

Coexistence of Architectural Design and Townscape Control in the Historic Areas of Vienna

—A Study on the Building Permission Proceedings, the Operations of Advisory Board for City Planning and Townscape, and Community Participation—

By

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Vienna is a city wherein historic elements and contemporary elements are co-existing in its urban space. In 1990, HAAS-HAUS designed by architect Hans Hollein was completed at the Vienna's Stephansplatz. Because of its modern design and its aesthetically sensitive site, the HAAS-HAUS urged communities to make discussions about the townscape, although right of the related parties was inequitable. It means that the city planning system in Vienna has some problems concerning the aesthetic quality of architecture and the lack of equal chance to design it in the historic areas. Therefore, this paper aims to discuss on building-permission-proceedings and community participation in the historic areas, through studying the city planning system in Vienna and analyzing the discussions mainly about the HAAS-HAUS, especially from the viewpoint of townscape.

Key words: Building-Permission-Proceedings, Community Participation, Townscape Control, Historic Areas, Protection Zones, Vienna's Building Code, HAAS-HAUS

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I. Introduction

Conflict between new architectural design and historic preservation is one of the most important problems concerning urban design in historic areas. Architects tend to make their own original design, even in the historic area. They propose the buildings with their own design vocabularies, considering contexts of cities or surrounding areas. It is also important for people to put the new into the old, in order to have modern lives. Demand for bulk and modern functions should also be considered in the historic area. On the other hand, old beautiful townscape, buildings and monuments are to be preserved because of their cultural, historical and educational value.

Vienna is a city wherein historic elements and contemporary elements are coexisting in its urban setting. There are thousands of classical buildings such as palaces, churches and monuments remaining in the 1st district in particular. In the late 19th century (called "Gruenderzeit" in German), the Ring Street was constructed together with a imperial castle, a opera house, theaters and museums, which changed Vienna from a city of the Middle Ages to a modern city. After the W.W. II, many modern buildings were built to reconstruct the bombed city. In 1972, protection zones were introduced to control new building constructions, in order to preserve historic townscape.

In 1990, HAAS-HAUS designed by architect Hans Hollein was completed at the Vienna's Stephansplatz. Because of its modern design and its aesthetically sensitive site opposite to the St. Stephan's Cathedral, the HAAS-HAUS urged communities to make discussions about the townscape, although right of the related parties was inequitable.

With the analysis of the discussions on the HAAS-HAUS, it would be possible to identify problems of the existing building-permission-proceedings and the operations of Advisory Board for City Planning and Townscape to observe the planning process with community participation. It would also be possible to discuss more practical planning methods.

Studies on the townscape of Vienna have been carried out by several scholars. K. Gaugusch (1976)¹ studied urban form and its effect, F. Moser (1978, 85)^{2,3} analyzed local urban space in Vienna by analyzing methods with drawing, and W. D. Frei (1991)⁴ studied on the corners of blocks in the residential areas. These studies, however, lack the viewpoints of the practical

townscape control system and the communities' response.

The purposes of this paper, therefore, are as follows:

- (1) to understand the townscape control system in Vienna,
- (2) to highlight the problems on the townscape control system especially in the historic areas of Vienna, and
- (3) to discuss the better building-permission-proceedings and community participation in historic areas with the emphasis on townscape control.

2. Legal Role of the Vienna's Building Code in Controlling its Townscape of the Historic Area

2.1 Outline of the Vienna's Building Code

2.1.1 Organization of the Vienna's Building Code

The Vienna's Building Code (hereafter referred as "the Code") is an administrative state-law to control each land owner's right to construct buildings. The right to make and execute the plan is transferred to the city authority, which is the competent department of the Vienna City Administration, i.e. Municipal Departments (called "Magistrat" in German, hereafter referred as "MA"). Moreover, the jurisdiction of the state Vienna is entirely equal to that of the city, therefore it is possible to control its urban space by its own original methods.

The Code is not only a building law but also a city planning law. The regulations from Sec. 1 to Sec. 59 relate to city planning, whereas the ones from Sec. 60 to Sec. 139 relate to buildings. As the methods to realize the city planning, it has Flaechewidmungsplan (F-plan) and Bebauungsplan (B-plan) similar to the city planning system in Germany. The F-plan is a land-use-plan and the B-plan is a local plan. The B-plan has several methods to control townscape by regulating building lines, building classes (height) and building types (closed with courtyard or open). Additionally, protection zones can be determined as special regulations in the B-plan. In the regulations related to buildings, "the parts which can be beyond the building lines (Sec. 83, 84)" and "outer appearance of buildings" are determined, as well (see, Fig. 1).

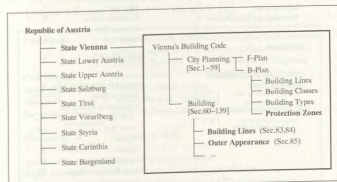


Fig. 1. General Organization of the Vienna's Building Code.

2.1.2 General History of the Vienna's Building Code

The Code was enacted in 1930 (the period of the Republic of Austria), by abolishing the State Act of Lower Austria enacted in 1883. In the part of city planning, the Generalregulierungsplan was superseded by the F-plan, while the Generalbauinienplan was superseded by the B-plan. Although the Code lost its effect after the Nazis invasion, it was enacted again for the postwar rehabilitation in 1947. The 1947 Code lasted until 1976, as several regulations were added (for instance, protection zones) and amended.

The current Code was enacted in 1976 with an overall amendment. After that, almost every year the Code was partially amended. The regulations concerning the bulk controls and the protection zones were amended in 1987 and 1991.

2.1.3 Contents of the Vienna's Building Code and the F- and B-plans

The 1976 Code is composed of 14 chapters. The chapters 1 to 6 cope with city planning, in which the chapter 1 copes with city planning method (F- and B-plans) and the chapters 2 to 6 cope with land ownership. The chapters 7 to 14 cope with building, in which the chapters 7 to 11 cope with building control and the chapters 12 to 14 cope with proceedings such as

Table 1. The Legends of the F- and B-plans.
[source: Reference 8)]

F-Plan [Sec. 4]	B-Plan [Sec.5]
Green Space	Building Lines
Suburban Areas	Building Limiting Lines
Recreation Areas	Street Border Lines
Parkings	Traffic Border Lines
Kid's Gardens	Border Lines of Public Lands
Athletic Parks	Building Delineating Lines
	Border Lines of Regulations
Protection Areas	Prohibited Building Heights
Forest and Grasslands	
Protection Areas of Parks	Prohibited Construction
Construction	
Traffic Boards	
Construction Space	Building Classes (Sec.7)
Residential Areas	Building Height Controlled by Building Classes
Garden Settlement Areas	
Complex Building Areas	Building Types (Sec.7a)
Industrial Areas	Open Type
Warehouses and Airport Runway	Continuous Houses
	Grouping Type
	Closed Type
Special Areas	Streets (Sec.77)
.....
Legend for the Other Plannings and Planning References	Additional Regulations (Sec.54)
Boundary of Planning Area	Protection Zones
Boundary of Prohibited Construction Area	Restrictions of Building Site
Decision of Permission of Occupation (Bla.2)	Over 100m ²
	Over 20 %
	Temples
	Arcades
	Passages (Vehicles)
	Public Passages (Vehicles)
	Passages (Pedestrians)
	Public Passages (Pedestrians)

building permissions and building registrations. The regulations concerning townscape are in the chapters 1, 7 and 8.

The legends of the F- and B-plans are shown in Table 1. These plans are shown by a representation on a scale of 1:2000 in a plan, which is also different from the F- and B-plans in Germany. Judging from these legends, the protection zones are additional regulations under B-plan. It means that, protection zones are, if necessary, determined as historic areas after building lines, building classes and buildings types are determined.

2.2 Process of determining the F- and B-plans, and Building Permission Proceedings

2.2.1 Advisory Board for City Planning and Urban Design

Advisory Board for City Planning and Urban Design (called "Fachbeirat fuer Stadtplanung und Stadtgestaltung" in German, hereafter referred as "the Board") is defined by Sec. 3 of the Code. It is composed of 12 members who are nominated by the mayor from certain persons of position determined by law (see, Table 2). They should serve this honorary Board for three years.

This Board were already established legally in the 1930 Code. At that time it was composed of 8 members, such as one technologist of high-rise-building, two architects, one registered surveyor, and 4 professors from Universities. The Board members were amended to 11 members by the 1976 Code and to twelve members by the 1987 Code.

The Board plays mainly two roles in controlling townscape. On one hand, it inquires the F- and B-plans, on the other hand it judges the appropriateness of buildings to townscape in the process of building permission proceedings.

2.2.2 Process of making F- and B-plans

Fig. 2 shows a flow chart of making F- and B-plans. They are made by MA 21 (for city planning) and MA 19 (for urban design and protection zones). At first, MA 21 makes the first plan which is called green plan. Secondly, MA 19 checks the plan and make the second plan which is called red plan. After the inquiry by the Board and the public announcement

Table 2. The Members of the Advisory Board for City Planning and Urban Design.
[source: reference 5), Sec. 3 (1), (2), pp. 9-10]

3 Architects	Technical University of Vienna (Space planning and Architecture) College of applied Art, or Academy of Art (Master schools), Engineers' Chamber of Vienna, Lower Austria and Burgenland
Civil Engineer	the same as above
Space Planning	Technical University of Vienna
Monument	Austrian Monument Department
Surveying Engineer	Engineers' Chamber of Vienna, Lower Austria and Burgenland
Consultant	
City Ecology or Hygiene	University of Vienna
Transportation Planning	Technical University of Vienna
Social Problem	Chamber for Worker and Employee of Vienna
Green Space Planning	Technical University of Vienna, Univ. of Ground Culture
Location Problem	Chamber of Industrial Economy of Vienna

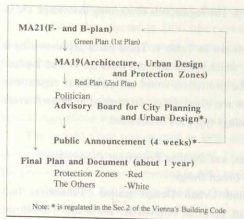


Fig. 2. Flow Chart of Making F- and B-plans. [made by the authors, on the basis of the hearing to Dipl.-Ing. P. SCHEUCHEL of MA 19]

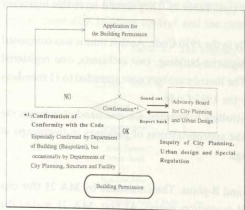


Fig. 3. Process of Building Permission. [made by the authors, on the basis of the hearing to Dipl.-Ing. P. SCHEUCHEL of MA 19 and the check list (Pruefungsbogen)]

for 4 weeks, MA 21 makes the final plan. It takes normally about one year to promulgate the plan. In the steps from red plan to the last plan, it should not be amended for terms of 3 months. Additionally, the land owners and the communities have right to copy these plans.

2.2.3 Building Permission Proceedings

Every client has to get building permissions, in order to build, extend or rebuild buildings. The building permissions are given by MA 37 (department of building, called "Baupolizei" in German). To apply building permissions, the client has to hand in plans and application forms to MA 37. Several MAs also check and examine the documents. If necessary, the Board inquires them after the request of the MAs.

The process is as follows (see, Fig. 3): At first, MA 37 confirms the legality of the building intention, structure and equipment. After that, MA 7 (culture), MA 15 (health), MA 22 (preservation of environment), MA 28 (pedestrian path), MA 30 (sewerage), MA 36 (energy), MA 38 (subway), MA 42 (park), MA 46 (traffic) and MA 68 (fire) check the documents. Building permission system in Vienna is, therefore, similar to the building confirmation system

in Japan in the aspect of confirmation of legality, whereas they are different in the aspect of Board's inquiry and MA's decisions at their discretion.

This proceeds according to the check list (called "Pruefungsbogen" in German). Each MA checks the building with this list whether it keeps the Code or not. In this check list, however, "building lines" and "building classes" are the only points concerning townscape. "outer appearance of building" and "application of special regulations" are mainly checked by the Board.

2.3 General Regulations under the Vienna's Building Code

2.3.1 Building Lines

In the Sec. 5 of the Vienna's Building Code, six kinds of building lines (called "Fluchtlinie" in German) are defined as follows:

- 1) **Baulinie** (building limiting line): a boundary between a building site and a public land (street, public square, etc).
- 2) **Strassenfluchtlinie** (street border line): a boundary in the public traffic land between a green land or a special land and the other land.
- 3) **Verkehrsfuchtlinie** (traffic border line): a boundary between a traffic band and the other land use, or a border line of a road in a building site, a green land or a special land.
- 4) **Grenzfluchtlinie** (border line of public lands): a boundary between a public land and the others.
- 5) **Baufuchtlinie** (building designating line): a boundary designating the building edge or a part of building (it is possible to go beyond this line according to the regulation Sec. 84), and
- 6) **Grenzlinie** (border line of regulations): a boundary between different land-use-areas.

The Sec. 83 and Sec. 84 regulate the parts going beyond the building lines. The Sec. 83 copes with the building limiting line ("Baulinie" in German) and the street border line ("Strassenfluchtlinie" in German), and the Sec. 84 copes with the building designating line ("Baufuchtlinie" in German). They were enacted in 1931 for historic buildings which have traditional bow windows, pillars, balconies and bay windows (called "Erker" in German). The current regulations are as follows (see, Fig. 4):

Building Parts beyond Building Limits Line and Street Border Line (Sec. 83)

(translated by the authors)

- 1) The following building parts are allowed to go beyond the building limits line and street

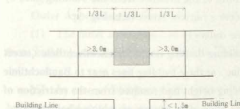


Fig. 4. Part of Building Allowed to Go Beyond the Building Lines as Balcony and Erker.

border line:

- a) cellar and foundation wall up to 20 cm;
- b) building base up to 20 cm, however only up to a height of 2 m;
- c) covering up to 7 cm;

...

2) With agreement of owners of traffic zone, the following building parts are allowed to go beyond the building limits line or street border line:

- a) the projections under 1) a) to g) in a bigger one than the above regulated extent;

...

c) advertisement, show case and shop entrance;

f) bay windows (Erker), by which only a part of a space goes beyond building front, balcony and stair case, when these building parts show a projection of maximum 1.50 m, take totally maximum a third of the building length and keep a distance of minimum 3 m from neighboring borders. In case of building, whose building height should be measured by the regulations of Sec. 75 4) and 5), such parts are allowed to show only a projection of maximum 1 m at the street front...

2.3.2 Building Classes

(1) Outline of the Building Classes

The Building Classes are methods to control the building height (called "Gebäudehoehe" in German) on the building lines. The Code has only these Building Classes to control building height (it is different from the Building Code in Germany). Actually, they control the height of the eaves with roof angle 45 degree.

Building Classes (Sec. 75) <translated by the authors>

1) Building Classes are regulated in the Residential Area and the Mixed Use Area...

- Class 1: min. 2.5 m/max. 9 m
 Class 2: min. 4.5 m/max. 12 m
 Class 3: min. 10 m/max. 16 m
 Class 4: min. 16 m/max. 21 m
 Class 5: min. 21 m/max. 26 m
 Class 6: min. 26 m

2) For the area which is enclosed by the Ring Street and for the outside area controlled by Building Class 5, it is possible to regulate exceptional height under B-plan.

(2) Regulations of the Building Heights according to the Distance from the Building Lines

The building height is also restricted according to the distance from the building lines by the regulation of Sec. 75. This regulation considers a narrow street (see, Fig. 5):

Building Classes (Sec. 75) <translated by the authors>

4) In case of buildings on the Baulinie (building limiting line), Strassenfluchtlinie (street border line), Verkehrsfluchtlinie (traffic border line) or these building lines near to Baufluchtlinie (building designating line), also if a higher building height had resulted from the restriction of the B-plan, the building height on these lines isn't allowed to amount to a higher height than:

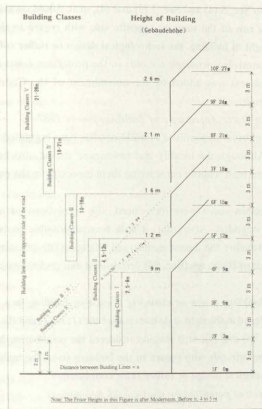


Fig. 5. Building Classes.

- a) in the building classes 1 and 2, the 2 m increased mass of the distance from these lines;
- b) in the building classes 3 and 4, the 3 m increased mass of the distance from these lines;
- c) in the building class 4, in case of a distance of these lines above at least 15 m, the 2 m increased mass of the divided by cos. 30 (0.866) distance from these lines;
- d) in the building classes 5 and 6, the double mass of the distance from these building lines.

...

2.3.3 Outer Appearance of Buildings

(1) Outline of the Regulations of Outer Appearance of Buildings

In the Sec. 85 of the 1987 Code, outer appearance of buildings is regulated as follows: Outer Appearance of Buildings (Sec. 85) <translated and underlined by the authors>

(1) The outer appearance of buildings and building-facilities must be designed on building form, building stuff and color, so that it doesn't disturb the uniform design of the local townscape...

... ..

(5) In case of building a new or changing a existing building in a protection zone, the building should suit in the contemporary way to the townscape undamaged the (1) to (4) and the

regulation according to Sec. 5 (4) and Sec. 7 (3) and (4), or it should considered the neighboring buildings in the house row of the same or opposite side with regard to the building style, the building form, the height of building, the technological design or rather color coordination.

This regulation controls townscape not only in the protection zones but also in the other areas. The underlined text was added by the amendment of the Code in 1987, when the HAAS-HAUS was built.

(2) *Regulations of Outer Appearance of Buildings before 1987*

The regulations of outer appearance of buildings has been regulated since 1930 when the Code was enacted. Although the locality and townscape should also have been considered new buildings had been built without considering them especially in the postwar rehabilitation time.

When the protection zones were introduced, the regulations of outer appearance of buildings were also amended. After that, it had been impossible to build modern design architecture since. Therefore the amendment urged changing the situation of Vienna.

Outer Appearance of Buildings (Sec. 85) *(translated and underlined by the authors)*

(5) In case of building a new or changing a existing building in a protection zone, the building should be designed in the right style undamaged the (1) to (4) and the regulation according to Sec. 5(4) and Sec. 7(3) and (4), or it should considered the neighboring buildings in the house row of the same or opposite side with regard to the building style, the building form, the height of building, the technological design or rather color coordination.

2.3.4 *Recent Architecture permitted by the General Regulations*

Two modern projects whose building-parts are going beyond the building lines under the general regulations are shown.

(1) *Roof Top Remodeling (1989)*

The Roof Top Remodeling is a office for a lawyer in the 1. district in Vienna designed by Coop Himmelblau as an extension work on the top of a existing building. The roof caves

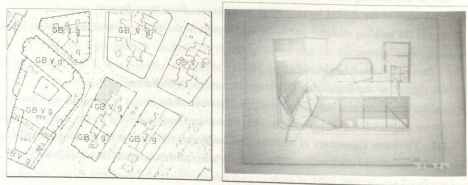


Fig. 6. F- and B-plan of the Rooftop Remodeling.

Photo 1. Inside of the Rooftop Remodeling.

of this architecture is going beyond the building line (see, Fig. 6 and photo. 1)

(Date of the Building)

Address : Falestrasse 6, A-1010 Wien

Client and Owner : Dr. Walter Schuppich

Architect : Coop Himmelblau

Total Floor Area : 400 m²

Structure : RC/S, R1F

Term of Design : 1987-1988

Term of Construction : 1988-1989

(2) *Favoriten Central Savings Bank (1979)*

This example is a branch of a bank standing along the street Favoriten in a sub-center of Vienna designed by Guenter Domenig. This Building evidently breaks the building line, and has unusual shape, which is characteristic to the other buildings in the district. The size of the part beyond the building line is longer than the 1/3 of the building length which is regulated by the Sec. 83 of the Code. Therefore, it does not fall the category of an Erker under the Code. The mark for special regulation (BB) is not shown in the B-plan. There is no explanation about this in the documents of the building permission for this building.

It seems as if this building was not permitted legally, judging from the information which the authors got. No public appeals has also happened. This area is a subcenter, where the communities expect to create a core for the district. The Board might judge that the building could lead the townscape of this area. The building permission system of Vienna, however, is a black box and has problems with regard to the city planning system with community participation.

2.4 *Protection Zones and Special Regulations under the Vienna's Building Code*

2.4.1 *Outline of the Protection Zones*

(1) *Aims of the Protection Zones*

The aims of the protection zones are written in the book on protection zones by MA 19:



Fig. 7. F- and B-plan of the Favoriten Bank.



Photo 2. Outer Appearance of the Favoriten Bank.

Section 7 of the Vienna's Building Code provides that independently of any measures designed to ensure the protection or preservation of monuments the F-plans and the B-plans may, in the interest of preserving local city scape, identify as "protection zones" city areas whose physical aspect is deemed worth protecting. This definition aims at ensuring the continued existence of homogeneous organic units of historic, cultural or aesthetic interest and can be applied to entire neighborhoods, rows of houses and streets, as well as street and green-space design.

The object is to protect, in each case, "an integral organic unit". This means that such protection zones may be characterized by buildings of cultural or historic interest or structures whose design, while being devoid of special stylistic or constructive merit, nevertheless exercises a favorable influence on the general aspect of the locality. The definition as an integral organic unit thus also includes buildings which, as such, are neither of cultural or historic interest nor have any aesthetic effect on the physiognomy of the neighborhood....

(Source: Reference 13), (1) Introduction II. 1-13)

Viz., the objects to protect is not only historic areas but also buildings and green-spaces which contribute the townscape and the locality of the area. When they are "integral organic units", they should be protected by protection zones.

(2) History of the Protection Zones

The protection zones were established in 1972, in order to protect the townscape of the City from the unlimited development in the 60's. This introduction was promoted together with introducing a pedestrian area and new traffic system with one-ways and undergrounds. To protect the townscape, a survey of the building facade was also carried out in 1967.

Under the 1972 Code, protection zones were regulated as one of city planning methods like F- and B-plans. The amendment sheet of the Code states as follows:

State Law: Act of 7th July 1972, with the regulation on the making of protection zones in historic area in the Vienna's Building Code

Chapter 1.

1. The heading of the Sec. 1 reads:

"fixation of the F-plans, the B-plans and the Protection Zones" 8. The Sec. 7 reads:
"Protection Zones

Sec. 7 (1) The F-plans and the B-plans may show any area worthy of preservation as a homogeneous integral unit (protection zone) in its outer appearance on account of its specific character...."

(Source: Landesgesetzblatt fuer Wien, Jahrgang 1972, Ausgegeben am 29. Sep. 1972, 16. Stueck)

The protection zone for the first district was in 1973 introduced by the 1972 Code, aiming to stop the modernization in the 30's and the postwar rehabilitation period which spoiled the original aspect of the Gruenderzeit facades and historic areas of Vienna. The protection zones, therefore, were as strong control-methods as the F- and B-plans.

The Code was wholly amended in 1976. The relationship between the protection zones and the F- and B-plans was also amended, and the protection zones were amalgamated into

the instruments of the B-plans.

State Law: Act of 30th April 1976, changed with the Vienna's Building Code (New Building Code 1976)

7. The heading of the Chapter 1. reads:

"City Planning"

8. Sec. 1 reads:

"Fixation of the F-plans and the B-plans"

9. Sec. 5 reads:

"Contents of B-plan

Sec. 5 (4) In addition to the provisions envisaged in paragraphs 2 and 3, B-plans may contain

a) protection zones

b)..."

(Source: Landesgesetzblatt fuer Wien, Jahrgang 1976, Ausgegeben am 14. August 1976, 17. Stueck)

Viz., the special regulations can be additionally determined in the B-plans by the city council (Gemeinderat). The protection zones are also special regulations. It is possible to regulate several other special regulations in the protection zones, as well. The special regulations are instruments to control historic areas where only the general regulations are not applied very well. The special regulations, therefore, have a number of different instruments to regulate stricter or to ease the general regulations, in order to protect the existing historic buildings or to put new functions into historic areas.

Although this frame of the Code is still effective, the content of the protection zones was amended in 1987 because of the proposed plan of the HAAS-HAUS. The amendment was done mainly on the regulations of outer appearance of buildings. Since 1987, it is possible to build not only classical design buildings but also modern design buildings in the protection zones (see, 2.2.3 (1)).

(3) Special Regulations in the Protection Zones

The special regulations are symbolized by BB in the F- and B-plans, such as BB1, BB2. On the other hand, the special regulations are regulated individually in each integral unit by the city council, in order to let them suit to each character of the unit. Each BB, therefore, has its own meaning in every plan. The special regulations for the first district are shown.

3. According to Sec. 75 (2) of the Vienna's Building Code, at the street symbolized by BB1, the following height over Viennese 0 on each lot is fixed as height of building:...

4. According to Sec. 5 (4) of the Vienna's Building Code the followings are regulated:

4.9. For the area shown by BB3, houses of one story up to a maximal building height of 4.5m are allowed. The roofs of the buildings reaching to that height should be executed as flat roofs.

4.10. For the area shown by BB4, houses up to a maximal building height of 18.20m over Viennese 0 are allowed. The roofs of the buildings reaching to that height should be executed as flat roofs and designed as roof-garden or roof-terrace in the extent of more than 50%, where the upper limit should not be higher than the given building height.

4.11. For the area shown by BB5, no part of building is allowed to go beyond the contemporaneous height of the current determination in the plan.

4.12. For the area shown by BB6, the space over a height of 5 m from the existing level is added to the adjacent lot. The space under this is added to the public good. In this space, the architectural elements (columns, pillars, etc.) which are not statically effective are allowed, if the free passage is not obstructed.

4.13. On the area shown by BB7, the use of the permitted object according Sec. 6 of Vienna's Building Code is allowed.

These special regulations are grouped as follows, according to two aspects. One is the strength of the control such as stricter regulation, regulation and relaxation, and the other is the objects of the control such as building height, land use and traffic area (see, Table 3).

Judging from this table, there are a number of different special regulations. The city authority uses them flexibly. The special regulations, therefore, are one of the reasons to realize the coexistence of architectural design and townscape control. Several examples of the special regulations are shown here.

2.5 Townscape Control System in Vienna

The Code and townscape control system in Vienna were understood as follows:

The Code is an administrative state-law as well as a city planning and building law. In

Table 1. 3. Grouping of the Special Regulations in case of the 1st District

	Height	Land Use	Traffic Area
Stricter Regulation	BB1, 3	BB2	BB8
Regulation	BB4	BB7	BB10
Relaxation	BB1, 5	BB9	BB6

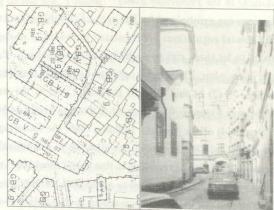


Fig. 8. Special Regulation (BB1).
F- and B-plan

Photo 3. Special Regulation (BB1).

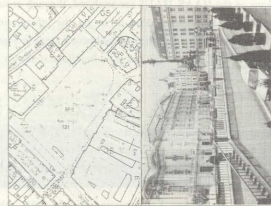


Fig. 9. Special Regulation (BB9).
F- and B-plan

the case of Vienna, however, the state area is entirely equal to the city area. The Code, therefore, controls its townscape and urban space in the original way. On the other hand, in the process of making F- and B-plans, the communities have only 4 weeks to inspect them. Normally, one is interested only in one's own neighboring communities. Without enough announcements, the communities could not know about the amendment of F- and B-plans. In the aspect of community participation, the term should be longer or much more information should be given to the community. Moreover, the community should have chance to take part in making F- and B-plans. The role and the operation of the Board are also important. Although it is the only body to inquire the city administration of Vienna, it is not an independent but mayor's advisory body under the Code.

The general regulations concerning building lines, building classes and outer appearance of buildings are available to control townscape in Vienna under the Code. The buildings could also be out of these regulations. The special regulations additionally control the urban space in the protection zones, which are also special regulations under B-plans. These special regulations control building height and open space more strictly or more loosely case by case, working together with the general regulations. They are very useful to protect the historic spaces and to give new modern functions into the historic area. Their necessity and contents, therefore, should be discussed more severely with communities.

In the chapter 3, the concrete problems of the townscape control in the historic area of Vienna were highlighted through analyzing discussions by the communities on several new projects (mainly, the HAAS-HAUS), in order to discuss the building permission proceedings and community participation in the historic area.

3. Communities' Discussions on New Developments in the Historic Areas of Vienna

In this chapter, several discussions on the recent developments after W.W. II are studied.

Especially the discussions on the HAAS-HAUS are analyzed, through grouped into opinions both approval and opposite. This analysis aims at to get the information about the city planning system and the community participation in the historic areas in Vienna and to discuss what they ought to be. Now, the location of these new buildings is shown in Fig. 10.

3.1 Developments after the W.W. II

3.1.1 Developments before the Introduction of Protection Zones

Between the postwar rehabilitation and the introduction of the protection zones, many modern buildings were built along the Ring Street. The representative examples are Steyr Haus (Photo 5), hotel Mariott (Photo 6), hotel Hilton (Photo 7) and Faculty of Law (Univ. of Vienna: Photo 8).

The Steyr Haus (rebuilt as the new Kaerntnerring Hof in 1993), which were built at Kaerntnerring 5-7 after the W.W. II, was a symbolic building by the postwar-rehabilitation-plan in Vienna and was also a prototype of an exhibition hall for new cars in a long time. Such a flat building without decoration is now critically called "Kaese mit Loechern (cheese with holes)."

The hotel Mariott is a modern hotel with a big atrium of an entrance hall, a pool and saunas designed by Peter Czerin and Harry Glueck. The height of this building is controlled by Building Class and special regulation (BB6) to look as tall as the neighboring buildings. It caused, however, the long discussions on Vienna's townscape after the W.W. II.

The hotel Hilton is also a modern hotel designed by Josef Hlawniczka. It is located near by the terminal station Mitte connecting the City and Vienna's airport. The mayor said at that time, that "he could not dictate an architect to a private client", because of its appearance.

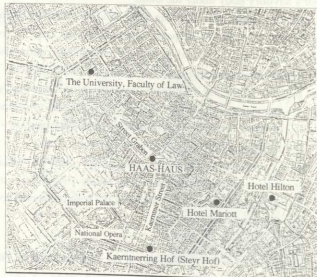


Fig. 10. Location of the Buildings Discussed in This Chapter 3.

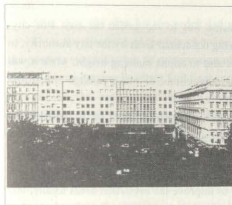


Photo 5. Steyr Haus.



Photo 6. Hotel Mariott.

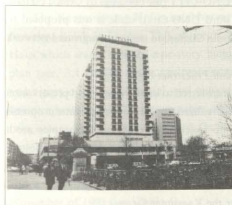


Photo 7. Hotel Hilton.



Photo 8. Faculty of Law, Univ. of Vienna.

The Faculty of Law, Univ. of Vienna, is a modern building with glass facade and a huge cantilever which gives us strong impact. It was designed by Ernst Hiesmayer and constructed in 1969-1983, viz., the construction started before the introduction of protection zones and completed after it. This building, however, got building permission in spite of its modern appearance.

Thus, several modern buildings had been built in the historic area of Vienna, and oppositions against them or opinions for the historic preservation had been getting stronger day by day. Then, in 1972, protection zones were introduced into the Code to protect the historic areas.

3.1.2 Shift to the Protection of Townscape

(1) General City Plans in 1951, 1961, 1971

The city authority made every ten years a general city plan for Vienna. The aims of the general city plans show the changes of the city planning in Vienna. The changes of these aims

in 1951, 1961 and 1971 are as follows:

In the 1951 general city plan, the main theme was to reorganize the city. For city-development-projects, it was proposed to develop big residential areas by the city authority, to redevelop the existing city, to make satellite cities and to adjust building height, while it was proposed to construct over- and underpasses at intersections, to make passage and to use underground for traffic projects.

In the 1961 general city plan, the important points were transferred to the preservation of the existing city. For city-development-projects, it was proposed to reorganize city centers and to preserve old towns, while double-story stations for tram at Shottentor was proposed for traffic projects.

In the 1971 general city plan, to preserve or to improve the important areas legally, and to adjust the city functions were aimed. For city-development-projects, it was proposed to preserve the historic areas and ensembles with the help of the Historic-City Preservation Law, to construct canals against flood and to construct UNO-CITY (the buildings of United Nation, with which Vienna achieved recognition as the third UNO-City), while it was proposed to build central stations for person traffic near the South Station, to make underground network for traffic projects.

(2) *Intersection-Plan in front of the Opera and Pedestrian-Street Plan*

Thus, the aims of the general city plans were transferred to improvement and preservation of the historic area, and some concrete projects were realized. In their processes some proposals which are not suitable to Vienna's townscape are rejected. The symbolic examples are a plan for the intersection in front of the Opera and plans for the pedestrian-street.

The plan for the intersection in front of the Opera House was planned in 1952, when three alternatives as follows were proposed:

Alternative 1. the Ring Street passes under the Kaerntner Street,

Alternative 2. the Kaerntner Street passes under the Ring Street, and

Alternative 3. underground passages for pedestrians.

The alternative 1 and 2 would destroy the space surrounding the Opera House, to make ramps. Therefore, the alternative 3 was selected.

The pedestrian streets in the street Graben, Kaerntner Street and street Kohlmarkt were planned in 1965, in order to prohibit the vehicular traffic and to preserve historic environment, when MA 18 asked 5 groups of architects to propose plans with a station of underground under Stephan's Square. Prof. Roland RAINER who used to be ex-chief of city planning of the city Vienna criticized these plans in the article of Presse, "Sankt Stephans-Dom zwischen Loechern";

"...But the prize project will be carried out. Then, we will not only have no Stephan's Square any more, but also only some steps on the brink of square and round holes around a church which is always the most important building, the generally most famous symbol of this city and its urban center.... The replace of the exits of underground at the Stephan's Square into the neighboring buildings has been the 'most inconspicuous' and 'best' solution

of all."

After that, the plan for the pedestrian street were finally carried out.

Thus, the direction of the city planning in Vienna was transferred from modernism and the postwar rehabilitation to preservation of the historic areas and the townscape. The basic idea is not to destroy excellent buildings, urban spaces and integral units. It is also expected new and original design. Standards to protect and control its historic townscape, therefore, are necessary. They are, viz., rules to go beyond the general rules, because the historic buildings are sometimes going beyond them.

3.1.3 *Development after the "HAAS-HAUS" (Kaerntnerring Hof)*

The Kaerntnerring Hof, which is standing along the street Kaerntnerring and was often compared with the HAAS-HAUS, is shown through studying on the critics and articles about it, to make clear the differences from the HAAS-HAUS and the problems of the HAAS-HAUS.

(1) *Building Outline of the Kaerntnerring Hof*

The Kaerntnerring Hof is neighboring the hotel Bristol and the hotel ANA which are first-class hotels in Vienna. This project started after a 1987 fire accident of the former Steyr Haus which was a modern nine-story building carried out under the postwar rehabilitation plan (see, 3.1.1). The Swiss insurance-company, Winterthur-Gesellschaft, bought this site and a part of the hotel Bristol, and requested architect Wilhelm Holzbauer to design a new complex building with shopping stores, offices and parking as a core of commerce which have been never seen around the 1st Ward. On the 16th of April in the next year, Holzbauer brought a model to the city authority, in order to show it the mayor Helmut Zilk and to get building permission. Its construction was realized, after connecting it to the hotel ANA with a corridor and a shopping street through the intermediation of MA 21. Finally it was completed in November of 1993 (see, Table 4).

(2) *F- and B-plan and Concepts of the Kaerntnerring Hof*

The F- and B-plan controlling the site of the Kaerntnerring Hof is shown in Fig. 11. Its regulations are GB V g (complex-building-site, building class 5 and closed type) and protection zone. Its design concerning townscape is regulated by Sec. 85 (5) of the Code and inquired by the Board and MA 19. Architect W. Holzbauer, however, was a chairman of the Board.

Table 4. Building Outline of the Kaerntnerring Hof.

Site	:	1, Kaerntnerring 5-7, Vienna
Client	:	Winterthur-Gesellschaft Company
Architect	:	Wilhelm Holzbauer
Stories	:	8 floors, Penthouse: 2 floors,
Underground	:	6 floors (including four-stories parking)
Cost	:	600 million shilling
Design Term	:	1987-1990
Construction	:	1989-1993
Use	:	Offices, Shops, Apartments, Underground Parking

It seemed to be of great advantage to get building permission (mentioned further in (3)).

The townscape is inquired by the Board with its judgment of "good", "bad" or "modify" but without standards. Architect Holzbauer commented on the Kaerntnering Hof harmonized with the ensemble of the street Kaerntnering, and almost all articles of newspapers and magazines criticize it ironically but not badly. With the knowledge about its concepts, therefore, it is possible to compare it with the HAAS-HAUS. Its design concepts are shown here, arranged from magazines, newspapers and an interview with architect Wilhelm Holzbauer (see, Photo 9):

- 1) The story number of the Kaerntnering Hof is much more than it of the surrounding buildings, to get the almost same floor-ratio as the former Steyr Haus had.
- 2) Most of the representative historic buildings in Vienna have high story-height in the 1st or 2nd floor (hereafter referred as "the basement"), regularly successional rows of windows with loggia and balcony in the middle, and characteristic roofs on the top.
- 3) Therefore, size and position of windows should be considered, to let it match with townscape.
- 4) The facade should be an outer skin with stones.
- 5) The facade should not be divided clearly.

(3) *Response from Communities on the Kaerntnering Hof*

(Reference)

There is no official document on response from communities on the Kaerntnering Hof. Articles of newspapers and magazines are grouped into before and after the beginning of its construction. The newspapers and magazines are;

1. profil : an architectural magazine,
2. Die Presse : a first-class newspaper, and
3. Kurier : a popular newspaper.

Additionally, in the case study of the HAAS-HAUS,

4. Wochenpresse : a weekly economic-information magazine,
5. Frankfurter Allgemeine Zeitung : a popular newspaper in Germany,



Photo 9. Kaerntnering Hof.

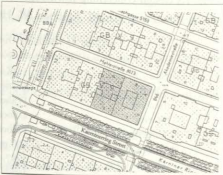


Fig. 11. F- and B-plan of the Kaerntnering Hof (1992).

6. Der Standard : a first-class newspaper, and
7. Handelsblatt : a popular newspaper.

(Response from Communities before the beginning of its construction)

a-1) "The 16th of April in 1989 was a day of happiness in the life of architect Wilhelm Holzbauer. At that time, it was a Sunday, a picture of the Viennese mayor Helmut Zilk was published on 27 page of the 'Kronen Zeitung'. The city-father pointed at an enormous architecture-model with his hand proudly like Karl VI. pointing at the emperor crown. 'Modern Building instead of Steyr-House-Ruin: Newer Palace of Glass at the Ring' stood by it. And: 'Viennese mayor Helmut Zilk like it. He is very interested in the design of Holzbauer.'"

The dream of any architect, to build in the midst of the excellent ensemble of Vienna, was blessed by the protective hand of the mayor.... Short expertise of Zilk said 'a wide step to quality architecture of international format for Vienna.'

In the last sentence of all of the report was mentioned, the plans had to still pass the Advisory Board.... The chairman of the Advisory Board for Urban Design was Wilhelm Holzbauer."

(An article written by the critic H. Christoph of the architectural magazine Profil (translated by the authors))

[Source: Horst Christoph, "Wilhelm, der Erbauer", profil, Nr. 37, 11. Sep. 1989, p. 92]

a-2) "The work at the new building of the Steyr-Haus burnt out in February of 1987 is going up. Around 700 million shilling including sales price was invested until now for the new building of a complex with office and shops instead of the Steyr-Haus on the Kaerntnering."

Only for works of planning and construction of this 'Kaerntnering Hof', the present client, the Winterthur-Insurance, spent 150 million shilling since October of the last year. Man is in the timetable with the works. The opening shall already take place in autumn of 1993. The Construction costs totally 1.5 billion shilling. It is unique that the construction work is for 'the deepest building site' in Vienna.

(An article of the first newspaper, Die Presse (translated by the authors))

[Source: "Wien tiefste Hochbaustelle fuer neues 'Steyr-Haus'", DIE PRESSE, 23. Jaen. 1991, p.8]

(Response of Communities after the beginning of its construction)

b-1) "...When hundreds of onlookers pushed their way through the revolving doors of the new 'Kaerntnering-Gallery', the dream of every architect became real for Wilhelm Holzbauer. It stood in a row with the admirable names, which have arranged the Ring Street of Vienna—one of the most brilliant ensembles in the world.

(An article written by a critic Horst Christoph of the architecture magazine, profil (translated by the authors))

[Source: Horst CHRISTOPH, Ruth RYBARSKI, "Baukaiser Wilhelm", profil, No. 45, 8. Nov. 1993, P. 96]

b-2) "Only Viennese mayor Helmut Zilk is satisfied with the commerce palace: 'I have the feeling, that the building has a clean and sympathetic aesthetic language.' And anyway: 'Holzbauer is a talented architect.'"

◀(An article written by a critic Horst Christoph of the architecture magazine, profil (translated by the authors))

[Source: Horst CHRISTOPH, Ruth RYBARSKI, "Baukaiser Wilhelm", profil, No. 45, 8. Nov. 1993, P. 96]

b-3) "...That the design had to pass still the Advisory Board for Urban Design made smile. The chairman of these commission,...., was Wilhelm Holzbauer. He left meanwhile the chair, but he is still always in the Advisory Board."

◀(An article written by a critic Horst Christoph of the architecture magazine, profil (translated by the authors))

[Source: Horst CHRISTOPH, Ruth RYBARSKI, "Baukaiser Wilhelm", profil, No. 45, 8. Nov. 1993, P. 96]

b-4) "The Success can not disappear. Conspicuously many men with traditional hats and loden-coats creep up to the new shopping mall and are in agreement: 'It is much more beautiful than the Haas-Haus.'"

◀(An article written by a critic Horst Christoph of the architecture magazine, profil (translated by the authors))

[Source: Horst CHRISTOPH, Ruth RYBARSKI, "Baukaiser Wilhelm", profil, No. 45, 8. Nov. 1993, P. 97]

The evaluation on the design of the Kaerntnerring Hof is not very low, but a little ironical especially on the relationship between the Board and architect Wilhelm Holzbauer, viz., Holzbauer was a chairman of the Board and he could influence on its decision, even if he left meanwhile the chair (see, a-1, b-3).

The criticism on its outer appearance is also ironical (see, b-4), judging from the statement that the Viennese people are called "men with traditional hats and loden-coats". It seems also not very bad that almost all communities recognize it as a dream of all architects and that they did not criticize its design. Therefore, the above-mentioned concepts should be useful to make a building suit to townscape in the historic area of Vienna.

The cost, however, is a problem. Especially, the underground parking make the cost higher and higher. It is, however, also one of the best way to consider townscape. There are already several underground parking garages in Vienna, for example in front of the Opera House. In the historic areas, to use underground is understandable for the communities.

3.2 Building Outline of the "HAAS-HAUS" and the Changes of the Regulation

3.2.1 Information on the "HAAS-HAUS"

In this chapter, the HAAS-HAUS designed by Hans Hollein, to which a special regulation is applied, is analyzed. The aims are to know the problems of the Code and city planning system in Vienna, and to have information and to discuss on the building-permission-proceedings, the operations of the Board, and community participation.

(1) Building Outline of the "HAAS-HAUS"

The building outline of the HAAS-HAUS is shown. This building is not only private but

also public, because Wiener Verein and all Vienna (city) play roles as clients and land owners.

(2) Concepts of the "HAAS-HAUS" and its Legal Problems

The HAAS-HAUS is a commercial mixed use building with shops, restaurants and offices containing a five-story interior atrium and a modern designed building with a glass and stone facade. This building stands on a most prominent site—opposite to the Cathedral—in the very center of the City and its outside configuration is determined by the shape of the site which in turn mirrors the corner of the old Roman fortification. The building cantilevers partly over the subway and this projection creates an intended separation between two urban spaces, the one of which, a square with a pedestrian area, has also been designed by Hans Hollein.

To materialize this building, there were two big legal problems:

One of them was a problem on the building line. In 1949 for the second HAAS-HAUS, the building line was set back from the building line of 1866. For the new HAAS HAUS, the building line had to be replaced back to the location in 1866. Moreover, Hollein designed a tower like an Erker which goes more than 5 m beyond the building line. To solve these problems, the amendment of the F- and B-plan and the application of the special regulations

Table 5. Building Outline of the HAAS-HAUS.

Address	: 1., Stock-in-Eisen Platz, Vienna
Client and Owner	: Zentralsparkasse und Kommerzbank, Wiener Staedische Wechselseitige Versicherungsanstalt
Architect	: Hans Hollein (Chief, Dieter Blaich)
Associate architects	: Marchart, Moebus & Partner (MMP)
Project coordinator	: Bengt Sprinzl
Site area	: 728 m ²
Floor area	: 6880 m ²
Structure	: S/R.C, 9E1/B4E1
Term of design	: 1985-1988
Term of construction	: 1987-1990

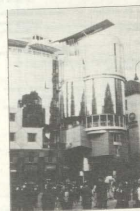


Photo 10. HAAS-HAUS (1991).



Fig. 13. Site Division Map in 1842 around the HAAS HAUS.



Fig. 14. The Land Readjustment Project in 1895.

[source: Innere Stadt Regulierungsprojekt—Baulinien-Antrag der Inneren Stadt mit Eintragung der genehmigten, beantragten und in Aussicht genommenen Baulinien und Kennzeichnung der öffentlichen monumentalen Gebäude, der Neubauten seit 1860, 1895, No. 1618].

B-plan for the second HAAS-HAUS. It reads that the building line was set back and that the building height was allowed to be maximum 32.50 m.

(4) *First Amendment of B-plan for the HAAS-HAUS (1986)*

After the presentation of the first proposal of the HAAS-HAUS in 1985, the amendment of F- and B-plan was determined in 1986, and the B-plan was amended mainly in two aspects (see, Fig. 16).

First, the building line was replaced to the line before the land adjustment. Additionally, the line was made curve. It means that the curved line of the Roman fortification was intended



Photo 11. The first HAAS-HAUS.

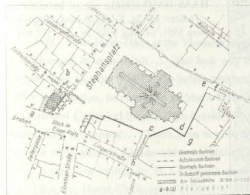


Fig. 15. F- and B-plan for the second HAAS-HAUS in 1949.

[source: M. Abl. 18-2172/46, Plan Nr. 1841, 8. Dez. 1949].

and that the view to St. Stephan from the street Graben should be kept.

Secondly, the part of the tower like Erker going beyond the building line was legalized by the application of the Sec. 5(4) of the Code. This special regulations were regulated in the text as follows:

2. According to Sec. 5(4) of Vienna's Building Code, the following things are regulated:

2.1. For the area surrounded with points 1-4-1 and characterized with BB1, it is regulated that the space over a height of 5m from the existing level is allowed to be built. The underlying space is public good. In this space, the arrangement of not-static-effective architectural elements (columns, pillars, etc.) are allowed, as far as the free passage continue guaranteed.

2.2. With regard to the foundation on the area characterized with BB2... the agreement should be made with the department for underground (U-Bahn).

2.3. For the area characterized with BB3, it is regulated according to the Sec. 5(4) of Vienna's Building Code, that architectural elements above the permitted building height is allowed to go beyond the contour according to the Sec. 81 of Vienna's Building Code.

[source: MA21—Flächenwidmungs- und Bebauungsplan, Plandokument 5951, 14. Mai 1986, Pr. Z. 1517/86 (translated by the authors)]

(5) *Final Amendment of B-plan for the HAAS-HAUS (1989)*

The next amendment of F- and B-plan was announced after two years from the beginning

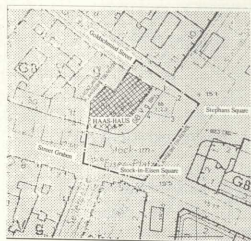


Fig. 16. First Amendment of B-plan for the HAAS-HAUS (1986).

[source: MA21, F- and B-plan, Plandokument 5951, 14. Mai 1986, Pr. Zl. 1517/86].

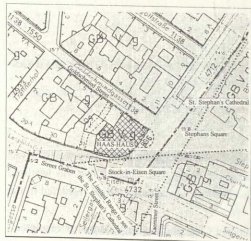


Fig. 17. Final Amendment of B-plan for the HAAS-HAUS (1989).

[source: MA31, F- and B-plan, Plandokument Nr. 5991, 30. Juni 1989, Pr. Z. 1808/89].

of the construction (see, Fig. 17). This plan was amended according to the mediation of MA 35 and the form designed by architect Hans Hollein. The differences between 1986 plan and 1989 plan are that the form of the tower like an Erker is not rectangle but circle, and that BB1, BB2 and BB3 of the 1986 F- and B-plan disappeared and that only BB6, which is already mentioned in 2.4.1. (3), is regulated for the cantilever tower. The second was influenced by the opinion of the community (which will be mentioned in 3.3.2). However, 1989 plan was improved from former one in terms of the function and the design.

3.3 Discussion on Townscape and the HAAS-HAUS

3.3.1 Community's Response before the Construction

(1) Community's Opinions after the first Proposal

Hollein's opinion at the presentation of his first proposal and community's opinions for

it and against it are studied;

<Hollein's opinion>

1-1) "That man doesn't have the famous view to the Cathedral any more is simply not true... Then, I will not historicize and create a comic and medieval townscape! Of course, we have today another life feeling, and in Paris there is also a park in front of Notre Dame. The only thing, what I will is: to give pauses to a unstructured space... The enormous creative potential of this city is not maybe always fully used."

<an article written by K. KHITTL, a reporter of an economic information magazine Wochenpresse>

[Source: Klaus Khittel, "HAAS IM PFEFFER", Wochenpresse, Nr. 4, 21. Jan. 1986 (translated by the authors)]

<Community's Opinion for it>

1-2) "The Haas-Haus at the Viennese Stephan's Square, unloved child of the reconstruction era, changed its own owner... The best way is as follows: You put a historical facade, and nobody says on, how it looks like before and behind. Mayor Helmut Zilk intends another thing. After information, he requested architect Hans Hollein a project, which takes the design of the area around Cathedral Stephan into consideration. Hollein,.... argued with the ensemble of the history and the present... There is no need to doubt that Hollein is enough clever to answer the historic style with his Facade without imitating it."

<a criticism written by H. Christoph, a critic of an architectural magazine, profil>

[Source: Horst Christoph, "HEIKLE ZONE", profil, Nr. 49, 2. Dez. 1985 (translated by the authors)]

<Community's Opinion against it>

1-3) "The million city Vienna has in moment obviously only one house, and it will be pulled down. The Hollein's opponents argued on two levels: Here will be a flavorous center of luxury and mode, naturally a speculative object—a typical capitalistic absurdity... Another attack point offers basically the most interesting aspect of Hollein's project. Hollein intends namely, to take back on the historic building line, in which he plans a projection like a tower and reconstruct the old 'Stock-im-Eisen' square which is today not recognizable any more. The view to the "St. Stephan's Cathedral" is endangered..."

<an article written by U. Weinzierl, a reporter of a German newspaper, F. A. Zeitung>

[Source: Ulrich Weinzierl, "Das ungeliebte Haus", Frankfurter Allgemeine Zeitung, 19. Feb. 1986 [translated by the authors]]

(2) Community's Opinions after the second Proposal

a) On the View to the Cathedral St. Stephan's Cathedral

<Community's Opinion for it>

2-1) "The view to the Cathedral... is hardly changed by it. The critical edge is not this tower like an Erker, but the curved edge beside it... The famous tower like an Erker is for the view from the Kaerntner Street, and it is impossible to see the St. Stephan's Cathedral from the place."

(an article written by K. Khittl, a reporter of information magazine, Wochenpresse)
 [Source: Klaus Khittl, "GRUSS VOM SEHWINKEL", Wochenpresse, Nr. 8, 20. Feb. 1987, pp. 48-49 (translated by the authors)]

<Community's Opinion against it>

2-2) "His design show an "antitheses to Stephan's church, a hyper-modern ostentatious opposition to the century-old cathedral architecture". Hollein forces a "undesirable demonstration of western commerce". Therefore, it could be a undesirable demonstration of Austrian provincialism."

(a criticism written by A. Worm, a critic of architectural magazine, profil)

[Source: Alfred Worm, "Psychoterror", profil, Nr. 14, 6. Aug. 1987, pp. 60-61 (translated by the authors)]

b) On its Design

<Community's Opinion for it>

2-3) "If Hollein had planned his "Haas-Haus" with gothic arch, steeple and infantile glass-mosaic, he would be probably in the pleasure of the legal advisers and the mercy of the headman of ward. And all of the world would laugh."

(a criticism written by A. Worm, a critic of architectural magazine, profil)

[Source: Alfred Worm, "Psychoterror", profil, Nr. 14, 6. Aug. 1987, pp. 60-61 (translated by the authors)]

<Community's Opinion against it>

2-4) "The projected building designed by Hollein is, at first, not corresponded to the neighboring buildings because of its comprehensive glass-facade and therefore... not allowed. The design is also not in the right style in a sense of the area of protection zone."

(the legal adviser of the city Vienna Fritz Czerwenka's comment, quoted by a critic A. Worm)

[Source: Alfred Worm, "Psychoterror", profil, Nr. 14, 6. Aug. 1987, pp. 60-61 (translated by the authors)]

c) On the Amendment of F- and B-plan

<Community's Opinion against it>

2-5) "The amendment of the F- and B-plan carried out in favor of the project "new Haas-Haus" designed by architect Hollein is unconstitutional, the project does not correspond to the Vienna's Building Code, especially not with regard to building lines, building height and protection of townscape. The accepted law, especially the Vienna's Building Code and the administration of justice under the Supreme Court give the individual of Viennese citizens no possibility to interfere right-effectively in order to protect its townscape. But the neighbors of the Stephan's Square and the Stock-in-Eisen-Square can protect their rights to prevent the project against a building permission of this Hollein's project through the building authority until calling the Supreme Court."

(the legal adviser of the city Vienna Fritz Czerwenka's comment, quoted by a critic A. Worm)
 [Source: Alfred Worm, "Psychoterror", profil, Nr. 14, 6. Aug. 1987, pp. 60-61 (translated by

the authors)]

d) On the Sec. 85 of the Vienna's Building Code

<Community's Opinion for it>

2-6) "The project contradicts the Building Code. It should be still realized, 'only after carrying out an amendment of the law'."

(the headman of the 1st ward Heinrich A. Heinz's comment, quoted by a critic A. Worm)
 [Source: Alfred Worm, "Psychoterror", profil, Nr. 14, 6. Aug. 1987, pp. 60-61 (translated by the authors)]

2-7) "A regulation... is in the practice 'unrealistic'. The case of 'Haas-Haus' demonstrates this 'unrealistic': The Stephan's Square is dominated by the gothic Stephan's Church; on its opposite side, some younger buildings, which have no style, stand. The Stock-in-Eisen-Square is dominated by renovated buildings of the last century. Along the street Graben, the "Haas-Haus" borders on a building with the mark "Cheese with holes (Käese mit Lochern)"."

(a criticism written by A. Worm, a critic of architectural magazine, profil)

[Source: Alfred Worm, "Psychoterror", profil, Nr. 14, 6. Aug. 1987, pp. 60-61 (translated by the authors)]

2-8) "In the meanwhile, in the ward-representative kept secret and under abolishment of 'Klubzwange', the executed vote, which asked, if the present project corresponds to the regulation of the Sec. 85-yes or no-, is 75% of the representative with "no" and 25% with "yes". Regardless of this, the quality of design would be emphasized in the discussion. The indication of "gothic, arches, steeple..." could arouse the wrong impress, that such elements would be contents of the Sec. 85. This is not the case. A "copy through" of different existing style is neither requested nor desired. It is rather the will of the law, new building in a protection zone adjust the ensemble..."

(an article written by arch. Dipl.-Ing. W. Winterstein, contributed to the architectural magazine profil)

[Source: Arch. Dipl.-Ing. Werner Winterstein, "Hollein-Haus", profil, Nr. 15, 13. Apr. 1987, p. 10 (translated by the authors)]

<Community's Opinion against it>

2-9) "As office headman and reporter of city council at the decision of 1972 Historic-City-Protection-Amendment in the State Court, I think it legitimated, to comment on the discussion about the Hollein-House. The Sec. 87(6) determined at that time, later Sec. 85(5), is conformed to the general request, to stop a further destruction of sensitive historic city-areas through modern buildings, which were built without empathy and felt as an alien substance. This regulation expects, that the outer appearance of building must be so according to building form, building staff and color, and that it does not destroy the homogeneous design of the local townscape. The glass facade of Hollein's project is not suitable to this regulation in my opinion."

(an article written by Dr. H. Krasser, office headman and reporter of city council, contributed to the architectural magazine profil)

[Source: Dr. Hannes Krasser, "Hollein-Haus", profil, Nr. 15, 13. Apr. 1987, pp. 9-10

(translated by the authors)]

2-10) "The longing for historic harmony, "beautiful new has become the old again", is the actual aesthetic fundamental consent of today.... Only the Hollein's Haas-Haus made a completely new situation.... the Sec. 85(5) was amended as "Hollein Lex".... After that, it was not possible until now, to react style-right from many century to a collage, therefore the new house "adjust" to the neighboring buildings, which are now only "considered"."

(a criticism written by D. Steiner, a critic of the architectural magazine profil)

[Source: Dietmar Steiner, "Die Lex Hollein", profil, No. 27, 6. Juli 1987, p. 53 (translated by the authors)]

3.3.2 Mediation made by MA 35

(1) Contents of the Mediation

MA 35, which works normally for general building administration, played a big role, to realize the HAAS-HAUS. Although MA 35 has never worked for the building permission, it intervened in case of the HAAS-HAUS, because the communities demonstrated very hard against the HAAS-HAUS and the city authority needed it to mediate the conflict between the communities and the parties concerned.

At first, MA 35 arranged and grouped the communities' and surrounding land owners' opinions, before it investigated the way to do and mediate. Consequently, it made the suggestions (on 4. June 1987) to mediate the parties. If it had not done, the HAAS-HAUS would not have been realized.

On the other hand, the suggestions were made absurdly severe to the surrounding landowners. Almost all dealings are, for example, to make them unreasonable and to reject. To the opinions against the steeple, they were rejected because of their unreasonability. Only the opinion against the underneath space of the tower like an Erker that it obstructed the free passage was accepted (hereafter, source: MA35-o.B./1-40/87, Wien, 4. Juni 1987, translated by the authors).

1. The B-plan is not kept:

a) The present valid B-plan was on the base of the...design of Mr. Prof. Hollein, which expect a angular tower-form projection.... The present project is strong changed under another design in view of the course of outer facade: The facade is round. It is over or under the borders described with BB2 and BB1,2,3 in the B-plan.

b) The roof in the mentioned design goes beyond the extent allowed in the B-plan and Sec. 81 (6) of the Code: It is not spoken, that this building part is not space-designed and "under the law"....

c) The projection like an Erker on the outer facade mentioned in the design goes beyond the border allowed by B-plan.

d) The mentioned columns in the area described with the points 1-4-1 and with BB1 in the B-plan don't allowed the free passage demanded in the B-plan: ...

2. The regulation of Sec 63 (3) and (4) of the Code is not kept:

a) In order to judge the building plan and the planned building, the presentation of a photo

documentation... would be necessary....

b) It is known that the building plan in a historic area should be composed.

3. Sec. 85 of the Code is not kept by the mentioned project:

There is a subjective public interest to raise possibilities with it, when the characters or artistic effects of a building work are in a historical, cultural and aesthetic sense problematically affected.... The objective project is not adjusted and therefore not allowed according to Sec. 5 (5) of the Code, because of its comprehensive facade of glass at the neighboring building....

4. Affect to the daylight:

5. Foul-smell and noise pestering:

To these objection, the judgments and the reasons are as follows:

1. For the area enclosed with the points 1-4-1 and shown with BB1 is regulated, that the space from a height of 5 m over the existing level is allowed to be build.... In this space, not effective architecture element from static is allowed.

1.a) unfounded, and rejection;

According to Sec. 76 (8) of the Code, the city authority allows a free will of set back of a building part behind the building line,....

1.b) inadmissible, and rejection;

Independent from the regulation of Sec. 81(6), the B-plan identifies for the area shown with BB3 that architecture elements is allowed to go beyond over the building allowed height.

MA 19 decide in the certification of 24. April 1987 ZI. MA19-B1/157/87 that the roof is assessed as architecture element going beyond....

1.c) unfounded, and rejection;

1.d) unfounded, and rejection;

2.a) b) c) d) unfounded, and rejection;

3. inadmissible, and rejection;

4. unfounded, and rejection;

5. unfounded, and rejection;

(2) Decision of MA 35

MA 35 rejected finally almost all the objection as inadmissible and unfounded. It made, thereafter, some prescriptions on 4 June 1987. Several paragraph of these prescriptions are shown:

In the projecting cylindrical building part, which reaches from the 2nd floor to the 1st roof-floor and is located in the corner of Goldschmiedgasse, on the 2-5 floors office and commercial use and on the 6th floor a coffee shop, whose atrium is up to the 1st roof-floor....

The facade is covered with glass and nature stone. The roof is covered with a tin plate....

Thus, the prescription were determined on the side of architect Hans Hollein. The objections, however, were going out. Nowadays nobody argues against it loudly.

3.3.3 Community's Response after the Construction

(1) Community's Opinions before the Completion

<Community's Opinion for it>

"The HAAS-HAUS is a mausoleum of form, a sample book of high class building-materials and hand-made industrial details. What it is not, however, is architecture. Maybe, rather a form of neurosis. And a very Viennese, small-country Austrian building. Meta-architecture in the historic protection zone. Then: ...The HAAS-HAUS is a important house. Who but Hans Hollein could have built it?"

(a article written by G. Schoellhammer, a reporter of the newspaper Der Standard)

[Source: G. Schoellhammer, "Schwere Haut Am Kaufmännischen Vereinshaus", Der Standard, 30. Aug. 1990, (translated by the authors)]

<Community's Opinion against it>

"...it is a theatrical building, which made the Viennese too long remaining stepkind whom directing-genius Hans Hollein made trust and it divide them in two."

(an opinion quoted by G.schoellhammer, a reporter of the newspaper Der Standard)

[Source: G. Schoellhammer, "Ein Welstar Im Den Schaechten Der Provinz, Der Standard, 30. Aug. 1990 (translated by the authors)]

(2) Community's Opinions after the Completion

<Community's Opinion for it>

"...the HAAS-HAUS is like traditional and Viennese.... Also in case of roof landscape, you remember convincible solution by Hollein's hand, which was polished harder, placativer, moderner and not aesthetic, as the realization shows. In spite of all criticism, the HAAS-HAUS is a contribution to Viennese architecture and their debate. Its realization was not in the last, therefore necessary, ... All weakness which the opposers, who are in their mind today still jointly responsible for the neighborhood of shameful postwar-rehabilitation-buildings in this area, are never reached."

(a criticism written by D. Steiner, a critic of the newspaper Kurier)

[Source: D. Steiner, "Neues Haas-Haus: Wenn er nur aufboeren koennt", Kurier, 13. Sep. 1990, p. 13 (translated by the authors)]

<Community's Opinion against it>

"in the end without the countless aesthetic methods, as historic layer (remembering of the course of the Roman Castrum), city planning ambition (correction of diffusive square-street-crossing, as far as it allows the underground under the square) and correspondence with the circumstances, for instance, adjustment of the cornice line and the two-story shop-level and "legitimating" of noticeable roof landscape with temple, sail and the others, which answer green cupola of the equitation palais and the Otto-Wagner-Glass-House (Hundertwasser-Atelier) and lead the glance above. Hollein did terrible thing here above the cornice line."

(an article written by E. Trappschuh, a reporter of the newspaper Handelsblatt)

[Source: Elke Trappschuh, "Palast Der Schoensten Illusionen", Handelsblatt, Nr. 183, 21. Sep. 1990, p. 30 (translated by the authors)]

Up to this moment, the communities' opinions on the HAAS-HAUS after the presentation of the first proposal until its complements were shown.

The points of the opinions for the HAAS-HAUS were mainly as follows: to create activity in the city which is on the decline, to create a new space letting us remember the historic space (the two divided squares and the old Roman fortification), to have better not correspond to the surrounding buildings because of their many different styles and especially the ugly neighboring building, to be allowed to amend the Sec. 85(5) of the Code, to be necessary to make an example designed through modern and new architectural vocabularies in protection zones, and to recognize the HAAS-HAUS suiting to the Viennese traditional style.

The points of the opinions against the HAAS-HAUS were mainly as follows: to obstruct the view to the St. Stephan's Cathedral, to be uncomfortable to the Sec. 85(5) of the Code, to have the tower like an Erker go beyond the building line illegally, to obstruct the passage especially under the tower like an Erker, to make noise and foul stench, not to be allowed to make a glass facade and a wing-form roof, and to have amended the F- and B-plan and the Code itself illegally.

These opinions have changed gradually according to the progress of the planning and the construction of the HAAS-HAUS. Especially, the opinions against it have entirely changed before and after the beginning of the construction, because of the amendments of the F- and B-plan and the Building Code. Therefore, these opinions can be grouped into two groups; opinions about the proceedings and opinions about the design of building.

At first, these amendments seemed to be made by force and illegally. Communities began, therefore, demonstrating against the HAAS-HAUS. There were no room for the communities to participate in the planning directly, in spite of the important site for the Viennese. After the amendment, however, the HAAS-HAUS became conformable to the Code suddenly. The communities were against it, as well. Then, the mediation and the mediation-plan made by MA 35 played an important role in making the opposers compromise. Although its contents were undemocratic and problematic, it was practically useful to consent each other, because they could participate. In the case of the HAAS-HAUS, therefore, the process before the mediation was most problematic. At that time, the communities could not participate deeply enough to the city-planning process.

The contents of the opinions on the design, especially on the relationship between the neighboring buildings, are also important. Judging from them, architectural and urban-design intention are supported. For instance, to make cornice lines correspond to the two-story shopping floors, to consider the old Roman fortification, to arrange the relationship between the underground and the square, etc. The correspondence of the style to the neighboring building, however, was rejected. It depended on the neighboring "cheese with holes". It does not mean that to make the design correspond to the neighboring is impracticable, on the contrary, it means that the neighboring building should be also aesthetic. How to correspond to the neighboring building is, therefore, important to create the urban space, especially in

the historic areas.

3.4 Problems on Design of New Projects and Townscape Control System in the Protection Zones

The protection zones were established to prohibit new constructions and to protect the integral units. The HAAS-HAUS urged to change the situation. In the protection zones, it is now possible to build legally new and modern buildings with a contemporary style. The important points are to be expected to design an aesthetic building in either case and to be impossible to correspond to the surrounding buildings because of their different styles. If the design of the neighboring building was good enough, it might be considered to correspond to it. However the neighboring building is not considered to be good. It is, therefore, difficult to judge whether the new design is enough aesthetic or not.

According to the present Code, the above-stated judge are left to the Advisory Board for City Planning and Urban Design. There is, however, some doubt about the present roles and operations of the Board. A certain chairman could stay his position, while inquiring his project. The design of the HAAS-HAUS was requested to architect Hans Hollein by the mayor himself.

On the other hand, the special regulations are very useful method to control the urban space in the historic area. They were also applied to the HAAS-HAUS. Their appropriateness was, however, not discussed by communities, because the city authority determined them by force before the communities could appeal. The amendment of the F- and B-plans should have been announced long enough for communities to consider their appropriateness.

4. Conclusion

4.1 Summary

In this study, the townscape control system according to the Vienna's Building Code was historically and legally understood and illustrated by example (mainly, Chap. 2), moreover their problems were highlighted, through analyzing the discussions especially on the HAAS-HAUS (mainly, Chap. 3).

In the Chap. 2, the characteristics of the Code and townscape control system in Vienna were understood as follows:

The Code is an administrative state-law as well as a city planning and building law. In the case of Vienna, however, the state area is equal to the city area. The Code, therefore, can control its townscape and urban space in the original way. Secondly, in the process of making F- and B-plans, the communities have only 4 weeks to inspect them from the viewpoint of community participation. Normally, one is interested only in one's own things. Without enough announcements, the communities could not know about the amendment of F- and B-plans. Thirdly, the Board, which is the only body to inquire the city administration of Vienna, is not an independent but mayor's advisory body under the Code. Fourthly, building lines, building classes and outer appearance are available to control townscape under the

Code. Fifthly, special regulations control the urban space in the protection zones additionally. The degree of control enforcement varies from case to case. They should be discussed more severely with communities.

Next, in the Chap. 3, the discussions on the concrete projects, mainly on the HAAS-HAUS, were grouped into the approval and opposition, and analyzed, in order to know the problems of townscape control in Vienna. Consequently, the following things were highlighted:

First, the changing of the discussions on the townscape after W.W.II was historically arranged. The problems on townscape in the city have been discussed especially since 1960's, emphasizing on the destruction of the historic environment by the modernization. The protection zones were established to prohibit the constructions and to protect the integral units. The HAAS-HAUS urged the regulation to be changed as modern buildings can be built in the protection zones. Secondly, there is some doubt about the present roles and operations of the Board. A certain chairman could stay his position while inquiring his project. Thirdly, the term of announcements and inspections for the amendment of the F- and B-plans is not long enough to consider if they are proper.

4.2 Discussions

Considering the above-mentioned summary, important information for the townscape control system can be found as follows:

1) Role and Operation of the Advisory Board for City Planning and Urban Design;
Judging from the case of the Kaerntnerring Hof, the architect who designs the building concerned can not inquire it but be in the Board, nevertheless the Board is the only deliberative body on townscape. Additionally, the members are nominated from the organ, which determined legally in the Code, by the mayor. The Board can not work as an entirely independent body. To realize a real coexistence of architectural design and townscape control, however, the Board should be independent.

2) Necessity of Observation by Communities;
To realize the independent Board, a representative observation-committee of the communities should be organized legally. This committee can judge if the Board works appropriately and if F- and B-plans are conformable and suit to the locality, and can also work as a consultant for the communities.

3) Insufficiency of Information Disclosure on F- and B-plans;
In case of the HAAS-HAUS, F- and B-plans were announced to the public and allowed to be inspected. But it was only 4 weeks according to the Code. It is not enough to let almost all communities know the contents of the F- and B-plans. Especially the amendment of the F- and B-plans including the aesthetically sensitive site in the historic areas should be announced to the public broadly and detailed discussion should be held with communities.

4) Lack of Townscape Evaluation System;
It is also necessary to make a townscape evaluation system to know the aesthetic level of building. It is, however, not an absolute system, but a system to know only the borderline

alternation, because of various value judgment. Sometimes it can be applied, in order to judge whether the going beyond the building lines is appropriate.

5) Appeal by Architect against the Decision:

It should be regulated by law for architects to appeal against the decisions of the city authority. In the case of HAAS-HAUS, Hans Hollein has a personal connection with the mayor, Helmut Zilk. When the community participation is established, however, the architects' position will be equal to the communities'. Above all, design should be led by architects.

6) Evaluation of appropriateness of the F- and B-plans in the Building Permission Proceedings:

In the case of the HAAS-HAUS, it is also a problem that the F- and B-plan had been already amended and that the city authority rejected the communities' request and did not review the appropriateness of them. Especially in case of project at aesthetically sensitive sites, the F- and B-plan should be reviewed in the building permission proceedings.

4.3 Conclusion (Improvement of Building Permission Proceedings)

The process of the building permission should be improved into the proceedings with community participation (the representative observation-committee of communities), townscape evaluation system, appeal by architects and review of the F- and B-plans. Fig. 18 shows an example of the improved building permission proceedings.

Thus, when the present townscape control system are improved, when communities can participate the creating of new urban spaces and when every architect equally has chances

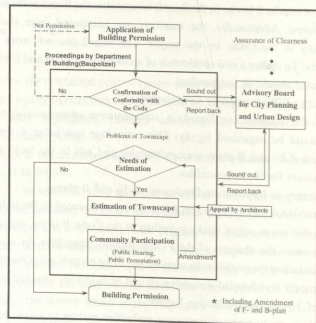


Fig. 18. A Proposal of the Improved Building Permission Proceedings.

to design creative urban spaces, townscape control and architectural design will coexist really on the democratic base.

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