental studies would be complex and costly. Moreover, such studies would be undertaken at a stage in the planning process at which they inform the public about the impacts of a plan but do not necessarily assist in the formulation of a plan. A strategy that reestablishes the EIS as an integral part of planning would offer a viable alternative to what is currently, at best, an approach to localized problem solving and realizing opportunities presented by the market.

PLACE-BASED PLANNING AND ZONING

Place, as many commentators and jurists have noted, is essential to an individual's and a community's sense of identity and well-being. The physical environment is both the setting and locus for the complete range of human activities and associations, both good and bad, and is the vessel that encapsulates the individual and collective experiences of its constituents. The diversity of places in which people work, reside, and play should be the basic units that serve as the context for incremental planning decisions, which would be examined in terms of how they contribute to the overall well-being of each place. These places are immediately experienced by the people who live and work in them; they are understandable to people and capable of being designed, conserved, and managed.

New York City, as a mature city, should reject traditional methods of planning and zoning as being inappropriate to its future. An alternative "place-based" approach to land use planning and regulation would place a greater emphasis on a public planning process that makes citizens and city government, not the market, the dominant force in determining the form and spatial distribution of land uses. This approach would rely on strategic planning to set the context for programmatic land use planning. The strategic plan would anticipate, spot opportunities, project important trends, and evaluate their impact and potential at the citywide level. Programmatic land use planning would comprise the specific and localized response to these issues at the neighborhood and district level.

This fine-grained approach to planning and zoning at the local scale would be premised on three interrelated propositions for envisioning a better designed city: New York City is a mature city with neighborhoods and districts that are valued physical resources to be carefully conserved; government, through the public planning process, ought to manage the rate, scale, and location of development while managing the city's physical and environmental diversity; and, in so doing, government is conferring the "good" of reinforcing the sense of place characteristic of New York City's diverse neighborhoods and districts as well as preventing the "harm" typically associated with environmental degradation.

In a place-based planning approach, the emphasis would shift from maximizing the efficiency of the individual systems to grounding these systems in real and identifiable places. What are now placeless and discrete systems would be reorganized into a unified system whose subunits are coterminous with the geographic boundaries of neighborhoods and whose performance would be evaluated on the basis of how well the entire system satisfies the everyday needs of the residents. The coterminality of the system with recognizable neighborhoods and districts would combine with other layers of

meaning and associations to increase the resonance and richness of these neighborhoods for their residents. Reawakening users' and residents' sense of place in this way can increase the sense of control they have over places where they live and work.

The place-based system of planning and regulation is based on the notion of "satisficing"[5] rather than optimizing or maximizing. This approach asks the question: "Are you satisfied or content with the outcome?" not "Is this the optimal outcome?" "Satisficing" requires that discrete policies and responses designed to deal with short- and mid-range problems be located in a broader frame of reference and a time frame of five to ten years. It asks, "What kind of a block, neighborhood, borough, and city do these policies add up to and is that outcome okay?"

Before pursuing the specifics of a fine-grained, place-based planning approach, it is critical to establish the context in which this planning will occur. The structure that is envisioned begins with the conception of New York City as an entity composed of distinctive and recognizable places that, in combination with and in relation to each other, reinforce each other's sense of place and the sense of the city's environmental and demographic diversity. Just as fragmented service delivery systems should be reorganized into a system that adds resonance to people's perception and experience of places, the multiplicity of places that constitute New York City also should be conceived as a system, not merely a collection of atomized and fragmented parts. The image of New York City that would emerge would be one of a complex city composed of extraordinary physical and demographic diversity and energy—heterogeneous on the broadest scale yet characterized by homogeneity of place on a local scale.

Strategic planning—which means identifying trends and opportunities and projecting their implications for both broad-based and localized initiatives—provides the context in which decisions about place-based planning and land use regulations should be made and in which those decisions can be evaluated in terms of how they contribute to our collective, individual, short-term, and long-term well-being. Similarly, the primary characteristic of a fine-grained approach to land use planning is to ensure that decisions are made at the appropriate scale—beginning with the basic unit, the place or neighborhood, and increasing in scale to include aggregations of neighborhoods, the borough, and the city as a whole.

For example, assume strategic planners identify changing work patterns that imply if the city is to remain competitive, it should pursue land use policies that accommodate decentralized workplaces in the city's neighborhoods and districts. The strategic plan would translate this policy into an agenda for action: It would describe in broad strokes the contribution each neighborhood would be required to make toward meeting the citywide objective. The strategic plan might suggest localized thresholds and criteria

for locating workplaces in neighborhoods, such as the proportion or amount of floor area dedicated to work space, access to transportation and other support facilities, and a profile of prospective workers.

The context for determining how each neighborhood would contribute to the whole would be established by place-based preservation, conservation, and development plans that would be formulated by the residents in each place. Continuing the example, the local plan would establish the appropriate locations and sizes of these new workplaces based on an understanding of both citywide and local needs. Each community could experiment with models and approaches that make sense in its own context. Moreover, each community would monitor the implementation of its plan, gaining experience that would be useful in the continual reevaluation of strategic and local plans.

The structure, components, and analytical techniques of place-based preservation, conservation, and development plans would be based on a common model developed by the city's planners in consultation with the community and borough planning boards. These plans would characterize existing conditions, propose areas that are to be conserved and areas in which new development is appropriate, and analyze proposed and alternative courses of action. Each place-based plan would contain components set forth in the citywide model, but the community would calibrate its plan to the specifics of the neighborhood and district being planned.

Under this process, the place-based plan and its EIS would be a single document. The EIS, rather than focusing on specific development sites or being generically unspecific, would correspond to real and perceivable places that are defined by the community. Environmental analyses—which would be undertaken at the same time that place-based preservation, conservation, and development plans are being formulated—would provide the systemic analyses suggested by broader-based strategic planning and inform the fine-tuning of zoning regulations at the neighborhood and district levels. The analyses would be used to inform and adjust the place-based plan, in contrast to the current type of EIS, which is solely a public disclosure document. Undertaking the environmental and planning analyses at the same time would eliminate the current problem of the EIS being an impediment to areawide plans and legislative actions.

The place-based planning effort would enlist local citizens in documenting and assessing existing conditions. The participation of residents is critical on two levels. The first is that residents can obtain a self-conscious understanding of a place only through a structured analysis that gives them knowledge as to how that place is structured. The second is that it allows residents to explore their unconscious experience of a place. The combination of the two methods—one analytical, the other experiential—allows the residents of each neighborhood and district to determine what characterizes

their place and to recommend action consistent with their understanding and experience of their neighborhood.

This information would establish the base from which a community could apply the citywide criteria contained in the model preservation, conservation, and development plans to identify areas that are "stable," "in transition," or "to be transformed." A stable area might be a traditional, older neighborhood whose physical form is intact, such as Washington Heights. An area in transition would be a place in which the physical environment is basically intact but the balance of land uses is changing, such as SoHo, NoHo, Tribeca, and the city's EDZs. An area to be transformed might be the waterfront, where manufacturing and industrial uses are declining and where there is a void as to what this land "ought to be" transformed into.

The citywide planning model would include not only quantitative planning and urban design analytical methods but also qualitative, cognitive mapping techniques that evaluate the coherence of places being studied in terms of how clear or stable its image is to residents. Based on that qualitative analysis, places would be generally characterized as having a stable image (people's images are similar); variable images (competing images), which would indicate areas in transition; and unstable images (neither strong nor competing images emerge), which would indicate areas to be transformed. The place-based plan's characterization and mapping of areas as stable, in transition, and to be transformed would provide the context in which the responses to the trends and policies formulated at the strategic level would be shaped in the form of preservation, conservation, and development policies and zoning regulations.

Conserving stable places is an obvious policy in a city in which so much seems to be in flux or "out of control." Conservation policies are critical to reestablishing people's confidence in and commitment to their city and neighborhoods, but such policies cannot be formulated on the basis of a priori judgments and abstract reasoning; they require place-based research that is based on thorough empirical analyses of a place, including the perceptions of the residents.

Areas that are perceived to be stable could be conserved by adopting policies and legislation that would conserve resources and manage the overall rate of change by accommodating evolutionary change. Areas in transition would be encouraged to change while maintaining a continuity with its history. Transforming areas, where continuity with the past is tenuous, would be places in which change would be actively and decisively pursued.

DESIGNING THE ZONING REGULATIONS

New York City's efforts to circumvent the grinding uniformity of a "one size fits all" zoning resolution through special zoning mechanisms and historic districts are well documented. In recent years, the city has created as-of-right contextual zoning districts that are intended to produce buildings whose form complements that of the city's traditional residential neighborhood building stock and scale and has mapped these districts selectively to replace the ubiquitous tower regulations. However, rather than acknowledging the variations of traditional urban design attributes that help define the differences between neighborhoods, the contextual regulations have stressed the traditional urban design commonalities, such as the traditional perimeter block form of city building. In that regard, the contextual regulations are similar to the 1961 "tower in a park" regulations—they attempt to legislate a building type on a citywide basis, regardless of local building traditions and neighborhood form.

"One size fits all" contextual zoning, although clearly superior to its as-of-right predecessors, tends to be a contradiction in terms because of the obvious number of exceptions to the rule. The number of contextual zoning districts has multiplied in an attempt to respond to the diversity of the city's neighborhoods—a logical approach to zoning a mature city. Rather than biting the bullet and recognizing that "contextual" means specific to a particular place, not "kind of" specific or "kind of" contextual, planners are trying to address what they consider to be two opposing goals: improving the sensitivity of new development to particular places by increasing the amount of specific language and keeping the regulations as short, simple, and understandable as possible so they can be administered easily, as-of-right.

Attempting to write such zoning so it works on an as-of-right basis is an approach unique to New York City and not generally adopted by other large, mature American cities. These other cities are neither as large nor as diverse as New York City, and they have tended to administer areas of special character on a discretionary basis that goes beyond establishing urban design guidelines to include the equivalent of our own Landmarks Preservation Commission, which reviews the architectural design of alterations to landmarks and buildings in historic districts. This use of discretion on such a broad scale has been acknowledged as neither desirable nor practical for New York City.

Instead, we should consider replacing the current set of land use regulations with a new, unified set of predominantly as-of-right rules governing activity, form, and density. These rules would be established only after an analysis of current trends and their implications for the city as a whole (a strategic plan) and for its constituent neighborhoods and districts (a place-based plan) was conducted. The rules would draw on the common urban

design characteristics of a mature city yet be responsive to and reinforce the diversity of the city's neighborhoods and districts; and they would require that citizens be directly involved and actively participate in the planning and design of their neighborhood and in the implementation of land use regulations.

Place-based zoning regulations would be grounded in the recognition that New York City is a mature city. Stable areas, in which it would be important to conserve valuable and shared resources that make apparent the history of the city and people or to support the maintenance of community character, would require one set of zoning responses. Areas in transition or to be transformed would require different responses, depending on their local and citywide circumstances. No matter what the specific place-based response, the proposed regulations would share a common conceptual base that would inform their structure and content:

1. *The city's four hundred-year history, its evolving form, and its people are a highly valued asset to be conserved.* The diversity and quality of the city's built environment are extraordinary. The regulations should be responsive to and reflect this cultural wealth by building on the common threads upon which the city has developed. They include the openness of the block and street system, the conventions of public and private space that clearly differentiate urban (public) and suburban (privatized) values, and the intensive and varied use of urban land and space.
2. *Promote the concept of the city as a heterogeneous assemblage of typically homogeneous and imageable places.* This recognizes the appropriateness of regulations that are based on the commonalities observable in the city as a whole (such as an emphasis on defining public space) while ensuring that the differences that help people distinguish one place from another are equally apparent. The value here is not an aesthetic preference, although such preferences have their place, but, rather, the individual and group well-being gained from living in an environment whose visual character is clearly understandable.
3. *The standard embodied in the regulation should be to reinforce the sense of a place.* As a rule, legislative standards should derive from the place and be empirically based, unless a consensus deems the empirically derived regulation unacceptable. Under this regime, standards typically associated with zoning (such as use, density, daylighting, sunlighting, front yards, side yards, rear yards, exterior courts, street wall heights, and setbacks) should be place-based or tuned to the characteristics of each place. They are, in combination, often very specific in places that are built up (for example, the distance between row houses in Greenwich Village and on the Upper East Side is characteristically not the current standard of thirty feet). The place-based approach is not at all radical for a

mature city, in which most standards are not immutable but either habituated or acculturated and specific to each place. (For instance, the daylighting standard for Midtown is based on a historical legislated expectation of daylight that is different from the history of and expectations for daylight in lower Manhattan.)

4. *The level of the public interest, as expressed in the coarseness of the grain of the regulations and in the levels of control, will vary in accordance with the place-based plan and be contingent to the place.* The designation or characterization of areas as stable, in transition, and to be transformed will suggest the appropriate degree of response. For example, in a stable area, fine-grained regulations would be appropriate while those formulated for an area in transition, where change is desired and encouraged, might be less specific.
5. *New development and adaptive reuse should be responsive to environmental concerns.* Issues like the quality of air, water, and microclimate and the amount of sun and daylighting are significant. This is particularly true in to be transformed and transition areas, where change is occurring on a broader scale and these issues can be dealt with systemically rather than anecdotically.
6. *Citizens should participate in the development of the plans and regulations.* The application of this principle is meant not only to empower but also to enlighten people. By helping to document and assess their neighborhood, people can obtain an appreciation of it and of the complexity and subtlety of its construction. Additionally, by participating in the local planning and legislation process, citizens hopefully will obtain a stronger sense of control in a rapidly changing world.
7. *The regulations should be as-of-right to the degree that it is practical.* They should be based on a common kit of parts that represents the urban design conventions and values (activity, form, and density) characteristic of New York City's neighborhoods and districts and would be self-adjusting to each place.

THE KIT-OF-PARTS ZONING REGULATION

The charge that zoning regulations should be tuned to the specifics of each particular place while simultaneously recognizing the common characteristics of the city's built environment suggests two alternative approaches to design and planning regulation. The first and most obvious approach would be to treat all areas of the city as unique and designate them as special zoning districts. Each area, neighborhood, or district (depending on how fine-grained one wanted the regulations to be) would have its own set of zoning regulations that would be specific to the place and as-of-right. This approach

has its drawbacks: the total number of special zoning districts would probably be several hundred and special districts have been difficult to administer.

The second alternative would be a "kit-of-parts" approach to urban design regulation, such as that proposed here. Unlike typological regulations that legislate building types, kit-of-parts zoning is based on the full range of attributes (including activities, building forms, and densities) that are characteristic of the city as a whole. These citywide attributes would be combined with local attributes and modified by place-based standards in order to give definition and identity to each neighborhood and district. Somewhat akin to a deck of cards or a box of Lego building blocks, the kit of parts would be a coherent system that would allow an almost limitless number of combinations and permutations, making it adaptable to virtually all conditions.

The generalized kit-of-parts zoning would be designed to be self-adjusting for each development (depending on its location, site size, and configuration), which would be regulated by layering elements from the kit of parts. Moreover, the kit-of-parts zoning regulations would be tuned to the preservation, conservation, and development policies articulated in the place-based plan and would be calibrated to the degree of certainty and control required to implement those policies. Additionally, they would address the issue of commonalities and differences by maintaining the common threads that are woven into each of the city's places.

The attributes that comprise the components of kit-of-parts zoning are commonly called urban design conventions. For example, the kit of parts would include the conventions that define and shape public space, such as street walls, the location of buildings relative to the street, the length of buildings relative to the side lot lines, building height, the visual permeability of facades, recesses and projections, and ground floor uses. These conventions, and the manner in which they are assembled, help shape our experience in a place.

City planning department staff would compile the urban design conventions using the department's existing information and other sources of public information, such as the Department of Finance photo records of all the city's buildings and streets. This information could be augmented by field research, for instance, documenting existing conditions and asking residents to make cognitive maps.

The kit of parts might contain conventions that describe the sense of a place and conventions that describe the particulars of a place—as well as other types of commonly used and idiosyncratic conventions. The kit of parts would be generalized in the sense that the conventions would be included without the physical dimensions that would make them specific to a particular place.

Some general categories of conventions that describe the sense of place would be:

- Street and block conventions, which describe the visual properties of a street, such as the abrupt disjuncture of fine-grained, low-rise midblocks and coarser grained, high-rise avenues in Manhattan or the combination of semidetached houses fronting the same street as apartment buildings typical of Jackson Heights, Queens.
- Building type, lot width, or "grain" conventions (such as freestanding, semidetached, or perimeter-block buildings).
- Use conventions that describe the degree to which uses and activities are separated or mixed and describe their spatial distribution within buildings and larger areas.

Some conventions that describe the particulars of a place would be:

- Conventions that describe the area between the public space of the street and the entrances of buildings, such as yards, courts, driveways, steps/stoops, gates, and landscaping.
- Conventions that define and shape public space, such as the location, height, and length of street walls.
- Facade conventions that articulate the public space of the street, such as courts, recesses, signs, storefronts, entries, and stoops.
- Streetscape conventions, such as street trees, paving, and landscaping.
- Privacy conventions, such as exterior courts, alleys, yards, and distances between windows.
- Conventions that accommodate the automobile, such as curb cuts, parking, and the screening of auto storage or parking.

The matching and/or assigning of the kit of parts to areas in a neighborhood or district is the process by which communities would come to understand the urban design attributes that contribute to the sense of place of their neighborhood. Specifically, it is the process through which the community allocates, in combination and permutation, the conventions contained within the kit of parts to areas and subareas delineated in the place-based plan. The characterization of these places as stable, in transition, and to be transformed would provide the context for both the allocation of the parts and degree of control one could envision. Most important, the generalized urban design conventions selected from the kit of parts would be given dimensions by drawing on the documentation in the place-based plan, adjusting the conventions to local conditions. For example, the depth of a front yard in a row house district would vary from as little as one foot on the

Upper East Side or Greenwich Village to more than twenty feet in Carroll Gardens.

Computer technology would be used to organize the conventions into both the generalized and place-specific kit-of-parts zoning regulations, allowing the user to generate a complete listing of all the zoning regulations pertaining to the site being studied. The computer also would perform the sorting and cross-referencing necessary to accommodate the high degree of sophistication that this proposal requires. Obversely, the work of checking for compliance with the zoning could be assisted by the computer.

HOW IT WOULD WORK

The place-based plans and kit-of-parts zoning regulations would be conceived as an integrated whole. The plans would set the context, type, and degree of regulation necessary to achieve the policy objectives. The manner in which the kit-of-parts zoning is applied to each place (each neighborhood, district, community board, and so on) would depend on whether the place is characterized as either stable, in transition, or to be transformed and whether places are designated as the locus of preservation, conservation, or development implementation strategies and policies.

A place-based plan would be fine-grained in the sense that each place in the city would be documented and would be assessed in terms of its potential to address the short- and long-term issues and trends to which the city must respond and of its contribution to agreed-upon local and citywide needs. The unique combination of zoning regulations for each area, no matter how it is characterized, would be selected from the same citywide kit of parts. Stable preservation and conservation areas would generally require a tight fit between the new and existing structures, reinforcing the existing sense of place. In transition and to be transformed areas, where the sense of place is far less articulated, would be assigned a coarser set of regulations that encourage innovative architectural and urban design and promote the evolution of new building and district types. These new designs would be based, in part, on new urban design conventions that derive from environmental concerns—as well as the urban design conventions that in general are common to the city's neighborhoods and districts and are characteristic of New York City's position as a mature and historic city.

The following examples illustrate how the place-based plan and kit-of-parts zoning regulations could be applied to development sites in stable, in transition, and to be transformed areas.

Sites located in neighborhoods characterized as "stable." These sites would tend to be located in areas that are designated in the place-based plan as appropriate for preservation or conservation policies. Generally, preser-

vation areas would be places with environments that tend to be highly specific and imageable and whose development history has resulted in a unique environment. Conservation areas would tend to be those in which the building and urban design conventions are less idiosyncratic than those in preservation areas and where it is a unique combination of conventions that informs the sense of place. Jackson Heights could be considered a preservation area while Flatbush and Brighton Beach, both in Brooklyn, could be designated conservation areas.

For sites within preservation areas, such as Jackson Heights, the kit-of-parts zoning computer would display both the common and idiosyncratic conventions typical of Jackson Heights. This would include the array of placed-based standards for exterior courts; front, side, and rear yards; recesses; and privacy between windows. The dimensions attached to the place-based standards would be based on those that are typical of Jackson Heights and derive from the documentation done by area residents with the participation of public planners.

Depending on the location of a project site, its size, and the proposed use, the applicable conventions from the already reduced and localized kit of parts would be further reduced so that they are specific to the site. If the site were a small infill lot, for instance, the applicable conventions would refer to the conventional dimensions of adjacent structures on that side of the street while a larger site, for example, one fronting on an entire block, intended for residential use would tap into the array of areawide conventions that pertain to blockfront apartment buildings. Similarly, use conventions would be governed by location. In Jackson Heights, for example, religious, institutional, and educational facilities are almost always located on a wide street in an otherwise solidly residential area. The preservation designation would require that new institutions be limited to similar locations on wide residential streets.

In stable/conservation and stable/preservation areas, building form conventions would supersede FARs as density controls. If one were building on a block of two-family semidetached homes, one could build a similar structure regardless of the underlying R6 FAR. The logic behind this provision is based on the fact that there will be few new development sites, other than infill sites, in stable areas. Because densities and thresholds have a built-in elasticity that could accommodate small incremental changes, and because these potential additions would have been accounted for in the place-based plan, the plan would allow building form to supersede FAR. Essentially, developments in stable/conservation and stable/preservation areas should respond to the architect Mies van der Rohe's dictum to his protégé, architect Philip Johnson: "It is better to be good than to be original." However, in to be transformed and in transition areas, FAR or other density controls might pertain.

Sites located in neighborhoods characterized as "in transition." These neighborhoods generally will have subareas designated for conservation, development, and, on occasion, preservation (SoHo, for example, would have been characterized as transition/preservation during the 1970s and 1980s). For instance, consider a development site in an area designated for development in an EDZ—an economic development zone—where the balance of workplaces, service, retail, and residential uses is in flux. In an EDZ, the convention that tends to define the place most is that which describes mixed land uses rather than separated uses. Similarly, urban design conventions would be more coarse than in a stable area. The looser, but distinctly New York City, envelope should allow for the experimentation and innovation that ultimately result in the evolution of new urban district and building types.

Given the potential scale of development where environmental concerns could be dealt with systematically, they too would be one set of determinants of the kit of parts for a site.

The allowable development density and the mix of uses would be based on thresholds and capacities established in the place-based plan and EIS. For example, in an EDZ, the threshold for the amount of allowable workplace activity might be the number of jobs generated as a function of the floor area being used as a workplace. Other criteria also would pertain, such as minimizing activities that require a low number of workers per square foot of work space (consequently adding little to building cohesive and experientially meaningful mixed-use districts).

At the point the threshold(s) is (or are) achieved, the plan and applicable kit-of-parts zoning would expire, mandating a reevaluation of the future of the area in transition. At that point, it might be reasonable to adjust the plan and zoning regulations or to recharacterize the area in a more fundamental way.

Sites located in areas characterized as "to be transformed." Areas to be transformed, such as the waterfront or districts like Melrose in the Bronx, generally would be designated as development areas. The place-based plan for areas to be transformed, similar to plans for areas in transition, would establish densities and uses on the basis of capacities and thresholds, as well as the ability to leverage public and private investment. Most importantly, urban design conventions common to the city (particularly the definition of public space and its accessibility) would be reinterpreted in an environmental context.

The scale of the waterfront and its potential for transformation would allow environmental concerns to be expressed as conventions in the kit of parts and to be dealt with systematically. For example, building heights along the waterfront could be adjusted to allow for solar access to streets, parks, and esplanades. The coverage of permeable surfaces could be con-

trolled to prevent the ponding of storm water. Building mass could be arranged to reduce pedestrian-level winds and provide microclimates hospitable to humans and foliage. Given the long time frame involved between the making and the implementation of a plan, mandatory reassessment points could be established and triggered when thresholds in the plan have been achieved or capacities reached.

CONCLUSION

If the dominant characteristic of the mature city is the appreciation of limits, then the first limit that should be recognized is that the unity of New York City can be neither contrived nor forced. The unity of a mature city is organic, resulting from the tension that underlies the interdependence and interrelatedness of the city's diverse places, which, while clearly different—if not contradictory—simultaneously share commonalities that are specific to New York City.

By making the kit-of-parts zoning contingent on community-sponsored, place-based plans, which would encapsulate both the differences and commonalities within the community, and by making a place's boundaries clear, experiential, and coterminous with political and service area boundaries, it becomes possible to put immediate responses to perceived problems into a broader context, and it makes it possible for us to answer Clifford Weaver's and Richard Babcock's "satisficing question": "[W]here will the city be in five or ten years, and how acceptable will that be?"[6]

NOTES

1. Garrett Hardin, "The Tragedy of the Commons," *Science* 162 (13 December 1968): 1245.
2. Kevin Lynch, *The Image of the City* (Cambridge: MIT Press, 1967), p. 126.
3. *New York Times* (7 December 1991): 1.
4. *New York Times* (1 December 1991): 1.
5. Clifford Weaver and Richard Babcock, *City Zoning: The Once and Future Frontier* (Chicago: Planners Press, 1979), p. 264.
6. Ibid.