(e) Maguire Avenue from the south service roadway of Richmond Parkway to Burchard Avenue;
(f) Foster Road from the south service roadway to the north service roadway of Richmond Parkway;
(g) Vernon Avenue from the north service roadway of Richmond Parkway to Carlton Avenue;
(h) Marcy Avenue from the south service roadway of Richmond Parkway to a point about 200 feet southerly therefrom;
(i) Hugonot Avenue from West Terrace to Carlton Avenue;
(j) Heenan Avenue from North Railroad Street to the south service roadway of Richmond Parkway and from the north service roadway of Richmond Parkway to Lamont Avenue;
(k) The island of safety at the intersection of Lamont Avenue and Heenan Avenue;
(l) Albee Avenue from Ionia Avenue to Sinclair Avenue;
(m) Arden Avenue from the north service roadway of Richmond Parkway to the south service roadway of Richmond Parkway;
(n) The island of safety along the easterly side of Richmond Parkway between Carlton Boulevard and Grantwood Avenue;
(o) Grantwood Avenue from the west service road of Richmond Parkway to Rathbun Avenue;
(p) Genesee Avenue from the east service roadway of Richmond Parkway to Annadale Road;
(q) Annadale Road from Genesee Avenue to Barlow Avenue;
(r) Gurley Avenue from the south service roadway of Richmond Parkway to Richmond Avenue;
(s) Arthur Kill Road from a point about 264 feet westerly of Ladd Avenue to a point about 140 feet easterly of Ridgewood Avenue.
(t) Richmond Avenue from Gurley Avenue to the north service roadway of Richmond Parkway.
(u) Rockland Avenue from Slone Avenue to Manor Road;
(v) Todt Hill Road from Merrick Avenue to Tillman Street;
(w) Ocean Terrace from Bogert Avenue to a point about 300 feet easterly of Todt Hill Road; and in
(x) The north and south service roadways of Richmond Parkway between Pleasant Plains Boulevard and Clove Lakes Expressway;
—in accordance with the treatment shown on the map.
On November 3, 1960 (Cal. No. 190), and December 1, 1960 (Cal. No. 23) the matter was laid over; on the latter date to this meeting.
The matter was laid over to January 12, 1961.

Cal. No. 17.
Board of Estimate—Comprehensive Amendment of Zoning Resolution of The City of New York.
(Second Call)
The Secretary presented the following report of the City Planning Commission:
(CP-15820)

To Secretary, Board of Estimate, from City Planning Commission:
October 18, 1960

At the request of the City Planning Commission and with the support of Mayor Robert F. Wagner, the Board of Estimate in August, 1956, authorized the City Planning Commission to engage consultants for the preparation of a study and report on the rezoning of New York City. This action was found necessary because for the past two decades evidence was accumulating before the City Planning Commission that the existing Zoning Resolution was inadequate to meet the needs of The City of New York. Accordingly, by contract dated September 4, 1956, the City Planning Commission engaged the services of the architectural firm of Voorhees Walker Smith and Smith for this purpose. The consultants made intensive and thorough studies of existing conditions, trends and future needs, and on the basis of these studies formulated a proposed comprehensive amendment of the Zoning Resolution. Their report was submitted to the City Planning Commission and published on February 16, 1959, under the title "Zoning New York City.

The City Planning Commission, in an endeavor to acquaint the public with the consultants' suggestions, and at the same time, with a desire to receive as many comments and recommendations as possible, held informal public hearings on April 13, 14 and 27, and May 5, 7, 11 and 19, 1959. The first two informal public hearings, in City Hall, were
Zoning Resolution upon which a public hearing was held on September 12, 13 and 14, 1960, and presents in this report a summary of the factors which have been considered in reaching a decision at this meeting to adopt this Comprehensive Amendment.

THE ISSUE

In 1916, on the basis of public need, the nation's first comprehensive zoning law, the Building Zone Resolution, was adopted in this City.

For 44 years New York City has clung close to the letter of its Zoning Resolution, but it has failed to keep its spirit. While we impound our land to cope with specific problems that presented themselves as a result of the proposal.

On June 24, 1959, the Planning Commission announced unanimous approval of a statement of intent specifying that any proposed Comprehensive Amendment would not take effect until one year after approval by the Board of Estimate, nor before July 1, 1960, "to ensure maximum stability in the building and real estate industries during the important transition period." Such a one-year grace period provision is now incorporated in the Comprehensive Amendment.

Following these informal hearings on the consultants' proposal for a comprehensive amendment, the City Planning Commission prepared its Proposed Comprehensive Amendment of the Zoning Resolution for public hearing and consideration. It was published in The City Record on December 21, 1959. While the proposal incorporated those as it does now—the basic concept of the consultants' report, it contained numerous changes in the text and 366 changes in the maps as originally proposed by the consultants. The Planning Commission prepared a guidebook, Rezoom New York City, and a list of major changes as a convenience for the public. In addition, a broad public information program was carried out through public information media, and through the distribution of interpretative materials, to explain the new proposal to the public. Also, members of the Planning Commission and the staff of the Department of City Planning addressed numerous meetings of professional societies, civic civic, and business organizations to explain the proposed amendment and answer questions that were posed.

On the basis of its own experience, the City Planning Commission was appointed September 14, 1959, Cal. No. 48, pursuant to Section 200 of the New York City Charter, adopted a resolution fixing March 14, 15, 18, 21, 22, 23 and 25, 1960, as the dates for a public hearing on the Proposed Comprehensive Amendment of the Zoning Resolution (CP-15278) as published in The City Record of December 21, 1959. The Proposed Comprehensive Amendment was held on a public hearing held on 7th, and continued by the dates above mentioned, and closed on March 25, 1960.

The hearing was well attended—367 persons spoke. Only 36 of the speakers registered a general opposition to the Proposed Comprehensive Amendment of the Zoning Resolution or called for delay. The overwhelming majority of speakers urged the adoption of the resolution and many offered constructive recommendations for improving the document. Following the public hearing, Planning Commission members and the staff of the Department of City Planning continued to work with interested individuals.

After reviewing briefs submitted by interested parties, studying recommendations made at the hearings, and participating in many meetings with professional societies, the City Planning Commission revised the Proposed Comprehensive Amendment to include numerous changes reflecting recommendations by the public, including amendments and modifications authorized by members of the Commission and staff technicians. Because of the number and importance of changes to the text modification, the Planning Commission had determined that a second public hearing would be held on the Proposed Comprehensive Amendment as revised. Accordingly, on August 17, 1960, Cal. No. 68, the City Planning Commission adopted a resolution amending the dates for a public hearing on the Proposed Comprehensive Amendment of the Zoning Resolution as revised after the March 1960 public hearing and published in The City Record of August 18, 1960.

As a public service, the City Planning Commission prepared a comprehensive list of changes to facilitate comparison of the first and second drafts of the City, second hearing, and the proposed Comprehensive Amendment, and revised its guidebook, Rezoom New York City, to include modifications of the December 24, 1959 proposed Comprehensive Amendment was the subject of a public hearing held and continued by the Commission on September 12 and 13, and further continued on September 14, 1960, on which date the hearing was closed.

The Commission heard 282 persons during the three-day hearing. The nature of the support and opposition is described in the section of this report titled, The Public Hearing.

The matter was considered further at a meeting of the City Planning Commission held on September 14, 1960, Cal. No. 2. The Commission has reviewed the findings and considerations leading to the public hearing of the Proposed Comprehensive Amendment of the
The first comprehensive Zoning Resolution in this country was adopted by The City of New York on July 25, 1916. The Commission on Building Districts and Regulations, which produced the 1916 Resolution, saw the need for zoning regulations with clarity and vision. Its final report (June 2, 1916), stated: "City planning is a primary necessity of the times.... Traffic problems, the congestion of population and the abuse of land, the magnitude of the property values involved, make the control of building development more and more essential to the health, comfort and welfare of the City and its inhabitants."

Far-sighted as they were, the fathers of New York's Zoning Resolution could not possibly visualize the social and technological revolutions that were to take place in the 20th Century. The drafters of the 1916 code were basically rooted in the 19th Century. The Planning Commission itself in its restrictions and its structure. Nor did they foresee the impact on land use and development of the transportation revolution brought about by the automobile and the airplane. It could not foresee the sweeping changes in retailing that produced the rise of the chain store, the supermarket and shopping center. It could not foresee the demand for horizontal, not vertical, layouts, for off-street parking to accommodate workers and for off-street loading to accommodate the movement of goods by trucks. Nor could it foresee an urban explosion that burst through the boundaries of the old city into the surrounding suburbs.

Despite the wise forewarning by the authors of the 1916 zoning ordinance that amendments to the Zoning Resolution should be correlated with comprehensive city planning, it was not until 22 years later that the City Planning Commission was created and designated as the agency officially responsible for comprehensive planning. By that time, the zoning structure was already considered obsolete.

Just prior to the creation of the City Planning Commission, the Mayor's Committee on City Planning, which had urged a comprehensive new Zoning Resolution, reported that half of the inhabitants of the City lived in non-residential districts; ten years later, a report indicated that more than half of the area of all the commercial districts in the City was being used for residential purposes; and, today, we still find, for example, that 60 per cent of the buildings in the Downtown Manhattan area is zoned unrestricted—permitting the proverbial glue factory to locate next door to some of our most dignified financial buildings.

Similarly, after the City Planning Commission was set up, consideration was given to the revision of the zoning code. In deliberating the choice between the adoption of a piecemeal amendment or a piecemeal amendment, the Commission had its misgivings, decided upon the latter. As a result, on June 28, 1940, an amending bill was adopted recognizing new forms of housing development, setting up local retail and manufacturing districts, expanding the lists of nuisance industries and tightening regulation of garages, automotive services and outdoor signs. These were under-stated to the extent of interminable. The hope then existed that a comprehensive amendment would be adopted at some future time. It is now evident that these attempts to reconcile emerging land-use and technology use and zoning within the original framework of the ordinance failed to achieve the desired results.

Four years later, on November 1, 1944, the Planning Commission moved to adopt an entirely new comprehensive ordinance tightening height and area controls before building construction could be resumed when World War II ended. In its report, the Commission said it was "in accord with those who characterize the proposals as a step toward something revolutionary. The new ordinance does not go as far as the Commission would like it, and it hopes that New York will continue to raise its zoning standards in the future.

In 1948, Mayor Robert F. Wagner, who was then Chairman of the City Planning Commission, asked the Board of Estimate to appoint a committee for the formulation of a comprehensive zoning proposal. The result was the "Plan for Residential Development," published in 1953 and was the subject of wide public debate. It is interesting to note that elements of this proposal have since been incorporated in many modern zoning codes throughout the United States, but The City of New York remained with its original code, albeit much amended.

The experience of the past several decades has proved that attempts to tack modern zoning changes on a basically archaic structure are unworkable. Functional zoning changes under these circumstances may be a palliative, but they cannot be a cure. A report approved by the Association of the Bar of the City of New York on piecemeal amendments to Real Property Law, January 12, 1957, reached the same question of piecemeal amendment. It found:

> Despite the more than 2,500 amendments to text and maps, the present resolution is still inadequate and obsolete. At this point, it is wholly unrealistic to expect that the process of piecemeal amendment will produce different results in the future than in the past.

The most comprehensive concept of rational land use for the City as a whole, the present resolution contains a built-in major failing that must defeat all attempts at piecemeal correction. Extensive remapping on the basis of an outworn text can lead only to distortion and unforeseen and inconsistently oversized results. The planning commission is an instrument with the text in accordance with contemporary zoning conceptions without corresponding integration with the map would be pointless.

> "We think there can be no serious question that the time has come for a complete revision of the Zoning Resolution and an abandonment of the self-defeating process of piecemeal amendment, the latter more fruitful than the former but not so thoroughly sound or as much in harmony with an outdated, cumbersome and inadequate instrument to guide the development of the City."

The Consequences of Inadequate Zoning

In the past decade, New York City has spent vast sums for urban renewal and slum clearance, for public housing, and for middle-income housing. It is presently increasing its housing and renewal efforts through expansion of old programs and development of new ones. It has already started on a program of industrial park development. It has launched a neighborhood conservation program. Plans have been announced for a ten-fold increase in its limited-profit middle-income housing program. It has just received a three-year Federal grant of $1,500,000 for a community renewal program intended to assess City-wide renewal needs and develop a long-term program. Its current (1960-1963) six-year Capital Budget and Program allocated almost $2.6 billion for schools, hospitals, transit improvements, sewage treatment plants, libraries, parks and other needed public facilities.

But these programs can never wholly succeed; nor can we reap full dividends from them so long as they are built on a foundation of inadequate zoning. New slums springing up as fast as old ones are cleared and redeveloped; City families seeking living amenities—open space, light, air—look to the suburbs to satisfy their desires. Schools are overcrowded by unpredictable and virtually unlimited growth in the City, while in others they are far below capacity as a result of the inaction of incontestable uses which drive out population. Suburbanization is increasing the development of the City because it is not based on any rational, coherent view of New York City's development—so it was, so it is, or as it will be.

Deficiencies in the Existing Zoning Resolution

First: The existing, piecemeal approach to the development of land because it is not based on any rational, coherent view of New York City's development—so it was, so it is, or as it will be.

It is based on a narrow concept of the relationship of building to lot, ignoring any considerations of the broader relationships of lot to the surrounding community and to the community at large. The prohibitive nature of the most restrictive districts has no relationship to existing or future land needs. Manhattan, Queens, the Bronx and Staten Island are currently zoned to allow excessive development. Theoretically, some 50 million acres could reside in these Boroughs under present "residential" use, but more than 230 million people—the entire population of North America—could live in the City as a whole.

What present zoning attempts to achieve, unfortunately many sections of the City have been developed to comparable proportions. Many residential areas are in the process of approaching this kind of congestion, while others remain blighted and underdeveloped.

Because of this unrealistic zoning, the present Resolution is of no value as a planning tool. The development of adequate schools, hospitals, libraries, recreational facilities and transit service is frustrated in the face of uncontrolled and unpredictable growth. Bad land use planning is wasteful and costly. In a recent talk, the Chairman of the City Planning and Redevelopment Board declared:

> "... It is difficult to overstate the importance to the long-range worth of the work of our Board, of the comprehensive zoning program”..."
December 15, 1960

15580

20, or 30 years, to spend hundreds of millions of dollars in renewal, undoing the mistakes that we knowingly count today through inadequate land use controls. Another recent adoption of the comprehensive zoning amendment, this year, is vital to prevent the future problems just like those we are spending millions to correct today. We have an immense challenge. The accelerating times, the soaring costs, and the accelerating costs, it seems to me, dictate the need to establish sound zoning guidelines as soon as possible to ensure the public's interest in its city's future.

The example of bad land use planning, the city is vastly overzoned for retail and business use under the existing Resolution. And, again, the most serous abuses exist in three boroughs: Brooklyn, Queens and Richmond. The area center of about 11,028 acres are zoned for commercial use at present and only 4,794 acres are actually being used for that purpose—the remaining 6,234 acres represent some 18 square miles, or about one-sixth the city's total extent of commercial land in those boroughs. The result is miles of strip-zoned retail areas that are either underdeveloped, lined with vacant stores, or with scattered and poorly located stores that barely provide marginal income to storekeepers. We have a responsibility to insure that sound land use allocations are used to greatest advantage to bolster the economic base of New York and to minimize hazards brought about by inappropriate use of land.

Second: One of the glaring inadequacies of the present Zoning Resolution is its inability—and unadaptability—to meet pressing requirements for density regulations. Under the existing, unadapted zoning resolutions, to be established, we must expect to see some areas of the City to be so overdeveloped that provision of transit and other public facilities could never be adequate; and, on the other hand, other sections to remain blighted and underdeveloped because they cannot compete with the already developed congested areas.

The population densities existing in some parts of the City today are among the highest in the world. If, for instance, the actual population density on some blocks of Manhattan's upper East Side were permitted to spread throughout the City's residential areas, we could house virtually every man, woman and child now living east of the Midtown Park Avenue.

The price we have paid through the years for needless overdevelopment is exorbitant. Aside from creating overwhelming problems in providing adequate public facilities and insufficient transportation needs, residential overpopulation is sucking the life out of the exodus of middle-income families from the central city to the outlying suburbs. It isvery expensive to create a residential census which would take place in terms of development— Manhattan, the Bronx and Brooklyn—have lost a combined 14,344 acres of space previously occupied by the growth of their populations. Manhattan's population today, for example, is more than 25 per cent less than it was in 1910. It is estimated that in the past ten years, over half a million middle-income persons have moved from New York.

While it would be folly to attribute the whole of all those who have moved beyond the City limits, it is a common denominator in most cases was the search for a kind of living conditions that they had hoped to find in the City during the past decade. The lack of overcrowding, lack of open space, and the encroachment of incompatability commercial and industrial uses into once good residential areas, have been felt in the increasing deterioration of residential areas. Over 4,000 acres of residential developments are now barely blighted in amount and in price that they cannot to become slums in the future. We are not at all. The matter of midtown Manhattan traffic congestion needs no amplification here, but the growing problem is the tendency, attributed to a great extent by present zoning inadequacies, to regard the same developments to be in the same midtown commercial area that the norms for the modern zoning. He wrote:

"In the light of the city's housing and renewal effort, in the long run, will depend on modern zoning.

"Every effort should be made to adopt appropriate zoning amendments which further the city's housing and renewal efforts. The city's basic problem is congestion. It is currently dealing with one aspect of the problem, congestion of population per room. In the long run, this effort will be self-defeating unless it establishes adequate control of density of population per acre."

There is urgent need for a code which not only provides wholesome living amenities, but also serves as a realistic check on runaway land speculation. Experienced housing experts, testifying before the Planning Commission, singled out the problem of land speculation as one which needs correction if we are to successfully carry out land planning.

The president of the Middle Income Housing Corporation declared:

"The present system of land speculation is a necessity because builders were permitted to build to densities and particularly land coverage that made the buildin"
costly, but also impose more difficult and expensive solutions in properly locating a building or even facilities. Further, the lack of direct controls on both requires limiting
towers to an extent that makes them uneconomical except on the largest lots.

Sixth: The creation of residential imbalances in New York. The existing
Zoning Resolution is matched by the damage wrought upon our
City’s industries by the archaic code.

Another difficulty stems on the location of the zoning priority pyramid has in, effect, created
a situation in which prime industrial land in the City has been wasted and pre-empted
by small and inadequate residential areas. The amount of vacant land in the City is shrinking each year. When the Vorhees
Walker Smith and Smith study was started in 1956, Brooklyn, Queens and The Bronx had a total of 15,000 acres of vacant
land. It is estimated that only 1,000 acres of this vacant land is still available for
industrial use—more than 20 per cent has been developed since then—and that it
will continue to be used up at a rapid rate. This phenomenal growth continues, despite the
fact that almost 25 per cent of all remaining vacant land is under water or marshland
and, with the exception of Richmond, 40 per cent is found in parcels of three acres
(approximately a city block) or less.

It becomes apparent, therefore, that unless steps are taken to preserve land for
industrial growth and expansion, our industrial areas—especially newer ones—will be
decimated as in the past by mutually harmful residential and commercial encroachment.
And, even if it could hold the line between adjacent residential and industrial areas,
there is no way at present to assure that these new industries will be compatible neighbors
to nearby residences.

The recognition of industry of the need for modern zoning has been expressed by
major groups such as the New York Chamber of Commerce, the New York Board of
Trade, and the Commerce and Industry Association. A representative of the New
York Employers Printing Association—the second largest industry in New York—told
the Commission:

“Employing zoning is everybody’s business. We are printers, we do not know
whether this zoning resolution is the most perfect that could possibly be offered
but we do know that it is the best that has been offered from our point of view.
On behalf of our industry, the 4,000 printing firms employing 100,000 New
Yorkers, the New York Employers Printing Association urges early adoption of
the Comprehensive Zoning proposal.”

Similarly, an attorney representing the Brooklyn Union Gas Company, Todd Ship-
yards Corporation, several savings banks and commercial banks, and other important civic
and business groups in Brooklyn, testified on September 12, 1960, that the Proposed Zon-
ing Amendment had been turned over to staff engineers and architects of these clients,
and that:

“We... are here today to express our approval of your comprehensive
ordinances, Mr. Commissioner. Let’s get the job done...
It is an attempt at inadequate zoning, either through commission or omission, has had
another harmful effect upon the community in regard to industrial development. At
present there is no way adequately to regulate the performance of new industries to
insure that they are not nuisances to our industrial facilities. Failure to establish such performance standards places many industri-
ous properties in jeopardy because there is no assurance as to nuisances which a new plant
may inflict upon the neighboring property. It is a matter of record that many industries
leaving the City have found locations in nearby industrial parks to protect their
interests, where strict standards prevail....

On the other hand, good performing industries have been faced with serious site
limitations merely because the product they manufacture has been prohibited in many
suitable districts in the current zoning regulations.

Seventh: The present Resolution is full of loopholes.

Notwithstanding the provisions protecting property, it permits—through loosely controlled variance
procedure—such inexcusable situations as an auto service station located in a residence
area. As a more glaring example of poor projection, the present regulations do not prohibit a wholesale meat market from opening up next door to a fashionable Fifth Avenue shop.

Its failure to provide adequate protection stems from the fact that present zoning
laws tells us what is prohibited in a district. Therefore, when new uses come along—as has
been the case with auto laundries, motels, drive-in theaters, and the like—they often
were located in areas where they were undesirable, before amendments could be added to the
Resolution to recognize their existence and provide the necessary protection to the
community involved.

Eighth: The present Resolution is cumbersome in form, confusing in language
and lacks precision.

This Resolution must be used today to determine the complete information
about any given district—and there are 256 different districts mapped today and more
than 1,000 combinations possible. Very often, to add to the confusion, areas with the
exact same features are used differently in different parts of the City.

The language of the present Resolution is also vague and confusing. As a result, the
Department of Buildings is continually receiving requests to guide its
administration and enforcement. In some cases, definitions in the Zoning Resolution are
worse than useless for practical, residential and commercial development. All
definitions of family in the existing Zoning Resolution offer no basis for limiting the
number of boarders or lodgers in one- and two-family homes.

If the Resolution is altered to remove
inadequate zoning provisions, the consultants take full cognizance of the aforementioned flaws in the existing code and
of the major problems awaiting solution in the City. The modern amendment which
results is based upon the realistic needs of the City—the whole City—while taking into
consideration the wide range of problems encountered in each Borough.

The consultants’ study carried them to every block of developed and undeveloped
land in the City. Field investigators were made by foot, by auto, by boat, and by
helicopter. Their analysis of land requirements—How many people will live and work in
the City? What are their transportation needs? How much land will be required for
residence, for commerce and industry, for shopping and community facilities? — was
based on all available data, on studies developed over the years by the Department of
City Planning, on original surveys, and on interviews and conferences with recognized
specialists.

Following are some major features of the Comprehensive Amendment:

1. An appropriate place is designated for every use.

There are Residence, Commercial, and Manufacturing Districts—each important in
its own right. Residence Districts are protected from commercial and manufacturing uses,
and—equally important—no new residences are permitted in Manufacturing Districts. In
many of the latter Districts, a careful review was made of all vacant land in order to
select appropriate areas for future residential construction and for modern industrial
development. Careful attention was paid to achieving maximum compatibility between
districts byffering Residence Districts from heavy manufacturing with highly
functioning light industry or appropriate Commercial Districts.

2. By specifying uses allowed in a district instead of those prohibited, loopholes
are eliminated.

Every operation that is or may be carried on in this City is listed and assigned to
appropriate districts. No new use can be located anywhere until it is reviewed and
assigned to a district where it would serve the community and where it would be most
compatible with other uses.

3. Performance standards are set for industry which will make for more desirable
results that are not offensive to our residences and to other businesses.

Regulations limiting noise, smoke, odor, vibration and other annoying or hazardous
effects of industry are established and appropriate agencies designated to enforce them.
These will permit greater freedom of site selection for industries that are now
limited by arbitrary and inflexible zoning provisions.

4. More open space and less overcrowding in residential areas are insured by a
number of controls.

Density regulations limit the number of rooms that can be built on a given lot and
also require the conversion of existing apartments—a practice that had led to
the rise of new congestion and slums as fast as the old ones could be eliminated through
renewal and redevelopment efforts. In 1960, among other controls (open space as required for
residential districts) establish good standards of open space and limit excessive bulk. Factors used in
establishing appropriate levels of density for an area include proximity to rapid transit
facilities and other features.

5. Baseline regulations encourage more light, air and better design, and permit con-
struction economies.

Because controls are aimed at substance and not form they offer greater freedom to
architects and others to give the builder added incentives through bonuses to provide structures
with clean lines, open plans, and attractive arcades. Because there is a basis of
reasonable control in every district, it is now possible to permit a moderate building
40 per cent to 50 per cent tower coverage—depending on lot size—compared to the present
maximum 25 per cent tower coverage.
6. Requirements for off-street parking of autos and off-street loading of trucks are built into the Amendment. Commercial and commercial buildings are required to provide off-street parking. In addition, the parking requirements for residential buildings are increased. The percentage of parking spaces required is greater in the outlying sections of the City than in the central business district. New development is required to provide parking spaces at the rate of one per dwelling unit. The rules for Manhattan and Brooklyn, no off-street parking is required for commercial and industrial establishments.

7. Commercial districts are zoned to help retail shopping meet modern day needs. Deeper zoned commercial districts provide for more up-to-date shopping. Housing around the strip is razed, and street parking areas are razed for productive use.

8. Requirements are made for the increasingly important large-scale residential and community facility developments. The new zoning does not force them to be treated as if they were simply a collection of buildings on imaginary lots. In residential projects it provides a simple formula for the proper spacing of buildings and permits the incorporation of local convenience shopping. It also gives the City a reasonable period of time to acquire sites for schools or other public facilities which may be required in conjunction with the large-scale project.

9. The format of the Comprehensive Amendment has been designed with the needs of the user in mind. A simple, single-use system, far simpler and more convenient than the present cumbersome three-map system, is used. The language in the Comprehensive Amendment is precise and carefully spelled out, leaving no room for the degree and variety of interpretation that accompanies the present code. Charts and tables are included in the Amendment to simplify its use. Provisions that apply to various districts or to various types of uses are repeated in all appropriate sections in order to minimize the need for cross-reference.

10. Administration and enforcement of the amended code remains the same, with the Department of Buildings, City Planning Commission, Board of Standards and Appeals and the Board of Estimate sharing the major responsibility in enforcement.

Enforcement will continue to rest with the Department of Buildings, and the Board of Standards and Appeals will carry out the same functions that they now have, with an increased emphasis on the interpretation of provisions of the Resolution, granting variances and special permits, and setting up rules and regulations for the application of the Resolution. However, specific standards regulating the granting of variances are established, based on criteria set by the courts during recent years. Also, the districts in which special permits may be granted — all required findings have been made — are specified. For example, the Amendment does not permit the granting of special permits for automotive service stations in any Residential District.

THE PUBLIC HEARING

The City Planning Commission held a public hearing on the revised Comprehensive Amended Zoning Code on September 13 and 14, 1960, at No. 1. During that three-day period 268 speakers were heard; 121 indicated general support of the proposed Amendment, 25 opposed it, and 62 offered miscellaneous requests dealing with the problems of others, with the mapping of individual parcels. In addition, 91 communications were submitted for the record, of which 77 indicated support, 3 opposed it and 16 raised miscellaneous or official miscellaneous comment.

The nature of the support registered at the hearing pointed to the growing realization by leaders of commerce and industry of their important stake in restructuring. Several groups, reacting to changes made by the Planning Commission in the revised proposal, reversed their previous opposition to the Resolution.

Among the groups from commerce and industry indicating support were Associated Builders of Greater New York, Avenue of the Americas Association, Bronx Homebuilders Association, Brooklyn Home Builders Association, Building Contractors and Mason Builders Association, Chamber of Commerce of the Rockaways, Commercial and Industrial Association, Downtown Brooklyn Association, Downtown Manhattan Association, East Side Chamber of Commerce, Fifth Avenue Association, Kings County Bar Association, Midtown Realty Owners Association, New York Board of Trade, New York Employing Printers Association, New York Real Estate Association, New York State Association of County and State Island Real Estate Board, and the Twenty-Third Street Association.

The attitude of supporting industry was the Investing Builders Association, a group representing an annual investment of some $400,000,000 in construction in this City, whose spokesman pointed out at the September 14, 1960, hearing:

"This new zoning proposal is an assertion of the paramount interest of the public. We hope it is not too simply self-serving to suggest that, although we are an industry trade association, we also share the responsibility of all good citizens who are concerned about the broad welfare of the community. If we are a part, even an industry association must demonstrate a sense of social and civic responsibility. The risk of sounding a false note or being a public relations tool, we hope our endorsement of this Resolution of this Commission may serve to refute the popular notion that trade associations are merely special interest pressure groups, banded together to promote their own ends."

Even with this large and impressive turnout of commercial and business representatives, some major local civic groups and some nonprofit organizations, banded together to promote their own ends."

The local civic groups and larger parent bodies—such as the Queens Federation of Civic Councils and the Staten Island Civic Congress—generally agreed that the Comprehensive Amendment will provide the needed protection small property owners seek. There was almost unanimous urging among these groups for immediate passage of the Amendment and elimination of the grace period if possible.

Among the City-wide organizations, more emphasis was placed upon the positive effects that the Amendment would have on the City's economy, general welfare and physical appearance. Specialized groups such as the Automobile Club of New York, benefiting themselves to the aspect of off-street parking and other effects the Amendment may have on the local traffic situation.

The following groups and individuals could generally be classified as registering opposition to the proposal: Joseph A. Whitehead, President, Board of Regents of the Chamber of Commerce; Harry Bronfman, President, Board of the Chamber of Commerce; Brooklyn Chamber of Commerce; American Institute of Architects; Brooklyn Real Estate Board; Brooklyn Society of Architects; Bushwick Real Estate Board; Chamber of Commerce of the Borough of Queens; Flatbush Chamber of Commerce; Forty-ninth Street Merchants' Association; Hunts Point Industry Association; Assemblyman Thomas V. LaFauci; New York Architects' Council; Park Slope Civic League; Property Owners of Greater New York; Prospect Avenue Merchants' Association; Queens Chamber; American Institute of Architects; Frank R. Shekhtel; Southern Boulevard Chamber of Commerce; United Taxpayers Party; and West Farms Chamber of Commerce.

There were, in addition, a number of speakers who registered opposition to specific mapping changes or who addressed themselves to bulk provisions affecting their specific
property. There were many instances when the recommendations of some concerned bodies were ignored in the interest of the public.

**Discussion of Arguments**

Major points raised in opposition, we find some that have been met already in changes made since March; others are matters which have been the subject of careful review and are not acceptable as far as this Commission is concerned. It is important, however, to assure that necessary adjustments are made when they are needed. For example, the Planning Commission fully intends to make use of the Act in this regard. Prior to the effective date of the Comprehensive Area Plan, the Act requires for appropriate adjustments.

The Planning Commission in its Future Zoning Resolution in the future as times and conditions require will be facilitated by its rational structure. However, there undoubtedly will be a time in the future when physical, social and economic changes call for more comprehensive zoning revisions to meet still unknown needs. We trust that responsible City leadership and the public of the future will recognize these needs promptly and act positively with the assurance that they have the tradition and the sanction to effect changes in the interest of their City.

Arguments that the Proposed Comprehensive Amendment is long and complicated and difficult to work with are purely conjectural and unfounded. It is not and cannot be a simple Resolution, because it must regulate the largest and most complex city in the world; but it is logical and consistent, and has been deliberately drawn to provide maximum simplicity to the user.

A prominent architect testified at the hearing that his firm has had several men working with the proposed Resolution as though it were in effect, for a period of a year or more. "What looked like a very formidable and complicated piece of legal writing and so forth, becomes, with experience, a workable tool," the architect observed. "Not only is it a feasible and usable piece of legislation," he added, "but there is no doubt in my mind, based on this actual experience, that the new zoning plan will simplify and thereby reduce construction costs."

Arguments concerning the legal structure of the Comprehensive Amendment were carefully and fully reviewed with the office of the Corporation Counsel. The enthusiastic and unequivocal endorsement of the zoning revision by the Bar Association of New York, other lawyers' groups and many of the City's outstanding real estate attorneys is evidence of the legal profession's confidence in the amendment.

In answering several questions in regard to the role of the Board of Standards and Appeals, some speakers suggested that provision of standards in the Comprehensive Plan would seriously hamper the Board of Standards and Appeals. Ordinarily, however, they are strongly urged that the Board of Standards and Appeals be strengthened, to avoid the possibility of individual problems that arise as exceptions to the general law. However, the failure of the existing system to provide clear criteria as a basis for rulings by the Board of Standards and Appeals has permitted many collateral hardships to be inflicted upon the general community. As Subsection 7(c) of the existing code, the Board of Standards and Appeals may grant approval to variances without reference to any fixed standards or criteria. This approach is not consistent with modern zoning concepts which recognize the need of the area-wide and city-wide land-use and city-wide impact as well as the problems of a specific piece of property and the intensity of its development and the use to which it may be devoted.

The Comprehensive Amendment sets forth administrative provisions which state the specific duties that the Board of Standards and Appeals may do on special permits; and what the City Planning Commission may do on special permits. For variances, it requires special findings based on criteria that the Board, itself, has set during the past several years. The functions of the Board of Standards and Appeals remain the same; the Planning Commission receives no new jurisdictions.

The difference is the provision of appropriate standards to guide these agencies in their actions and the elimination of sole discretionary provisions, such as 7(e), which do not lend themselves to court review.

To summarize: what the Board of Standards and Appeals may do on variances, what it may do on special permits; and what the City Planning Commission may do on special permits. For variances, it requires special findings based on criteria that the Board, itself, has set during the past several years. The functions of the Board of Standards and Appeals remain the same; the Planning Commission receives no new jurisdictions. The difference is the provision of appropriate standards to guide these agencies in their actions and the elimination of sole discretionary provisions, such as 7(e), which do not lend themselves to court review.

For example, Manhattan: the City Planning Commission has pointed to comprehensive zoning for the other Boroughs are too restrictive in density, bulk and permitting requirements. Continuing on, the Planning Commission has pointed to comprehensive zoning for the other Boroughs as the one hope in preventing the same mistakes that have been made in the development of some sections of Manhattan from being made in the other Boroughs. In 1910, 1940 and 1944—must recognize "what is" in zoning Manhattan, which is now almost completely developed, and set standards there which are considerably higher than those now in force, but still below ideal planning goals. The Planning Commission should use its talents on the development of given areas, on the coordination of time and energy in the mapping and district review on the part of the Planning Commission and its consultants. The zonings of the Boroughs. In 1916, when 80 per cent of the existing population in Manhattan lived in Manhattan and in half-developed Brooklyn, it was understandable that attention was focused there, because this was the area of the greatest need. Today our view is broadened to encompass the need of a wide-open population in a City that is reaching full development at a rapid pace.

A representative for a borough Board of Trade, appearing in opposition to the September 12, 1960 hearing, asserted that the Commission has "maintained the status quo" in its comprehensive zoning of the Borough. He submitted that "five-year zoning resolutions already in existence in Mayor's districts and in citywide districts" was understandable that attention was focused there, because this was the area of the greatest need. Today our view is broadened to encompass the need of a wide-open population in a City that is reaching full development at a rapid pace.

On the other hand, some individuals may still feel dissatisfied with a non-conforming classification, the Planning Commission would be eroding the foundation of a saner and more harmonious planning system. The pressure and shift from existing non-conforming zoning to so-called zoning "out" or "through" the use of state boundaries into areas that are appropriate (at least for other uses). The most persistent opposition argument has been the "spot zoning" to provide clear criteria as a basis for rulings by the Board of Standards and Appeals. This approach is not consistent with modern zoning concepts which recognize the need of the area-wide and city-wide land-use and city-wide impact as well as the problems of a specific piece of property and the intensity of its development and the use to which it may be devoted.

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**Conclusion**

The City Planning Commission has determined that there is need for a comprehensive revision of the Zoning Resolution. Since World War II, the City Planning Commission has received numerous requests for changes in the zoning resolutions of the Boroughs. In 1959, when 80 per cent of the existing population in Manhattan and in half-developed Brooklyn, it was understandable that attention was focused there, because this was the area of the greatest need. Today our view is broadened to encompass the need of a wide-open population in a City that is reaching full development at a rapid pace.

In support of these professional and official judgments is the overwhelming weight of public opinion. This zoning proposal has not been isolated technical matter
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relegated to discussions in professional or real estate circles. It has received wide- spread public attention; it has been the subject of countless articles and reports in all media of public communication; it has been praised in some thirty editorials in almost all of the daily newspapers and on local radio and television stations.

We recognize—and the public indicated similar recognition—that there are serious urban problems confronting The City of New York. Some of those problems—overcrowding, congestion, inappropriate use of land, lack of off-street parking, and blight and urban decay—have been aggravated by erosion and commission in existing zoning regulations. Also, the absence of comprehensive planning approaches that are handicapped or thwarted by an unrelated zoning structure.

We experienced serious gaps in New York's planning history. In 1938, when the Planning Commission was created as the official agency to carry out comprehensive planning, it had inherited supervision of a Zoning Resolution which was already dated and amendments, unrelated to modern land use needs, and neglected for more than two decades in its relationship to comprehensive planning requirements. Subsequent attempts at revision within the existing framework have proven inadequate. Therefore, we must reject any consideration of retaining the existing Zoning Resolution for to or continuing piecemeal amendment as contrary to sound principles of planning and to the best interests of the community.

In considering the steps taken to prepare and review this Comprehensive Amendment of the Zoning Resolution, we believe we have acted with thoroughness, deliberation and fairness. The proposal in its various phases has been the subject of three different sets of public hearings, totalling seventeen days of testimony, and has been exposed to almost two years of public scrutiny and consideration and four years of study and review.

During this period, Planning Commission members and staff have met with any individual or group that sought to offer recommendations or seek information. Each recommendation and suggestion offered to this Commission—and they numbered in thousands—was carefully reviewed and considered. Almost a thousand of these recommendations were considered of such merit as to be included in whole or in part in the Comprehensive Amendment.

The enthusiastic endorsement of the Planning Commission's action, as evidenced by the strong support of business, industrial, labor, civic and professional leadership, further demonstrates that the adoption of the Comprehensive Amendment is necessary and serves the common interest. We believe the adoption of this Amendment is the mandate for prompt official action, and we believe that this is the appropriate time and place for such action.

It is the responsibility and charge of this Commission to develop comprehensive planning for the City of New York. We are fully aware that the existing Zoning Resolution is inconsistent with and detrimental to such modern planning needs, as evidenced by thorough investigation and studies carried out by this Commission and its consultants. It is further evident to the necessity of this Commission to initiate action, when necessary, to amend and revise the Zoning Resolution in conformity with its comprehensive planning approach and in furtherance of our obligation to adopt the Comprehensive Amendment of the Zoning Resolution.

The Comprehensive Amendment, as approved, meets the basic goals and criteria expressed in the Resolution. It provides for a simplified one-map system of districts; it provides a rational zoning system for land use; it establishes uniform and sound zoning regulations (insuring light, air and open space); it meets the modern needs for off-street parking; it provides protection for residential, commercial and industrial development; and it sets appropriate standards for administration and enforcement.

It is the unanimous judgment of this Commission that only a modern Resolution, based on sound zoning principles and a realistic concept of our City, can productively guide the massive building and rehousing program that lies ahead. We believe this Comprehensive Amendment meets this need, and we believe it has the support and endorsement of the public whose interests it serves.

We respectfully submit that the Comprehensive Zoning Amendment will serve as an historic reminder to generations to come that the City of New York—in the year