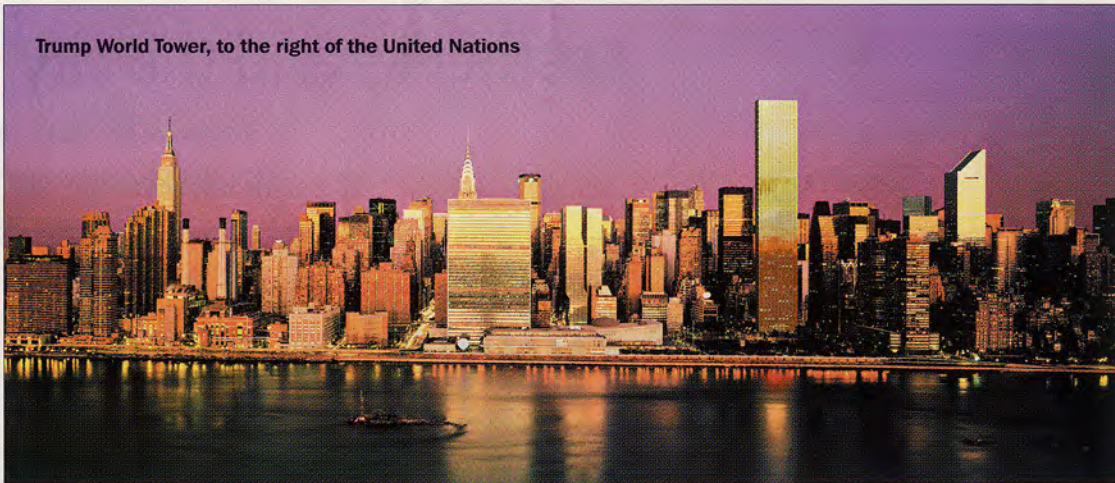


properly being given kid-glove treatment by that institution's trustees.

It is precisely this exquisite irony that we must learn from. We must not allow ourselves to be seduced into aesthetic myopia based on the tastes of the moment, swayed by subjective definitions of beauty that are ever changing. Its worth would be obvious to many, if real-estate considerations and egos were put aside in favor of civic values.

The main issue here about the building's preservation is not the fact of its landmark quality—it's a question of its aesthetics and, dare I say, taste? Where would our High Victorian landmark architecture be today if it were preserved on the basis of prevailing taste? Is a building considered banal and kitsch really bad? Can we not be mature enough to acknowledge the varieties and vagaries of taste? Is beauty only a product of style wars—or is it a victim? Some argue that Two Columbus Circle is too idiosyncratic a building to deserve to be preserved. Yet think of today's most admired buildings: so many of them are also idiosyncratic, to say the least, leaning, swooping, and blobbing about as they challenge our preconceived notions of beauty. Will these bold protests against yesterday's aesthetic last only a generation and be pulled down because they no longer conform to the prevailing ideology?

We must take the long view, and not give in to the changing winds of architectural fashion and the tendency to eliminate as we smugly revile the recent past. Two Columbus Circle must be preserved for future generations to consider, debate, learn from, and, heaven help us, actually enjoy. There must be room in architecture for witty commentary and for irreverence. As the design editor Olga Gueft so aptly put it in 1965: Stone's design was one that "only a Bauhaus ogre with hardened arteries could fail to smile at." So I say, "smile and save." ■



Trump World Tower, to the right of the United Nations

## New zoning proposed for New York needs further refinement

By Michael Kwartler, FAIA

*New York City has been the leading laboratory for zoning experimentation ever since it was the first municipality to develop comprehensive zoning regulations in 1916. A current proposal to revamp its zoning regulations has implications for the larger design and planning community. Included is a controversial idea to provide incentives for aesthetics or good design. As the following essay indicates, the problem may be not just in the goals, but in the process as well.—Ed.*

In 1961 the new zoning laws unabashedly embraced the Modernist, utopian view of the city by introducing two innovative concepts, incentive zoning and density limits (based on the ratio between floor area and site size), along with the ubiquitous tower-in-the-park model. Over the next 40 years, New York City continued to experiment, for example, by encouraging public amenities and contextual zoning. Notwithstanding these efforts, the tower-in-the-park and contextual zoning came into conflict. It was time to reconceptualize New York's zoning into a coherent and consistent set of regulations. The result is the Unified Bulk Program, slated to be voted on by the City Planning

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Commission in early November.

The Unified Bulk Program finally puts to bed the 1961 tower-in-the-park zoning 38 years after Jane Jacobs' wrote *The Death and Life of Great American Cities*. Formulated by New York's Department of City Planning and endorsed by its director, Joseph Rose (also the chair of the planning commission), the proposal replaces the Corbusian vision of the city with a consistent set of contextual zoning regulations that involve height limitations, new building configurations, and a dispensation on aesthetic grounds (which is being modified as we write).

As part of this approach, heights of buildings would be limited in all residential, commercial, and manufacturing sections of the city, with the exception of midtown and lower Manhattan. One of the apparent problems with the 1961 regulations was that there were virtually no limits to the building height per se, a loophole that allowed Donald Trump to erect a 861-foot-high residential tower designed by Costas Kondylis & Associates on First Avenue near the United Nations. So the city is proposing that a lid be clamped on buildings from 50 to 360 feet in residential areas, and 90 to 720 feet in commercial ones, depending on the location.

A second, related feature of the new proposal is replacing tower-in-a-park regulations with tower-on-

a-base ones that would fill out the site to the street wall. Much of this contextual zoning would be as-of-right, that is, not approved by a special review process. This aspect is commendable in that the policy would recognize that the city is a heterogeneous mosaic of distinctive neighborhoods and unique districts, and zoning should reinforce the sense of place rather than homogenize it.

The third major feature, which is the most unusual and much-discussed change in the zoning legislation, has proved to be controversial. To compensate for the rigidities in the new zoning, the city would allow exceptions based on aesthetics (a.k.a. "good design"), originally to be determined on a case-by-case basis by a design advisory panel. While the status of this panel remains in doubt, it is likely that some form of waiver would remain, based on urban design criteria rather than a building's architectural aesthetics.

Rose is right to rethink this third feature in the new zoning. While the instinct is correct, the approach is wrongheaded. If the intent is to use zoning as one tool to promote good design, shouldn't the Unified Bulk Program's "as-of-right" regulations be designed to meet that objective, since 99 percent of all new buildings will be built as-of-right? The reality is that only limited, if any, use would be made of the design special permit, since it would



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take at least 18 months to get approved, would be costly, and would be fraught with uncertainty.

Putting the procedural issues aside, should the city or the public determine what is acceptable architectural design on a case-by-case basis? Isn't it better to represent the public's interest by designing a set of regulations that frame the problem to be solved and the means to assess performance? Architecture and urban design are not the same thing. Urban design is an inclusive and open system that has meanings for the public at large. Architecture is, and must be, much more subject to individual interpretation—hence it remains an exclusive, closed system. The 1980s Midtown Zoning Regulations illustrate this point: they allowed Christian de Portzamparc's LVMH Tower to sit next to Platt Byard Dovell's Chanel Building. Both respond differently to the same set of regulations, yet they were built as-of-right with no design review.

It is not in the public interest to substitute my architectural aesthetic values for another's: with design review it is unlikely that the Guggenheim and Whitney museums would have penetrated the good manners

of Fifth and Madison Avenues.

The real problem with the Unified Bulk Program, as it was with its 1961 predecessor, is that the zoning is based entirely on prescriptive zoning, as opposed to performance zoning. Prescriptive zoning assumes that one knows in advance what is appropriate for every lot, block, neighborhood, and district in New York City, not only for today, but also for the next 10 to 20 years. If there is a virtue in prescription, it is its predictability and perceived simplicity. By legislating a building type, prescriptive zoning rejects the idea that there may be multiple right answers to a design problem, that all of them are acceptable, depending on the time and the social, economic, and physical context.

But predictability comes at a price. For example, the rigidly prescriptive 1961 zoning regulations typically made innovation difficult, if not impossible, because the site plan and building form were overdetermined and predetermined. The same is true for the contextual Unified Bulk Program regulations, resulting from the interplay of minimum and maximum building base height-and-setback restrictions, building-height limits, lot coverage, and yard regula-

tions. Essentially, the one-size-fits-all tower-in-the-park plan is to be replaced by its antithesis, the one-size-fits-all contextual-building-type plan.

Yet much of the city's most innovative and admired housing, such as First Houses in Manhattan and Sunnyside Gardens and Phipps Houses in Queens, or various landmarked mews in New York, could not be built as designed under the Unified Bulk Program. While they may adopt the perimeter-block concept (a.k.a. "contextual"), they do not fit Unified Bulk Program's ordained building forms and inflexible standards.

The form, content, and practice of land-use regulations were once thought immutable, locked in the static world of traditional zoning, sustained by the Supreme Court in 1926 in *Euclid vs. Ambler*. But this is not the 1920s. We are only beginning to grasp the ramifications that globalization and information technology will have on the spatial distribution of activities in the city and the forms they will take. We could not anticipate the unlikely prospect of people wanting to live in old manufacturing loft buildings; new types of households; and the emerging implications of the digital revolution on work and place. We need a more responsive system of land-use controls, one that would not have a backlog of regulations

that take years to adopt and are typically outmoded by the time they are adopted.

Let us consider an alternative that dispenses with zoning as we know it, embraces uncertainty, and moves from static regulation to dynamic management. A management-based regulatory system is one that would be capable of responding to changing conditions, profit from experience, be self-adapting, and be administered as-of-right.

Such a system would tap the power of Geographic Information Systems (GIS). This analytical digital tool contains spatial data, such as infrastructure, blocks, lots, building footprints, heights, uses, etc., integrating information about a place with its physical form. The results would be displayed in a fully interactive 3-D model (3-D/GIS) of the neighborhood, moving zoning out of the abstraction of words, numbers, and diagrams, into the real world. The process integrates performance standards and a continual evaluation through information and feedback.

The exercise of choice constitutes the basic mystery, and sometimes the poetry, of how places are shaped. Consequently performance standards present a system of trade-offs among real world choices, where decisions are made according to the specific site and context of the neighborhood. Throughout the process, management concepts would be used to assess anticipated developments in relation to a community's articulated sense of its future, and its capacity to support it. With continual information and feedback, one could adjust goals and measure performance periodically.

The proposed move from static regulation to dynamic management would actively merge planning and zoning. The world has changed substantially since zoning was first created in NYC in 1916 and mandated a constitutional use of the police power. It is more complex and global in scope, with change accelerating, and uncertainty not just a fact of life but something that should be embraced. ■



**If the Unified Bulk Program is passed, the building configurations would change as seen in these studies (1 & 3, before, 2 & 4 after). Views are from West 112th St. toward Frederick Douglass Blvd.: a residential building (top) and community/school facility (bottom). While the minimized bulk is appealing, the means for attaining this goal should be more sophisticated.**