

9

THE LAWS OF PERSUASION

DISCRETIONARY ZONING, MANAGEABILITY, AND THE RISE OF THE URBAN DESIGNER

Deepa Ramaswamy

ON MARCH 22, 1982, approximately 170 protesters were arrested in the Theater District of Manhattan in New York City while demonstrating against the impending demolition of the historic Astor, Gaiety, Morosco, Bijou, and Helen Hayes Theaters.¹ The protesters had erected a temporary stage where famous Broadway performers such as José Ferrer, Celeste Holm, and Tammy Grimes read plays and gave speeches imploring Mayor Ed Koch to save the theaters. Producer and director Joseph Papp had started the Save the Theaters campaign, which financially supported the protests and ran advertisements and articles in newspapers, to promote the cause. Nevertheless, the theaters were demolished later that year and replaced by the John Portman–designed Marriott Marquis Hotel. The project attracted criticism not only for its “awkward, gangling and out of touch” design that opaquely towered over the Theater District and Times Square but also for its new fifteen-hundred-seat Marquis Theater, which was accessible only from the hotel’s third floor.²

The Marriott Marquis was the product of discretionary zoning laws that had been introduced by the New York City Planning Commission and Department of City Planning under Mayor John Lindsay’s leadership in 1967. With the assistance of the newly convened Urban Design Group (UDG) and the newly minted position of urban designer in city government, the city’s planning commission amended existing rule-based zoning laws, which were defined by standardized percentages and distribution of land uses, air, and



FIGURE 9.1. Morosco Theater (*center*), at 217 West Forty-Fifth Street, New York City, and the Bijou Theater (*right*). Both theaters were demolished in 1982.

light, to include discretionary zoning laws. This new type of zoning could be enforced on a case-by-case basis through negotiations and bargains with individual developers, thus allowing the city government to incentivize private-sector investments in public benefits such as plazas, parks, and landmark preservation with zoning variances, floor area bonuses, and tax abatements.

The planning commission also designated special zoning districts, which were areas with unique regulatory environments designed specifically for economic and land-use control. The first of these special zoning districts was the Special Theater District, which was established in 1968 and covered the area from Fortieth to Fifty-Seventh Streets and from Eighth Avenue to the Avenue of the Americas in midtown Manhattan. Discretionary zoning in the district allowed developers to demolish existing theaters, provided the development projects included new theaters to be built in place of the old ones. A 20 percent

THE LAWS OF PERSUASION

floor space bonus further incentivized developers to incorporate theaters into new construction. In his plan for the Marriott Marquis, Portman took advantage of these new regulations in the district and proposed demolishing five old theaters (plate 23).

Although the project was supported by Mayor Lindsay, intense protests led Portman to withdraw the proposal in 1973. He later revived the project in 1980 with the support of Mayor Koch, who had been elected in 1978. The delay of seven years reflected New York City's changing political landscape, from the urban crisis years of the Lindsay era in the 1960s, when the city was grappling with riots, protests, and fiscal deficits, to the Koch years in the 1980s, when the city emerged from near bankruptcy with a "pro-development mayor" who, despite the protests of 1982, aggressively pursued all kinds of private investments.³

The overhaul of zoning laws in 1967 was part of the Lindsay administration's crisis management at a time when several cities in the United States saw upheavals on issues of civil rights, physical decline, city governance, and urban policy.⁴ There were riots, protests, and marches in New York City, Hartford, Baltimore, Washington DC, Newark, Camden, and in other cities as well. In New York City the Harlem riots of 1964 were followed by a twelve-day transit strike, teachers' strike, sanitation strike, and anti-urban renewal protests. The city was also experiencing operational deficits and frequently maturing short-term debts, a situation worsened by a shrinking tax base and growing demands for municipal services.⁵

In this milieu, the question of urban "manageability" shaped much of the Lindsay administration's rhetoric, ideology, and policies.⁶ The 1960s was the decade when a new managerial elite appeared in urban governance. The Lindsay administration appointed project management teams from consulting firms such as McKinsey and Company and sought members from the private sector to form volunteer-based task forces and advisory think tanks for urban research. Their hope was for these private-sector leaders to transfer organizational solutions from corporate environments into governments. Underlying this shift was an overriding ideological confidence that the performance of all organizations, including city government, could be optimized by the application of management skills and theory. City and state governments formulated new administrative positions that were described as mediating between the business community and the general public. *The urban designer in city government was one such new role that staked claims to bridge the divide between the political and the technical and between mayoral politics, urban policies, regulatory stipulations, contract documents, and citizen demands.*

An important aspect of this rhetoric of manageability was how New York City's upheavals were reduced to the aesthetic register. During his mayoral

election bid in 1965, and thereafter, Lindsay's speeches and writings made several references to the physical city and its environment. Lindsay spoke of the urban crisis by repeatedly emphasizing New York City's appearance—the “dismal and shabby physical city” and the “visual anarchy of junkyards and billboards,” for example.⁷ As Lindsay surmised, the quality of architecture shaped the physical environment of the city and the human predicament, including the availability of jobs, friends, and recreation. However, the administration's aesthetic and formal concerns for the city obscured an underlying intent to stem the exodus of corporations that followed the white flight of the late 1950s and early 1960s.⁸ By the mid-1960s, Fortune 500 firms, law firms, and advertising agencies were leaving the city for suburban office complexes or other cities, citing reasons such as increasing property and commuter taxes, bad public school systems, astronomical rents, and excessive crime. The businesses and corporations that chose to remain in the city welcomed the administration's focus on regulating the physical appearance of the city, as it would mean increased property values, tourism, and new investment.

In her book *Evictions*, the art historian Rosalyn Deutsche articulated that portraying a city's urban problems as primarily aesthetic in nature is a strategy that allows governments to introduce the intentions of redevelopment as responses to the city's needs.⁹ The zoning overhaul of 1967 did just that for New York City. Discretionary zoning helped encourage certain attributes of urbanism through regulations. More importantly, however, discretionary zoning permitted the city government to trigger processes of privatization in urban development that worked through bureaucracies and regulatory systems via coordination with developers and financiers. This shift toward courting the private sector through negotiations and bargains is best described by Richard Weinstein, one of the founding members of the UDG, as a subversion of the routine “wheeling and dealing” that developers had to do with politicians and lobbyists. In Weinstein's view, public benefits “flowed from variances.”¹⁰

Zoning is an administrative apparatus that simultaneously controls and changes the physical makeup of the city, through both law and persuasion. With discretionary zoning, persuasion took precedence over law, with the planning commission reinterpreting the city's regulatory environment so as to focus less on preventing harm by way of controlling land use and more on ways to capture value through policies that sought a flexible and conciliatory attitude toward the private sector. The exchange of incentives for investments between the city government and developers set the stage for privately owned and managed public spaces in New York City. It also permitted private-sector actors to intervene in decisions that were formerly under the exclusive jurisdiction of the city government.

THE LAWS OF PERSUASION

While the planning commission and the UDG proposed discretionary zoning as a device that would dismantle a centralized, one-size-fits-all regulatory model for New York City, the 1967 amendments in fact calibrated a lateral displacement to informal techniques of government, whereby the localization of zoning enforcement transferred control from one set of bureaucrats to another set of experts. The sociologist Thomas Lemke describes such displacements as the “prolongation of government” as opposed to the complete dismantling or retreat of the state, which has come to be the characteristic that is most identified with privatization.¹¹ However, privatization as an idea does not adhere to fixed meanings, categories, or periodization. It can mean the sale of public assets to private entities, the outsourcing of services to the private sector, or the partial withdrawal of government from certain programs.¹²

Discretionary zoning laws put into motion the processes of privatization that restructured the power relations between state and civil society actors. The UDG was part of this project of restructuring urban government and urban policy, with the urban designer in city government taking on the role of the expert intermediary between the architect and planner, as well as between the city government, developer, and citizen. A study of the intersections between discretionary zoning, the UDG, and the Special Theater District renders visible these processes of the privatization that took shape as part of the strategies of crisis management in 1960s New York City. These processes are what urban theorists Neil Brenner and Nik Theodore call the “contextual embeddedness” of neoliberal, market-centered restructuring projects that work within local contexts and urban governments, at the intersection of institutional, regulatory, economic, and political frameworks and the processes of building and planning.¹³ The reconceptualization of New York City’s urban policies and existing geographies that began in 1967 has remained integral to the city ever since.

The Urban Design Group (UDG)

Convened in 1967 by Donald Elliott, who chaired the city’s planning commission and served as director of the Department of City Planning, the UDG began with architects Jacquelin Robertson, Richard Weinstein, Jonathan Barnett, Myles Weintraub, and Giovanni Pasanella. The members of the UDG had already been part of the Lindsay election campaign in 1965, during which they wrote white papers on architecture, design, and planning under the direction of Elliott. The UDG initially worked out of a central office within the planning commission and functioned much like an architectural partnership, with operational independence. The group drafted and commissioned concept designs for area development and renewal in the city, worked closely with other city agencies, and, as Barnett characterized it, remained the central figures who “bargained in the field for quality design” on behalf of the city.¹⁴ Both El-

liott and Barnett have described the UDG as a nonhierarchical group of newly graduated architects. When creating the position of urban designer, Elliott turned to the Boston Redevelopment Authority (BDA), headed by Ed Logue, as it was the only other planning department in the United States with urban designer positions already established by 1967. The urban designer position at UDG was much like that at BDA in that it did not require civil service exams that were mandatory for other prospective city employees.

Urban design had its disciplinary roots in the Harvard Urban Design Conference convened by architect and city planner José Luis Sert in 1956. It was a product of the 1950s, when cities were receiving generous federal funds and subsidies specifically for urban causes. At the conference in 1956, Sert outlined urban design as a collaborative effort between architecture, planning, and landscape architecture that dealt with the physical form of the city. This disciplinary outlook had changed by the 1960s, with growing public suspicion of large-scale planning for alienating both the citizens and the business community with its totalizing and rigid stance toward the city. In contrast, the urban designer in city government was an arbitrator for the planning commission who negotiated the terrain between citizens and businesses. Barnett characterized the planner as a future-focused figure who was concerned with the allocation of resources, while he viewed the architect as a designer of buildings who responded to contractual documents. In comparison, for Barnett, the urban designer designed the city around the building with three-dimensional capacities, which goes beyond “parceling out land for zoning purposes.”⁵ Much like the architect, as Barnett explained, the urban designer interacted with different professionals during the design and construction phase, but the scale of this professional’s effort was magnified to encompass the entire city.

In 1967, the New York City Planning Commission and the UDG started the process of amending the city’s zoning laws. In the words of Sidney J. Frigand, who was deputy executive director of the planning commission, the city needed “strategies that would be adaptable to continuing change.”⁶ But how different were the 1967 amendments from what existed until then? New York City enacted its first citywide zoning codes in 1916—the first comprehensive set of zoning laws in the United States. George McAneny, who was Manhattan’s borough president, and Edward Bassett, who chaired the Heights of Buildings Commission, were the architects of the 1916 zoning laws. The primary objectives of the 1916 laws were the protection of the Fifth Avenue carriage trade and the regulation of a relatively new building type: the skyscraper. The 1916 zoning laws focused in particular on regulating density and the equitable provision of light and air. Restrictions were imposed only on a building’s bulk and not on the height, as long as the building had setbacks from the street at certain

heights. Hugh Ferriss's architectural drawings famously delineated the resultant tiered skyscrapers in 1922.¹⁷ The 1916 zoning laws shaped New York City as continuous street walls, where buildings were attached to each other with retail storefronts and mixed uses.

In 1961, New York City zoning laws were completely overhauled under the leadership of James Felt, a real estate developer and philanthropist. This iteration responded to the drastic changes the city had undergone due to deindustrialization and suburbanization since the 1930s. The 1961 zoning laws were rule-based codes that had their intellectual origins in the ideals of modernism and urban renewal—clear distribution of land uses and air, light, and public spaces regulated to standardized numbers and percentages, along with slum and blight removal. At the center of the 1961 zoning codes was the emblematic image of the Ludwig Mies van der Rohe–designed Seagram Building in midtown Manhattan with its thin, tall form set back from the street and a public plaza in front.

Norman Marcus, who was general counsel to the city's planning commission in 1967, likened the city shaped by the 1916 codes to a patchwork quilt and the 1961 codes, to a maze.¹⁸ This comparison is intriguing, as it reflects the intrinsic differences between the two codes. The 1916 codes shaped the city from the street, with the existing context almost always defining the nature of the new development. It brought together an assemblage of different types of buildings that were sewn together in a quilt-like fashion by the concept of the street wall. In comparison, the 1961 codes created a maze-like network of similar looking stand-alone buildings (think Seagram Building) that allowed streets to punch through their collective mass.

The 1961 zoning laws introduced several new concepts: floor area ratio (FAR), transfer of development rights (TDR), and plaza bonuses. With FARs, plot area and use quantify achievable floor space. So, if the FAR for a certain zone was 10 and the plot size was 25,000 square feet, the building area would be 250,000 square feet, which, in keeping with standard building setbacks, would shape the shell of the building. The second concept, transfer of development rights, was where the plot in consideration for the FAR calculation was restricted not just to the project site but also to all other plots owned by the developers within the same block. Unused FAR could then be transferred between plots. Developers could also lease an adjacent underused plot and transfer the unbuilt developable area of the leased plot to their own project site. The third concept, plaza bonuses, was where an extra 20 percent of floor area could be added to a new building if a public plaza, like that in front of the Seagram Building, was offered in the plot.

When Elliott and his team at the UDG amended zoning laws in 1967, they retained the concepts of FAR, TDR, and plaza bonuses as important devices

for the case-by-case nature of discretionary zoning laws. In addition, with discretionary zoning, each plot and developer in a special zoning district could individually approach the city's planning commission and the planning department for specific negotiations. The city government followed a multistage legal procedure in each of these negotiations by seeking consensus between the planning commission, the Department of City Planning, and the Board of Estimate, along with multiple public hearings. Negotiations with developers required the presence of Elliott and were conditional on hearings and public approvals.

The Special Theater District

The New York City Planning Commission created the Special Theater District with the intent to preserve the city's historic theater neighborhood, which had roots in the nineteenth century with the construction of the Metropolitan Opera House in 1883. The zoning resolution describes the purpose of the district as an attempt "to preserve, protect and promote the character of the area as the location of the world's foremost concentration of legitimate theaters."¹⁹ The theaters were an attraction that, as the commission's report claims, helped the city of New York achieve "pre-eminent status as a cultural showcase, an office headquarters center and a cosmopolitan residential community."²⁰ Among other "specific purposes" for the district was providing "an incentive for possible redevelopment of the area" and "freedom of architectural design accommodating legitimate theaters within multiuse structures to produce more attractive and economic development."²¹ While the legislation included design outlines for ground-floor uses of buildings within the district—illuminated signs, signage, and glazing—much of the regulatory language avoided specific design guidelines with broad subjective concepts such as "preservation of character and scale."²² The lack of specificity was reflective of the kind of legislative flexibility that the UDG wanted to enforce, where each project in the district could very well be the product of individual bargaining and negotiation.

The zoning resolution placed the theaters—or the Great White Way, as it had been called since the nineteenth century—as the favored anchors of the district. The Times Square area that abutted the Great White Way was quite the opposite. By the late 1960s, the area between Forty-Second Street and Seventh and Eighth Avenues was declared the "worst block in town" by the *New York Times* due to high crime rates. Cinemas, theaters, and stores in the area had started to cater to the porn industry by the early 1960s. The writer Marshall Berman described Times Square in the period as tipped with every national trend of urban decay.²³ There was an urgent need in the Lindsay administration to turn around Times Square for the economic well-being of the theater industry and, more importantly, because the West Side presented as

yet underdeveloped land in Manhattan. The rapid building of office towers in the Upper East Side of New York in the early 1960s had to be moved westward, as the East Side was already congested as a result of overbuilding. Developers such as Seymour Durst of the Durst Organization had already begun assembling properties at low prices to the west of Sixth Avenue, with the notion that the smut industry of Times Square would be eventually cleared out, thus leading to a property boom in the area. The theaters of the Great White Way were the economic foundations for this shift to the West Side (plate 24).²⁴

The UDG did not discourage construction within the district. They instead persuaded developers to build and include theaters in their new projects in return for an incentive—a 20 percent bonus in floor area. With this, the allowable buildable area or FAR for some buildings in the Theater District jumped from 15 to 21.5, substantially increasing the density of built area. They also amended transfers of development rights within the district, where plots with landmark buildings could share unused development rights with other plots across the street and intersection, even if they had separate owners. These transfers ascribed value to a plot ahead of construction. The district's old landmark buildings with unused development rights transformed into “battlegrounds” between owners, developers, and citizens.²⁵ The theater incentive in the district would go on to produce the Circle in the Square, American Place, Minskoff, and Marquis Theaters, among several others. *New York Times* critic Paul Goldberger argued that most of these newly built theaters were not architecturally valued or economically viable, having been constructed only for the purposes of generous floor area incentives for new towers.²⁶

The Marriott Marquis was one of the first projects within the district that was the product of discretionary zoning laws. In 1982, after the demolition of the theaters, the UDG changed course. With the growing influence of the landmark preservation movement and public protests in 1973 and 1982, the UDG decided to incentivize the preservation of existing buildings over new theater construction. The Preservation Commission quickly designated more than forty-four theaters and playhouses, such as the Barrymore, John Golden, and the Palace Theaters, as landmark buildings. In order to compensate the theater owners for their restricted use due to landmark status, the city offered developers an additional 20 percent buildable area bonus for the rehabilitation of theaters. In addition, if the theater was landmarked, transfers of development rights were permitted between plots anywhere in the district. The transfer and merging of development rights between adjacent, adjoining, and distant plots created conditions in which contiguities and adjacencies changed the value and edges of neighborhoods and consequently altered the demographics of property ownership.

Interestingly, despite discretionary zoning, the Special Theater District did not manage to accelerate redevelopment through the 1970s. It was the



FIGURE 9.2. Minskoff Theater, 1515 Broadway, New York City, May 2007.

Forty-Second Street Development Project, floated by the New York State-run, public-benefit Urban Development Corporation (UDC) that finally produced the results the city wanted. The development was a thirteen-acre site that included two city blocks along Forty-Second Street between Broadway and Eighth Avenue. The project proposal included a merchandise mart, office towers, entertainment-related facilities, and the Liberty, Victory, Selwyn, Apollo, Times Square, Lyric, and Empire Theaters, all of which were protected from demolition. Developers were attracted to the area for the sizable tax abatements. By the end of the 1980s, Times Square's porn industry was almost gone. Its departure also took along several historic bars, restaurants, and small businesses. In 2001, the city government reconfigured the Special Theater District into the Special Theater Subdistrict—which included the area west of Eighth Avenue from Forty-Second Street to Forty-Fifth Street—in an effort to broaden the development rights sharing zone.

As for the UDG, its people had been dispersed to smaller local offices by the mid-1970s. Robertson moved to the newly convened Office of Mid-Town Planning and Development, Weinstein to the Office of Lower Manhattan Development, Barnett remained at the UDG, Pasanella quit, and Weintraub went back to his architectural practice. According to Elliott and Barnett, the new Koch administration perceived the UDG to be an overly centralized agency that wielded too much leverage and control over all of New York City's boroughs. Koch had a general dislike for Lindsay-era policies. While he retained the overhauls to the zoning system, he dismantled the UDG—a move summarized by Barnett as simply, "Koch hated Lindsay's people."²⁷

Cities and Manageability

In an address to the American Society of Newspaper Editors on April 20, 1967, Mayor Lindsay asked the question, "Are our cities manageable?" In the speech, Lindsay, who was about a year into his mayoral duties, spoke of a "climate of fear" for the "man on the street," and an impending "war on crime" by a "humanized city government."²⁸ The speech touched on all the familiar talking points—crime, pollution, housing, policing, and welfare. However, the question of manageability with respect to the big city stands out as a prominent concern. By the late 1960s, the relentless narrative of an unmanageable urban crisis had helped delegitimize the notion that had been central to New York City until that time: that the state can and did work for the public good. Instead, the message put forward by the city government was that private-sector participation in the city's redevelopment was both desirable and critical.

Discretionary zoning laws were administrative apparatuses of crisis management that combined the forces of design, politics, and law and that mediated

the relationship between the city government and the private sector in entirely new ways. Even as early as 1967, planning commission member Beverly Moss Spatt had criticized discretionary zoning laws and special zoning districts in a dissenting report theatrically subtitled “Brightlights and Bottlenecks or Will Bonus Conquer All?”²⁹ In the report, she censured the city’s case-by-case enforcement of zoning laws and the inadequate guidelines and oversight for the negotiations, accusing the government of having opened “a Pandora’s box of tax incentives and floor area bonuses.” In Spatt’s opinion, discretionary zoning further complicated the implementation and enforcement of zoning laws, while also rewarding developers who were already going to reap financial gains from the projects.³⁰

Spatt was prescient in her critique. Since 1967, New York City’s zoning laws have been in a constant state of amendment, growing into a byzantine document of more than a thousand pages. Between the years 1961 and 1975, developers were shown to have gotten more than 7.5 million square feet of additional floor area in incentives, representing a total of \$186 million in return for spending approximately \$4 million for the public’s benefit.³¹ While the \$4 million worth of public benefit can still be argued to be in the public interest, the advantages of this form of transaction, where developers reap profits that far outweigh their contributions to the city, do bear questioning.

Since 1968, the planning commission has designated more than sixty-four special zoning districts in New York City. Within these districts, TDRs have become powerful devices to attract private-sector investment. A third of the residential and commercial buildings constructed below Central Park since 2010 have used development rights acquired from other lots.³² TDRs have allowed developers to build bigger buildings than what the zoning resolution would have permitted before the transfer. Even as early as 1981, the urbanist William Whyte talked of the “canyon-like” and “physically menacing” effects of the density increase in Manhattan, where FAR bonuses led to the loss of the most important amenity available to the public: light and air.³³ Whyte also discussed the “fright plan” that developers used to get better incentives from the city: they would deliberately present the worst design for the plot and then negotiate improvements in return for better incentives.³⁴

When in 1916 New York City became the first municipality in the United States to enact a complete set of zoning laws, it paved the way for other cities to do the same. Discretionary zoning laws had a similarly path-breaking effect. Since the 1970s, several cities in the United States and other parts of the world, such as Mumbai, Hong Kong, and São Paulo, have enacted similar zoning laws that operate through negotiations and incentives to ostensibly demonstrate flexi-

bility and pragmatism. In each case, they have engendered complex public-private partnerships.

Barnett has described urban design as the art of designing cities without the design of buildings.³⁵ This differentiation between the building and the city also serves to preserve the distinction between private and public interests in the urban setting, in which the building can be identified as private property whereas the city is in the public domain. By outsourcing public benefits such as plazas and parks via discretionary zoning, the planning commission permitted New York's real estate community to exercise greater influence over the quality, maintenance, and use of public facilities and services. This shift, in essence, complicates the notion of public interest as it gets increasingly entangled with private rights and private profits. Zoning is a policy mechanism that is designed to protect public interest. However, with discretionary zoning laws, development that is in the public interest exists only because of the partnerships between the city, developers, and financiers. Maintaining economic activity in the private sector, then, becomes an unwieldy part of public interest.

Notes

1. Frank J. Prial, "Court Stay Lifted and Demolition Begins at Two Broadway Theaters," *New York Times*, March 23, 1982; Alan S. Oser, "Act 1 of a Zoning Drama in the Theater District," *New York Times*, November 7, 1982; Carol Lawson, "Wrecking Halts at the Helen Hayes to Save Artworks," *New York Times*, March 27, 1982.

2. Paul Goldberger, "Marriott Marquis Hotel: An Edsel in Time Sq.?" *New York Times*, August 31, 1985.

3. Jonathan M. Soffer, *Ed Koch and the Rebuilding of New York City* (New York: Columbia University Press 2010), 261.

4. In New York City the "urban crisis," as it was called, was the culmination of failed urban renewal efforts led by Robert Moses and the resulting racial and economic divide of the city through the 1950s and 1960s, the destruction of historic landmarks, a chronic shortage of housing, and a nationwide civil rights movement. See Wendell Pritchett, "Which Urban Crisis? Regionalism, Race, and Urban Policy, 1960–1974," *Journal of Urban History* 34, no. 2 (2008): 266–86.

5. New York's fiscal crisis of 1975 had begun gathering momentum in the 1960s, when the city government ignored budget deficits and deferred loans, used long-term capital funds for everyday expenses, and practiced questionable methods of bookkeeping that relocated state aid over several years. The city was one of the largest and most frequent borrowers from the public market. Its borrowing included long-term loans for capital projects and short-term loans for seasonal differences between tax receipts and expenditures, and also for covering year-end shortfalls and initial funding for capital projects.

6. Mayor John Lindsay, "Report to the Private Sector," Folder: Summer 1968, Private Programs, Box 25, John Vliet Lindsay Papers (MS 592), John Lindsay Archives, Manuscripts and Archives, Yale University Library.

7. "A Public Servant Looks at Design," Folder: American Institute of Architects, May 17, 1967, Box 53, Lindsay Papers; John Lindsay, "Remarks by Mayor John Lindsay before

the Design-In Conference,” May 13, 1967, Box 70, Lindsay Papers. Also see David Rogers, “Management versus Bureaucracy,” in *Summer in the City: John Lindsay, New York, and the American Dream*, ed. Joseph P. Viteritti (Baltimore: Johns Hopkins University Press, 2014).

8. Several companies left New York City at the time, among them Pepsico, American Can Company, and General Telephone. For more on the corporate exodus, refer to Kim Moody, *From Welfare State to Real Estate: Regime Change in New York City, 1974 to the Present* (New York: New Press, 2007), 13. For more on New York’s transition, see Robert Fitch, *The Assassination of New York* (New York: Verso, 1996).

9. Rosalyn Deutsche, *Evictions: Art and Spatial Politics* (Cambridge, MA: MIT Press, 1996), 95.

10. Richard Weinstein, interview by Sharon Zane, June 7, 1994, transcript, Museum of Modern Art Oral History Program.

11. Thomas Lemke, *Foucault, Governmentality, and Critique* (Boulder, CO: Paradigm, 2011), 11.

12. Paul Starr, “The Limits of Privatization,” *Proceedings of the Academy of Political Science* 36, no. 3 (1987): 124–37; Paul Starr, “The Meaning of Privatization,” *Yale Law and Policy Review* 6, no. 1 (1988): 6–41.

13. Neil Brenner and Nik Theodore, “Cities and the Geographies of Actually Existing Neoliberalism,” in *Critique of Urbanization: Selected Essays*, by Neil Brenner (Gütersloh: Bauverlag; Basel: Birkhäuser, 2017).

14. Jonathan Barnett, *Urban Design as Public Policy: Practical Methods for Improving Cities* (New York: Architectural Record Books, 1974), 8.

15. Jonathan Barnett, *An Introduction to Urban Design* (New York: Harper & Row, 1982).

16. Museum of Modern Art, “Press Release 119—The New City: Architecture and Urban Renewal,” December 11, 1967, 1.

17. Hugh Ferriss, *The Metropolis of Tomorrow* (1929; Princeton: Princeton Architectural Press, 1986). What was remarkable about Ferriss’s drawings from 1925 was how he represented the effects of the 1916 zoning laws on the city in formal terms through renderings. The drawings were commissioned by the architect Harvey Wiley Corbett to draw “step-by-step perspectives” that showed the formal and architectural consequences of the new 1916 zoning laws.

18. Norman Marcus, “New York City Zoning, 1961–1991: Turning Back the Clock—But with an Up-to-the-Minute Social Agenda,” *Fordham Urban Law Journal* 19 (1991): 707.

19. New York Zoning Resolution, Article VIII: Special Purpose Districts, chap. 1: Special Midtown District, § 81-06: Special Theater District, added pursuant to City Planning Report CP-20000, November 1, 1967.

20. New York Zoning Resolution, Article VIII, chap. 1, § 81-06.

21. New York Zoning Resolution, Article VIII, chap. 1, § 81-06.

22. New York Zoning Resolution, Article VIII, chap. 1, § 81-06.

23. The “worst block in town” statements comes from the *New York Times*, March 14, 1960. Movies such as *Midnight Cowboy* (1969), *The French Connection* (1971), *Taxi Driver* (1976), and *Death Wish* (1974)—shot on location in New York and Times Square—reflect the grimness and desolation of the period. See Marshall Berman, *On the Town: One Hundred Years of Spectacle in Times Square* (New York: Random House, 2006); and James Traub, *The Devil’s Playground: A Century of Pleasure and Profit in Times Square* (New York: Random House, 2007).

24. The Durst Organization developed the buildings at 114 West Forty-Seventh Street,

THE LAWS OF PERSUASION

1155 Avenue of the Americas, and 1133 Avenue of the Americas, all in and around Times Square and the Theater District in the 1970s and 1980s. See James W. Carrington, "New York City's Theater Subdistrict and the Challenges of Special District Zoning" (MS thesis, Pratt Institute, 2010), 35.

25. Paul Goldberger, "Architecture View: Theaters and Churches Are the City's New Battleground," *New York Times*, May 30, 1982.

26. Paul Goldberger, "Theater Zone: Panacea or Problem," *New York Times*, October 1, 1983.

27. Jonathan Barnett, recorded interview by Deepa Ramaswamy, University of Pennsylvania, Philadelphia, May 23, 2016.

28. John Lindsay, "Are Big Cities Manageable? Address by John V. Lindsay, Mayor of the City of New York before the American Society of Newspaper Editors," April 20, 1967, Box 70, Lindsay Papers.

29. Beverly Moss Spatt, "Dissenting Report of Commissioner Beverly Moss Spatt: Brightlights and Bottlenecks or Will Bonus Conquer All?," New York City Planning Commission, November 1, 1967.

30. Spatt, "Dissenting Report."

31. William H. Whyte, "How to Make Midtown Livable," *New York Magazine*, March 9, 1981, 26.

32. Furman Center for Real Estate and Urban Policy, "Buying Sky: The Market for Transferable Development Rights," October 2013, <https://furmancenter.org/research/publication/buying-sky-the-market-for-transferable-development-rights-in-new-york-city>.

33. Whyte, "How to Make Midtown Livable."

34. Whyte, "How to Make Midtown Livable."

35. Jonathan Barnett, *Urban Design as Public Policy: Practical Methods for Improving Cities* (New York: Architectural Record Books, 1974), 29.