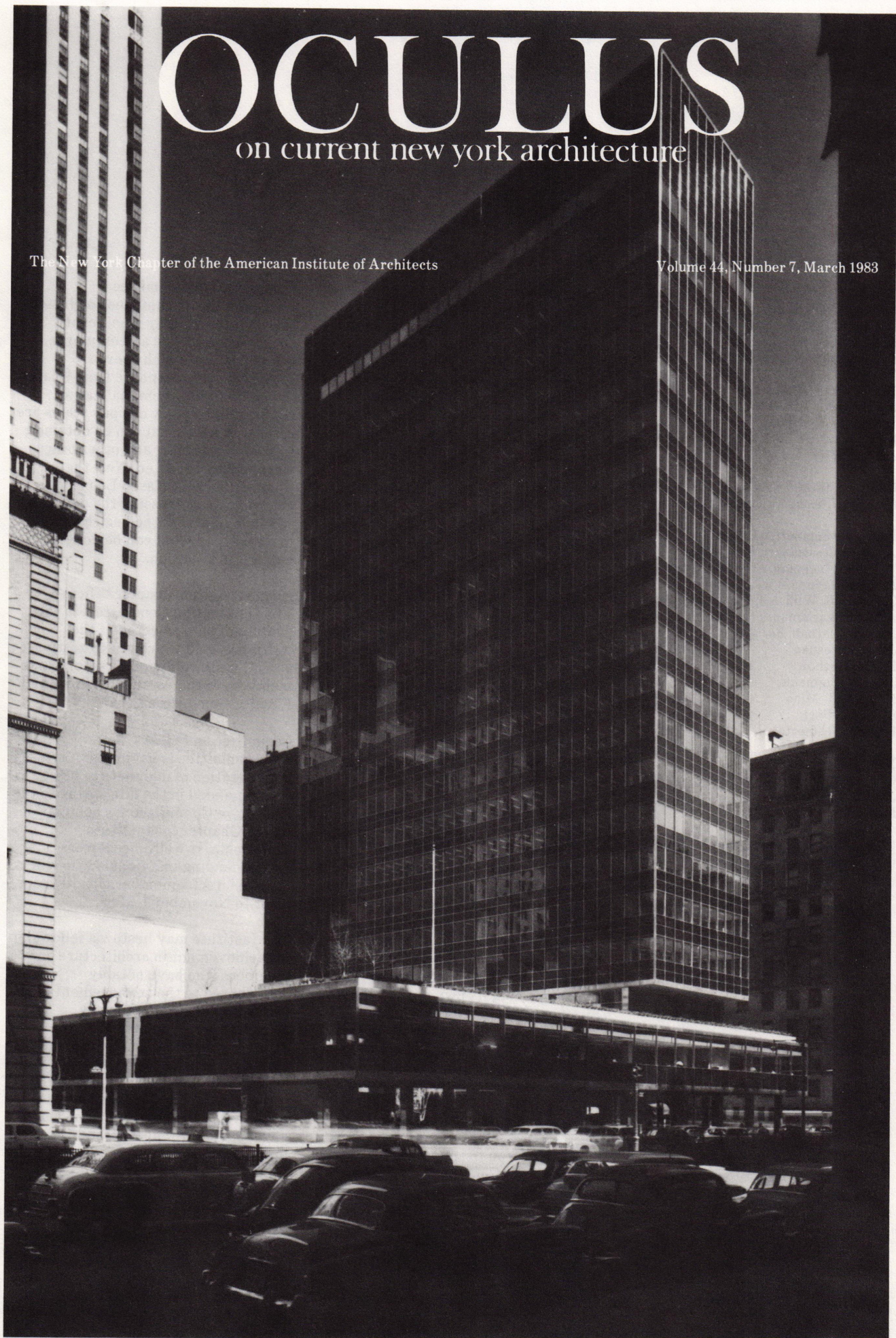


OCULUS

on current new york architecture

The New York Chapter of the American Institute of Architects

Volume 44, Number 7, March 1983



The Board of Estimate's decision on the Landmark designation of Lever House will probably be made on March 3. (Photo: Courtesy, Ezra Stoller/ESTO)

OCULUS

Chapter Reports

Volume 44, Number 7, March 1983

Oculus

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by George Lewis

Lever House

Prior to the Board of Estimate's hearing on whether it should uphold the Landmarks Commission's designation, the Chapter sent letters to each member—Mayor, Council President, Comptroller, Borough Presidents—as follows (similar testimony was presented at the hearing):

"By almost any standard Lever House is a landmark. Our testimony at the Landmark Commission stated, 'The Lever Building is a definitive landmark of modern architecture on an international level. A stellar design performance coupled with a prominent location and client assured that its novel glass curtainwalls and slab form would become a model for commercial construction world wide. Its influence during a period that shaped the current skylines of cities is incalculable . . . Almost every important analysis of architecture since Lever's construction recognizes its significance.'

"An editorial in our newsletter *Oculus*, written by C. Ray Smith in rebuttal to the White Paper submitted by the developers who would like to destroy the building, stated, 'Now, judged by today's new standards—to say nothing of today's business opportunism—it is the turn of Lever House to be thrust aside rather than being recognized for the fresh view it epitomized in its own day . . . If a thing is once good, it is forever good—in its own terms at least, in terms of its first day. Many make the mistake of evaluating yesterday by today's standards. How tinny the harpsichord sounds, they say, judging it by ears accustomed only to the pianoforte.'

"We urge you to support the Landmarks Commission's designation. Our city is a storehouse of great architecture. We cannot afford to lose what is recognized world-wide as a turning point—a landmark—in architectural history."

Compensation Committee

Last year this Committee conducted the Chapter's highly significant survey of employee and employer compensation, which drew a comprehensive response from Chapter firms. Its findings emphatically confirming how low our pay scales are compared with what can be obtained in law, engineering and other offices, were widely reported. Now the Committee, with Eason Leonard as chairman, is addressing the question, so fundamental to the health and profession, of what can be done to better the situation.

Nominations for Chapter Offices

The Nominating Committee, in the process of being elected at this writing, would welcome suggestions as to Chapter officers, directors, and members of the Awards, Fellows and Finance Committees.

Committee on Fellows

The Committee is beginning its consideration of members to be recommended in the late spring to the Executive Committee for nomination by the Chapter for Institute Fellowship. It welcomes letters recommending individuals who will have been AIA members for 10 years prior to November 1, 1983.

The Institute may bestow a fellowship for achievement in architecture on members who have notably contributed to the advancement of the profession of architecture by recognizing outstanding accomplishments in one or more areas of design, science of construction, literature, education, service to the profession, public service, historic preservation, research, urban design, government or industry, architectural practice.

"Room at the Top"

A number of Chapter members were invited to participate in the two day February conference by that name having to do with air rights. It was set up by Eugenie Cowan's organization Exploring the Metropolis, and it will be reported in an upcoming issue of Metropolis Magazine.

Architecture Historians Quoted as Witnesses Against Lever House and Their Comments on How They Are Quoted

Swanke Hayden Connell's "White Paper" on Lever House quotes a roster of our most prominent and distinguished architecture critics and historians as witnesses attesting to the value of Lever House. Among them are: Lewis Mumford, Vincent Scully, Peter Blake, Paul Goldberger, and Charles Jencks.

Oculus prints the quotations that the White Paper makes from the writings of those authors and follows each with a comment by the critic:

Peter Blake

Peter Blake: *The Master Builders* (1960), p. 252

"Indeed, the most remarkable effect of Seagram's triumph was what the building did to some of the fine work around it: diagonally across Park Avenue stands the handsome Lever House, based originally upon Mies's glass towers of the early twenties, but now looking a little too slick, a little too much like a Cadillac next to Seagram's Rolls Royce nobility. Curiously enough, it was only the sixty-year-old Italianate Racquet Club designed by classicists McKim, Mead & White, directly across from Seagram on Park Avenue, that could look the new bronze tower straight in the eye without flinching."

Peter Blake's reply

I was "absolutely flaggerbreasted" (as a friend of mine, a one-time ballerina at the Bolshoi, used to put it . . .) to find myself quoted by those schlockies, out of context, possibly in violation of copyright laws, obviously without permission! Thanks for bringing this to my attention.

What can I say? Obviously, Lever House was an enormously important building in its day: the first, pure, elegant, International Style office slab, sensitively composed, and all the rest. Very remarkable then, and even more remarkable now (nobody donates that kind of space to the general public anymore . . .)

Obviously, too, we had some

reservations: was the structure fully and accurately expressed? Paul Rudolph and I argued about that, I recall. Was it a good idea to build at right angles to the flow of Park Avenue, thus breaking the continuity of the street facade? Obviously not.

Is Lever House a landmark? Yes, more so today than ever: it is a monument to a time when architects were on the side of the public good, rather than on the side of private greed. (yes, I mean you, Messrs. SHC and the Brothers Fisher.) It is a monument to a time when we still cared about the danger of overcrowding, of blockbuster development, and so on — a monument to a time that was before the new Dense Packs on Madison and the upper Fifties, a time when architects and others thought that the city was for all of its people, not only those who would squeeze the last dollar out of it.

I am not surprised that the Brothers Fisher want to tear it down, for it is a monument against everything they stand for.

Lewis Mumford

Lewis Mumford: *The Human Prospect* (1968), p. 90

Lever House surely illustrates Lewis Mumford's axiom that "a practical miscalculation like the use of material that weathers badly in a few years time . . . may from the present standpoint undermine the aesthetic result."

[Ed: Mrs. Mumford reports that Mr. Mumford's "days of public statements are over" at the age of 87, and asks that we forgive him on this one.]

Vincent Scully

Vincent Scully: *Modern Architecture* (rev. ed. 1974), pp. 34-36

"In the Seagram Building, Mies van der Rohe integrated the skyscraper as a vertically standing object in a way that the simple expression of the

structural bay, clad by the icy American screen wall, could never do, and as a total suppression of the skeleton in favor of a complete glass and plastic curtain (as in Lever House) could hardly accomplish either."

Vincent Scully: *Modern Architecture* (rev. ed. 1974), pp. 34-36

The "thin icily gleaming screen wall (of Lever House), endlessly repetitive and expressive of . . . utter separation from place" is "the ultimate expression of bureaucratic design."

Vincent Scully: *American Architecture and Urbanism* (1969), p. 186

The Seagram Building is actually a more advanced and more sympathetic urban arrangement, "since it stretched its own slab laterally with the movement of the avenue rather than against it, as Lever had done."

Vincent Scully: *American Architecture and Urbanism* (1969), p. 186

"Lever House was also a typical Bauhaus object; free-standing, shiny, weightless, asymmetrical and fundamentally non-urban. It both cut the first serious hole in Park Avenue as a street and created an unusable plaza of its own."

[Vincent Scully did not reply.]

Charles Jencks

Charles Jencks: *Modern Movements in Architecture* (1973), p. 41

This type of work, which has aptly been described as "elegant canned music . . . background wallpaper and businessman's vernacular" hardly deserves the distinction of landmark designation.

Charles Jencks' reply

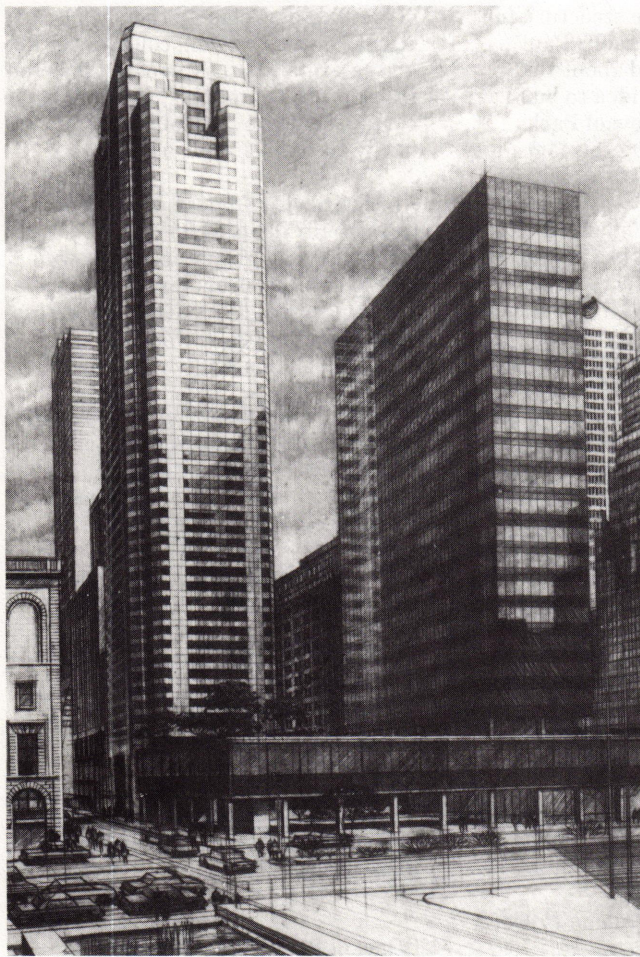
(via a telephone call from London)

My opinion on the Lever House has been quoted in a context concerning its possible destruction. And thus I would like to clarify the possible ambiguities. First I would grant

Lever House Comments

1. The tower proposed by George Klein adjacent to Lever House, designed by Welton Becket Associates. See letter, page 5, from Henry H. Brennan of the Becket office.

2. Swanke Hayden Connell Architects ("SHCA") has been commissioned to design a new office building at 390 Park Avenue between 53rd and 54th Streets on the site presently occupied by Lever House, the corporate headquarters of Lever Brothers. The proposed new office building, designed as-of-right under the new "Midtown Zoning Regulations" enacted in 1982, is a 40 story structure with 630 square feet of floor area on a site of 42,000 square feet. (Photo: Courtesy, Swanke Hayden Connell Associates)

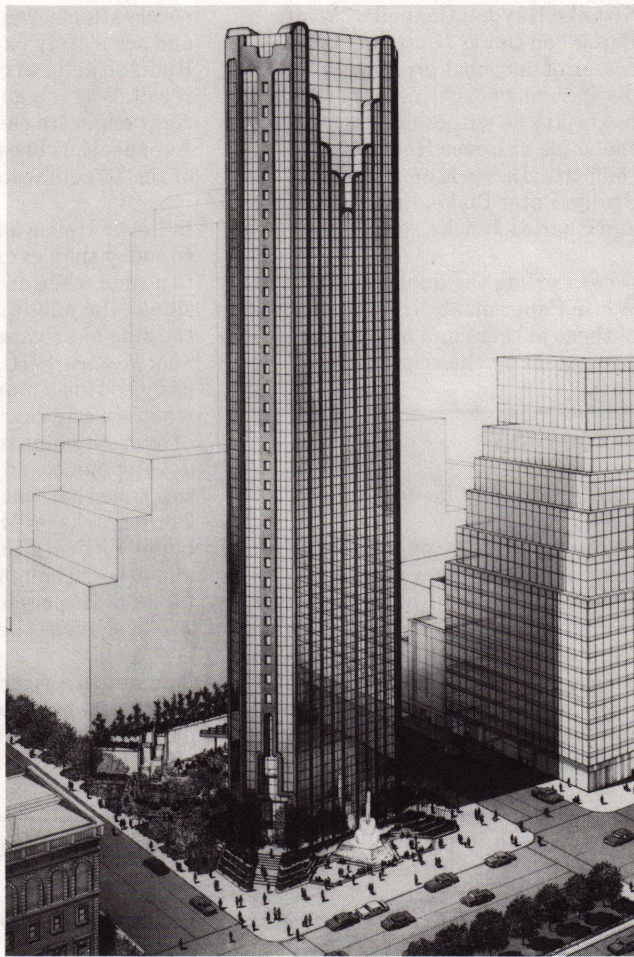


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several failures of the building: its unsuccessful plaza, its unfortunate precedent for breaking the street line, its premature deteriorations, and uneconomic use of space. The White Paper is right about these things.

But my view is that the building is aesthetically pleasing: A small jewellike version of the later and larger corporate giants, it has a delicate, shimmering presence, a posture much more taut than the heavy monoliths on Park Avenue to which it has led. These latter are the canned music-musak of which I wrote.

Moreover, its historic importance is undeniable both as a link in the chain of the developing International Style and as the final stage in the development of the thin curtain wall —



2

or lightweight skyscraper, the membrane building.

It would be a pity if Lever House, Bunshaft's best building, would have to be demolished for economic or urbanistic reasons, since it is, with all its faults, one of the best examples of a style and approach that did not produce many lasting buildings.

New York has suffered enough cultural lobotomy, and with a little imagination another thin tall tower could be placed over the horizontal slab or behind it so that preservation and economy might exist together. After all, it was designed in the "open aesthetic", expressly in order to grow and change. Let us call the International Style to account — not destroy it.

Paul Goldberger

Paul Goldberger: *The Skyscraper* (1982), p. 107

"Lever House seems flawed by today's standards — the break with the street wall of Park Avenue, so liberating in the 1950's, now seems needless and not a little narcissistic. The open ground floor, which seemed the very embodiment of enlightened urbanism when it was new, seems now somewhat dull and sterile, its public space little used."

Paul Goldberger's reply
My comments in the Fisher Brothers White Paper were taken out of context and in such a way as to distort their
cont'd. p. 14, col. 2

Letters

Dear Editor:

We were very interested in your article in the February, 1983 *Oculus* on the Lever House. As noted in the white paper report by Swanke Hayden Connell, Welton Becket Associates provided a retrofit report for Lever Brothers. We would like to clarify several points in their quote:

1. The retrofit report was developed for Lever Brothers as part of an overall strategy to save Lever House with the understanding that the building would receive landmark status. Both Lever Brothers and Welton Becket Associates fully appreciate the architectural quality and historic value of the building.

2. The twelve million dollar estimate for full retrofit included replacement of mechanical systems, interior finishes and introducing double glazing and other elements consistent with the realities of today's energy cost. While Lever House has certain problems caused by the newness of the technology applied at that time, major expenses for replacement of systems is not unusual in thirty year old buildings and is certainly not unusual in historic landmarks. Whether we are repairing and replacing a metal and glass curtain wall or windows and masonry in buildings of an earlier era, the economic problems are similar.

3. As part of this report for Lever Brothers studies were conducted evaluating potential air right transfers to establish their feasibility. It was our opinion that there are potentially several approaches that are not only economically viable but could enhance the setting of the Lever House.

Henry H. Brennan
Welton Becket Associates

Dear Editor:

As a former member and Vice-Chairman of the Landmarks Preservation Commission of our city, I was deeply disturbed by the statements published in *Oculus*

attacking and defending historic preservation. Brushing aside the legalistic detail of the prosecutor, George L. McCormack, and that of the defender, Ralph C. Menapace, Jr., the basic issue is as historic as historic preservation: public benefit versus private benefit.

One of our country's most noteworthy achievements has been its successful effort to properly balance these two fundamental elements of civilized living. The leadership and support of the architectural profession has been and will be of vital importance to that cause.

As my own contribution, I will discuss the value of the arguments employed by first, George J. McCormack and second, Ralph C. Menapace, Jr.:

Mr. McCormack states that "if the proponents of unrestrained landmarking are permitted at whim to sequester private property without compensation and thereby to put the cause of historic preservation above the often desperate human needs of our people, we will have unwittingly bred an antisocial monster."

What a collection of false arguments! First of all, there are no "proponents of unrestrained landmarking." Instead, its proponents are careful, considerate, and conservative. Second, no one is "permitted at whim to sequester private property without compensation". This has never been done because the landmark law expressly forbids such action and provides for the careful use of legal methods that prevent arbitrary action. Third, no historic preservationist has ever "put the cause of historic preservation above the often desperate human needs of our people." Perhaps the "desperate need" is Mr. McCormack's desperate need to find a viable argument favoring his cause.

He attempts to find it in citing the examples of the United Methodist Church of St. Paul and St. Andrew at West 86th Street and West End Avenue. Mr. McCormack apparently

believes that "when the church's neighbors got wind of the church's plan, their tactic was to petition the New York City Landmarks Preservation Commission to landmark the structure because they did not want new people in the neighborhood and did not want the views from their own apartments obstructed." The Landmarks Preservation Commission has never acted in response to such a request. Mr. McCormack is drawing on his own imagination in stating that they would have done so.

Finally, he believes that "fundamental constitutional, political, and social values are endangered by New York City landmarks law as it now exists" is in complete disregard of local, state, and national contrary legal decisions. This sums up beyond dispute the doubtful character of his arguments and his motives.

Ralph C. Menapace, Jr., on the contrary, points out that "at the next session of the New York State Legislature, legislation will be introduced that would, in effect, exempt properties owned by religious organizations from any mandatory regulation under the landmarks preservation laws enacted by New York City and dozens of other municipalities throughout the state." He states that "there exists no basis in law or in policy that would support such a radical and potentially unconstitutional reversal of long standing public policy."

Mr. Menapace points out that his opponents, led by Mr. McCormack, have advanced three principal arguments in favor of such a reversal of public policy.

He then proceeds to prove his case by reference to the fact that the United States Supreme Court confirmed the constitutionality of the New York City Landmarks Law.

You are right, Mr. Menapace, in readily disposing of the legislative arguments of your opponents even though it gives those arguments more importance than they deserve. That is

Letters

because both you and Mr. McCormack, being lawyers, have only discussed the legal aspects of historic preservation.

You are mistaken, Mr. Menapace, in stating that "the issue is pure and simple whether religious organizations — unlike other owners of landmarks should be permitted to commercially exploit the unused development potential of landmark properties owned by them even if such exploitation destroys or defaces the landmark."

"The preservation of our cultural heritage" includes but never has been limited to that issue. Americans should be and are proud of the fact that for more than 200 years our country has successfully maintained a logical and proper balance between public and private benefit. That is, and always will be, the basic issue.

Morris Ketchum, Jr. FAIA

Dear Editor:

Thank you for sending me a copy of Mr. George McCormack's letter of December 23, 1982, which comments on my article on landmarking of religious properties in your December issue.

Mr. McCormack made the following statement regarding the 1980 decision of the New York Court in the Ethical Culture matter:

"In fact this decision dealt only with 'charities' which are not 'religious' organizations and which therefore do not receive First Amendment treatment."

This statement is false.

In this decision, the Court states that the Ethical Culture Society "is a *religious*, educational and charitable organization" (emphasis supplied). The Court states that the "Society also contends that the existence of the [landmark] designation [of the Society's Meeting House] interferes with the free exercise of its religious activities." The Court then disposed of this contention by stating:

"Although the Society is concededly entitled to First Amendment protection as a religious organization, this does not entitle it to immunity from reasonable government regulation when it acts in purely secular matters (cf. *Wisconsin v. Yoder*, 406 U.S. 205, 215)."

Mr. McCormack may disagree with the Court's conclusion, but to claim that the Court did not deal with the First Amendment issue is dishonest and deceitful.

The remainder of Mr. McCormack's letter is equally dishonest in its thrust. No one has — or would — seriously suggest that any religious organization be required to maintain a landmark structure if to do so would "incapacitate the religious mission and ministry of a synagogue or church." It is to avoid any such result that the Landmarks Law of the City of New York as interpreted by the Courts of New York and applied by the Landmarks Commission provides for relief to any non-profit owner of a landmark — including any religious organization — if "maintenance of the landmark either physically or financially interferes with carrying out the charitable purpose" of the owner.

At a time when millions of dollars are being raised by the Episcopal Diocese of New York to complete the construction of the Cathedral of St. John the Divine and when the exhibition at the Metropolitan Museum of Art of a small portion of the Vatican's vast and priceless collection of art reminds us of the historic relationship between religion and art, Mr. McCormack's purported dismay at the "anti-social affect [sic] of landmarking on the poor and underprivileged" is at best in poor taste.

Ralph C. Menapace, Jr.

Dear Editor:

The January 1983 issue of *Oculus* contained an article by Charles K. Hoyt concerning Local Law #10 that not only is inaccurate but attempts to

portray a narrow, unresearched position as a "groundswell" of opposition to this law. I must take issue with this position and attempt to set the record straight, for as we see the results of the first round of inspections, we begin to realize the effect that years of neglect and failure to maintain our structures properly have wrought.

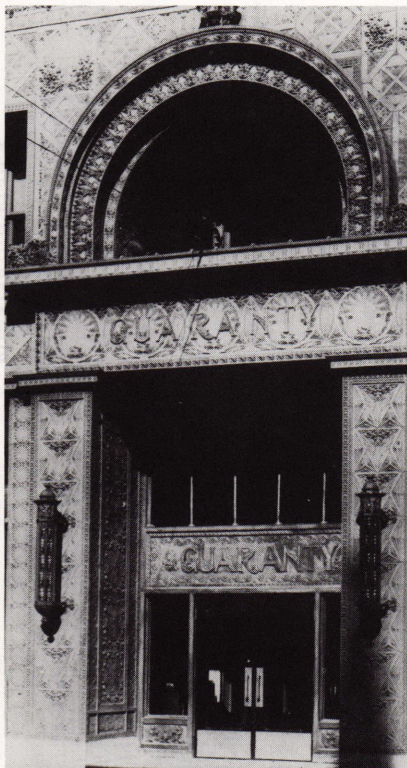
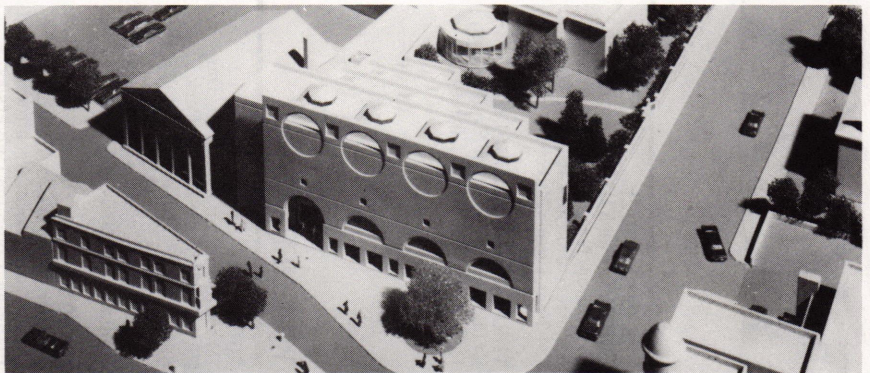
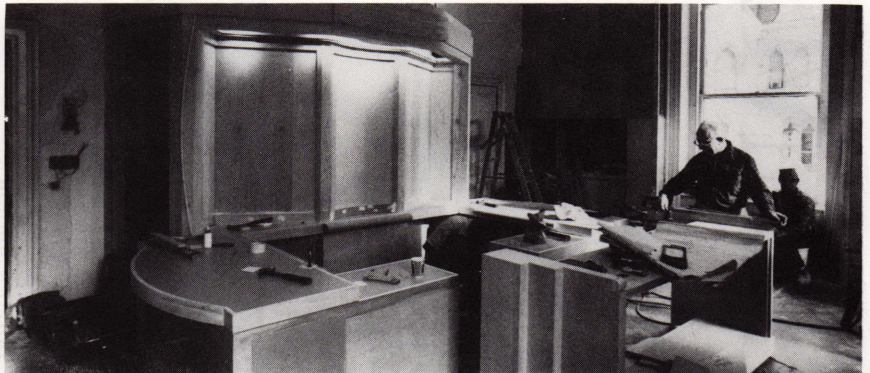
The New York Chapter of AIA and the Municipal Art Society came forward with their concerns only in December of 1981 *fully one year and 10 months* after the law had been passed and on the eve of the due date for inspection reports. The department of Buildings had considered the legitimate concerns of many parties in the drafting of the law and the rules and regulations that implement the law. On December 14, 1981, I sent Mr. Joseph Wasserman (then President of the Chapter) a letter stating that even if we were so inclined, we could not legally delay implementation of the law, and I agreed to cooperate with any reasonable proposals that were presented.

The contention of attorney, B. Le Patner, that there are 5-6 times more buildings over six stories high than we traced through the use of computerized files is based, as far as I can see, on the less-than-scientific gut-feeling that there must be more than we counted — just look at Park Avenue. I hope Mr. LePatner visits the rest of the city and learns that our building stock is predominately one- and two-family and low-rise and that we have altogether only 23,000 elevator buildings, many of these less than 7 stories.

No one I have discussed this issue with sees indiscriminate stripping of ornamental features as a major problem. Yes, there are and will continue to be instances when owners will remove features that are too far gone to be saved and that pose hazards to the public. This has been true before this law was passed and would have continued on at an accelerating rate as the cancer of
cont'd. p. 10, col. 3

Names and News

A committee of ten students at Pratt Institute has been hired by the Erector Set Toy Company to build a scale model of the Brooklyn Bridge in honor of the Bridge's Centennial on May 24 (the day it opened to traffic), when the model will be presented to the Mayor on the bridge itself The Museum of the City of New York's 12th annual \$24 Award symbolizing the Dutch purchase of Manhattan, which is given annually to an outstanding New Yorker, will be presented to David Rockefeller on April 25 Alistair M. Bevington has joined Edward Larrabee Barnes Associates as a principal in the firm Jordan L. Gruzen is to be a speaker in the Pratt Manhattan lecture series — "The Renaissance of New York: The People who are Making it Happen" — which begins on April 12 Theodore H.M. Prudon of The Ehrenkrantz Group will be one of the speakers at the Hartford Architecture Conservancy's Rehab Conference, March 15-16 (see calendar) Lo-Yi Chan of Prentice & Chan, Ohlhausen is the architect for the People's Republic of China's National Crop Germplasm Center to be built in Beijing, China John Doran, a former editor of *Oculus*, has been named an Associate Partner of The Grad Partnership Louis L. Sullivan's Guaranty Building, built in Buffalo in 1896, is undergoing a \$12.4 million restoration by Cannon Design, Inc. of Buffalo with dePolo/Dunbar of New York responsible for the interiors John Margolies has been appointed Visiting Professor for the 1983 spring term at Pratt's School of Architecture, where he will teach a course on "American Commercial Architecture" Adolf K. Placzek, director emeritus of Columbia's Avery Library and editor in chief of the *Macmillan Encyclopedia of Architects*, noted that "architects have changed the face of the earth more than any other profession," when he addressed a December ceremony at the Villard Houses to mark the publication of the four-volume encyclopedia Architect Lella Vignelli, graphic designer Ivan Chermayeff, and landscape architect Dan Kiley are members of the jury for the Cityscape and Environmental Graphics Design



1. Progress on the New York Chapter Headquarters renovation now shows that the model was right. (Photo: Stan Ries/ESTO)

2. Portland Museum of Art's new \$11.6-million building, designed by Henry N. Cobb of I.M. Pei & Partners. (Photo: Nathaniel Lieberman)

3. View of the entrance of the Guaranty Building, Buffalo, New York.

Competition 1983 of the Milwaukee Performing Arts Center Haines Lundberg Waehler has announced the retirement of three partners: Gregory E. Brooks, Lee R. Kirk, and Bronislaus F. Winckowski Ralph Steinglass has been named a partner of the Gruzen Partnership and will be primarily responsible for the firm's work in the design of hotels M. Paul Friedberg has received the first annual New York City Art Commission Playground Award for the design of the 67th Street Playground in Central Park; he has also been appointed to the National Endowment for the Arts' 16-member Design Arts Policy Panel, as the representative for landscape architecture The Portland Museum of Art's new \$11.6 million wing designed by Henry N. Cobb of I.M. Pei & Partners to house the State of Maine Collection, will open in May Architects and historians will speak in the series of lectures accompanying an exhibition, *Great Drawings from The Royal Institute of* cont'd. p. 10, col. 1

OCULUS NYC/AIA MAR 83

CONTINUING EVENTS

Oculus welcomes information for the calendar pertaining to public events about architecture and the other design professions. It is due by the 7th of the month for the following month's issue. Because of the time lag between information received and printed, final details of events are likely to change. It is recommended, therefore, that events be checked with the sponsoring institutions before attending.

Send Oculus Calendar information to:
New York Chapter/AIA, 457 Madison Avenue, N.Y. 10022.

JOHN HEJDUK
Exhibition, "Solopcan Variations," Max Protetch Gallery, 37 W. 57 St. 838-7436. Closes March 5.

GREEN ARCHITECTURE
Exhibition of drawings by San Francisco graphic designer Barbara Stauffacher Solomon of 16th- and 17th-century European gardens. The Octagon, AIA, 1799 New York Ave. N.W., Washington. 202-626-7464. Closes March 5.

TUESDAY 1

YALE LECTURE SERIES
M.J. Long. 8 pm. Hastings Hall, A & A Building, 180 York St., New Haven.

AUSTRIAN ARCHITECTURE
1860-1930
Exhibition including furniture. Dairy Barn, New York Institute of Technology, Old Westbury, N.Y. 516-686-7593. Closes March 7.

ROMALDO GIURGOLA
Exhibition. Avery Hall, Graduate School of Architecture and Planning, Columbia University. 280-3414.

TUESDAY 8

NYC/AIA DISTINGUISHED ARCHITECTURE AWARDS
Deadline for entries to be received at NYC/AIA headquarters, 457 Madison Ave.

MONDAY 7

WILLIAM PEDERSEN
Lecture on current work. 6:30 p.m. Architectural League at the Urban Center, 457 Madison Ave. 753-1722.

THE PARIS PRIZE THE FIRST 30 YEARS
Exhibition. National Institute for Architectural Education, 30 W. 22 St. 924-7000. Closes March 11.

THREE NEW SKYSCRAPERS
Exhibition. Museum of Modern Art, 18 W. 54 St. 708-9400. Closes March 29.

KOLOMAN MOSER
Furniture, drawings, and paintings by the Austrian designer. The Austrian Institute, 11 E. 52 St. 759-5165. Closes April 15.

CAROUSELS: A NEW YORK CITY FOLK ART
Exhibition. The Dairy in Central Park at 65 St. between the Zoo and the Carousel. 397-3156. Closes April 24.

WEDNESDAY 2

GOOD PARK-KEEPING
"Miracle on 42nd Street" by Dan Biederman of the Bryant Park Restoration Corp. in the Municipal Art Society's Club Mid series. 12:30-1:30 pm. The Urban Center, 457 Madison Ave. 935-3960.

ELLIOT SCLAR
Lecture. 6 pm. Wood Auditorium, Graduate School of Architecture and Planning, Columbia University. 280-3414.

WEDNESDAY 9

GOOD PARK-KEEPING
"Preservation in the Parks" by Joe Bresnan and Alan Cox on the care and restoration of monuments in NYC parks. in the Municipal Art Society's Club Mid series. 12:30-1:30 pm. The Urban Center, 457 Madison. 935-3960.

HUGH JACOBSEN
Lecture 6 pm. Wood Auditorium, Graduate School of Architecture and Planning, Columbia University. 280-3414.

THURSDAY 3

NYC/AIA HEALTH FACILITIES
Lecture by Lorraine G. Hiatt, Environmental Psychologist/Gerontologist. 5-6:30 pm. The Urban Center, 457 Madison. 838-9670.

CSI PRODUCT FAIR
10:30 am-3:30 pm. International Center, 823 United Nations Plaza (46 St.) 793-7119.

EDUARD SEKLER
Austrian Architecture 1860-1930. 8 pm. Salton Hall, New York Institute of Technology, Old Westbury, N.Y.

THURSDAY 10

NYC/AIA COMPUTER SEMINAR
"A User Roundtable" at which members of offices discuss their experience in using computer systems; moderated by Michael Corden. 5:30 pm. The Urban Center, 457 Madison. 838-9670.

REVIEW COURSE FOR ARCHITECTURAL LICENSING EXAM
Design Technology. First of 10 Thursdays, 6-9 pm. \$250. Pratt's School of Continuing Education, 160 Lexington. 685-3754 or 636-3453.

FRIDAY 4

REVIEW COURSE FOR ARCHITECTURAL LICENSING EXAM ON SATURDAY MARCH 5
Design. First of 5 Saturdays, 10 am-5 pm. \$195 for course. Pratt's School of Continuing Education, 160 Lexington. 685-3754 or 636-3453.

FRIDAY 11

WALKING TOUR ON SUNDAY, MARCH 13
"Art Deco Architecture: Lower Manhattan and Midtown," sponsored by the 92nd Street Y, 1395 Lexington Ave. \$6.50. Advance registration necessary. 427-6000, ext. 179.

MONDAY 14

TUESDAY 15

URBOLGY
Exhibition of "Six Urban Projects by Vittorio Giorgini Group." National Institute for Architectural Education, 30 W. 22 St. 924-7000. Closes April 15.

REHABILITATION & RENOVATION TECHNIQUES FOR OLD BUILDINGS
2-day Rehab Conference (March 15-16) sponsored by Hartford Architecture Conservancy, 130 Washington St., Hartford, CT 06106. 203-525-0279.

MONDAY 21

THE CITY TRANSFORMED II
Introduction to spring semester of the Municipal Art Society course: A series of 11 lectures by Barry Lewis and 4 walking tours will cover New York architectural history from the Beaux Arts period through the Art Deco and Modern eras. 6-7:30 pm. 3 W. 51 St., second floor. Members \$125, nonmembers \$175. Information and enrollment: Judith Bloch, The Municipal Art Society, 457 Madison. 935-3960.

CESAR PELLI
Lecture on current work. 6:30 p.m. Architectural League at the Urban Center, 457 Madison. 753-1722.

MONDAY 28

THE CITY TRANSFORMED II
Lecture on Beaux Arts New York by Barry Lewis in Municipal Art Society series. 6-7:30 pm. 3 W. 51 St., second floor. Information: Judith Bloch. 935-3960.

WEDNESDAY 16

GOOD PARK-KEEPING
"The Central Park Mall Renovation." Fred Kent and Phil Winslow on their analysis of the use of the mall and their plans for its redesign. Betsy Barlow, Central Park Administrator, will introduce the lecture in the Municipal Art Society's Club Mid series. 12:30-1:30 pm. The Urban Center, 457 Madison. 935-3960.

WEDNESDAY 23

GOOD PARK-KEEPING
"Prospects for Prospect Park." Tupper Thomas, Prospect Park Administrator, on the present and future of the Brooklyn park, in the Municipal Art Society's Club Mid series. 12:30-1:30 pm. The Urban Center, 457 Madison. 935-3960.

BERNARD TSCHUMI
Lecture. 6 pm. Wood Auditorium, Graduate School of Architecture and Planning, Columbia University. 280-3414.

WEDNESDAY 30

GOOD PARK-KEEPING "Ronald Sauers, Director of Plant Operations at Rockefeller University, will discuss the operation of small urban parks, in the Municipal Art Society's Club Mid series. 12:30-1:30 pm. The Urban Center, 457 Madison. 935-3960.

ADA KARMI MELAMEDE
Lecture. 6 pm. Wood Auditorium, Graduate School of Architecture and Urban Planning, Columbia University. 280-3414.

HELMUT JAHN
Lecture on "Works." 6:30 p.m. Architectural League at the Urban Center, 457 Madison. 753-1722.

THURSDAY 17

THURSDAY 24

ARCHITECTURE AND DESIGN
An evening with Hugh Hardy in 7-Thursdays series sponsored by NYC/AIA and Metropolis Magazine. 6 pm. The Urban Center, 457 Madison Ave. 838-9670. AIA members free, nonmembers \$4.

THURSDAY 31

ARCHITECTURE AND DESIGN
Lecture by R.T. Schnadelbach on "Urban Green, Parks and Public Space," last in 7-Thursdays series sponsored by NYC/AIA and Metropolis Magazine. 6 pm. The Urban Center, 457 Madison Ave. 838-9670. AIA members free, nonmembers \$4.

YALE LECTURE SERIES
Helmuth Jahn. 8 pm. Hastings Hall, A & A Building, 180 York St., New Haven. 203-436-0853.

FRIDAY 18

COMPUTER SEMINAR ON SATURDAY, MARCH 19
"An Introduction to Computers: A Concentration of Applications in the Arts," 1-day seminar with Dr. H. Tesser, chairman of Pratt's Computer Science Department. \$75. Pratt Manhattan Center, 160 Lexington Ave. 685-3754 or 636-3453.

THE GREAT EAST RIVER BRIDGE OPENS SATURDAY, MARCH 19
Exhibition celebrating the centennial of the Brooklyn Bridge. The Brooklyn Museum. 638-5000. Closes June 19.

FRIDAY 25

WALKING TOUR ON SATURDAY, MARCH 26
"Church Architecture on the Upper West Side." 1:30-5:30 pm. Cooper-Hewitt Museum, 2 E. 91 St. 860-6868. Members \$10, nonmembers \$15.

FRIDAY 1 APRIL

LIGHTING DESIGN TRENDS
Workshop conducted by Abe H. Feder. 1-5 pm. \$95. Information and registration: Lighting by Feder, 15 W. 38 St., Suite 1205. 840-1471.

WALKING TOUR ON SUNDAY, APRIL 3
"Tribeca: An Architectural Grand Tour," sponsored by the 92nd Street Y, 1395 Lexington Ave. \$6.50. 427-6000, ext. 179. Advance registration necessary.

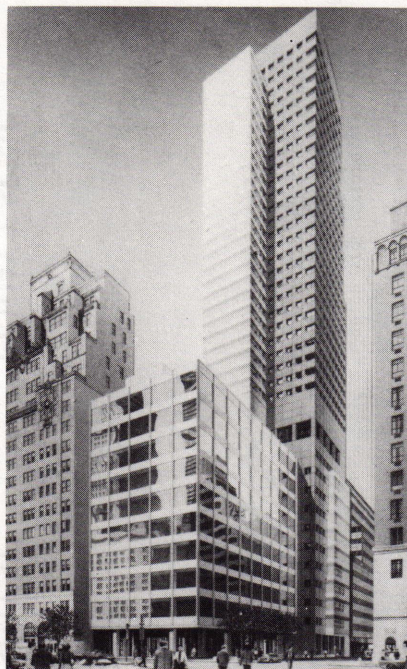
Names and News



1

cont'd. from p. 7

British Architects, which opens at The Drawing Center in New York in April; they include Sir Hugh Casson (April 25), Douglas Lewis (April 27), Damie Stillman (May 4), William Jordy (May 18), John Harris (June 8), and Reyner Banham (June 22) . . . Lorna Nowve, formerly associate director of the Municipal Art Society, has been appointed associate director of the Bryant Park Restoration Corporation . . . James S. Polshek & Partners are architects of a multi-use high-rise being constructed on East 59th Street, which will have a cantilevered section capitalizing on the air space above one of New York's most distinguished modern buildings—the 12-story SOM-designed former Olivetti and Pepsi Cola building at 500 Park Avenue completed in 1960 . . . *Architectural Color* by Tom Porter, who is on the faculty of the Department of Architecture at Oxford Polytechnic, England, has just been published by The Whitney Library of Design with an introduction by Michael Graves . . . Thomas Fowler IV has announced the following winners of the 1982 Student Logo Design Competition, "25 Years of ASC/AIA," which involved 41 schools of architecture throughout New York State: Eric P. Janssen of Westbury, New York, first place; George A. Delucca of Flushing, New York, second place; and John Tegeder of Bayside, New York, third place . . . Reginald Hough, Senior Associate of L.M. Pei & Partners, has been elected Secretary of the Concrete Industry Board of New York . . . The catalog for "The California Condition, A Pregnant Architecture," an exhibition recently



2



3

on view at the La Jolla Museum of Contemporary Art, features essays by guest curators Stanley Tigerman and Susan Grant Lewin as well as drawings and models by the architects included . . . The master plan and architectural design for a pedestrian urban space for West 27th Street between 7th and 8th Avenues, designed by Piero Sartogo and Jon Michael Schwarting for the Fashion Institute of Technology, was the subject of the exhibition, "Transforming City Space," hosted last month by the Municipal Art Society . . . The street-level gallery and sculpture court for the Whitney Museum of American Art at Philip Morris, will open on April 7 in the New Philip Morris Headquarters building at Park Avenue and 42 Street; both are designed by Ulrich Franzen/Keith Kroeger Associates . . . "The Space in 4 Elements" is to be the general theme of the summer program in architecture and the arts at the Fontainebleau School in France, July 1-August 26. Information is available at the school's New York office, 47 Fifth Ave. 691-2869 . . . New York City will host the first International Conference on Olmsted Parks, September 1-26, organized by the National Association for Olmsted Parks.

1, 2. The cantilevered section over 500 Park Avenue. Arrow shows shoring constructed on roof of the older 500 Park Avenue structure that supported the first concrete pour. After the initial pour the shoring was removed and all succeeding pours were supported by the weight of the preceding pour. This procedure was necessary because the original structure's roof could not support the cantilever's extraordinary weight.

3. Thomas Fowler IV, center, with two winners of "25 Years of ASC/AIA" student logo design competition: George Delucca, second place, on the left, and Eric P. Janssen, first place, on the right.

4. Sartogo and Schwarting's mall for F.I.T. (Photo: Stan Ries/ESTO)



4

Letters

cont'd. from p. 6

decay and weathering spread because there was no precise requirement to maintain a building's facade in good condition.

Local Law #10 will increase public safety and *extend* the life of our structures—and in doing so, *save* many architectural features which would otherwise be lost through neglect or ignorance.

This law was long overdue and has raised the level of consciousness of us all. It anticipated the cry for maintenance and reversal of decay of our "infrastructure". Since "infra" and "structure" are part of one system, we must pay proper attention to both.

I hope all parties will join forces to see that this law is complied with. It is not perfect, nothing is, but at least a start has been made in addressing a situation that would have, in the long run, led to precisely the end result Mr. Hoyt is concerned about.

Irwin Fruchtman, P.E.
Commissioner

Significant Arcana: The Zoning Lot Merger

by Michael Parley

In the spring of 1982 Macmillan, Inc., the diversified publishing house, sued CF Lex Associates, a corporate entity established by the Cadillac-Fairview Development Company, over a rather airy matter; in fact, the subject of the litigation was, specifically, air — the unused “air rights” existing over the plaintiff’s headquarters building located at 866 Third Avenue.

Macmillan is the major — virtually sole — *tenant* of the office building which bears its name. The building and the land on which it sits are, however, *owned* by another individual who wished to sell the unused development rights, amounting to some 90,000 SF of floor area — to Cadillac-Fairview which owned a major development site fronting on Lexington Avenue, adjacent to the Macmillan Building. The Macmillan Company interceded to stop the sale of the floor area, contending that the East Side Midtown area was already too congested, and that the use of the additional 90,000 SF in the proposed Cadillac-Fairview building would exacerbate the crowding, injuring the company. How fervently Macmillan believed its own arguments or whether their suit was merely a subterfuge for a monetary settlement is not known, but the courts ultimately decided, after several appellate reversals, that Macmillan had no standing in the transaction, and the suit was dismissed.

Serious urban planning policy issues arise in the Macmillan case — overbuilding, congestion, and light and air, for example — issues that had previously prompted the re-vamping of the entire zoning code for Midtown. This case, however, illustrates a problem little understood by architects, and one that gave fits to Cadillac-Fairview’s architects, Edward Larrabee Barnes Associates.

The Barnes office was required to design and redesign building after building for the site as the Macmillan Building development rights shifted from the Cadillac-Fairview site to the Macmillan Building and back again while the fortunes of the litigation turned. The key factor here was that this was not a simple matter of merely adding or subtracting 90,000 SF to the top of the Cadillac-Fairview Building designs, because the mechanisms for transferring development rights is not just the seemingly simple procedure of a sale.

Development rights are “transferred” through the creation or “merger” of new zoning lots, and as the zoning lot is changed through the incorporation of new properties, the zoning controls change, particularly with the new Midtown height and setback controls. For the Barnes office, the difference in the size of the zoning lots — while the cleared, buildable site or “footprint” lot didn’t change — meant discrepancies not only in terms of floor area, but girth, height, floor sizes, the distribution of bulk on the site, the amount of plaza provided, the amount of circulation space required, and even whether a subway stair had to be re-located from the Third Avenue sidewalk. The Barnes office was forced to develop different schemes for each zoning lot configuration, and produce them under crisis conditions.

In October 1982, Cadillac-Fairview walked away from the site, defaulting on a note to Citibank, from whom CF originally bought the property. Some blame for the default can reasonably be placed on the precious time lost during a critical period due to the need for re-designs precipitated by the Macmillan suit, despite the heroic efforts of Ed Barnes and his associates.

With that introduction we are brought to the questions (1) What is a zoning lot merger?, (2) What are the urban policy issues raised by such a practice?, and (3) Why is it important for architects practicing in New York to be knowledgeable about such seemingly arcane legal technicalities?

Significance to Architects

The importance to practicing architects of understanding all of this, aside from a general interest in these public policy issues, is for protection — protection of both their clients and themselves. The new Midtown Zoning, as well as several additional zoning amendments, limits the flexibility that previously existed through CPC special permits to correct mistakes made by a developer/client in purchasing floor area in a zoning lot merger before ascertaining whether they can be used on an as-of-right (non-discretionary) basis, or mistakes made by the architect in advising a client that all acquired floor area can be used as-of-right or in his presenting a design that is later found to be not buildable under the zoning code.

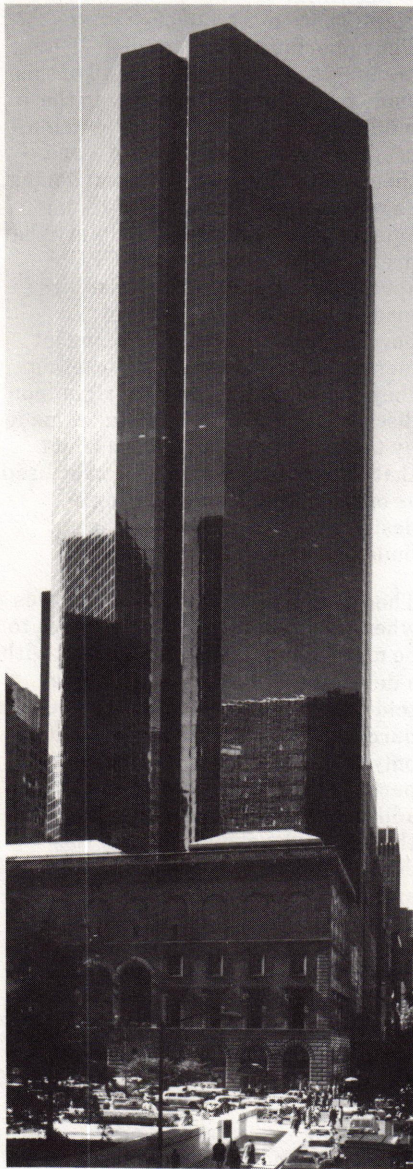
There have been several recent cases where developers paid for floor area to be merged into a single zoning lot with a development site, only to be later told that the floor area that had been purchased was not usable, or usable only at some undesirable premium, perhaps in smaller floor sizes or at additional structural costs. It is one thing for a developer to make this error on his own, but woe unto the architect who ill-advises his client on such a matter, for zoning lot mergers are usually multi-million dollar transactions. Architects playing such an advisory role to real estate investors, particularly in the pre-acquisition phase, just have to get it right.

Definition

To understand zoning lot mergers, we have to be speaking the same language. First of all (despite my own purposeful lapse in the introductory paragraph), erase the term “air rights” from your mind; it is an imprecise, mis-applied characterization. What is meant by “air-rights” are *development rights*, the right to develop property, the maximum limits of which are regulated by the floor-area-ratio (FAR) and height and setback provisions of the Zoning Resolution. Development rights are attributable to each zoning lot in the city and may be used on each lot. In

Michael Parley is an Associate of Design Development Resources/Eisenman Robertson Architects and former Deputy Director of the Urban Design Group of the City Planning Commission, New York.

Significant Arcana: The Zoning Lot Merger



Fisher Brothers bought 225,000 SF of floor area in a zoning lot merger with the Racquet Club. That resulted in an additional 9 floors in the building designed by Skidmore, Owings & Merrill. (Photo: Wolfgang Hoyt/ESTO)

some cases, the City has permitted the *transfer of development rights* (TDR) from one lot to another; for example, from officially designated New York City landmarks in certain special zoning districts, and for certain large-scale developments.

All this about *transfers* of development rights notwithstanding, we are here not really speaking about transfers at all. We are dealing with the use of the development rights on their own zoning lots, and with the creation of new lots, as when two or more adjacent zoning lots are combined—merged—together into one zoning lot possessing its own development rights. Zoning lot mergers occur when several separate parcels are combined with the intent of their development as a whole, but lots can also be merged when only one of several of the lots is to be developed with a new structure. Some of the properties in the newly created single zoning lot may retain existing buildings that are to stand intact, and the development rights (the portion of their allowable zoning floor area minus the existing floor area) used in the new structure. Conceptually, we might say there is a “transfer” because the development rights from above an existing, underbuilt (according to its allowable zoning FAR) structure are, in a way, “moved” to employment in an adjacent new structure on the same zoning lot. Technically and legally, however, there is *no transfer* (unless we are dealing with a landmark or other special case cited above)—all the available floor area is being used on a single zoning lot, albeit on one created or merged for this “transfer” purpose.

Why merge zoning lots? Zoning lot mergers are, in the words of Norman Marcus, Counsel to the New York City Planning Commission, “basic land development strategies” to increase the size of zoning lots. “Clearly,” Mr. Marcus points out, “increasing the size of the zoning lot provides a significant incentive toward the achievement of a bigger building,” as he said in his opening remarks on December 13, 1982 at a symposium he chaired at The

Association of the Bar of the City of New York, entitled “Zoning Lot Mergers: Whose Lot Is It Anyway?” The new development does get bigger, and in a merger with existing buildings, the older buildings may remain intact, visually unaltered. This is where public policy issues surface and the architect’s role becomes significant.

On August 18, 1977 the New York City Board of Estimate enacted a revision to the Zoning Resolution’s definition of a zoning lot, a proposal drafted by a committee of the New York Bar Association and the City Planning Commission. The new zoning lot definition permitted two or more lots to be combined into a single zoning lot, put simply, upon the submission of a declaration signed by the fee owners of the lots and other parties-in-interest, that the lots are, in fact, one zoning lot. The lots *do not*—and this is important—have to be in the same *ownership*, and they may be taxed separately; but for zoning purposes the combined lots would be treated as a single zoning entity.

The new definition was designed to introduce predictability and certainty into a previously ambiguous situation. Prior to the 1977 definition, a zoning lot had to be in *single ownership*, but a developer could also *lease* property adjacent to a development site and take its development rights. Technically, the developer was *leasing* the development rights. The nature of this leased development rights arrangement caused uneasiness for the development community as well as the City. What happened if the lease was terminated by default? Did the leased development rights return to the original lot, and if they did, could the development rights be used twice? And was not the improved structure, shorn of part of its (leased) zoning lot now overbuilt? Clearly, the pre-1977 definition of zoning lot perpetuated unacceptable uncertainty.

The revised zoning lot definition resolved this kind of fundamental ambiguity, although not without introducing new problems; notably

there is still considerable disputation over exactly who are the "parties-in-interest" whose signatures are required on the zoning lot merger declaration. (This was the basis of the Macmillan suit. Macmillan, as a major tenant, felt it was a defined "party-in-interest" whose participation was mandatory in the zoning lot merger.) Despite these few remaining minor questions, the zoning lot merger has become a more popular development technique than it ever had been, although this statement is based on personal observation rather than actual documentation. While the new definition made the execution of a merger legally more rigorous, the removal of the dubious lease aspects of the use of the development rights (and its attendant cloud of uncertainty), and the fact that the merger of lots through declaration did not require fee ownership in common, appears to have continued the appeal of the zoning lot merger technique, if not enhanced it.

The new definition functionally permits the enlargement of a lot and the concomitant increase in size of a new development, without the actual purchase of the building and lot adjacent (which can remain under separate ownership), without the problems of additional tenant buy-out or relocation, and therefore without additional delays in construction schedules. Zoning lot mergers without common fee ownership of all lots eased the development assemblage process. Among the many post-1977 mergers, Donald Trump engineered a zoning lot merger with Tiffany's to enhance the size of his Trump Tower.

Was everybody happy? Not entirely. In the late 1970's, the public began to sense something wrong—a wave of extremely tall buildings on small sites. "Shoehorning" was the term employed to stigmatize the practice. Zoning lot mergers, both pre- and post-1977, were thought to be substantial contributors to the problem. The built results of zoning lot mergers *appeared* to be oversized buildings on small lots, because the observer of the new building visually "recognizes" only the

new structure on its "footprint" site, and discounts the other, lower, existing buildings on the zoning lot, from which the development rights were used in the new building. (Mostly because zoning lots are lines on paper and it is impossible to identify which buildings are on which zoning lots.) The problem was first identified in Midtown, and later spread to residential areas where "sliver" buildings were often the result of zoning lot mergers. In Midtown, Trump Tower was regarded by many as the ultimate exploitation or abuse of the zoning lot merger. There was, however, another force at work in Midtown; the City Planning Commission was regularly granting special permit waivers of the zoning's height and setback controls to floor area they had obtained in zoning lot mergers. This combination of the amount of floor area available in merger and the apparent bulk of built results, exacerbated by the height and setback waivers permitted by the CPC, was a primary motivation for the Midtown Zoning Study.

The new Midtown Zoning enacted in May 1982 incorporated an indirect attack on oversized buildings, one that did not have the disadvantage of adulterating the concept and integrity of the "zoning lot" as did a suggested earlier approach to restrict zoning lot mergers directly. The Midtown Zoning contains two basic provisions for the protection of the public from oversized buildings.

The first was a mid-block downzoning on the East Side of Midtown from 15 FAR (18 with bonuses) to 12 FAR (13 with bonuses). The effect of a midblock downzoning extends beyond the mere loss of floor area and therefore building size, because the new zoning district lines (new midblock zoning districts were created) limit the amount of floor area that can be moved from one district to another, i.e., the amount of floor area that can be taken from above existing midblock buildings in a zoning lot merger and moved to a major avenue building site. The re-zoning does not limit zoning lot mergers per se, but limits how the



Donald Trump took 120,000 SF of Tiffany's unused floor area in a zoning lot merger, enlarging the Swanke, Hayden & Connell tower (designed by Der Scutt) by 11 floors. (Photo: Louis Checkman)

Significant Arcana: The Zoning Lot Merger

floor area can be moved around, if the zoning lot sits in two different zones.

The second Midtown Zoning feature was the revised height and setback controls, which were designed to be more reasonable than the regulations they superseded. More significantly, the City Planning Commission did not even write a special permit waiver provision for itself, which means that the Midtown height and setback regulations cannot be modified to accommodate—or “shoehorn”—more floor area achieved through zoning lot mergers than can normally be digested on a lot. The intervening nine months since the Midtown Zoning was enacted have demonstrated that these two provisions are very effective in accomplishing their objectives.

For architects, a zoning lot merger that includes existing buildings to remain on the lot complicates the zoning analysis of the site. Expanding a zoning lot in a merger, where the additional lots contain buildings to remain, may be beneficial to a development or may damage it. For example, existing buildings on a lot must be accounted for in the height and setback analysis, and the height of the existing structures will have an effect on the permissible bulk of the new structure. If the older building is too large or too tall, it may adversely affect the disposition of bulk of the new building. (Remember in Midtown now there is currently no relief from mistakes.) In addition, the location of the add-on lots is significant, because a lot situated in another zoning district from the development site may obviate the use of the additional floor area in the new development. The particular use of existing buildings on the add-on lots is also important, with existing residential buildings being more troublesome. In Midtown, existing residential buildings may present problems due to stringent residential yard requirements, and outside of the Midtown District because of density regulations (lot area allocation per room or lot area allocation for commercial or community facility uses) and the odd requirement for the minimum spacing between buildings.

Obviously, it is not possible in this space to elaborate on the details of the above pitfalls, but it should suffice to summarize and reiterate that special care and attention need to be paid where such merged assemblages are to be analyzed. It additionally appears that future zoning amendments such as the recently proposed “sliver” building amendments (proposed Sections 23-147 and 23-151) will continue to be directed toward the kind of indirect controls on the results of mergers, started with those of the new Midtown Zoning.

Since the zoning lot merger has become a permanent part of the repertoire of tricks of land assemblage in New York, it appears that for the foreseeable future it will continue to add to the already mind-boggling litany of headaches faced daily by New York architects.

Lever House Comments

cont'd. from p. 4
meaning. The full text of my comments on Lever House follows:

In 1952, Skidmore, Owings, and Merrill, the architectural firm that more than any other was to influence American skyscraper design in the next two decades, constructed its first major skyscraper. The building was Lever House . . . Lever changed the prevailing notions of what a skyscraper could be—it went beyond even the United Nations in making pure abstraction a virtue, and it celebrated light and openness in a way that must have seemed stunning to a city accustomed to blocks and blocks of limestone and granite.

What Bunshaft did was to scoop out a block of Park Avenue and insert two slabs of stainless steel and glass, one set horizontally on columns over an open first floor, the other poised vertically above. Suddenly the tight city was opened up, both at ground level and above: light poured in, open space flowed around. It was a splendid act of corporate philanthropy, too: the tower was smaller than the maximum

that zoning laws would have permitted—so much smaller, in fact, that in the 1970's, as development pressures bore down sharply on Park Avenue, the Lever Brothers company was forced to turn away several offers from builders eager to tear Lever House down and replace it with a skyscraper two or three times its size.

Lever's abstract beauty remains powerful, more than a quarter century after its completion, and its genuine modesty of scale brings to the streetscape a sense of humanism that has been desperately lacking in many more recent glass towers. Still, the building seems flawed by today standards—the break with the street wall of Park Avenue, so liberating in the 1950's, now seems needless and not a little narcissistic. The open ground floor, which seemed the very embodiment of enlightened urbanism when it was new, seems now somewhat dull and sterile, its public space little used. And the premise of “structural honesty” on which the building was said to be based is, of course, an exaggeration. The double-slab form is pure composition, as much as was the crown of the Chrysler Building; and the use of spandrel glass—the glass that covers the structure between the floors, making the entire outside look as if it were made of glass—is not structural honesty at all, but merely a modernist brand of ornament.

Ed Note: *There may be several lessons in the above:*

- a) *People who are not practiced writers or lawyers should, probably, not quote authorities out of context in an attempt to make them say what might be wished they had said.*
- b) *Critics may have to learn not to weigh one masterwork against another masterwork. Somebody is bound to take it that the lesser-claimed masterwork is therefore no good at all. Let us, rather, try to judge against some set of theoretical and practical criteria. Not doing so was part of what caused us to lose Penn Station, some feel. “Those who do not remember history are destined to re-live it.”*

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