

# *Excerpts from The Accidental Skyline*

A report by the Municipal Art Society of New York, December 2013

Full text (with images): <https://www.mas.org/pdf/accidental-skyline-2013-12-20-web.pdf>

## **Executive Summary**

The size and scale of the as-of-right buildings going up on and around 57th St. deserve particular attention because of their proximity to Central Park. Individually, the towers may not have a significant effect; however their collective impact has not been considered...

Central Park and New York City's other open spaces are critical to the economic health of the city and to the well-being of its residents. The mixed skyline along the edges of Central Park is one of the park's defining and most memorable features. The solution is not to landmark this skyline, but to find a way to ensure that the public has a voice when our skyline and open spaces are affected by new development and to require careful analysis to help inform the decision-making process...

Based on the shadow studies MAS has produced, it is clear that the existing regulations do not sufficiently protect Central Park, nor do they provide a predictable framework for guiding development. Quite to the contrary, the existing regulations are producing buildings that have caught the public off-guard and have surprised regulators. A re-appraisal of the zoning around our key open spaces is needed to ensure that, as New York continues to develop, we are carefully considering the impacts of growth...

## **Background**

Even a hundred years ago, New York City's skyline was called, "the most stupendous unbelievable manmade spectacle since the hanging gardens of Babylon." For over a century, the demand for land, advancing technology and intense ambition to create the tallest building in the world has transformed New York City's skyline. However, what began as a utilitarian response to urbanization in downtown Manhattan has increasingly become an extravagant way to offer a small number of people their own private aeries.

For the most part, today's buildings are being constructed as-of-right, meaning without any kind of public review or decision-maker discretion. As-of-right buildings require no environmental assessment or meaningful public input...

Over the last 30 years the skyscraper has evolved from a symbol of the city's commercial power. Today's tall towers are no longer concentrated in industry-specific locations but simply on sites that offer unrestricted views...

Residential skyscrapers have become increasingly widespread and access to unrestricted views is now a highly desired commodity for the world's richest patrons. Technological advances have also allowed buildings of greater heights on smaller lots, making it easier for tall buildings to locate anywhere regulations permit. These unprecedented buildings result from negotiations made between property owners who have creatively worked around zoning constraints by purchasing development rights from



neighboring properties.

Luxury housing development is booming in Manhattan. According to CityRealty the number of condominium buildings in Manhattan with apartments selling for more than \$15 million has risen 48% since 2009. Developers are catering to the global elite and ultra-rich who will pay premium prices for apartments with lavish interiors, private wine cellars and, above all, spectacular views...

To be able to build these tall luxury towers, savvy developers have spent a great deal of time and money assembling zoning lots in order to take advantage of multiple sources of what are known as “air rights.” Primarily through zoning lot mergers — private agreements between adjacent property owners — developers have accumulated enough additional air rights to build extraordinarily tall towers on relatively small sites as-of-right. With the addition of these buildings, many of these blocks will have exhausted their development potential — but undoubtedly there are other developers working across the City to assemble development rights to create new skyscrapers.

### **Outdated Zoning Regulations**

New York City continues to use a zoning resolution devised over fifty years ago. These outdated regulations are not able to keep up with changing building technologies or the real estate market. For instance, advances in construction techniques allow for far taller, narrower buildings than previously possible when the existing zoning regulations were written. In addition, developers have created clever strategies to work around the controls intended to regulate the size of buildings. One technique involves the construction of empty floors — space which doesn’t count against the floor area limits of a particular site. This allows the building to rise higher than would ordinarily have been possible and is a technique that existing rules could not have anticipated.

### **No Public Review**

Zoning lot mergers allow buildings to be built without going through any meaningful public review. Without this oversight, the neighborhood impact of new development is not evaluated. Developers are not required to perform any type of analysis to determine if there will be adverse impacts to neighboring green spaces, historic resources, vehicular and pedestrian traffic conditions or similarly important issues.

In addition, the lack of transparency surrounding zoning lot mergers evades public input until after construction commences. That means that there is no opportunity for discourse or public input in the process, and nothing to ensure the buildings will respond appropriately to the neighborhoods which they could drastically change...

The solution is not to landmark or preserve the jagged silhouette of buildings along the southern edge of Central Park, but to find a way to ensure that the park is protected and the best possible buildings are built. A re-thinking of our regulations and a re-balancing of priorities is needed in order to protect the experience of the park for millions of visitors over the views of a handful.

Central Park, and the city’s other open spaces, are critical to the economic health of New York City and to the well-being of its residents. The value of protecting these open spaces over the long term far exceeds the value a handful of new buildings will bring to the city.

