Pointing the Way to Housing Quality

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Cover Page Footnote
Alexander Cooper: B.A. Yale University (1958); M. Arch. Yale University (1962); Commissioner, The City Planning Commission of the City of New York; director of the Urban Design Group of the Department of City Planning of the City of New York; Executive Director, Urban Design Council; Executive Director, Transit/Land Use Working Committee Michael Kwartler: B.A. Cooper Union (1965); Ecole des Beaux Arts de Paris; Columbia University; Senior Staff Member of the Urban Design Council; Co-Project Director of the Report on Housing Quality, Program for Zoning Reform. Charles Reiss: B.A. Cooper Union (1965); M. Urban Planning New York University (1968); Principal Urban Designer at the Urban Design Council.

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POINTING THE WAY TO HOUSING QUALITY

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Michael Kwartler**
Charles Reiss***

Persons concerned with renewal of the cities have become increasingly aware of the need to improve the quality of city life. Regard for the quality of housing is basic to this improvement. To the extent that the city must compete with the suburbs for tenants, the quality of its new housing affects its very survival. Moreover, quality bears an immediate relationship to the more conventional concern about quantity, as neighborhoods increasingly resist what they consider the disruptive intrusion of new high-rise apartment buildings. There is no doubt that inappropriately designed towers and slabs have contributed to the present turmoil. A recurring theme of the conflict is one of scale: high-rise versus low-rise housing.

Recognizing the importance of these problems, Mayor John V. Lindsay requested that the Urban Design Council investigate ways

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1. "[M]any of the attacks on zoning are the result of the inability, so far, to adapt to the shift in the housing industry, which has experienced what one observer has called, 'an evulsive change' in the past 10 years: the introduction of mass building, backed by the financial strength and political clout of large corporate conglomerates . . . and the increase in the importance of multifamily construction are all significant examples of this change." R. Leary, The Regulator and the Regulated, PLANNING 1971, at 166 (Am. Soc'y of Planning Officials 1971).

2. The Urban Design Council of the City of New York, established in the Office of the Mayor in 1968, was designed: "a. to advise the Mayor with respect to matters of design, preservation and urban design planning within the boundaries of the City; these matters to include actions by the City of New York, other governments and authorities, and private investors and developers. b. to serve as the City's monitor and evaluator for
to improve the quality of housing in New York City. Our response has been to devise a new formula for stimulating the development of quality housing in New York. Basic to this formula is the defining of quality in quantifiable terms. With quality so expressed, the various "points" of the definition can be flexibly interrelated so as to allow the builder wider discretion in choosing those elements of quality which he wishes to emphasize in his construction. We believe that this approach will stimulate a far higher standard of architectural design than is found under the present zoning resolution, while allowing the City's actual quantity requirements to be met.

Quality, of course, is an elusive term. We have defined it as an appropriate grouping of solutions to problems presented in four major areas—visual continuity within a neighborhood, sufficient recreation space, security and safety within buildings, and pleasant, functional apartments. This approach differs from the one now presented in current municipal legislation in that it takes greater cognizance of the surrounding neighborhoods, recognizes the utility of design in creating safer, more enjoyable housing, and allows the builder greater freedom of design than now exists in the current zoning resolution.

Zoning as it exists today has two different but interrelated functions. The first is mapping districts in a given area to assure complementary usages of land within each district. The second is to assure that these usages are designed in such a way as to fit the area, and to maximize their effectiveness. Our efforts have been directed at the second function, deeming remapping to be unprofitable at this time.

3. See text accompanying note 75 infra.
4. See text accompanying note 10 infra.
5. See notes 9-10 infra and accompanying text.
6. See text accompanying notes 21 & 84 infra.
This article is a proposal for change in the zoning plan presently in effect in New York City. We shall first describe the plan as it exists today. Our proposal will then be delineated, first in terms of its purpose and presumptions, then in terms of its elements, and finally in terms of the dynamics of the system of elements. It is hoped that this article will enable the reader to examine clearly the new approaches presented by the Urban Design Council and to understand the part quality design can play in better housing for cities.

Zoning Today

In 1961, after many years of exhaustive preparation, the City of New York adopted a new Zoning Resolution to replace the original 1916 document. The new plan provided a rational guide for future architectural design in the City and was a dramatic extension of zoning technology. Use classifications for residential, manufacturing, and commercial areas were established and mapped. The intensity of development was regulated through a series of bulk control formulas, and design controls were imposed to guarantee ade-

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7. NEW YORK CITY, N.Y., ZONING RESOLUTION (1961) [hereinafter cited as Resolution].
8. The 1916 document was interesting in itself. Originally it was the result of Fifth Avenue merchants who united in 1907 to protect the shopping area from new factories that were beginning to be built. “The Fifth Avenue Association joined forces with city planning advocates to bring about the establishment of the Advisory Commission on Height and Arrangement of Buildings, which in turn laid the foundation for the drafting and adoption of the New York zoning resolution... adopted in July of 1916, [which] set the basic pattern for zoning ordinances to the present day.” NATIONAL COMMISSION ON URBAN PROBLEMS, BUILDING THE AMERICAN CITY, H.R. Doc. No. 355, 91st Cong., 1st Sess. 200 (1969).
9. Bulk is defined as: “[T]he term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines, and therefore includes: (a) the size... of buildings or other structures, and (b) the area of the zoning lot upon which a residential building is located, and the number of dwelling units or rooms within each building in relation to the area of the zoning lot, and (c) the shape of buildings or other structures, and (d) the location of buildings or other structures in relation to lot lines... or to other buildings or other structures, and (e) all open areas relating to buildings or other structures and their relationship there to.” Resolution § 12-10 (1961) cited in 2
quate light, air and on-site parking. More open space and less overcrowding in residential areas was insured by a carefully constructed set of interrelated controls.\(^\text{10}\)

The abstract controls, however, have tended to result in an unforeseen set of rigid formulas, or zoning envelopes,\(^\text{11}\) which limit the adaptability of the legislation. A predetermined vision of the built world, one contemplating a series of residential towers placed in an extensive park system, is incorporated into the Resolution. It is a vision whose architectural roots reach back to the early planning work of Le Corbusier. In the 1920s his work represented a persuasive marriage of building technology and social awareness of nascent urban problems.\(^\text{12}\) The present New York City Zoning Resolution is the ultimate realization of this concept.

To effect its view of a city of towers and parks, the Resolution employs a bonus system which grants more buildable area in return for additional open space on the ground. The logical result is that within each residential district there is an optimal solution, \textit{i.e.}, a high tower surrounded by park-like spaces.\(^\text{13}\) It may be assumed that

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\textbf{10.} For example, a demand for large, often extreme, setbacks in building lots.
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\textbf{12.} As Jane Jacobs noted, "Le Corbusier was planning not only a physical environment. He was planning for a social Utopia too. Le Corbusier's Utopia was a condition of what he called maximum individual liberty, by which he seems to have meant not liberty to do anything much, but liberty from ordinary responsibility." J. Jacobs, \textit{The Death and Life of Great American Cities} 22 (1961) \textit{[hereinafter cited as Jacobs]. The theoretical roots, however, go back to the days of Jefferson. The rural sphere has since that time been deemed superior to the urban. The Garden City movement of Ebenezer Howard expanded upon this theory by advocating a lower density of people in the urban environment. Le Corbusier, however, sought to take the best of both worlds by accepting the necessity of large numbers of people in cities, but trying to adjust the structures of the city to provide a sense of separation.
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\textbf{13.} The idea is one of "[L]ow and high rise apartment blocks, free standing in their own 'green' space, to create, through contrast, the illusion of country. Though the logic of this device seemed admirable at first, the enjoyment of such scattered green spaces has turned out to be largely illusory. They are not large enough to act as public parks, and not small enough to possess the intimate pleasure of the private garden." S. Cher-
the proponents of the Resolution did not intend that a single solution would result from their formula. Reacting to the inadequate conditions of much older building, the reformers sought to increase light, air and open space without much regard for the utility of such space. In fact it is provided in the Resolution that up to fifty percent of open space may be used for parking. We believe that such undefined space is not only aesthetically unsatisfying, but it also provides an insufficient deterrent to crime.

In effect, this plan mandates a building type which has become the symbol for, and often the root cause of, extensive neighborhood conflict. In New York City, the distinctive aspect of the urban environment is the continuity of the pedestrian's experience on the street. The tower in the park concept creates a discontinuous neighborhood and promotes not only architectural isolation but social isolation as well.

At first, the tower in the park concept appeared valid on an extensive basis. However, it has become evident that within a dense urban framework, the tower solution creates isolated structures which suffer more than prosper from their very remoteness. More-

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14. See Resolution, supra note 7, at §§ 25-64.
15. "Suspicion, hostility, and violence are spawned in a system of restrictions, isolation and containment." NATIONAL COMMISSION ON URBAN PROBLEMS, MORE THAN SHELTER: SOCIAL NEEDS IN LOW AND MODERATE INCOME HOUSING 42 (1968) [hereinafter cited as MORE THAN SHELTER].
16. In one of our surveys, we examined a middle income neighborhood in which a few high-rise apartments are interspersed among two-family housing. It was noted by a number of neighborhood residents that few high-rise residents ever joined in the annual block parties promoted to benefit area projects.
17. See generally Elliott, The Role of Design in the Governmental Process, 143 ARCHIT’L REC. 141 (1968) [hereinafter cited as Design].
18. "Thus, after six stories, one cannot see from the ground what is happening on the corridors above. In addition, added height tends to separate the upper units from important territorial association with the play area, and would possibly result in development of a detached attitude typical of most residents in high-rise buildings over six stories. The net result may very well be disassociation, not only from playgrounds, but from neighbors who share these grounds." O. Newman, DEFENSIBLE SPACE 131 (1972) [hereinafter cited as DEFENSIBLE SPACE].
over, the present Resolution created a particular physical prototype for each residential district and an overly large site size. Consequently there is no sensitivity beyond generalized mapping to the variety of neighborhoods within the City. Consideration is taken of the various geographic, social or economic conditions within dramatically different areas only when compelled by political pressure.

To compensate for this obvious deficiency within the zoning plan, and to permit the basic heterogeneity of the City to flourish, a mechanism—The Special Zoning District—has been legislatively developed over the past decade to achieve specific planning and urban design objectives. Buildings planned for these districts are “planned” in a way different from those under the basic Zoning Resolution. The planning of new structures in these districts is based on the needs of the particular district. This legislation, recognizing that the present zoning plan does not allow sufficient particularization at the local level, offers a solution. More than a dozen districts have recently proliferated to supplant current restrictive regulations.

There appears to be a need either for the use of many more such districts or for a revision of the existing Resolution to provide sufficient flexibility for accomplishing local purposes. In the interest of simplicity and avoiding additional political and administrative complexity, The Urban Design Council favors the latter approach. Further, the aberrant legislation produced by the present statutory procedures puts an unhealthy stress on the planning process.

19. “A city district in its simplest sense is an area of homogeneous character, recognized by clues which are continuous throughout the district and discontinuous elsewhere.” K. Lynch, The Image of the City 103 (1960) [hereinafter cited as IMAGE].

20. “Both Greenwich Village and the South Bronx are mapped R-6 . . . . As far as existing zoning is concerned, they represent identical situations.” The Urban Design Council of the City of New York, Housing Quality: A Program for Zoning Reform 5 (1973) [hereinafter cited as UDC].

21. See notes 82-84 infra and accompanying text.

22. “So long as land-use zoning restrictions are so easily manipulated—zoning amendments so readily pushed through planning boards—land speculators will continue to hold out land for higher costs, knowing that the density can always rise to meet them. It is an ever
The sense of distinctiveness that characterizes most of the City's neighborhoods must be encouraged, not destroyed. It is dismaying that the City's own Zoning Resolution militates against neighborhood individuality. This unfortunate tendency might be corrected by an extensive remapping of zoning boundaries, but even if localities participated in the process, remapping would inhibit the incremental change and growth of a neighborhood. We feel it would be more profitable to accept the current mapping as a reasonable statement of district boundaries and of density. It is in the area of design controls, however, that the quality of housing can be influenced and therefore these controls should be incorporated into performance criteria.

**Zoning Tomorrow**

The broad objective of the Urban Design Council recommendation is to promote the highest economically feasible standard of quality achievable in residential construction. To this end the Council proposes a program of requirements for new residential development entitled the Housing Quality Program. This proposed program is both a design mechanism and a tool for the evaluation of new residential development throughout the City. We believe increasing, self-perpetuating spiral, and until we develop a rationale for restricting density, based on more than competitive land costs or the capacity of support facilities, we will be parties to our own demise.”

DEFENSIBLE SPACE, supra note 18, at 196.

23. “Diversity is a quality New York is famous for. Virtually every other city in the world has contributed to the creation of this one, sending not only products but people, not only trade but talent. Our many inherited accents of speech bear witness; so do the visual accents of certain places in the city. . . .” MAYOR'S TASK FORCE ON URBAN DESIGN, THE THREATENED CITY 21 (1967) [hereinafter cited as CITY].

24. “In our city the real thief of diversity seems to be a real estate technology whose formula produces tall, expressionless buildings, almost always totally empty of character, whether they be business buildings or apartment houses.” Id. at 21-22.

25. Jane Jacobs condemns such planning because it “ignores scale of use, where this is an important consideration, or confuses it with kind of use, and this leads, on the one hand, to visual (and sometimes functional) disintegration of streets, or on the other hand to indiscriminate attempts to sort out and segregate kinds of uses no matter what their size or empiric effect.” JACOBS, supra note 12, at 238 (emphasis original).
that the proposal provides a working definition of quality upon which agreement can be reached among various, and often competing, housing interests. It insures respect for the scale of the City's neighborhoods, thus facilitating community acceptance of proposals for new residential developments. Further, it sets out criteria that recognize real tenant concerns, rather than adhering to abstractions that cover all neighborhoods uniformly. The recommended criteria are at the opposite pole from the present miscellaneous collection of manuals, memos and bulletins that define housing in terms of linear feet, square feet and cubic feet—a collection more expressive of a compulsion toward measurement than of any desire to consider human needs.

The approach we are advising also overcomes the predisposition toward minimum standards now evident in the present Resolution. Since density allowances are determined by the degree of overall conformity with the goals stated in the report, it is to the builder's advantage to attempt to approximate the stated goals in as many areas as possible. Thus there will be strong pressures toward improving design rather than simply reaching minimum standards.

26. "Housing layout must aim not only at meeting functional criteria for the orientation of houses and movement of people and cars but also at symbolizing in some way the relationship of the site to the community outside and to the houses grouped within it." Birkin, Haxwirth & Rich, Housing Primer: Low and Media Rise Housing, 37 Arch'tl Dig. 395 (1967). In fact, "Large scale public housing does not generate a sense of community... Small housing projects, however, have often become fairly well integrated into the surrounding community." More Than Shelter, supra note 15, at 86.

27. In recognition of the necessity of integration in the society, it has been suggested that links be provided by building "residential buildings [which] will range from townhouses at the outer edge of the site (providing a link to existing neighborhoods) to 20-story apartment houses near the center of the development." Urban Development Corporation, A Feasibility Study for the Multiple Use of Air-Rightes over the Sunnyside Yards 15 (1972).

28. "Most municipal housing is a travesty of architecture, lacking conviction, indifferent to social organization, unconscious of sunlight or climate, irrational in house to site relationship and extravagant in the provision of useless open space." McHarg, Open Space and Housing, VI Architect's Yearbook 75 (1955) [hereinafter cited as McHarg].

29. See note 77, infra.
Created to echo and facilitate the actual design process, our proposal provides developers and architects with a flexible set of elective goals that will enable them to sponsor residential developments of perceptibly higher quality at no additional cost. We have shaped the definition around those forces which have the most immediate, and ultimately most sustaining, vested interest in the quality of housing—the neighborhood and the tenant. Quality in housing may not exist independent of its surroundings; it must be considered synonymous with neighborhood quality. Solid neighborhoods add lustre to unspectacular buildings, while even the most satisfactory apartment house has trouble surviving in a disintegrating neighborhood. The Council's predecessor, the Mayor's Task Force on Urban Design, recognized this in 1967 when, in *The Threatened City*, it observed: "In too many sections [of the City] the sense of place is being eroded by a slowly advancing glacier of . . . buildings, entirely lacking the ambition of design except for the furnishings in their lobbies."

The second determinant of quality is the individual tenant. While many theories of user need have been postulated over time, little of what is built today reflects the current attitudes or predispositions of tenants. The traditionally low vacancy rate in New York City operates in favor of the seller. As a result, a minimum level of services is maintained through management's protective instinct for its property, rather than any thoughtful responses to tenants' needs.

Based on these two reliable indices, quality can be postulated within four basic areas: neighborhood impact, recreation space, security and safety and the apartment. We began the investigation with over seventy discrete items which have been reduced to thirty-

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30. "Difficulty in measuring the physical and environmental quality of the dwelling unit and surrounding residential environment is perhaps the most vexing problem encountered in evaluating the several attributes of bundles of residential services." Kain & Quigley, *Measuring the Value of Housing Quality*, 65 J. AM. STATISTICAL ASS'N 532, 533 (1970) [hereinafter cited as Measuring].


32. "The quality of a bundle of residential services has at least as much effect on its price as such quantitative aspects as number of rooms, number of bathrooms, and lot size." *Measuring, supra* note 30, at 546.
seven sharply differentiated elements. This refinement is the result of a testing program which subjected a variety of existing buildings in neighborhoods of varying densities and scale to the criteria of objectivity and equity. Of the two, equity is the simpler criterion. To be equitable an element must hold true for the Borough of Queens as well as for the Borough of Manhattan; for high-income as well as low-income tenants. Thus we intend that principles be applied uniformly throughout the City.

Objectivity, on the other hand, is more difficult to achieve. The plan contemplates quality elements which lend themselves to measurement. Thus those elements which primarily involve subjective value judgments must be eliminated. Practical necessity as well as personal life style dictate a variety of housing choices, from loft spaces to houseboats, which should not be regulated by a new zoning formulation. Personal style is a matter better left unregulated.

A list of the elements by program is as follows:

**Neighborhood Impact**
- Street Wall Setback
- Sunlight in Open Space
- Length of Street Wall
- Shadow on Buildings
- Height of Street Wall
- Street Trees
- Height of Building
- Transparency Ratio at Ground Floor

**Security and Safety**
- Visibility of Elevator or Stairs
- Visibility of Private Outdoor Space
- Surveillance from Large Apartments
- Number of Apartments Serviced from Lobby
- Visibility of Parking Area from Entrance
- Visibility of Parking Area from Lobby
- Distance of Elevator from Apartment
- Road Separation
- Visibility of Apartment Door from Elevator or Stairs
- Visibility of Mail Room

**Apartments**
- Size of Apartment Sunlight in Apartment
- Window Size
- Visual Privacy from Other Apartments
- Visual Privacy from Street
- Balconies
- Daylight in Hallways
- Distance from Parking to Garage Exit
- Daylight in Kitchen
- Pram and Bicycle Storage
- Waste Storage Facilities
- Garbage Pickup Facilities

**Recreation Space**
- Type and Size
- Winter Sun
- Landscaping
- Covered Parking
- Visibility of Parking
- Trees
- Seating

UDC, *supra* note 20, at 17.


35. “If Urban Development Corporation developments are to be as livable in a decade as they are now, and as envisioned in planning stages by housing professionals and local community groups, tenants must be able to create a sense of community with their neighbors and personalize
The Elements of Quality

One of the primary aims of the new proposal is to stimulate new housing that is beneficial, rather than disruptive, to the adjacent community. Respect for the prevailing scale of the neighborhood is assured by considering the height of surrounding buildings in establishing that of new structures. The proposed Housing Quality Program recognizes the diversity of neighborhoods and the different needs of an already developed as opposed to a predominantly vacant area. For instance, the present limitations on ground coverage would be removed to create the opportunity for lower buildings and economic efficiencies. To extend this good neighbor policy, ele-

36. "This is not to say that people are unaware of what they want. When given enough freedom and choice, they exercise subjective judgement and place a premium upon certain types of environments which are especially suited to particular social groupings and which tend to be pleasing." MORE THAN SHELTER, supra note 15, at 39.

37. In recognizing the effect on the surrounding community, we have used the term "street district" as the term of the visual neighborhood, i.e., "that portion of the surrounding area which visually affects and is affected by the proposed development. When a building falls within more than one street, separate computations must be done for each street district [and] . . . relate only to that section of the proposed building within a given street district." UDC, supra note 20, at 76. "This rough control of scale is the minimum for a humane environment." H. LICKLIDER, ARCHITECTURAL SCALE 114 (1966).

38. "[T]he apparent size of a division, or of a shape, in a building is affected by the other divisions and size relationships in the same view . . . ." ARCHITECTURAL SCALE, supra note 37, at 63. Thus the Urban Design Council has determined that: "The average height of the proposed development should be equal to the median height of buildings in its street district." UDC, supra note 20, at 27 (emphasis original).

39. Thus in the element of Length of Street Wall, the intent is "to maintain neighborhood scale by visually linking the front of the proposed building to existing adjacent buildings." The goal stated is that "the length of the street wall, as measured in elevation, should be equal to the length of the street property line." The points allowed for eighty percent compliance in a built-up area is .51 and in a non built-up area is 1.42. The distinction holds up throughout the element. UDC, supra note 20, at 23.

40. RESOLUTION, supra note 7, §§ 23-14 to -15.

41. Efficiencies are to be found not only in the less sophisticated tech-
ments are included which minimize the effect of shadows cast by the project on adjoining public and private properties. Developments which provide continuous street facades and activities are considered better than those which tend to break continuity or have empty spaces on the street. Another element promotes the profusion of greenery by mandating the planting of new trees.

The recreation program constitutes perhaps the most dramatic departure from prevalent theory and practice. "Open space," as required by regulation, is typically open, but rarely usable. The recreation program attempts to relate, for the first time, the nature and extent of facilities provided in the building to the characteristics of the intended residents. The thrust of the recreation space program is twofold; first, the provision of private recreation space for use by the tenants; and secondly, the provision of semi-private space for use by tenants and community.

Any new housing development will accommodate, within predictable limits, a fixed number of children and adults. Based upon these

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42. Ideally, no shadow should be cast on open spaces or on residential or community facility buildings unless the surface of the buildings contains no legal windows. UDC, supra note 20, at 22, 24, 71-74.

43. It is therefore proposed that street wall setbacks occurring at the extreme ends of the proposed building should equal the setbacks of the nearest existing buildings. The immediate street wall setbacks should fall into an area determined by the location of existing buildings. The height of the street walls should equal the median height of the street walls of existing buildings within the street district and on the same side of the street. The street wall is to consist of eighty-five percent transparent surfaces to encourage visible activity at the ground level of buildings facing the street. UDC, supra note 20, at 21, 23, 25, 28.

44. Trees must be planted every twenty-five feet on the sidewalk fronting the site in order to assure shaded and attractive sidewalks. Id. at 26.

45. See Resolution, supra note 7, §§ 23-14 to -15.

46. See note 18, supra.

47. Under the proposal of the Urban Design Council, building occupancy is computed as follows:

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<thead>
<tr>
<th>Apartment Size</th>
<th>Occupancy</th>
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<tr>
<td>Studio</td>
<td>1 Adult</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>2 Adults</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>2 Adults and 1 Child</td>
</tr>
</tbody>
</table>
projections, specific types of recreation space are provided for the benefit of the various age groups. The required recreation space is based upon a reasonable minimum need and may not be infringed upon for a contradictory purpose, such as parking.

A second major departure is embodied in the definition rather than allocation of recreation space. Presently only the space at ground level or on a roof no greater than twenty-three feet above ground level without residential uses below it is permitted to count toward an open space requirement. This limitation is too restrictive. We propose, instead, that recreation space be permitted not only on ground level but on roofs wherever they are suitable and convenient for this use. Covered or weather protected space is also suitable for recreation purposes, and in certain instances even appropriate indoor space should be counted toward the requirement. This more intensive use of a site for recreational purposes is both a psychic necessity and a design opportunity to create new forms of urban amenity.

Beyond type, size and location, standards are proposed to assure the adequate provision of winter sunlight, landscaped areas, sufficient

| 3 Bedrooms | 2 Adults and 2 Children |
| 4 Bedrooms | 2 Adults and 3 Children |

UDC, supra note 20, at 31.

48. It is intended that these groups interrelate, for “[d]eliberately segregated playgrounds tend to be forgotten.” DESIGN, supra note 17, at 397. Occupancy, once calculated (see note 47 supra) provides built-in requirements for recreation space. The Urban Design Council has allotted this space as follows:

- Child Use Space—Total number of children times 20 sq. feet.
- Mixed Use Space—Total residents times 25 sq. feet.
- Adult Use Space—Total adults times 100 sq. feet.

UDC, supra note 20, at 31.

49. See UDC, supra note 20, at 32-36.

50. RESOLUTION, supra note 7, §§ 23-14 to -15.

51. Thus the proposal allows the construction of a swimming pool or health club on the roof. UDC, supra note 20, at 33, 35.

52. Day care centers and meeting and social rooms are recreation areas that deserve far greater consideration than has been evident so far. Id. at 32, 34.

53. “[I]t is unacceptable that living room windows should face north or that north-facing homes should omit a through living room.” McHARG, supra note 28, at 79. It was also noted by the Urban Design Council that: “All outdoor space should receive sunlight between 9 A.M. and 3 P.M.
ficient on-site trees and properly placed benches. Another element
is the visual shielding of required off-street parking spaces.

Security and safety are the mutual concern of tenants and management. This aspect is crucial to any concept of housing quality. To date these concerns have been satisfied by the often belated application of human, canine or mechanical hardware. The proposed quality elements incorporate the principle of maximum visual surveillance as a deterrent to potential personal or property damage. This program is not offered as an alternative to sophisticated crime prevention technology. It is postulated as a considered design approach to the problem which may achieve significant benefits for the residents with a minimum of effort. Consequently, those areas
during the Winter Solstice. UDC, supra note 20, at 37.

The amount of open space to be landscaped is determined by the density of the building. Id. at 38.

Again, requirements for bench space and tree caliper are determined by the density of the proposed construction. Id. at 41-42.

Parking is to be visually and spatially separate from outdoor areas and apartments. To achieve this ideal, the preferred solution is covered parking. If it is not feasible to effect such a program, all possible steps should be taken to limit the visual impact of the parking. Id. at 40.

"Indeed, a distinctive and legible environment not only offers security but also heightens the potential depth and intensity of human experience." IMAGE, supra note 19, at 5.

It is to be noted that the Federal Housing Administration did not include security as a concern in its Minimum Property Standard. FHA, MINIMUM PROPERTY STANDARDS FOR MULTIPLE FAMILY HOUSING 35 (1963).

See UDC, supra note 20, at 45-47, 49, 50, 53, 54.

An example of such an approach is simply "[t]o concentrate the placement of large families on lower floors in order to maximize surveillance of outdoor space and minimize the need for children to use elevators." UDC, supra note 20, at 47. In addition, as noted in DEFENSIBLE SPACE, supra note 18, elderly people tend to set up a table in the lobby of their building, with the result that they act as their own doormen. "To facilitate the operation of tenant doormen in a high-rise building for the elderly, entry should be limited to one portal which is easily controlled visually." Id. at 194. Another example would be the placing of play facilities on each floor for the use of children on the floor. Such designing would create a close sense of neighborhood among the mothers on the floor. Id. at 206. It is a fundamental principle of our approach, as it was for Newman, "that through the manipulation of building and spatial configurations, one can create areas for which people will adopt concern." Id.
of documented high crime activity within a housing development are identified and programmed for visual exposure. The elements include high visibility of elevator lobbies, circulation stairs, parking lots and outdoor recreation spaces. Further, organizational decisions regarding public, semi-private and private spaces can be made which will tend to foster recognition of neighbors. The result-

61. "In a situation where anonymity may foretell unknown dangers or provide an opportunity for predation exempt from retaliation, it is very comforting to be surrounded by familiar faces." R. Yin, The City in the Seventies 37 (1972). "The sum of such casual, public contact at a local level—most of it fortuitous, most of it associated with errands, all of it metered by the person concerned and not thrust upon him by anyone—is a feeling for the public identity of people, a web of public respect and trust. . . ." Jacobs, supra note 12, at 56. With the realizations mentioned above, the Urban Design Council has sought to maximize visibility and minimize distances to be travelled from elevators to apartments. UDC, supra note 20, at 31, 51. Further, the mailroom must be fully visible from the lobby. Id. at 54.

62. It is proposed that the waiting space in front of elevators, or if no elevator exists, in front of general circulation stairs, be visible from the sidewalk entrance. Id. at 45.

63. "To insure a direct and secure walk from a parked car to the garage or lot exit . . . [t]he entire parking area should be visible" from the exit of the area. Id. at 49.

64. "'Street gangs' do their 'street fighting' predominantly in parks and playgrounds." Jacobs, supra note 17, at 76. At the same time it must be remembered that the play area is often shared by more than one building. Thus, each acts as something of a policeman for the other. "Because people are in a better position to carry out monitoring and surveillance from the slab opposite, it becomes all the more imperative that the two slabs achieve some mutual definition of territory and shared concern." Defensible Space, supra note 18, at 125. The simple regulation of the number of people flowing through one area can stimulate such recognition. Thus the Urban Design Council proposes that the ideal lobby "should service no more than 40 apartments." UDC, supra note 20, at 48.

65. "It is necessary to reinforce the point that the effectiveness of increased surveillance depends on whether the area under surveillance is identified by the observer as falling under his sphere of influence . . . . A further operating factor . . . [is] the recognition of or identification (on the part of the observer) with the victim. This implies an ability to distinguish strangers and has been found to be closely related to the number of families sharing a particular defined area at each level of a development’s subdivision." Defensible Space, supra note 18, at 79.
ing sense of intimacy and identification will tend to inhibit crime and vandalism.\textsuperscript{66} This premise regarding security and safety is an essential ingredient in housing quality.

The program for living space contains few surprises. Men have inhabited everything from caves to space capsules—we have few surprises left. There are instead only common, ordinary and elemental qualities which are now considered basic rights. The program intends a simple catalogue of reasonable considerations for programming sound housing. Large size in an apartment is desirable and non-controversial.\textsuperscript{67} Since the Multiple Dwelling Law demands windows,\textsuperscript{68} the element requiring sunlight in apartments\textsuperscript{69} is directed to the orientation of a building on a site, not to preventing windowless apartments.\textsuperscript{70} Other provisions assure visual privacy between apartments,\textsuperscript{71} daylight in kitchens\textsuperscript{72} and an adequate garbage storage and removal system.\textsuperscript{73} Finally, there are performance guidelines regarding balconies,\textsuperscript{74} if provided, and daylight in hallways.\textsuperscript{75}

\textbf{The Interrelationship of Quality Elements}

Having defined quality and determined that zoning is the appropriate vehicle to best promote it, the council sought to create a suitable mechanism for the expeditious achievement of quality. The resulting proposal differs conceptually from both the traditional zoning exercise of “minimum standards” and the more recent trend of “incentive” zoning. The existing Zoning Resolution\textsuperscript{76} is based upon a theory of mandatory compliance with a series of regulations

\textsuperscript{66} “The better-appearing developments tend to be low-rise and low density, . . . [They] are less institutional and more homelike in appearance, the tenants like and respect their homes more and there are fewer problems of maintenance.” \textit{More Than Shelter}, supra note 15, at 78.

\textsuperscript{67} UDC, supra note 20, at 10.

\textsuperscript{68} N.Y. MULT. DWELL. LAW § 30 (McKinney 1946).

\textsuperscript{69} UDC, supra note 20, at 58.

\textsuperscript{70} Id. at 59.

\textsuperscript{71} Id. at 60-61.

\textsuperscript{72} Id. at 65.

\textsuperscript{73} Id. at 67-68.

\textsuperscript{74} Id. at 62.

\textsuperscript{75} Id. at 63.

\textsuperscript{76} See note 7, supra.
regarding a single zoning lot. The intent is primarily to minimize harm to adjoining properties. Predictably the minimum standards became the norm, leading to stereotyped designs throughout the City, regardless of the character of the older, surrounding neighborhood.

Incentive zoning grew out of the insufficiencies of the minimal approach. The concept is that certain amenities, presumably non-revenue producing, will not be provided without the economic incentive of additional revenue-producing floor area. This bonus mechanism was included in the 1961 Resolution on a limited basis. Later refinements at the local area level, i.e., Special Zoning Districts, broadened the range of amenities to include the preservation of specialized building types such as theatres and pedestrian connections to public transit. In order for incentive zoning to work, there must be a high degree of economic activity. For this reason special districts have appeared most often in the commercial cores of the City.

The Housing Quality Program recognizes the inherent limitations of both approaches. The negative rigidity of minimum standards, when applied on a city-wide basis, generates uniform design solu-

77. Resolution, supra note 7, at § 81-00.
78. "By amenity, we refer to a non-revenue producing building feature, be it plaza, park, covered pedestrian space, arcade, on-site subway access, etc." Elliott & Marcus, From Euclid to Ramapo, 1 Hofstra L. Rev. 56, 61 (1973) [hereinafter cited as Euclid].
79. "By incentive, we mean an economic advantage to a developer not present under traditional zoning such as additional floor area beyond the district's stipulated maximum or greater use freedom, which is granted on condition that specified uneconomic uses or physical amenities are provided." Id.
80. "Density increments in the form of 'bonus' floor area are usually accompanied by density-ameliorating amenities which rationalize the development result against sound planning standards. Where an uneconomic use is 'bonussed' in a special district without attendant density-ameliorating amenities, it reflects the planning judgment that the necessary services to support additional density are present in the area." Id.
81. See text accompanying note 21, supra.
82. The list of special districts created includes such areas as the Theater District on the West Side, the Lincoln Square area, the Greenwich Street district, the Fifth Avenue district and the Lower Third Avenue district. Euclid, supra note 78, at 62-73.
tions. The incentive approach relies on economic energy which is lacking in today’s housing market. This lack of incentive is particularly apparent in publicly-assisted programs. For these reasons a totally new approach was developed.

All design professionals exercise choice, either consciously or unconsciously, among a range of variables. This exercise of choice constitutes the basic mystery, and sometimes poetry, of the profession. A primary objective of the Housing Quality Program is to codify these variables. The planned exposure of the quality programs to public scrutiny should minimize the popular suspicion of zoning as an abstract, irrelevant science and build a substantial constituency for quality. Zoning might then become the partner rather than the inhibitor of quality design.

A system of trade-offs among real-world choices has, therefore, been institutionalized. The Housing Quality Program is essentially a program of accommodation and balance which incorporates goals rather than minimum standards. The core of the theory is elective zoning where harmony may be achieved between existing and post-development entities. The proposal recognizes that goals are not necessarily achievable and that choices among them are inevitable. Therefore the manner in which quality is achieved may vary from neighborhood to neighborhood.

To rationalize the trade-offs among the various quality elements and ascertain quality, a scoring mechanism has been devised which applies a rating scale to any new housing proposal. The various numerical expressions produced by this analysis are then converted into a quality rating which determines the permissible intensity of development for a given site.  

Each of the four quality programs—neighborhood impact, recreation space, security and safety, the apartment—contains a number of quality elements. Each element in a program is assigned a weighted value so that the score adds up to a total of twenty-five points per program. In this manner, each of the four programs is considered equally important. It is true that in some areas of the City the concern for neighborhood impact might predominate over the issue of recreation space. This variation in emphasis is accommodated by simply predetermining a higher score for that program. Indeed, the priorities among the programs can be established before

83. UDC, supra note 20, at 85.
any detailed design work begins. The Council has further decided to score each of the four quality programs separately. If builders were permitted to add together the points from each program, the potential for abuse would be great: an entire program could be electively discarded. The segregated rather than the aggregated system is employed as a further guarantee of responsible design.

The various elements within a program are stated as goals rather than as minimum standards. Maximum points are obtained by full compliance with the proposed goal. Each goal implies the possibility of achieving one hundred percent compliance, and hence the full point score for that element. Less than full compliance results in fewer points, and non-compliance is permitted as well. There is also a mandatory aspect to the scoring mechanism; certain elements within each program are considered essential to attaining an acceptable level of quality. For these particular elements a minimum level of compliance is stipulated, thereby supplying a warranty against mindless design. 84

Although minimum compliance with the twenty-two basic elements would yield a project of acceptable quality, the scoring has been established so that there is always an incentive to achieve higher levels of quality to the mutual benefit of developer and tenant alike. By its flexibility, our proposal offers a free choice system that accurately mirrors the selective process of actual planning design.

Many alternatives have been explored by the Council to relate the concept of quality to density. Two basic assumptions, however, have guided the formulation of the scoring mechanism. First, existing use classification and district mapping are accepted as invariable at this time. Second, the Urban Design Council believes that no increase in density beyond permitted maximums is warranted. Based on these assumptions, the proposed system would grant incremental increases in density for progressively higher attainment of quality. Further, the conventional "lot area per room" as the controlling factor regulating density has been abandoned. Instead, the more readily understandable "floor area per room" is adopted. 85

Once the total permissible floor area is determined by the quality rating, the

84. Id. at 17.
85. See generally FHA, Land Use Intensity, LAND PLANNING BULLETIN No. 7 (1971).
The permissible number of zoning rooms is quickly determined by a ratio of the acreage of the site to the floor area per room. 86

The mechanism has been organized in such a way that minimum compliance with the goal of an individual element is rated zero. Therefore, a building that develops no quality points, by minimally complying with the mandated elements and discarding all the others, can still be built. The project will have achieved an acceptable level of quality in that it will generally conform in scale to the neighborhood; 87 have adequate recreation space for the tenants; 88 incorporate security precautions; 89 and have apartments of good size with adequate sunlight. 90 Therefore, despite zero rating, it would be permissible to construct such a project at a reduced density. The scoring mechanism has been weighted so that the incentive to achieve higher levels of quality will always be operative for the mutual benefit of the developer, the architect and the tenant.

The Housing Quality Program is notable also for its exclusions. Although manage- ment, building code compliance and parking, were considered as quality factors, they were omitted for specific reasons. Management factors such as the standard lease, maintenance and acculturation of tenants to the demands of apartment living, while undeniably affecting quality, can seldom be predetermined with sufficient exactness. The absence of guaranteed compliance was a critical determinant in deleting management. The building code contains many standards concerning the quality of the residential environment. Three sections of the code require investigation: the provision of adequate lighting levels throughout a new development; a revision of materials specifications to permit transparent surfaces for elevator and stairway doors; and the provision of adequate sound dampening to maintain privacy between apartments in any new building. Finally parking was determined to be

86. "Suppose in a one acre (43,000 sq. ft.) site, on an R-6 district, a project develops fifteen quality points. It is therefore entitled to 2.1 times the area of the site, or 90,300 total buildable square feet. The floor area per room ratio in an R-6 district is 230 square feet per room. Consequently 393 zoning rooms are permitted on the site (90,300 divided by 230)." UDC, supra note 20, at 14.
87. See text accompanying notes 37-44 supra.
88. See text accompanying notes 45-56 supra.
89. See text accompanying notes 57-66 supra.
90. See text accompanying notes 67-75 supra.
inextricably tied to any consideration of housing quality. The recur-
ring conflict between recreation need and parking demand is a con-
sistent phenomenon throughout the City."

**Administration**

Any new zoning proposal, no matter how compelling or sophisti-
cated, can be brought to ruin if the details of administering the pro-
gram are overly complex. For this reason we propose to leave
unchanged the mechanics of zoning administration. The Housing
Quality Program would in no way jeopardize the statutory authority
of those agencies such as the City Planning Commission,92 the Board
of Standards and Appeals,93 the Department of Buildings94 and the
Board of Estimate,95 which bear the major responsibility for admin-
istering zoning.96

The Housing Quality Program would not conflict in any way with
existing statutory controls at the State97 or City98 levels or with
federal guidelines regarding subsidized housing.99 It would not sub-
stitute for the bureaucratic pile of maddeningly dissimilar stan-
dards that now bedevil everyone concerned with housing produc-

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91. "To preserve reasonable standards of communal and private envi-
ronment more has to be spent on car parking as densities increase. There
is a direct ratio between the cost of garaging the car and the amount of
outside space available for common or private use." Birkin, Haxwirth &
Rich, *Housing Primer: Low and Median Rise Housing*, 37 *Arch'l Dig.* 395
(1967).


93. Id. ch. 27, § 666.

94. Id. ch. 61, § 1804.

95. Id. ch. 3, § 67.

96. In addition to the four departments already mentioned, authority
is shared by a number of additional agencies, i.e., the Transportation
Adm., id. ch. 63-A, § 2103; Parks, Recreation & Cultural Affairs Adm., id.
ch. 63, § 2003; Housing & Dev. Adm., id. ch. 61, § 1803; Health Serv.
Adm., id. ch. 60, § 1703; Mun. Serv. Adm., id. ch. 59, § 1603; Environ-
mental Protection Adm., id. ch. 57, § 1403.

97. *N.Y. Mult. Dwell. Law* § 3 (McKinney 1946); *N.Y. Exec. Law*
§ 374 (McKinney 1972).


99. "A deficiency [in the federal guidelines] is the failure to define
what a 'suitable living environment' is. It is vague, subjective and mean-
tion, but it may serve to instigate a reevaluation of such standards. The intention is to substitute a far simpler document for the existing Zoning Resolution and to have the new document administered by the same agencies that administer the present resolution. Each of the thirty-seven quality elements has been framed in such a way that it can be illustrated and measured. No element is beyond the competence of the architect to ascertain, or of the buildings examiner to certify. The dual objective of clarity of intent and simplicity in execution has been scrupulously maintained.¹⁰⁰

No consideration of housing quality can be divorced from the dictates of cost. It is a widely accepted cliché that anything having to do with "quality" will cost more. The objective of this proposal has been that the cost of building not be increased as a consequence of its implementation. We are confident this objective has been met. Designing a project to achieve a high quality rating is no more expensive than designing a project to the standards of present zoning.¹⁰¹

Three specific strategies have been employed to assure this result. First, an extensive program was undertaken to test a broad range of newly completed buildings, each designed in accordance with the 1961 Zoning Resolution.¹⁰² A variety of types, from garden apartments to high-rise, were selected in each of the zoning districts. One unforeseen discovery was that many existing buildings scored a remarkably high number of quality points. A second surprising finding was that projects designed for the subsidized housing programs and built within the statutory funding limits of those programs

¹⁰⁰. It is expected, therefore, that the process will be as follows: "First the developer/sponsor determines the required density to achieve an economically feasible development, and hence, the quality rating required to achieve this density. The sponsor, builder and architect jointly negotiate the various elements of the quality programs which they deem to be of paramount importance for the particular site and the surrounding neighborhood. With this program, now particularized to a given site, the architect begins the process of giving form and substance to the program. He would prepare a separate drawing of zoning calculations, as he does now, for submission to the Department of Buildings, the agency charged with enforcement of the Zoning Resolution." UDC, supra note 20, at 15.

¹⁰¹. See generally C. Rydell, Factors Affecting Maintenance and Operating Costs in Federal Public Housing Projects 17-60 (Rand Institute 1971).

¹⁰². UDC, supra note 20, at 87.
HOUSING QUALITY

often scored higher than conventionally financed buildings. Many buildings already erected, with very minor adjustments, can, therefore, achieve considerable quality as defined by the Housing Quality Program, with no additional cost.

Second, a continual cost analysis of the individual elements was carried on as the proposal developed. The theory of trade-offs was applied to costs as well. For some elements, full compliance with the stated goal would cost more than conventional practice. Large room size is a prime example. Full compliance for the majority of elements would have no cost consequences. Some elements would in fact produce reductions. In summary, while full 100 percent compliance with every element might add costs to the project, such compliance is not necessary to produce a high-quality building.

Third, the effect of the Housing Quality Program is to create balanced economic efficiencies by eliminating certain constraints built into present regulation. By removing the limitation on how much of a site a building may cover, the potential for cost reductions is dramatic. The existing 40 percent maximum coverage for a residential tower, if increased to 50 percent, would permit a 25 percent reduction in the height of the building. The economics of lower height and larger individual floors are obvious. Similarly, many projects now compelled to use reinforced concrete as the basic building material, might well be able to use less expensive types of construction. By these three mechanisms, the Council has insured that the Housing Quality Program would not inhibit housing production.

We have come, therefore, to the conclusion that the use of isolated models that do not conform to the needs or the spirit of the community can no longer be deemed an appropriate mechanism for zoning regulation. More flexibility coupled with greater incentives for the builder to conform to community needs can provide the kind of responsiveness that will provide more viable communities within the City. We believe that the program we have outlined will pro-

104. We have attempted to include all inputs to cost. Thus, reduced vandalism from improved security will reduce maintenance costs.
105. "For example, the elevator systems are significantly less expensive in lower buildings than in high rise apartments." UDC, supra note 20, at 16.
106. "[W]e recommend that the provision of tax abatement be considered in conjunction with the Housing Quality Program. Incremental
provide the kind of freedom that is most necessary for the beneficial development of residential construction in New York. The sense of place, diversity and distinctiveness is precious to the City as well as its residents, contributing to morale, self-respect and the sense of community.\textsuperscript{107} It must be protected.

\begin{quote}
increases in tax relief, for a limited number of years, could be granted for the increased accumulation of quality points. This would achieve two objectives. First, the potential reduction in rents would give an additional competitive advantage to buildings of measurable quality. As a practical matter, this would stimulate the achievement of quality and improvement of the housing stock. Second, the use of tax benefit has a potential role as a quality control or maintenance mechanism. If trees died and were not replaced or if a promised recreation deck over parking were not provided, the tax benefits could be rescinded. We urge that an investigation of this concept be undertaken.” \textit{Id.}

\textsuperscript{107}. \textit{See City}, \textit{supra} note 23, at 38.
The Same but Different: Both buildings have the same floor space, same number of apartments, but the intrusive 17-story tower above dwarfs its neighbors. It sits in a sea of sterile and dangerous open space, has built-in security risks and is unfortunately typical of much new development built under present zoning regulations in medium density districts. Proposed zoning reform would produce higher quality, six-story building (below) in scale with surrounding community. Prototype shown has enclosed instead of open parking; varied recreation space (including roof terraces and indoor playroom) and many more trees; better security (lobby visible from street, apartments look out onto recreation area, continuous street facade eliminates dangerous no-man's-land and increased number of entrances means each serves fewer apartments so that residents will get to recognize each other—and strangers—more readily); and brighter apartments with larger windows and recessed balconies that afford greater privacy and so are more inviting to use.