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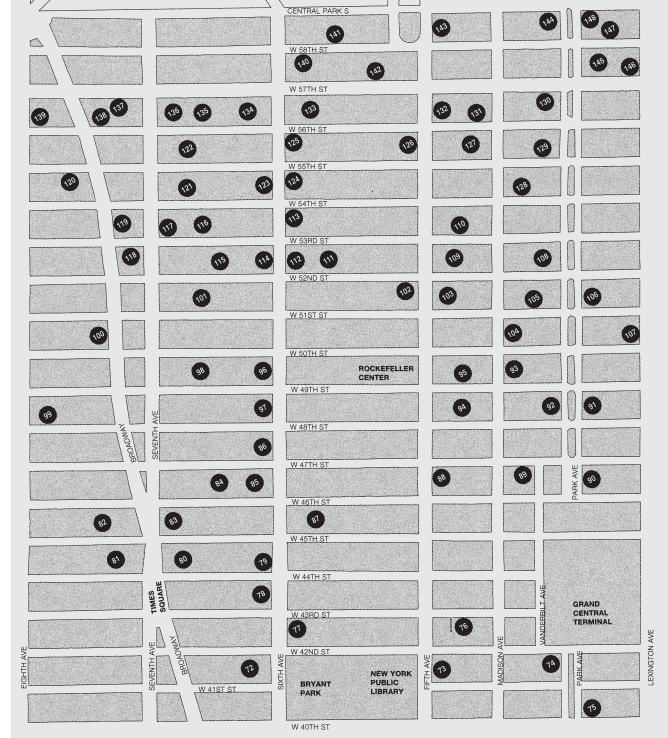
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The New York City Privately Owned Public Space Project

New York, New York



For more than forty years, New York City developers have been building plazas, gallerias, arcades and other public spaces in exchange for lucrative density bonuses under provisions of the city’s zoning code. From the outset, critics questioned the value of the public amenities that were provided, and despite numerous revisions to the zoning, the public spaces have remained controversial.

The primary purpose of this research, co-directed by Jerold Kayden, an associate professor of urban planning at Harvard, New York’s Department of City Planning and the Municipal Art Society, a civic organization, was to find, legally define and evaluate all of the public spaces that had been built under various zoning provisions since 1961, and to reach conclusions about the overall operation of the public space program. The researchers identified 503 spaces at 320 buildings, unearthed the legal agreements under which they had been approved and made field visits to evaluate whether the spaces complied with those agreements. The researchers also evaluated how each space was used. The findings are detailed in *Privately Owned Public Space: The New York City Experience*, published by John Wiley and Sons in October, 2000, and in a database soon to be accessible to the public over the Internet.

The jury commended the rigorous approach to analyzing the outcome of a legal, design and policy issue whose impacts reach to any community that is seeking to tie

public space benefits to private development, and for suggesting that New York’s privately owned public spaces might be reconsidered as an integrated urban landscape.

The research has resulted in stepped-up enforcement efforts and is helping to coalesce a constituency for doing something more with these spaces—a constituency that was tested shortly after the project was completed when a brokerage house proposed building a trading floor over a public space near Wall Street. More generally, the project underscores the need for ongoing, aggressive, institutional oversight of public space by government and civic groups.

—Todd W. Bressi

The New York City Privately Owned Public Space Project, New York City

Co-directors: Jerold S. Kayden (Harvard University), New York City Department of City Planning (Richard Barth, Philip Schneider, Edith Hsu-Chen, Patrick Too), Municipal Art Society of New York (Ellen P. Ryan).

Bold Hopes for a Neglected Public Asset

A century after New York City built Central Park, adding a new dimension to American urban open space, New York city planners launched an equally bold experiment. The city's sweeping 1961 zoning revision not only codified the construction of slender towers set in open spaces, bringing light, air and open space to the densest parts of the city, but also awarded "bonus" development rights to owners who agreed to create public space around their buildings.

Since then, some 503 privately owned public spaces have been established under a host of zoning provisions derived from that initial idea, mostly in Manhattan—eighty-two acres of what has been called world's most expensive public space.

Unlike Central Park, though, the impact of these public spaces is widely questioned. To many people, their design and management has failed to live up to the spirit or the letter of the law, and few of the spaces have made a mark, individually or collectively, on the city's civic identity.

The problem has persisted despite civic fulmination, scholarly and professional critique, even political tussles. Over the years, zoning requirements have been tightened, demanding that plaza owners meet specific criteria for amenities such as trees, seating and specific hours of accessibility. (The first of these changes was based on research done by William H. Whyte and his Street Life Project).

The latest research attempt is the New York City Privately Owned Public Space Project—undertaken by Jerold Kayden, a Harvard city planning professor with a long-standing interest in incentive zoning; New York's city planning department; and the Municipal Art Society, a civic design advocacy group. This unusual academic-civic-government collaboration came about in 1996 after a MAS-sponsored symposium on the topic. "The three of us agreed, 'This is a project we know needs to be done,'" Kayden said.

The first research question, critical for determining the scope of the problem, was daunting: What spaces and what amenities were developers and property owners legally obligated to provide? Kayden and three planning department staff painstakingly gathered and analyzed the thousands of legal instruments (which had been shaped by more than a dozen different zoning provisions) and organized their findings into a database, which will be accessible to the public on-line.

The second question was how management policies impacted the use of these spaces. "We conducted field surveys to see whether the space was in apparent compliance with applicable legal requirements," Kayden explained.

The site visits confirmed what many people had sensed: a substantial number of public spaces were blocked from public access, taken over by private activities such as cafes, or operating without the required amenities.

Finally, the project made a qualitative assessment of the usefulness of the spaces based on a variety of post-occupancy evaluation strategies, including documentation through photos and sketches, and user interviews. The findings were sobering: only sixteen percent of the spaces had become significant neighborhood amenities or regional destinations, while more than forty percent were of marginal or little value.

Kayden says the research led to several conclusions about elements necessary for making urban public space successful. "One is the importance of well-conceived, well-drafted law that takes realistic account of the inherent tension in privately owned public space." Another is the significance of enforcement. A third is having publicly determined boundaries for rules of conduct for these spaces, "so owners are not simply imposing rules by their will." And reconceptualizing the spaces as an integrated network, rather than unrelated dots on a map, is key.

The research was published in the book, *Privately Owned Public Space: The New York City Experience*, which attracted substantial attention from the general media (the *New York Times* Sunday real estate section devoted nearly three pages to an article, maps and a list of every space). It also received favorable reviews in an unusually wide array of academic and professional journals representing disciplines such as urban planning, law, architecture, landscape architecture and geography.

The research will soon be available in an on-line database, which will help the public find out more about these little-known public resources. "The best scenario would be, somebody could put in an address and find out where all the spaces are within a certain radius," along with information about the amenities there and hours of operation, said Ellen Ryan, director of issues at MAS. The database will also enable community volunteers to help monitor the spaces and report violations, she added.

The book and publicity it generated have helped build momentum for the project, and each sponsor has launched follow-up projects. The city planning department initiated lawsuits against three property owners, seeking compliance of their spaces with the zoning and the approvals under which the spaces were built (the suits are being settled and

Opposite left: Signage announcing location of privately owned public space, the amenities that are to be provided, and rules of conduct.

Opposite right: Location of privately owned public spaces, Midtown.



Above left: A circulation space. CitySpire, Midtown.

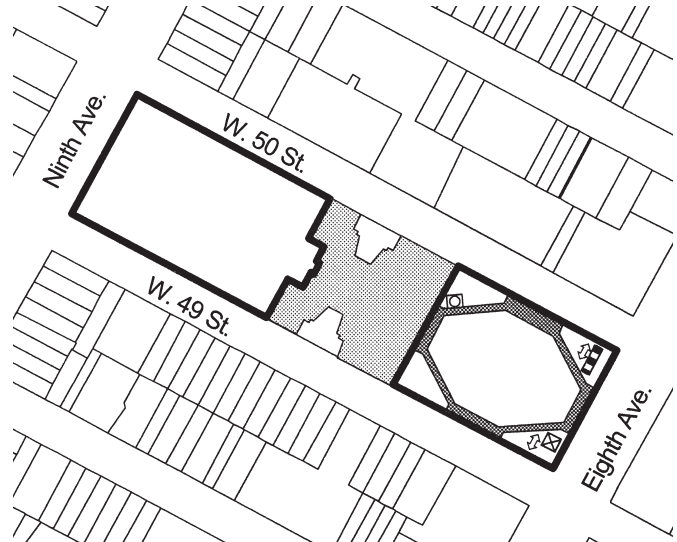
Above right: A destination space. 590 Madison Avenue (formerly IBM Building), Midtown.

Center left: A neighborhood space. 30 Lincoln Plaza, Upper West Side.

Center right: A hiatus space. PaineWebber Building, Midtown.

Below: A destination space: Worldwide Plaza, Clinton, before recent renovations (left), and site analysis (right).

Photos and graphics courtesy Jerold Kayden.



the violations are being corrected, reported Richard Barth, director of Manhattan planning). Kayden is writing scholarly articles on the relationship between the value of zoning bonuses and the private costs of the public space, and on the importance of institutional structures for enforcement.

MAS has continued with its civic watchdogging. In fall, 2000, the group enlisted volunteers in “The Holly Watch,” an effort to re-survey the spaces and generate public involvement in the issue. Last year, volunteers contacted the owners and managers of ten especially problematic spaces, urging improvements. One space, for which new designs had been prepared but never implemented, has been refurbished and includes a memorial to firefighters from a local firehouse who were killed in the World Trade Center attacks. MAS is also co-sponsoring a design competition for an elevated plaza whose owner last year proposed taking it out of the public inventory and building a trading floor on the space.

Beyond its ongoing enforcement actions, the city is taking longer-term action. The planning department assigned a senior staff member full-time to oversee its efforts in regard to these spaces—including updating the database, coordinating enforcement with the city’s Department of Buildings, and working with property owners and architects to bring spaces into compliance. The buildings department established an on-line complaint form the public can use to report non-compliant public spaces. And the planning and buildings departments have worked out a protocol for reporting and investigating complaints.

Indeed, as Kayden, the city and MAS continue to monitor the spaces, they have noted that 9/11 security concerns are placing additional pressure on accessibility. At one indoor space “you practically get MRI’d by the time you reach the lobby,” Ryan observed. The city is meeting with property owners to determine how to respond to these concerns “while ensuring continued public access in the full spirit of the regulations,” Barth said.

The most ambitious idea is still in the works: Kayden and MAS are organizing a new civic group that would monitor these spaces, work on compliance issues and design improvements with owners and public officials, and perhaps even develop the capacity to provide management, security and programming services to the spaces. Such an organization would re-focus the public’s attention on the spaces “as a collection, rather than individual places,” Kayden said—a network of urban places that one day has as dramatic an impact on the city as Central Park.

—Todd W. Bressi

Jury Comments

Hanraban: These spaces are really byproducts of the effort to reduce a building to its purest solutions, and to increase the size of the building at the same time. They have not even been afforded the level of design that open spaces within low-rise dwelling complexes, for example, have been. Literally they are byproducts, just tossed into the heap, yet New Yorkers have seen them as some kind of good thing. So to open our eyes and say, “Here’s what you’ve got,” that’s important.

Sommer: The magazine and newspaper articles are impressive. They have gotten their message out, a real example of the mythical translation of research into action.

Hanraban: The real value is probably as a guide for new development, but what do you do with the existing spaces is the tough question.

Sommer: What is the research that goes into that determination, that these are unsuccessful spaces?

Jacobs: What basis does this give us for future action, in other places? About what to do or not to do? I would have liked to have seen more, for the research to have gone a couple of steps of further.

Hood: This suggests that there is a new, powerful landscape that we haven’t really considered, a landscape that shows up in San Francisco, shows up in New York. By saying there are 500 of these spaces, people can start looking at them as a group.

Hanraban: The most important thing, with respect to public policy issues, is that the vast majority of these spaces are unsuccessful, so there are certain questions you have to ask about continuing to award these bonuses.

Sommer: On the other hand, I think that this will have a great impact on policy, pointing out the quantity of these privately developed public spaces, without regard to typology or public acceptance, and afterwards they can put in place realistic policies for improving these spaces. It makes people ask, “Do you have any idea how many of these spaces there are? Where they are? Maybe you could dust them off ...”

Jacobs: The other policy you want to consider is, maybe we shouldn’t do this again, or maybe we ought to fine tune this a lot before we do it again.

Griffin: I’ll sign the petition.