

CITY PLANNING COMMISSION

**Minutes of Meeting of the City Planning Commission, Held in Room 16, City Hall,
Wednesday, May 29, 1940, at 2.30 P. M.**

The Commission met pursuant to adjournment.

Present—R. G. Tugwell, Chairman; John C. Riedel, Chief Engineer, Board of Estimate; Lawrence M. Orton, Cleveland Rodgers, Edwin A. Salmon, Arthur V. Sheridan, Commissioners.

(Roll Call at 2.30 P. M.)

No. 1

Approval of minutes of the meeting of May 15, 1940, as printed in THE CITY RECORD of May 21, 1940.

On motion, these minutes were unanimously approved.

REPORTS

Master Plan

No. 2

(CP-915)

In the matter of the **probable total future population and age distribution** of New York City and the metropolitan area during each of the next six decades.

(On April 25, 1939, the Department of City Planning sent a communication to the City Planning Commission proposing a series of special public hearings on this subject; on May 3, 1939, Cal. No. 12, the Commission fixed May 24, 1939, for a hearing; on May 24, 1939, Cal. No. 1, the hearing was continued to June 7, 1939; on June 7, 1939, Cal. No. 1, the hearing was continued to June 21, 1939; on June 21, 1939, Cal. No. 1, the hearing was continued without date.)

The following report was received and referred to the members of the Board of Estimate for their information:

(Report No. 1387)

(CP-915)

This report summarizes the proceedings of the population hearings held by the City Planning Commission on May 24, June 7 and June 21, 1939.* It attempts to high-light the opinions expressed at these hearings regarding the City's population and the factors that appear to govern future growth.

Purpose of Hearings

The purpose of these hearings, as stated by Chairman Tugwell, was “. . . to find out whether there is general agreement as to what the population is likely to be, and if there is not general agreement, to put the burden of proof on those people who disagree with the consensus of the experts”.

The first of these hearings on May 24th dealt with changing population trends for the nation as a whole and with the relationship of the city to the nation. On June 7th and June 21st the discussion was concerned more specifically with population trends in New York City and the surrounding Metropolitan Area.

Appearances

Professor Robert E. Chaddock of Columbia University served as special Chairman of these hearings. The experts invited to discuss the problem and to express their opinions were: Dr. P. K. Whelpton, Central Statistical Board, Bureau of the Budget,

* This report was prepared prior to the enumeration of population under the Federal Census of 1940. The techniques and assumptions, and the resulting forecasts presented by the several experts, as well as the Department's estimate of net migration into New York City, will be compared with the 1940 Census returns when data are available. The Census may be expected to reveal trends that will have a direct bearing upon such hypotheses and methods as may be hereafter employed to estimate the probable future population.

King, Department of Economics and Statistics, New York University; and Dr. Alfred J. Lotka, President of the Population Association of America and Assistant Statistician of the Metropolitan Life Insurance Company.

In addition, representatives of private and public agencies attended the hearings and participated in the discussions: Mr. Thomas J. Duffield, Registrar of Records, Department of Health; Mr. Harold M. Lewis, Chief Engineer and Secretary, Regional Plan Association, Inc.; Mr. H. B. Stryker, Commercial Survey Engineer, New York Telephone Company; Mr. George G. Weinberger, representing the Deputy Superintendent, Washington, D. C.; Mr. E. P. Goodrich, Consulting Engineer; Professor Willford I. Board of Education; Dr. Eugene A. Nifenecker, Director of the Bureau of Reference, Research and Statistics, Board of Education; Mr. Avery M. Schermerhorn, Real Estate Agent and Appraiser, Board of Transportation; Mr. Edward M. Law, Assistant Engineer, Department of Law and Real Estate, Board of Transportation; Mr. Walter P. Hedden, Chief, Bureau of Commerce, Port of New York Authority; Dr. J. M. Maller, Teachers' College, Columbia University; Mr. L. P. Wood, Chief Engineer's Staff, Board of Water Supply; and Mr. Walter E. Nutt.

Dr. Leon E. Truesdell, Chief of the Population Division, U. S. Bureau of the Census and Dr. Frank Lorimer, the American University, Washington, D. C., were invited to participate but were unable to attend.

THE CITY'S FUTURE POPULATION

The evidence presented at these hearings revealed the importance of population trends and population predictions in guiding policies and decisions of the various city agencies and departments. The different agencies emphasized those aspects of the population which bear directly on the types of problems they must handle. The Board of Education, for example, is primarily interested in the age composition and distribution of the population, whereas the Board of Water Supply is more concerned with the total of persons living in the city. Their common need and interest is to secure more accurate estimates of future changes in the population.

Factors of Growth

The speakers at these hearings generally agreed that the optimistic expectations of the 20's—that the city would continue to grow at a fairly rapid rate—are not likely to be realized. The decline in birth rates for the country as a whole as well as for this city during the last decade, the almost complete cessation of foreign immigration, and for New York City, a considerable diminution in migration from the rest of the nation into the city, have caused a marked downward revision in population estimates for the future.

Population Predictions

The several population predictions indicate that New York will continue to grow but at a decreasing rate, that a point in time will be reached when the city will cease to grow, and that this maximum will be followed by an actual shrinkage in the city's population. While this represents the general position taken by all of the participating consultants, their population estimates are not identical. The points of agreement and disagreement and the reasons for these differences are summarized below, together with other evidence presented at the hearings.

Table I shows some of the population estimates submitted to the City Planning Commission. Chart I is a graphic representation of the same data. (See page 319.)

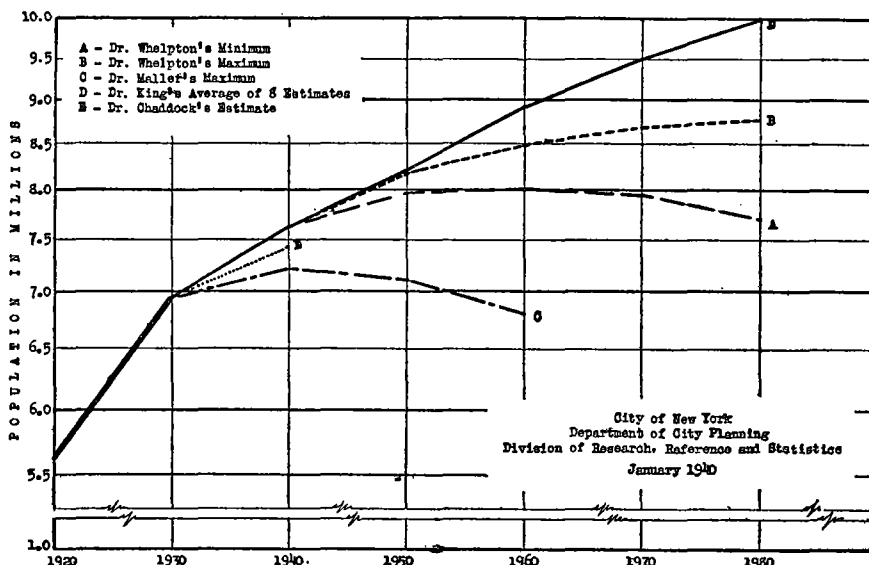
Table I: Estimates of the Population of New York City
(in thousands)

Year	Whelpton's Minimum	Whelpton's Maximum	Maller's Maximum	King's Average of 8 Estimates	Chaddock	Board of Water Sup.
1940.....	7574	7613	7200	7600	7400	7652
1950.....	7963	8165	7100	8200		
1960.....	8045	8479	6800	8900		
1970.....	7950	8680		9500		
1980.....	7694	8786		10000		

All of the estimates for 1940 show a gain over 1930 with the exception of Dr. Maller's minimum estimate of 6.6 millions, which is approximately 300,000 lower than the population in 1930. Dr. Whelpton's minimum estimate shows an increase though at a decreasing rate until 1960 followed by a decline. Professor King's figures, the highest of the group, show an uninterrupted upward movement in population until 1980. The same is true of Dr. Whelpton's maximum estimate although his figures are considerably lower than those submitted by Professor King. Dr. Maller's estimates are

the lowest of the group. According to his data, the peak in the city's population will be reached in 1940, which is 20 years earlier than Dr. Whelpton's minimum estimate and 40 years earlier than his maximum estimate and Professor King's average of eight estimates.

CHART I -- POPULATION ESTIMATES FOR NEW YORK CITY
As Presented at Public Hearings Held by the City Planning Commission in 1939



Dr. Whelpton's estimates of the population for the entire Metropolitan Area, as well as for New York City proper, are of interest. These figures are presented in Table II. For purposes of comparison, the table includes the census counts for 1900, 1910, 1920 and 1930.

Table II: Population of New York City and the
Metropolitan Area. 1900-1980
(in thousands)

Year	New York City	*Metropolitan Area	% City of Metropolitan Area
1900.....	3,437	4,608	74.5
1910.....	4,767	6,475	73.6
1920.....	5,620	7,910	71.0
1930.....	6,930	10,910	63.5
1940.....	(1)7,574	(1)12,191	62.1
1950.....	(1)7,963	(1)12,920	61.6
1960.....	(1)8,045	(1)13,122	61.3
1970.....	(1)7,950	(1)13,026	61.0
1980.....	(1)7,694	(1)12,606	61.0

*"Metropolitan Area" as defined by the Census Bureau.

(1) Whelpton's minimum estimate. The ratio of New York City to the Metropolitan Area is the same in Dr. Whelpton's minimum and maximum estimates.

It will be observed that while New York City has accounted for the major part of the population in the Metropolitan Area, its prominent position has undergone considerable alteration since 1900. In 1900 the city's population was approximately three-fourths of the population of the Metropolitan Area, but by 1930 this proportion was reduced to less than two-thirds, a decline of 11 per cent. It is worth noting that the greater part of this change took place between 1920 and 1930.

Dr. Whelpton's figures indicate that New York City, while continuing to grow until 1960, will contain an ever smaller proportion of the population in the Metropolitan Area. This decline, however, is assumed to be very small—less than 1 per cent per decade after 1930. The prognosis seems to favor New York since the city's relative share of the entire area declined about 1 per cent in the first decade of the century and considerably more in the second and third decades. By 1970, Dr. Whelpton's figures indicate that a point of stability will be reached whereby the city's population will be fixed at 61 per cent of the population of the Metropolitan Area.

The reasons for the disagreement among the experts' population estimates were questioned by the City Planning Commission. The discussion revealed that these variations were due to the different assumptions made with regard to the four basic determinants of population changes—fertility and mortality rates and trends in foreign immigration and internal migration. The experts agreed that predictions concerning trends in mortality and fertility rates can be made with greater certainty than is the case for foreign immigration and migration within the country. The statements made by Dr. Whelpton and Dr. Lotka on the nature of past and probable future trends in mortality and fertility are quoted below.

Dr. Whelpton stated:

"In general, there has been an increase in the expectation of life due largely to the decline of infant mortality, so that at the present time, the expectation of life of the white population is somewhere in the neighborhood of 62 or 63 years. Considering past trends, our assumptions for the future have been that we could expect an increase in the expectation of life to at least 67 years for the white population; that we have a good chance of getting an increase to 70 years . . . and, that if we are extremely fortunate in the future developments in the fields of medicine and public health, it may be possible to increase the expectation of life to 73 years. The difference in the population by 1980 resulting from the following of one of these trends rather than the other, is comparatively small. Much more important is what happens with regard to immigration and fertility."

With regard to the trends in fertility, the experts generally agreed that the rapid decline in birth rates in the past would slow up sharply in the future. Dr. Whelpton's maximum fertility estimate assumes a maintenance of the present birth rate. His minimum estimate involves the assumption of a constant diminution in the average size of the family. "Instead of the average white woman living through child-bearing having 2.3 children, as in recent years, she may have as few as 1.9. The lowest assumption we have made is that this average will get down to 1.5 children per white woman."

Dr. Lotka pointed out that the decline in birth rates in New York City was even more rapid than that for the country as a whole. He emphasized the critical importance of this trend on the size of future generations. To quote Dr. Lotka:

"In the City of New York, this trend has reached a considerably more advanced stage. One hundred new born girls in the course of life, according to present conditions, have only 72 daughters, thus falling far short of reproducing their own numbers. . . .

". . . How serious such a situation as that for New York City would be if indefinitely continued and if not compensated for by migration, is seen when we consider the next generation, the grand-daughters. A little simple arithmetic shows that, according to (prevailing) conditions, the 100 new born girls would have just about 50 grand-daughters, so that in the course of but two generations their progeny would have been reduced to one-half their original numbers."

Major Growth Factors

While declining birth and death rates affect the size of future populations, all speakers emphasized the fact that the major stimulus to the city's growth in the past came from foreign immigration and from internal migration. Declining fertility and mortality rates will tend to alter the age distribution of the city's population. Mr. Duffield of the Board of Health pointed to the increase in the older age groups and to the decline in the number of younger persons. It is expected that this skewness of the age distribution will increase in the future. Dr. Nifenecker of the Board of Education stated that this shift has already caused a shrinkage in the number of children attending elementary schools. The effect on the total school population has been partially offset by the increasing registration of students in the higher grades.

It is difficult to predict the size of future populations since the major growth factors—migration and immigration—are affected by numerous complex and constantly changing social and economic conditions. Dr. Truesdell of the U. S. Bureau of the

Census, in a communication to the City Planning Commission, emphasized the need for careful investigation of this problem. He wrote, in part:

"It is apparent . . . that New York City will grow primarily by migration from other areas. It would seem, consequently, that even for satisfactory year-to-year estimates, it would be necessary to establish some dependable annual local statistics on which such estimates could be based. The problem of long-range forecasts is even more difficult, and would require very careful and detailed study of all factors likely to have any effect on migration to the City.

"In any case, I should judge that it would be unwise, since the 1940 Census is so near at hand, to base any important decision on forecasts made without its assistance. I say this in particular because the decade just drawing to a close is so far from normal in many respects that it is hardly safe to assume that conditions prevailing in previous decades will continue either at similar rates or at these rates scaled in proportion to the slowing down of the population growth in the country as a whole; or even to assume very positively that the changes will be in the same direction as in earlier decades."

Dr. Whelpton, no doubt for reasons similar to those reflected in Dr. Truesdell's letter, did not attempt a detailed analysis of migration trends. For the purpose of his study Dr. Whelpton assumed "that the City of New York would have the same proportion of New York State's urban population in the future as it had in 1930 and that the Metropolitan Area would have the same proportion of the urban population of New York State and New Jersey as it had in 1930."

The future urban population of New York State is based on the assumption that "in the future such areas would continue to draw the same proportion of the net out-movement of the surplus-producing areas in the future as they have in the past. That is, we divided the country into the two types of areas, those producing an excess of births over deaths and 'exporting' people, and the 'importing' areas drawing on the former. We assumed that the ratio of the export to the excess of births over deaths in the first areas would remain as in 1920 and 1930 and that the total amount of population exported from these areas would be divided among the importing areas in the same proportion as it was in the 1920 to 1930 decade."

Dr. Whelpton stated that this was "an optimistic assumption for the importing areas and especially for New York City." However, no other data on migration were presented to the Commission at these hearings. The experts were of the opinion that until more is known about the nature and extent of population movements in and out of this city, population forecasts are necessarily subject to a considerable margin of error.

Population Distribution in the City

The second general topic discussed at the Population Hearings dealt with the problems created by the shifting or relocation of the population within the city. At the present time there are no accurate statistics which show the periodic redistributions of people among the different boroughs and within individual boroughs. The importance of population shifts, however, is clearly recognized by the various city agencies. Such relocations cause major alterations in property values, loss in public improvements and demand for new services such as streets, schools, rapid transit facilities, and water supply.

Mr. Stryker of the New York Telephone Company suggested a method for obtaining information on intra-city movements of the population. He proposed that "certificates of occupancy" be issued whenever a person moved into an apartment, rooming house, or private residence. In this way, the city would have a current register of all transfers taking place within the city.

Mr. Law of the Board of Transportation discussed the relationship of rapid transit facilities and population density. By the use of a series of charts he showed that the bulk of the city's population is concentrated within a half-mile zone of the rapid transit lines. In order to relieve transportation congestion and to provide for a more economic and socially desirable distribution of the population, Mr. Law suggested that "we should . . . (plan) crosstown and circumferential lines at intervals of about every three miles."

Mr. Law also argued that transit lines have caused an appreciation of land values and that the resulting increase in taxable returns would be sufficient to cover construction costs. He stated in part: "The construction of rapid transit lines in the outer sections has caused an increase in assessed valuation within the half mile belt, as I have estimated, year by year, of \$7,000,000 per square mile per year above what would have been the increase had the line not been constructed . . . the taxable return would be more than sufficient to pay for the construction of these new lines."

Mr. Law admitted that there has been a corresponding depreciation in land valuation in certain parts of the city, but it was his belief that "... compensating increases have been produced in the outer areas to more than make up for the decrease in these older sections."

A great variety of charted data was displayed by Dr. Maller of Teachers' College to illustrate certain economic and social characteristics of New York City's population. The data indicated that the resident population is highly mobile although there are significant variations among different neighborhoods. It was also shown that a considerable amount of time is consumed by the working population in getting from their residences to places of employment, for example, more than 90 per cent of the working population living in upper Manhattan require more than 20 minutes to travel to their places of business. Dr. Maller also illustrated the extent to which neighborhoods differ with respect to infant mortality, juvenile delinquency rates, average rentals and predominant nationalities.

Daytime Population

Another aspect of population mobility was discussed by Mr. Walter P. Hedden of the Port of New York Authority. Table III following, submitted by Mr. Hedden, contains estimates of the night population and the daytime food consuming population in New York City and the Metropolitan District. In commenting on these data, Mr. Hedden stated that "while the figures are not absolutely complete from all sectors, we believe that at the present time there is a daily flow of over a half million persons into the City of New York from points in New Jersey, Westchester, Rockland County, New York and Long Island—all points beyond the city limits but in the Metropolitan region".

The difference between the size of the day and night populations, especially in Manhattan, creates major problems in connection with transportation facilities, provision of food stuffs and traffic regulations. Although the large daily inflow is evidence that the city continues to be the center for economic and social activity, it is also true, Mr. Hedden believes, "... that the territory embraced in the New York Metropolitan Area outside of the city is gaining more rapidly than the population in the city itself".

Table III: Estimated Geographical Distribution of the Food Consuming Population and of Food Sales in the New York Metropolitan District.
(Prepared by Port of New York Authority)

	Estimated Night Time Population		Daytime Food Consuming Population		Retail Food Sales via Stores Eating Places and Hotels	
	1,000's	%	1,000's	%	1,000's	%
	(a)		(b)		(c)	
A New Jersey, West of Passaic River—						
Passaic	300	2.69	315	2.50	\$ 40,842	2.45
Essex	1,013	8.24	963	7.65	121,083	7.26
Union	407	3.31	387	3.07	43,679	2.62
B New Jersey, between Passaic and Hudson River—						
Rockland (N. Y.)	63	0.51	63	0.50	7,984	0.48
Bergen	534	4.35	504	4.00	45,052	2.70
Hudson	725	5.90	690	5.48	85,383	5.12
C New York, between Hudson and East Rivers—						
Westchester	673	5.48	493	3.92	74,417	4.46
Bronx	1,625	13.22	1,205	9.57	175,850	10.54
Manhattan	1,815	14.77	3,615	28.72	479,325	28.74
Richmond	200	1.63	180	1.42	22,138	1.32

	Estimated Night Time Population		Daytime Food Consuming Population		Retail Food Sales via Stores Eating Places and Hotels	
	1,000's (a)	%	1,000's (b)	%	1,000's (c)	%
D New York, East of East River—						
Kings	2,857	23.25	2,422	19.24	321,251	19.26
Queens	1,390	11.31	1,190	9.45	170,359	10.21
Nassau	446	3.63	371	2.95	54,363	3.26
Suffolk	211	1.71	191	1.52	26,329	1.58
Grand total	12,289	100.00	12,589	100.00	\$1,668,055	100.00
Area A	1,750	14.24	1,665	13.23	\$205,604	12.33
Area B	1,322	10.76	1,257	9.98	138,419	8.30
Area C	4,313	35.10	5,493	43.63	751,730	45.06
Area D	4,904	39.90	4,174	33.16	572,302	34.31
Grand total	12,289	100.00	12,589	100.00	\$1,668,055	100.00

(a) Source: Information Bulletin No. 40, January 24, 1938, Regional Plan Association, 400 Madison avenue, New York City.

(b) Source: According to Information Bulletin No. 11, January 30, 1933, Regional Plan Association, close to 3,000,000 people enter Manhattan from the suburbs. These were considered the equivalent of 1,500,000 food consuming persons; were added to Manhattan night time population and deducted from those of counties in which they reside. Also 300,000 persons, considered the day time transient resident population on Manhattan from beyond the Metropolitan District, were added to the Manhattan population.

(c) Source: U.S.D.C.—Bureau of Census—Retail Distribution Census for 1935.

Population Research

Following these population hearings, the Division of Research, Reference and Statistics of the Department of City Planning undertook the development of methods for determining net migration into New York City. Estimates were first prepared for the decennial periods 1900-1930 on the basis of reported births and deaths, and of State of birth obtained from census reports. For the intercensal years, net migration was estimated on the hypothesis that numerical changes in the total population are reflected in elementary and junior high school registration, taking into account the declining birth and death rates of this age group.

Several of the experts who appeared at the hearings have commented on these estimates. With these valuable suggestions, and the comparisons that will be possible when the 1940 census data are available, it is hoped that more satisfactory methods of estimating migration in intercensal years may be developed. Such a study will probably lead to consideration of net migration in relation to industrial and commercial conditions and employment opportunities in this city, and in places of origin, to determine whether the attractive power of New York is likely to be stronger or weaker in the future.

BOROUGH OF BROOKLYN

No. 3

(CP-1490)

In the matter of the adoption, as a part of the Master Plan, of an area bounded by 79th street, 18th avenue, Belt parkway and 14th avenue, as the area within which the proposed Junior High School, P. S. No. 211, Borough of Brooklyn, is recommended to be located.

(On April 21, 1940, this matter was received in the office of the Commission; on May 1, 1940, Cal. No. 35, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 36, the hearing was closed.)

On motion, the following report was unanimously adopted:

Master Plan

Adoption, as a Part of the Master Plan, of an Area Bounded by 79th Street, 18th Avenue, the Southerly Prolongation of 18th Avenue, Belt Parkway, the Prolongation of 14th

Avenue Through Dyker Beach Park, and 14th Avenue, Borough of Brooklyn, as the Area Within Which the Site for Proposed Junior High School No. 211 Is Recommended to Be Located.

Report No. 1380.

(Adopted May 29, 1940)

(CP-1490)

On February 23, 1940, the Secretary of the Board of Education sent a communication to the City Planning Commission transmitting data pertinent to proposed Public School No. 211, Brooklyn, to serve as the basis for determination of an appropriate area within which this school should be located as a part of the Master Plan. Funds for acquisition of the site are included in the 1940 Capital Budget (Project No. E-280).

This public school is to be a junior high school. It is intended to relieve overcrowding in Public School No. 163 by accommodating its seventh and eighth grade classes, and also in Junior High Schools No. 227 and No. 128 by providing for their excess of classes over rooms. Indirectly it will also relieve overcrowding in Public School No. 229. The total proposed number of classes to be transferred from existing schools to the proposed Junior High School No. 211 is about 45.

Data pertaining to the affected schools, and to the schools within one-half mile of the centroid of population of the district which the new school is designed to serve has been reported by the Board of Education as follows:

School	Type of Construction	Capacity, Number of Rooms	Register, Number of Classes	Date Erected
163.....	Fireproof.....	34	43	1909
229.....	Fireproof.....	21	26	1932
128.....	Fireproof.....	63	68	1900-1925
227.....	Fireproof.....	64	72	1930
112.....	Fireproof.....	26	26	1905
204.....	Fireproof.....	36	38	1929
186.....	Fireproof.....	45	45	1923
		289	318	
New Utrecht High School	Sittings 5,600; Register 7,523 (including annexes)			1924

There are no other contemplated grade school or junior high school projects in the general area to be served by proposed Public School No. 211.

Pursuant to Rule 502, a conference was held with representatives of the Department of Education on February 26, 1940, with a view to determining a suitable area within which this proposed junior high school should be located. The school district is bounded on the north by Bay Ridge parkway, on the east by 14th avenue and its prolongation to the U. S. Bulkhead Line, on the south by the U. S. Bulkhead Line and on the west by 19th avenue. As a result of this conference, an area bounded by 79th street, 18th avenue, Belt parkway and 14th avenue was agreed upon. These boundaries were determined largely by the necessity for a site in reasonable proximity to Public School No. 163 and Junior High Schools Nos. 227 and 128, and by the fact that the centroid of school population in the district is reported by the Board of Education to lie within one of the blocks near the center of this area.

On May 1, 1940 (Cal. No. 35), the Commission fixed the date for a public hearing on the adoption as a part of the Master Plan of the above described area, as the area within which the proposed junior high school Public School No. 211, Brooklyn, is recommended to be located. This public hearing was duly advertised and was held on May 22, 1940 (Cal. No. 36). There were no appearances and the hearing was closed.

The Commission wishes to point out that the required size of site for this junior high school will depend upon its location within the area hereby adopted. If a site close to the park is selected, relatively less playground space would be needed, than for a school situated in the eastern part of the area, far removed from the park.

The City Planning Commission, pursuant to section 197a of the New York City Charter hereby approves and adopts, as a part of the Master Plan, the area bounded by 79th street, 18th avenue, southerly prolongation of 18th avenue, Belt parkway, southerly prolongation of 14th avenue through Dyker Beach Park, and 14th avenue, as the area within which the proposed junior high school, Public School No. 211, is recommended to be located. It is understood that when a satisfactory site is selected within this area, it

will, with due approval, become a definite part of the Master Plan, and the balance of the area will be eliminated.

R. G. TUGWELL, Chairman; JOHN C. RIEDEL, LAWRENCE M. ORTON, CLEVELAND ROGERS, EDWIN A. SALMON, ARTHUR V. SHERIDAN, Commissioners.

BOROUGH OF THE BRONX

No. 4

(CP-1544)

Communication, dated May 6, 1940, from the Secretary of the New York City Housing Authority submitting amended application to the City Planning Commission for approval of "plan" of **Clason Point Houses** (USHA Project No. N.Y.5-7) within the territory bounded approximately by **Story avenue, Noble avenue, Lafayette avenue, Croes avenue, Seward avenue and Metcalf avenue**, Borough of The Bronx.

(On May 6, 1940, this matter was received in the office of the Commission.)

On motion, the following report was unanimously adopted:

Master Plan

Approval of a "Plan" as defined in the New York State Public Housing Law §3(13), for United States Housing Authority Aided Project Number N.Y. 5-7, known as Clason Point Houses in the Sound View Park Section of the Borough of The Bronx; and certification that the Site for this Project, Bounded by Story Avenue, Noble Avenue, Croes Avenue, an East-West Line 200 Feet South of Lafayette Avenue, Fiteley Avenue, Seward Avenue and Metcalf Avenue, Conforms with the Master Plan of Sections Containing Areas for Clearance, Replanning and Low Rent Housing.

Report No. 1360.

(Adopted May 29, 1940)

(CP-1544)

On May 6, 1940, the Secretary of the New York City Housing Authority sent a communication to the City Planning Commission, requesting approval of revised "plan" and "project", and enclosing parcel map, and also plot plan, Exhibit PRE-18 dated April 18, 1940, revised to May 1, 1940, together with legal description of property to be included within the site of its proposed housing project No. N.Y. 5-7, located in the Sound View Park section, Borough of The Bronx. Exhibit PRE-18 supersedes Exhibit J-1, dated November 10, 1939, which was included in the formal application to the United States Housing Authority, also dated November 10, 1939, transmitted to the Commission by the Secretary of the New York City Housing Authority with an accompanying communication dated February 21, 1940, requesting approval of the "plan" and "project" as then laid out.

Inasmuch as the site did not lie within any of the Sections Containing Areas Suitable for Clearance, Replanning and Low Rent Housing, adopted by the Commission as a part of the Master Plan on January 3, 1940 (Report No. 1026), it was necessary for the Commission to examine the evidence submitted in the Authority's application, to determine whether there was justification for an amendment to the Master Plan, without which the project could not be approved, under the provisions of the State Public Housing Law (§150). Having satisfied itself as to the propriety and advantages of the project, the Commission, after public hearing, adopted the necessary amendment to the Master Plan on April 3, 1940 (Report No. 1190, CP-1342, Cal. No. 16). In its accompanying report, the Commission stated:

"The Commission has long considered that the first series of public housing projects in New York City should be built in the older substandard neighborhoods near the principal work centers of the City, rather than in outlying areas. At the same time, it is appreciated that there is virtue in undertaking an experiment with a more open type of development with private gardens for many of the tenants, and that this is difficult in central locations. The contemplated combination of row houses and flats is characteristic of many USHA-aided projects in the smaller cities throughout the country.

Unfortunately, the location selected by the Housing Authority offers little or no opportunity to walk to work, and is somewhat more than half a mile from the nearest rapid transit route. This is the Pelham Bay line of the Interborough system, running on Westchester avenue. It is already seriously overcrowded, and any extensive further residential development, public or private, would produce a transportation

problem of a more serious nature. Inasmuch as the project that the Authority wishes to build is tentatively laid out for only 412 dwelling units, the number of rush hour passengers originated by it will not materially aggravate the overcrowding. . . . There is a public school within the area, which is now well below its capacity; and the transit problem is somewhat ameliorated by the existence of a street car line on Sound View avenue, one-quarter mile to the east."

In adding a new section (Bn-5) to the Master Plan of Sections Containing Areas Suitable for Clearance, Replanning and Low Rent Housing, the Commission classified it as Type III, Row Houses and Flats on 25 per cent maximum coverage, which is the least dense type of recommended low rent housing development, and accords with the intentions of the Housing Authority.

Approval of the plan and project has been further complicated by the fact that the site was mostly within an F Area District on the zoning map. This district does not permit construction of row houses. At the request of the Housing Authority, the Commission initiated an appropriate zoning amendment, which after public hearing was formally adopted on May 29, 1940 (Report No. 1315, CP-1534, Cal. No. 23). As the Commission's suggested amendment of the Building Zone Resolution, creating a D-1 Area Zone especially designed for row houses, is still pending, it was necessary to place the Authority's site in a D Area District. The Commission's report contains the following comment on this situation:

"The trend toward construction of row or group houses for families of low to medium income has been recognized by the Commission in the framing of suggested amendments to the Building Zone Resolution. The type of development contemplated by the Housing Authority within the area covered by this proceeding would be consistent with the Commission's proposed "D-1" Area District, and creation of a "D-1" zone would thus be more appropriate than changing the zoning to a "D" district. However, the Commission has not yet taken action on the amendment to the text of the Building Zone Resolution recommending the D-1 provisions to the Board of Estimate, and does not feel that it is justified in deferring formal action on the submitted petition of the Housing Authority."

"The fact that the property affected by the proposed rezoning is to be developed and controlled by a public agency appears to insure that the improvement will conform to the best housing standards and that the adjustment of the zoning regulations to meet the requirements of the project is undoubtedly warranted."

A factor that the Commission wishes to bring to public attention in connection with this project is that it is to be constructed on vacant land in a neighborhood that lies on the sparsely developed outskirts of the city. Substantial expenditures of city funds will be necessary for surfacing the streets that bound the project. These costs are not borne by the Housing Authority. The Commission has estimated that the cost to the city and taxpayers will be at least \$100,000. If it were not for the fact that the project adjoins a public school with ample capacity, and the recently acquired Sound View Park, there would be some question as to the wisdom and advisability of undertaking to build public housing in this locality.

The City Planning Commission, pursuant to §199a of the New York City Charter and §150 of the New York State Public Housing Law hereby certifies that the site submitted by the New York City Housing Authority, for constructing a USHA-aided housing project, to be known as Clason Point Houses, in the Sound View Park vicinity (Borough of The Bronx), bounded by Story avenue, Noble avenue, Croes avenue, an east-west line 200 feet south of Lafayette avenue, Fteley avenue, Seward avenue and Metcalf avenue, is in conformity with the adopted Master Plan of Sections Containing Areas for Clearance, Replanning and Low Rent Housing, and hereby approves the plan as submitted by the New York City Housing Authority in its application dated November 10, 1939, as supplemented by a subsequent communication of May 6, 1940. Review of the "project" and necessary street closings will be made the subject of separate reports.

R. G. TUGWELL, Chairman; JOHN C. RIEDEL, LAWRENCE M. ORTON, CLEVELAND RODGERS, EDWIN A. SALMON, ARTHUR V. SHERIDAN, Commissioners.

No. 5

(CP-1545)

Communication, dated May 6, 1940, from the Secretary of the New York City Housing Authority submitting amended application to the City Planning Commission for approval of "Project" of the **Clason Point Houses** (USHA Project No. 5-7) within the territory bounded approximately by **Story avenue, Noble avenue, Lafayette avenue, Croes avenue, Seward avenue** and **Metcalf avenue**, Borough of the Bronx.

(On May 6, 1940, this matter was received in the office of the Commission.)

On motion, the following report was unanimously adopted:

Master Plan

Approval of a "Project" as defined in the New York State Public Housing Law §3(14) for United States Housing Authority-Aided Project Number N.Y. 5-7, known as Clason Point Houses, on the Site Bounded by Story Avenue, Noble Avenue, Croes Avenue, an East-West Line 200 Feet south of Lafayette Avenue, Fiteley Avenue, Seward Avenue and Metcalf Avenue, Borough of The Bronx.

Report No. 1361.

(Adopted May 29, 1940)

(CP-1545)

On May 6, 1940, the Secretary of the New York City Housing Authority sent a communication to the City Planning Commission, requesting approval of revised "plan" and "project", and enclosing Plot Plan Exhibit PRE-18 dated April 18, 1940, revised to May 1, 1940. This exhibit supersedes Exhibit J-1, dated November 10, 1939, which was included in the formal application to the United States Housing Authority, also dated November 10, 1939, copy of which was transmitted to the Commission with an accompanying communication dated February 21, 1940, requesting approval of the "plan" and "project" as then laid out.

The Commission, on May 29, 1940, formally approved the "plan" for this housing development and certified that the site conforms with the Master Plan of Sections Containing Areas for Clearance, Replanning and Low Rent Housing (Report No. 1360, CP-1544, Cal. No. 4).

Exhibit PRE-18, as revised to May 1, 1940, provides for a combination of row houses and two-story flats on approximately 22 per cent net coverage, designed to house 412 families in 1994 rooms. The resulting population density, as computed by the Commission, is 120 persons per net acre. The net site area is stated as 17.03 acres, and the project is estimated to cost \$2,250,000.

The ratio of rooms to dwelling units, 4.83, is commendably large, and the Commission feels that the site plan displays a high order of skill and ability in composition and design. Tenant maintained gardens are to be provided for all families in both the row houses and the flats. The latter will have entrances to the second floor on the opposite side of the building from the ground floor entrances. This type of unit plan is being used successfully in many other USHA-aided projects.

The Commission understands that Exhibit PRE-18, as revised to May 1, 1940, does not represent the final judgment of the Authority on all features of the project layout, but that future modifications are not expected to be material. Arrangement of most of the buildings end-on to the abutting streets, with access by walkways to the individual dwelling units, is noted with approval. Exceptions to this principle have been introduced in the plan when it was necessary to provide a measure of self-contained homogeneity for the project.

In commending and approving the project, the Commission takes the opportunity to suggest that the following specific features of the plan merit additional study by the Housing Authority, in order to improve the usability and efficiency of open areas within the site.

1. Provision of a play area in the central open court in the main quadrangle.
2. Restudy of several small irregular shaped play spaces that would be difficult to utilize effectively. The northwest corner of the project appears to be deficient in playground space, and other play areas are smaller than would be desirable.
3. In conjunction with item 2 above, restudy of the size and distribution of automobile parking areas in the main quadrangle. Without attempting to go into detail, it appears that shifting or elimination of a few dwelling units would free up the plan and give better organization of both play areas and parking spaces. Any reduction in number of units could be compensated by constructing at this time one or more of the indicated "future buildings" in the southern part of the project.

Pursuant to §150 of the New York State Public Housing Law, the City Planning Commission hereby approves the "project" submitted by the New York City Housing Authority, for construction of USHA-aided Project No. N.Y. 5-7, to be known as Clason Point Houses, on a previously approved site in the Sound View Park section, Borough of The Bronx, as more particularly shown on Site Plan Exhibit PRE-18, dated April 18, 1940, revised to May 1, 1940, with the understanding that copies of subsequent revisions of this site plan shall be submitted to the Commission for information, and that the Commission reserves the right to review and formally pass upon any substantial changes in the site plan, in order that the intent of the State Law may be carried out.

Necessary street closings involved in the layout of the project will be made the subject of a separate report, when formally submitted by the Borough President on behalf of the Housing Authority.

R. G. TUGWELL, Chairman; JOHN C. RIEDEL, LAWRENCE M. ORTON, CLEVELAND RODGERS, EDWIN A. SALMON, ARTHUR V. SHERIDAN, Commissioners.

Assessable Improvements

BOROUGH OF BROOKLYN

No. 6

(CP-1568)

Resolution of the Local Board of the Ocean Front District, Borough of Brooklyn, adopted on March 27, 1940, initiating proceedings for **constructing sewers in Avenue L** from East 80th street to Remsen avenue, etc.

(On May 2, 1940, Cal. No. 102-A the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1341.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 102-A), there was referred to the City Planning Commission a resolution of the Local Board of the Ocean Front District, Borough of Brooklyn, adopted on March 27, 1940, initiating proceedings for constructing sewers in Avenue L from East 80th street to Remsen avenue, Paerdegat 7th street from Paerdegat avenue north to East 80th street, East 84th street from Avenue M to Avenue L, East 87th street from Avenue K to Avenue M, East 88th street from Avenue K to Avenue M, East 89th street from Avenue K to Avenue M.

The Master Plan so far as adopted is not affected by this project.

Respectfully,

R. G. TUGWELL, Chairman, City Planning Commission.

No. 7

(CP-1569)

Resolution of the Local Board of the Ocean Front District, Borough of Brooklyn, adopted on September 27, 1939, initiating proceedings for **grading, curbing and flagging** within the dedicated area and **paving** with asphalt, permanent pavement, **East 36th street** from Avenue T to Avenue U.

(On May 2, 1940, Cal. No. 102-B, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1342.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 102-B), there was referred to the City Planning Commission a resolution of the Local Board of the Ocean Front District, Borough of Brooklyn, adopted on September 27, 1939, initiating proceedings for grading, curbing and flagging within the dedicated area and paving with asphalt (permanent pavement) East 36th street from Avenue T to Avenue U.

The Master Plan so far as adopted is not affected by this project.

Respectfully,

R. G. TUGWELL, Chairman, City Planning Commission.

No. 8

(CP-1570)

Resolution of the Local Board of the Flatbush District, Borough of Brooklyn, adopted on March 27, 1940, initiating proceedings for **grading, curbing, flagging and paving** with asphalt, permanent pavement, **Troy avenue** from Clarendon road to Avenue D.

(On May 2, 1940, Cal. No. 102-C, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1343.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 102-C), there was referred to the City Planning Commission a resolution of the Local Board of the Flatbush District, Borough of Brooklyn, adopted on March 27, 1940, ini-

tiating proceedings for grading, curbing, flagging and paving with asphalt (permanent pavement) Troy avenue from Clarendon road to Avenue D.

The Master Plan so far as adopted is not affected by this project.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

BOROUGH OF THE BRONX

No. 9

(CP-1571)

Resolution of the Local Board of the Van Courtlandt District, Borough of The Bronx, adopted on February 21, 1940, initiating proceedings for paving with asphalt, permanent pavement, **Creston avenue** from East 179th street to Burnside avenue, etc.

(On May 2, 1940, Cal. No. 107-A, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1345.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 107-A), there was referred to the City Planning Commission a resolution of the Local Board of the Van Courtlandt District, Borough of The Bronx, adopted on February 21, 1940, initiating proceedings for paving with asphalt (permanent pavement) Creston avenue from East 179th street to Burnside avenue, furnishing and adjusting curb and sidewalks, building and rebuilding inlets and receiving basins, where necessary, together with all work incidental thereto.

The Master Plan so far as adopted is not affected by this project.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

No. 10

(CP-1572)

Resolution of the Local Board of the Van Courtlandt District, Borough of The Bronx, adopted on February 21, 1940, initiating proceedings for paving with asphalt, permanent pavement, **Andrews avenue** from West 183d street to Fordham road.

(On May 2, 1940, Cal. No. 107-B, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1346.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 107-B), there was referred to the City Planning Commission a resolution of the Local Board of the Van Courtlandt District, Borough of The Bronx, adopted on February 21, 1940, initiating proceedings for paving with asphalt (permanent pavement) Andrews avenue from West 183d street to Fordham road, furnishing and adjusting curb and sidewalks, building and rebuilding inlets and receiving basins, where necessary, together with all work incidental thereto.

The Master Plan so far as adopted is not affected by this project.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

No. 11

(CP-1574)

Resolution of the Local Board of the Van Courtlandt District, Borough of The Bronx, adopted on January 18, 1940, initiating proceedings for paving with asphalt, permanent pavement, **Creston avenue** from Tremont avenue to East 179th street, **curbing**, recurbing, **flagging**, reflagging, etc.

(On May 2, 1940, Cal. No. 107-D, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1348.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 107-D), there was referred to the City Planning Commission a resolution of the Local Board of the Van Courtlandt District, Borough of The Bronx, adopted on January 18, 1940, initiating proceedings for paving with asphalt (permanent pavement) Creston

avenue from Tremont avenue to East 179th street, furnishing and adjusting curb and sidewalks, building and rebuilding inlets and receiving basins, where necessary, together with all work incidental thereto.

The Master Plan so far as adopted is not affected by this project.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

BOROUGH OF QUEENS

No. 12 (CP-1579)

Resolution of the Local Board of the Newtown District, Borough of Queens, adopted on March 18, 1940, initiating proceedings for **grading, curbing, recurbing, etc., 73d place** from 51st avenue to South Railroad avenue.

(On May 2, 1940, Cal. No. 114-B, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1363.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 114-B), there was referred to the City Planning Commission a resolution of the Local Board of the Newtown District, Borough of Queens, adopted on March 18, 1940, initiating proceedings for grading, curbing, recurbing, laying and relaying sidewalks, removing and replacing trees, constructing receiving basins where necessary, together with all work incidental thereto in 73d place from 51st avenue to South Railroad avenue.

The Master Plan so far as adopted is not affected by this project.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

No. 13 (CP-1580)

Resolution of the Local Board of the Jamaica District, Borough of Queens, adopted on April 26, 1940, amending resolution adopted on January 23, 1939, and initiating proceedings for **grading, outside of the paved area and within the area to which the City has title, curbing, recurbing, etc., Hollis Court boulevard** from 86th avenue to Whitehall terrace and in **212th street** from Whitehall terrace to Hillside avenue.

(On May 2, 1940, Cal. No. 116, the Board of Estimate referred this matter to the Commission.)

On motion, the following report was unanimously adopted:

Report No. 1364.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 116), there was referred to the City Planning Commission a resolution of the Local Board of the Jamaica District, Borough of Queens, adopted on April 26, 1940, amending resolution adopted on January 23, 1939 for which preliminary authorization was granted by the Board of Estimate on April 20, 1939 (Cal. No. 19), so as to provide grading outside of the paved area and within the area to which the City has title, curbing, recurbing, laying and relaying sidewalks, removing and replacing trees, constructing receiving basins, where necessary, together with all work incidental thereto in Hollis Court boulevard from 86th avenue to Whitehall terrace and in 212th street from Whitehall terrace to Hillside avenue.

The Master Plan so far as adopted is not affected by this project, which constitutes an amendment to a prior proceeding referred to the City Planning Commission by the Board of Estimate on February 9, 1939 (Cal. No. 98-A) and certified by the Commission as being consistent with the approved City Map in its Report No. 615, dated March 22, 1939 (Cal. No. 19—CP-806).

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

City Map Changes

BOROUGH OF MANHATTAN

No. 14 (CP-945)

In the matter of a proposed change in the City Map by **changing the lines of West Houston street** from 6th avenue to Broadway and of **East Houston street** from Broadway to Essex street, Borough of Manhattan.

(On May 11, 1939, Cal. No. 113, the Board of Estimate referred this matter to the Commission; on April 17, 1940, Cal. No. 12, the Commission fixed May 15, 1940, for a hearing; on May 15, 1940, Cal. No. 36, the hearing was closed.)

On motion, the following report was unanimously adopted:

Report No. 942.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 11, 1939 (Cal. No. 113), there was referred to the City Planning Commission a communication, dated May 3, 1939, from the President of the Borough of Manhattan, submitting for approval a proposed change in the City Map by changing the lines of West Houston street from 6th avenue to Broadway and of East Houston street from Broadway to Essex street, Borough of Manhattan, in accordance with a map bearing the signature of the President of the Borough and dated April 20, 1939.

The map relates to a length of about one-third of a mile of West Houston street and about 0.6 of a mile of East Houston street and provides for widening West Houston street on the southerly side from 80 feet to 125 feet by taking a strip of land generally 45 feet wide between 6th avenue and Broadway, except in the block between Thompson street and West Broadway, where the widening is limited to a width of 123 feet to avoid building damage. East Houston street is to be widened from 80 feet to 125 feet by taking a strip of property 45 feet in width on the northerly side between Crosby street and Ludlow street and by taking strips of property on both sides between Broadway and Crosby street ranging to a maximum of 45 feet in width.

Provision is also made for establishing a uniform roadway width of 99 feet in West and East Houston streets from 6th avenue to Ludlow street. Sidewalks 13 feet in width are contemplated throughout except on the southerly side between Thompson street and West Broadway, where a width of about 11 feet is to be provided.

The greater portion of the property required for the widening of the street was acquired for subway purposes and is in City ownership under the jurisdiction of the Board of Transportation. These properties are vacant and in some instances are utilized as playgrounds by the Department of Parks under permits from the Board of Transportation. The line of the Independent Subway is located in the subsurface portions thereof and numerous subway entrances are located in the existing sidewalk areas.

Two other parcels of City-owned property are affected by the widening and consist of a small area located at the southeasterly corner of 6th avenue and West Houston street acquired by excess condemnation in connection with the widening of 6th avenue, and another area located on the northerly side of East Houston street between Mulberry street and Mott street which is occupied by a four-story brick building utilized as a traffic court. This building encroaches a maximum of about 15 feet within the proposed street area. The former property is understood to be under the jurisdiction of the Board of Estimate and the latter under the Police Department and the Board of City Magistrates jointly.

The prorated assessed valuation of the City-owned lands required for the improvement is estimated at about \$1,927,000 and the valuation of the buildings affected is \$50,000, a total of \$1,977,000.

The proposed widening will involve the taking of five parcels of private property, portions of which are burdened with permanent easements for rapid transit purposes and should be acquired subject thereto. These properties are vacant except for a five-story brick building utilized as a store and dwelling and the boiler room of an adjoining 12-story loft building. The value of the private property required in connection with the widening is estimated at \$165,000.

Seven entrance and exit stairways to the Independent Subway and two stairways to the 3d Avenue elevated line exist within the mapped lines of the proposed street and will have to be relocated when the street is physically improved. The Board of Transportation and the Interborough Rapid Transit Co. advise that the cost of relocating the stairways for the subway line and for the 3d Avenue elevated line amount to \$132,000 and \$46,300, respectively.

The widening of Houston street will involve the assembling of various parcels of City-owned property under various jurisdictions. The Board of Transportation property can be released to the Board of Estimate subject to its right to maintain and operate the subway line in the subsurface portions thereof. This transit property, together with the lands acquired in excess condemnation in connection with the widening of 6th avenue may then be transferred from the Board of Estimate to the President of the Borough for street purposes through the medium of a local law.

This matter was the subject of a public hearing duly held by the Commission on May 15, 1940 (Cal. No. 36). No opposition to the proposed map change developed and the hearing was closed.

The matter was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 14), at which time it was determined that the widening of Houston street as now proposed will provide a wide east and west thoroughfare for the distribution of traffic between numerous north and southbound intersecting avenues.

It is understood that further studies are in progress with a view towards extending the widening eastwardly from Essex street to East River drive in order to provide an arterial thoroughfare between 6th avenue and the drive.

Attention is also invited to the desirability of providing suitable access to West street from the section of West Houston street east of 6th avenue in order to provide a crosstown arterial thoroughfare extending from East River drive to the Elevated Express highway and it is suggested that studies be made as to the feasibility of providing a short connection between West Houston street at 6th avenue and Clarkson street at Varick street to be utilized as a means of direct access by way of Clarkson street to West street for westbound traffic. Such an arrangement would permit the utilization of the section of West Houston street between West street and 6th avenue for eastbound traffic. An alternative proposal would be to widen Clarkson street for two-way traffic, from Varick street to West street.

The further suggestion is made that in view of the importance of Houston street as a major traffic thoroughfare that consideration be given to the introduction of an appropriate mall treatment for the separation and control of east and westbound traffic.

The map under consideration appears to be a proper one and its approval is recommended.

It is further recommended that after the approval of the map:

1. A resolution be adopted establishing a special roadway and sidewalk treatment in West Houston street from 6th avenue to Broadway and in East Houston street from Broadway to Ludlow street, in accordance with the treatment shown on the map;

2. That the Board of Transportation be requested to surrender to the Board of Estimate, subject to its rights to maintain and operate a subway line in the sub-surface portion thereof, the lands required for street purposes; and

3. That a local law be subsequently enacted authorizing the Board of Estimate to transfer to the Borough President for street purposes, the Board of Transportation property, and the property at the southeast corner of 6th avenue and West Houston street acquired in excess condemnation in connection with the widening of 6th avenue, which will be required for the widening of Houston street.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

No. 15

(CP-1278)

In the matter of a proposed change in the City Map by widening Greenwich avenue on its westerly side between Christopher street and Sixth avenue and by changing the grades at the intersection of Christopher street, Greenwich avenue and Sixth avenue, Borough of Manhattan.

(On January 18, 1940, Cal. No. 38, the Board of Estimate referred this matter to the Commission; on March 27, 1940, Cal. No. 23, the Commission fixed April 10, 1940, for a hearing; on April 10, 1940, Cal. No. 17, the hearing was closed; on May 22, 1940, Cal. No. 7, the matter was laid over.)

On motion, the following report was unanimously adopted:

Report No. 1197.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on January 18, 1940 (Cal. No. 38), there was referred to the City Planning Commission, a communication, dated January 10, 1940, from the President of the Borough of Manhattan, submitting for approval a proposed change in the City Map by widening Greenwich avenue on its westerly side between Christopher street and Sixth avenue and by changing the grades at the intersection of Christopher street, Greenwich avenue and Sixth avenue, Borough of Manhattan, in accordance with a map bearing the signature of the President of the Borough and dated December 28, 1939.

The map relates primarily to the intersection of Greenwich avenue, Christopher street and Sixth avenue and provides for widening Greenwich avenue a maximum of about 42 feet on its westerly side between Christopher street and Sixth avenue in order to facilitate the interchange of traffic between Greenwich avenue and Sixth avenue and West 8th street, respectively.

Provision is also made for establishing a special roadway and sidewalk treatment at this intersection and in an adjacent block of Greenwich avenue to control the direction of traffic flow.

It is proposed to introduce a 15 foot sidewalk on the westerly side of Greenwich avenue from Sixth avenue to Christopher street and a 12 foot sidewalk on the northerly side of Christopher street between Greenwich avenue and Sixth avenue. The heretofore established sidewalk width of 17 feet on the easterly side of Sixth avenue between West 8th street and West 9th street is proposed to be retained and the remainder of the street area within the intersection is to be devoted to roadway purposes.

In Greenwich avenue between Christopher street and West 10th street the existing sidewalk widths of 12 feet and 20 feet on the easterly and westerly sides, respectively, are to be retained except on the westerly side where the sidewalk tapers down from 20 feet to 12 feet between a point 50 feet north of Christopher street and Christopher street. The roadway correspondingly flares from 48 feet to 56 feet in width.

The map also provides for the introduction of a mall designated as a Safety Island adjoining the westerly side of Sixth avenue at the intersection of Christopher street and Greenwich avenue separated by roadways 30 feet, 50 feet and 66 feet in width from the adjoining sidewalks in Christopher street, Greenwich avenue and Sixth avenue, respectively.

The grade treatment now proposed at the intersection of the three thoroughfares in question is designed to conform to the new alignment, the Safety Island and the proposed changes in sidewalk widths, necessitating in one instance the introduction of special gutter treatment to insure adequate surface drainage.

The widening of Greenwich avenue will involve the taking of a strip of property about 3,100 square feet in extent, having an estimated value of about \$50,000, from lands acquired by the Board of Transportation for subway purposes in connection with the Independent Subway. The portion now proposed to be utilized for street purposes is partly occupied by a lunch wagon and the remainder is vacant and utilized for the storage of materials and for parking cars.

It is understood that the Board of Transportation is prepared to release the surface rights in the area required for street purposes to the Board of Estimate subject to its rights to maintain and operate the subway line. The enactment of a local law will then be required to effect the transfer of the property from the Board of Estimate to the President of the Borough for street purposes.

This matter was the subject of a public hearing duly held by the Commission on April 10, 1940 (Cal. No. 17). No opposition to the proposed map change developed and the hearing was closed.

The matter was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 15), at which time it was determined that the widening of Greenwich avenue together with the realignment of the sidewalks in this vicinity is designed to provide improved facilities for the complex interchange of traffic at the intersection of Greenwich avenue, Christopher street and Sixth avenue. However, with respect to the design and location of the safety island, it is the opinion of the Commission that the following objectionable features are indicated:

1. The plan establishes an island which projects more than one-half the width of Greenwich avenue west of the prolongation of the easterly curb of that avenue, thus making necessary the introduction of curving traffic lanes through the intersection of Christopher street and Greenwich avenue. Considering the fact that there is little likelihood that heavy commercial traffic will make reverse curve tracks within the limited area suggested, it would appear that the proposal is bad from the viewpoint of traffic and street mapping.

2. Several conflicting lanes of traffic will result which can only be handled by direct police control on the site and which will, because of short reservoir space, tend to produce confusion.

3. Lack of facilities for pedestrians exist, especially at the corner formed by the intersection of Greenwich avenue and 6th avenue at a point opposite 8th street. From this point, a person cannot cross to the easterly side of this avenue with the light in his favor at any time. The pedestrian situation is difficult of solution, but merits further consideration including, perhaps, a determination to provide an overhead crossing or establish a three phase light system. The absence of islands tending to direct traffic or serve as places of temporary safety for police officers as well as pedestrians deserves thought.

The foregoing critical comments are to be understood as comments and not as reservations. It is the duty of the Borough President's office to plan these changes and of the Commission to review them. In the present case the Commission has been dissatisfied but has not been able to persuade the Borough Engineers that changes ought to be made. The alternative of rejection has seemed too drastic since no great loss will

be incurred from experiencing the difficulties of the present plan and from later revision of it.

The approval of the map under consideration is recommended.

It is further recommended that after the approval of the map:

1. Resolutions be adopted establishing a special roadway and sidewalk treatment:
 - (a) at the intersection of 6th avenue, Greenwich avenue and Christopher street, and
 - (b) in Greenwich avenue from Christopher street to West 10th street, in accordance with the treatment shown on the map;
2. That the Board of Transportation be requested to surrender, subject to its rights to maintain and operate a subway line in the subsurface portion thereof, the lands required for street purposes to the Board of Estimate; and
3. That after such surrender by the Board of Transportation, a local law be enacted authorizing the Board of Estimate to transfer the lands in question to the President of the Borough for street purposes.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

BOROUGH OF BROOKLYN

No. 16

(CP-1437)

In the matter of a proposed change in the City Map by changing the grades of the street system within the territory bounded approximately by **Fulton street, Broadway, Jamaica avenue, Alabama avenue, Atlantic avenue and Williams place**, Borough of Brooklyn.

(On April 4, 1940, Cal. No. 144, the Board of Estimate referred this matter to the Commission; on May 1, 1940, Cal. No. 36, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 37, the hearing was closed.)

On motion, the following report was unanimously adopted:

Report No. 1266.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on April 4, 1940 (Cal. No. 144), there was referred to the City Planning Commission a communication, dated April 1, 1940, from the President of the Borough of Brooklyn, submitting for approval a proposed change in the City Map by changing the grades of the street system within the territory bounded approximately by Fulton street, Broadway, Jamaica avenue, Alabama avenue, Atlantic avenue and Williams place, Borough of Brooklyn, in accordance with a map bearing the signature of the President of the Borough and dated March 28, 1940.

The map provides for establishing the grades of one block, or about 285 feet, of Herkimer street as recently mapped and acquired and for minor adjustments in the established grades of several adjacent streets in order to conform to the existing surface. No abutting property will be adversely affected.

Provision is made for transferring certain established grades in several streets in this vicinity from the New Lots Datum to the Standard Highway Datum of the Borough of Brooklyn in the interest of uniformity and convenience. No actual change in grades is involved.

The map provides also for adjusting the roadway and sidewalk treatment at the intersection of Fulton street and East New York avenue by the introduction of an irregular mall designed to facilitate the movement of vehicular and pedestrian traffic and to harmonize with a probable future widening of East New York avenue on its southerly side.

This matter was the subject of a public hearing duly held by the Commission on May 22, 1940 (Cal. No. 37). No opposition to the proposed map change developed and the hearing was closed.

The matter was considered further by the Commission at a meeting held on May 29, 1940 (Cal. No. 16), at which time it was determined that the map change proposed will permit the introduction of roadway treatment which will facilitate the complex interchange of traffic at the intersection of several major arteries.

It is recommended:

1. That the map under consideration be approved; and
2. That after the approval of the map a resolution be adopted establishing a special roadway and sidewalk treatment at the intersection of Herkimer street, Fulton street, Broadway, Jamaica avenue and East New York avenue, in accordance with the treatment shown on the map.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

BOROUGH OF QUEENS

No. 17

(CP-363)

In the matter of a proposed change in the City Map by **establishing or changing the lines and grades of the street system within the territory bounded approximately by Grand Central parkway, Smedley street, Coolidge avenue, Daniels street, Hoover avenue, Lander street, Pershing crescent, Manton street, 84th drive, Queens boulevard, 87th avenue, Van Wyck boulevard, 84th road, Manton street, 83d avenue, the southerly prolongation of 138th street, 82d drive and 141st street; including establishing the lines and grades of Main street from Grand Central parkway to Van Wyck boulevard, Borough of Queens.**

(On April 28, 1938, Cal. No. 74-Q-12, the Board of Estimate referred this matter to the Commission; on April 17, 1940, Cal. No. 17, the Commission fixed May 15, 1940, for a hearing; on May 15, 1940, Cal. No. 38, the hearing was closed.)

Communication, dated May 14, 1940, received from the Sutphin Boulevard Civic Association, Inc., favoring the extension of Main street to Sutphin boulevard.

Laid over one week.

No. 18

(CP-1326)

In the matter of a proposed change in the City Map by **laying out a public park within the territory bounded approximately by 61st road, Woodhaven boulevard, Dry Harbor road and 85th street, Borough of Queens.**

(On February 29, 1940, Cal. No. 137, the Board of Estimate referred this matter to the Commission; on May 1, 1940, Cal. No. 38, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 40, the hearing was closed.)

On motion, the following report was unanimously adopted:

Report No. 1264.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on February 29, 1940 (Cal. No. 137), there was referred to the City Planning Commission a communication, dated February 6, 1940, from the Acting President of the Borough of Queens, submitting for approval a proposed change in the City Map by laying out a Public Park within the territory bounded by 61st road, Woodhaven boulevard, Dry Harbor road and 85th street, Borough of Queens, in accordance with a map bearing the signature of the President of the Borough and dated February 2, 1940.

The map provides for laying out an irregular parcel of private property about 0.5 acres in extent comprising the northerly portion of a small block adjoining Woodhaven boulevard on the south with frontages of about 95 feet, 140 feet and 214 feet on Woodhaven boulevard, Dry Harbor road and 61st road, respectively. The assessed valuation of the property affected is \$19,500.

The site selected for the proposed park is located on a major traffic thoroughfare, which together with the inadequate size of the area appears to render the plot entirely unsuited to park or playground purposes. Furthermore, the Commissioner of Parks has advised the Commission that the site under consideration is not satisfactory and has suggested an alternate site in the adjoining two blocks to the southward.

This matter was the subject of a public hearing duly held by the Commission on May 22, 1940 (Cal. No. 40). No opposition to the proposed map change developed and the hearing was closed.

The matter was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 18), at which time it was determined that the location and size of the proposed park appears to be unsuited to its utilization for playground purposes and its selection is opposed by the Commissioner of Parks who suggests a more suitable site in the immediate vicinity.

It is recommended that the map under consideration be disapproved.

Respectfully,

R. G. TUGWELL, Chairman, City Planning Commission.

BOROUGH OF RICHMOND

No. 19

(CP-1266)

In the matter of a proposed change in the City Map by **establishing the lines and grades of Titus avenue from Ebbitts street to New Dorp lane, Borough of Richmond.**

(On January 11, 1940, Cal. No. 196, the Board of Estimate referred this matter to the Commission; on May 1, 1940, Cal. No. 40, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 42, the hearing was closed.)

On motion, the following report was unanimously adopted.

Report No. 1265.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on January 11, 1940 (Cal. No. 196), there was referred to the City Planning Commission a communication, dated January 4, 1940, from the President of the Borough of Richmond, submitting for approval a proposed change in the City Map by establishing the lines and grades of Titus avenue from Ebbitts street to New Dorp lane, Borough of Richmond, in accordance with a map bearing the signature of the President of the Borough and dated December 22, 1939.

The map relates to three blocks or a length of about 1840 feet of Titus avenue and provides for establishing a street width of 60 feet. The proposed lines coincide with the lines of the street as shown on a heretofore approved tentative map and include the portion of the street presently in use.

The grades proposed are designed to provide suitable gradients and are consistent with sewer requirements, although considerable grading will be involved when the street is improved.

Titus avenue is roughly graded and the abutting frontage is developed with 20 one and two-story dwellings, which have been erected apparently in accordance with the existing street surface. A one-story dwelling and the entrance steps to several other buildings may be adversely affected by the elevations now proposed, but this is unavoidable if an adequate system of grades is to be established.

This matter was the subject of a public hearing duly held by the Commission on May 22, 1940 (Cal. No. 42). No opposition to the proposed map change developed and the hearing was closed.

The matter was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 19), at which time it was determined that the map under consideration makes adequate provision for the present and future development of the abutting property and its approval is recommended.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

Drainage Plans

BOROUGH OF THE BRONX

No. 20

(CP-1280)

In the matter of a drainage plan for Sewerage District No. 42-F-3, Borough of The Bronx, showing **sizes, location and grades of sewers** in the area approximately **bounded by Oak Point avenue, Hunts Point avenue, Ryawa avenue and Manida street.**

(On January 18, 1940, Cal. No. 43, the Board of Estimate referred this matter to the Commission; on May 1, 1940, Cal. No. 42, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 44, the hearing was closed.)

On motion, the following report was unanimously adopted.

Report No. 1256.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on January 18, 1940 (Cal. No. 43), there was referred to the City Planning Commission a communication, dated January 5, 1940 from the President of the Borough of The Bronx, transmitting for approval a Drainage Plan for Sewerage District No. 42-F-3, Borough of The Bronx, showing sizes, location and grades of sewers in the area approximately bounded by Oak Point avenue, Hunts Point avenue, Ryawa avenue and Manida street, bearing the signature of the President of the Borough and dated January 5, 1940.

This matter was the subject of a public hearing duly held by the Commission on May 22, 1940 (Cal. No. 44), pursuant to the provisions of the Administrative Code. No opposition to the Drainage Plan developed and the hearing was closed.

The matter was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 20), at which time it was determined that the streets involved in the Drainage Plan under consideration have been legally laid out and the project is consistent with the approved City Map.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

No. 21

(CP-1304)

In the matter of a modified drainage plan for Sewerage District No. 43-N-23, Borough of The Bronx, showing **sizes, location and grades of sewers** in **East 230th street** from Bronxwood avenue to Laconia avenue.

(On February 1, 1940, Cal. No. 132, the Board of Estimate referred this matter to the Commission; on May 1, 1940, Cal. No. 43, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 45, the hearing was closed.)

On motion, the following report was unanimously adopted:

Report No. 1255.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on February 1, 1940 (Cal. No. 132), there was referred to the City Planning Commission a communication dated January 17, 1940 from the President of the Borough of The Bronx, transmitting for approval a modified Drainage Plan for Sewerage District No. 43-N-23, Borough of The Bronx, showing sizes, location and grades of sewers in East 230th street from Bronxwood avenue to Laconia avenue, bearing the signature of the President of the Borough and dated January 17, 1940.

This matter was the subject of a public hearing duly held by the Commission on May 22, 1940 (Cal. No. 45), pursuant to the provisions of the Administrative Code. No opposition to the modified Drainage Plan developed and the hearing was closed.

The matter was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 21), at which time it was determined that the street involved in the modified Drainage Plan under consideration has been legally laid out and the project is consistent with the approved City Map.

Respectfully,

R. G. TUGWELL, Chairman, City Planning Commission.

Zoning

No. 22

(CP-914)

In the matter of amendments to the **Building Zone Resolution**, initiated by the City Planning Commission.

(On May 3, 1939, Cal. No. 16, the Commission fixed May 24, 1939, for a hearing; on May 24, 1939, Cal. No. 53, the hearing was continued to June 1, 1939; on June 1, 1939, Cal. No. 53, the hearing was continued to June 5, 1939; on June 5, 1939, Cal. No. 53, the hearing was closed and the matter laid over under Rule 105; after further consideration, certain modifications were developed in the proposed revision and on June 14, 1939, Cal. No. 20, the Commission fixed June 28, 1939, for a hearing; on June 28, 1939, Cal. No. 1, the hearing was continued to June 30, 1939; on June 30, 1939, Cal. No. 1, the hearing was closed and the matter laid over under Rule 105; since the closing of the hearing on June 30, 1939, additional modifications were developed in the proposed revision and on November 1, 1939, Cal. No. 40, the Commission fixed November 20, 1939, for a hearing; on November 20, 1939, Cal. No. 1, the hearing was closed.)

Communications

(Dated from November 20, 1939 to May 29, 1940)

Dated March 29, 1940, received from Hon. Louis Cohen, Councilman, enclosing Resolution adopted by the City Council referring to the continuance of existing legal uses and consents for the granting of variances.

Favoring proposed revision: Jamaica Estates Association, Inc.; Messrs. Samuels & Samuels, Attorneys; Messrs. Snow & Snow, Attorneys.

Generally protesting proposed revision: Downtown Brooklyn Association; Edward F. L. Bruen; Wheels Incorporated; Soloway & Soloway, Attorneys; Richard M. Montgomery; Real Equities, Inc.; Charles A. Weber; Eighteen Eighteen 86th St., Corp.; Constant Motor Service Corp.; New York Lumber Trade Association, Inc.; Lionel P. Marks, Esq.; Mrs. Joseph J. Early; Lenore Loeb; Mrs. Rose Dimelfi; Lillian F. Wilson; 178 Canal Street Corp.; William J. Keim; Frederick Haedrich; Schroeder Brothers; E. K. Tyler; William Dreemer; John J. Stone; Williamson & Bryan, Inc.; The Throggs Neck Property Owners and Welfare Association; Lena Kurzrok and Flora Fields.

Opposing proposed revision pertaining to garages, gasoline stations and parking: Herbert G. McLearn, Esq.; Direct Realty Company; John N. Leopold, Inc.; A. Maggiolo; Charles Santamaria; Lowell M. Birrell, Esq., attorney for Bohack Realty Corporation; H. C. Bohack Co. Inc.; West Side Association of Commerce; Natanson, Pack & Scholer, attorneys, on behalf of William P. Thomas, Benjamin Antin and Henry G. McDonough; Regional Plan Association, Inc.

Opposing proposed revision pertaining to advertising and business signs: Coney Island Chamber of Commerce; Miller, Bretzfelder & Boardman, Attorneys, on behalf of

Estate of Morris Weinstein; Resnick & Resnick, Attorneys, on behalf of Mrs. Sadie Solins; Huberth & Huberth; 28th Ward Taxpayers' Protective Association.

Opposing increased power being granted to the Board of Standards and Appeals: Taxpayers' Alliance of the Borough of The Bronx; James N. Wells' Sons, Inc.; A. Heidelberger; 42nd Street Association, Inc.

Opposing various sections and offering specific suggestions: Real Estate Board of The Bronx, Inc.; Eidlitz, French & Sullivan, Attorneys for the Building Trades Employers' Association of the City of New York; The West End Association; The United Associations of Unionport; The Mortgage Conference of New York; Eliot Avenue Civic Association of Queens, Inc.; Ben Butzel; W. Lynn McCracken; Strongin & Schwartz, Attorneys; Prudence Securities Corporation; Rosedale Engineering Corporation; The First Avenue Association, Inc.; Manhattan Terrace Civic Association; Snow & Snow, Attorneys for the City Mortgage Company; E. G. Clarke, Inc.; Postal Telegraph-Cable Company; The Western Union Telegraph Co.; Borough Planning Committee; Allen A. Blaustein; Proskauer, Rose & Paskus, Attorneys; West Side Association of Commerce, Inc.; Committee on Municipal Legislation on behalf of the Savings Banks of New York City; West Side Association of Commerce, Inc.; Metropolitan Funeral Directors Association, Inc.; Broadway Association; Twenty-third Street Association; Sixth Avenue Association; West of Central Park Association; Thirty-fourth Street Midtown Association; The Bronx Chamber of Commerce; McElroy Bros. Poster Advertising Co., Inc.; Mortgage Information Bureau—Group Five, Brooklyn; Merchants Association; New York Society of Architects; Brooklyn Society of Architects; The Real Estate Board of The Bronx; Rhinelander Real Estate Company; Cord Meyer Development Company; Staten Island Building-Loan and Savings Association; Zoning Committee; Home Owners Loan Corporation; Citizens Union of the City of New York; Central Mercantile Association; Central Queens Allied Civic Council, Inc.; Midtown Building Owners, Inc.; Long Island Real Estate Board, Inc.; Citizens Housing Council of New York; The Narrows Taxpayers Association; The Residents of Juniper Park Homes; Samuels & Samuels, Attorneys; approximately seventy property owners.

Briefs and Memoranda (in addition to above-listed communications)

By Nordlinger, Riegelman & Cooper, Attorneys, on behalf of Socony-Vacuum Oil Company, Inc., Sobel Bros. Service Stations, Inc., The Gulf Oil Corporation.

By Arthur H. Haaren, Esq., for American Oil Company, Automobile Merchants' Association of New York, Cities Service Oil Co., Colonial Beacon Oil Co., Kesbec, Inc., Shell Oil Co., Inc., Sinclair Refining Company, The Texas Company, Tide Water Associated Oil Company.

By Geist & Netter, Attorneys, on behalf of Van Wagner Co., Kopper Company, Sunrise Advertising Co.

New York Society of Architects; The City Club of New York; Savings Banks of New York City; The Bank of United States; Jacob Morgenthaler's Sons; Annie McDonald; Armjor Co., Inc.; Fornes Corporation; Estate of Isaac G. Johnson; Brooklyn Chamber of Commerce; General Outdoor Advertising Co., Inc.; Metropolitan Outdoor Advertising Association; Richmond Poster Advertising Co., Inc.; Cities Service Oil Company; Garage and Gasoline Station Operators' Council of Greater New York; Brooklyn Chamber of Commerce.

On motion, the following report, including resolution, was adopted, with the exception that Commissioners Riedel and Sheridan disapproved §6e, 6f and 21A, as indicated in minority report, including suggested substitute amendments:

Report No. 1035.

(CP-914)

May 29, 1940.

To Secretary, Board of Estimate, from City Planning Commission:

By resolution adopted May 3, 1939 (Cal. No. 16), the City Planning Commission initiated, pursuant to Section 200 of the New York City Charter, certain amendments to the Building Zone Resolution, fixing May 24, 1939, as the date for a public hearing. This hearing was duly held and continued to June 1st, and then to June 5th, when it was closed. After further consideration, certain modifications were developed as a result of the public hearings and briefs submitted, and on June 14, 1939 (Cal. No. 20), a resolution was adopted fixing June 28, 1939, as the date for a further public hearing. This hearing was continued to June 29, 1939, when it was closed, the Commission again inviting submission of briefs. The proposed amendments were drafted with the full cooperation of the office of the Corporation Counsel, and were discussed from time to time with the Department of Housing and Buildings, the Chairman of the Board of Standards and Appeals and other official agencies affected.

During the summer recess further consideration was given to the whole matter, and additional changes drafted. Thus revised, the proposed amendments were advertised for

hearing, in conformity with a resolution adopted on November 1, 1939 (Cal. No. 40), which was duly held on November 20, 1939. Final consideration was thereafter given to the entire matter, including the briefs submitted subsequent to the hearing, and the amendments presented herein are embodied in a resolution adopted by the Commission at a regular meeting held on May 29, 1940 (Cal. No. 22), attached to this report as Appendix C.

The Building Zone Resolution of the City of New York was adopted on July 25, 1916. The first comprehensive zoning to be undertaken in this country, it has subsequently been emulated by over 1,700 municipalities throughout the United States, approximately four-fifths of the urban population of the country enjoying the protection afforded by these zoning ordinances at the present time.

Like other police power measures, zoning draws its validity from its relationship to the health, safety and general welfare of the people. It differs essentially from most such regulations in that it differentiates between various parts of the City, applying to each district regulations appropriate to it. Most common among zoning regulations are those seeking to prevent the mixture of essentially incompatible uses, to maintain the community values in areas of established character, and to create standards for building coverage and height assuring the light, air and open space requisite to good living and working conditions, and preventing excessive density of building development in the various districts within the City.

Desirable as these objectives are in themselves, they scarcely do justice to the contribution that zoning can make to the realization of a more rational, economical and satisfactory city structure. When the basic studies requisite to a logical plan of development for the City have been completed, and the centres not alone of industry and business, but of residential development of all types as well have been determined, zoning can aid greatly in the realization of the desirable pattern.

Present day cities, studded with slum and blighted areas, and suffering from all the financial and social ills resulting from the gradual abandonment of their older districts, cannot afford to neglect any practicable method for stabilizing the use of their lands in conformity with a rational pattern. The amendments now proposed in New York's Building Zone Resolution have in view not only numerous detailed refinements described herein, but a much more effective contribution on the part of zoning to the solution of the City's basic problems. Several of the regulations which may appear to be primarily aesthetic, are in reality practical necessities if the City's blighted areas are to be rehabilitated. Measures so closely identified with the economic and social well-being of the City, and of its residents and taxpayers, are assuredly within the scope of the police power under any reasonable interpretation of the general welfare.

It will be readily understood that the initial preparation of such broad-gauge regulations, varying widely in accordance with the great variety of conditions found throughout the City, was a complex technical undertaking for which adequate data were not available at the time the original Building Zone Resolution was adopted in 1916. The whole concept was also without legal precedent in this country, so that there was justification for proceeding somewhat cautiously.

In the intervening quarter-century, however, and in the course of widespread experience with zoning elsewhere throughout the United States, this new type of urban regulation has undergone constant development both technically and legally. Means have been found for embodying in zoning ordinances improved standards, better adapted to modern urban conditions than was possible in the pioneer New York City Building Zone Resolution.

There is no longer any question of the constitutionality of zoning, so long as it is reasonably applied. But it has long been recognized that the New York Resolution, which has not been fundamentally modified since its adoption, is in need of extensive revision.

A number of basic defects were pointed out in a letter addressed to the City Government by the City Club of New York in September, 1935, which was subsequently endorsed by a number of other leading organizations. As a result, a special Joint Committee was appointed, whose studies and deliberations have been made available to the Commission, together with a considerable number of suggestions from other sources. In addition to the lack of adequate control of building bulk, pointed out by the Joint Committee, the New York Resolution has failed, among other things, to provide: for the convenient garaging and servicing of automobiles; for the establishment of manufacturing districts distinct from the present totally unrestricted districts; of local retail districts for the provision of strictly local neighborhood shopping centres free from other undesirable structures and uses; of row and group house districts free from the encroachments of large apartment houses. It has failed to take advantage of such modern opportunities as: the protection of airports, under reasonable regulations, for assuring

safety; the requirement of off-street loading facilities, where otherwise there will be excessive congestion; the facilitation of large scale housing projects, which otherwise may be impeded by the strict application of existing zoning regulations.

In addition to these and numerous other defects and omissions, the zoning provisions of the new City Charter rendered the wording of the present Resolution inappropriate and obsolete in numerous particulars.

The conclusion was obvious, that the initiation of extensive revisions in the City's Zoning Resolution was one of the early responsibilities of the City Planning Commission, under the terms of the new Charter. The Commission had to consider whether this revision should be as comprehensive as might be suggested by the excessively complicated and outmoded structure of the present Resolution, or be limited to the more immediate needs. After careful consideration, it appears that more fundamental revision may be indicated upon completion of a number of the basic Master Plan studies upon which the Commission and the Department of City Planning are now engaged. At the same time there would appear to be no good reason for denying to the residents of this City the advantages to be gained through such zoning provisions as are enjoyed elsewhere, are desirable in this City, and are not inconsistent with the structure of the present Resolution.

The amendments proposed in the resolution adopted by the Commission at this time therefore include both numerous routine changes in wording and such improvements and additions as can be readily adapted to the existing Resolution.

The Resolution itself, and the amendments adopted by the Commission, are so complex that even a full reading of the text may not render them altogether clear. Moreover, the inter-relations between the various sections are often such as to be confusing if considered in sequence. Accordingly, for the purposes of this report, the several changes have been classified as to nature and subject matter under the following six general headings:

1. Technical and routine changes.
2. Amendments and additions to definitions.
3. Garages and gasoline service stations.
4. Business and advertising signs.
5. Improvements in standards and methods.
6. Entirely new districts and provisions.

Appendix A to this report lists in sequence every section affected by the proposed changes, with a brief explanation. Where more ample explanation is required, reference is made to the body of this report.

1. *Technical and routine changes.* Under the new City Charter the procedure for handling zoning matters differs substantially from that under the former Charter. It was to be expected, therefore, that the language of the Building Zone Resolution would be at variance with the newly established procedure in numerous particulars, and a considerable proportion of the proposed amendments seek to remedy these discrepancies. Grouped with these changes there are a number of amendments, growing out of technical considerations, that are essentially merely changes of wording rather than of substance. The changes proposed in the following sections, paragraphs and sub-paragraphs are of these two types: Title; 1(a), (1); 2; 3, (1), (4); 4(a)(4), (25), (29), (31), (33); (39), (46); 4(c); 4-A; 6(b)(old); 8; 10; 15(c); 16(d); 16-B(b), (c), (d), (e); 17(a); 18(b)(1), (2), (3) and (4); 19(g); 20; 21; 22; 23; 24; 25; 26; Appendix.

2. *Amendments and Additions to Definitions.* In this group there are included a number of changes and additions to Section 1 (definitions), growing out of experience in operating under the existing Resolution and the requirements of new provisions introduced elsewhere in the Resolution. The amendments of this description include the following sub-paragraphs of Section 1: (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y) and (z).

3. *Garages and Gasoline Service Stations.* Among the least satisfactory provisions in the original Building Zone Resolution were those relating to garages and the parking and servicing of automobiles. This is not unnatural, since the automobile was then relatively new, classed more as a luxury than a necessity, and assumed to be a considerable fire hazard. With the perfection and much more general use of the automobile there has come increased appreciation of the need for convenience in its storage and servicing, and there has been widespread support for amendments to zoning and building regulations directed to that end. At the present time neither garages, parking lots nor gasoline stations can locate, as a matter of right, in any use district except unrestricted districts. Elsewhere, they must obtain a permit from the Board of Standards and Appeals. In addition, under Section 21, they are forbidden to locate within 200 feet of a school, and are subject to certain other restrictions which, under court decisions, are not variable by the Board under any circumstances. Moreover, it has been impossible, until recently, to store or park cars within business buildings or apartment houses where

the need for such service is acute. The amount and disposition of unrestricted districts within the City are such as to leave very extensive areas unserved, except by special action of the Board, whose powers are at present inadequate to meet legitimate needs in many instances.

There is need for greater freedom. At the same time the reasonable protection afforded by appropriate regulations must not be unduly relaxed. Garages, parking lots and service stations all have attributes peculiar to themselves, and requiring special attention. All these facilities must be convenient to their users; hence they must be numerous and widespread. At the same time, according to the manner in which they are constructed and managed, they may definitely benefit or harm the vicinity in which they are located. Here is a case in which, in the opinion of the Commission, the regulatory function of government is peculiarly needed. In connection with zoning, the Board of Standards and Appeals, with its authority, sanctioned by the courts, not only to exercise wide discretion, but to grant exceptions subject to conditions calculated to protect the safety and the economic well-being of the community, is the appropriate regulatory body.

The methods elected by the Commission for dealing with this situation include the following, as more specifically explained under their respective section headings (below): specific approval of group garage space in connection with group housing developments; also within and adjacent to business buildings; continued prohibition against garages and service stations locating as a matter of right in business and all more restrictive use districts, with authority in the Board to deal with these situations without the restrictive 80 per cent. consent clause; extension of the Board's jurisdiction to the area within 200 feet of a school and other situations covered by the new Section 21-A; also to existing garages affected by 21-A, but no other existing garages, and to all non-conforming gasoline stations, so that appropriate tests and conditions may be attached to the continuance of such existing non-conforming uses, as in the case of new applicants.

These proposals have been the subject of extensive discussion at the hearings held by the Commission, with special attention directed to the delegation of power to the Board, and to the establishment of some degree of control over existing uses not in conformity with the regulations of the use district in which they are located. These are fundamental matters discussed to some extent in connection with the several sections in which they are involved, but also referred to more generally in a closing section of this report. It will suffice to point out here that this is peculiarly an instance in which one "cannot have his cake and eat it too." Either that modern necessity the automobile is to be better served, or it is not; either the greater freedom of location is to be surrounded with adequate safeguards, or the communities involved are to suffer. The Commission is of the opinion that greater freedom, under suitable administrative procedures, is called for in these instances, and has framed its proposals with this in view. It is also of the opinion that the time has come to recognize some community interest as opposed to the monopolistic private interest enjoyed by these non-conforming uses. Discussion of general rules for the guidance of the administrative body exercising these powers will be reserved for the final section of this report. The several amendments affecting garages and gasoline stations are as follows:

Section 3(9)(a). In accordance with the Commission's decision to state explicitly certain of the commoner uses which are to be regarded as accessory uses permissible in residence districts, this paragraph (drawn from the formerly unnumbered paragraph now eliminated) provides for private garages for not more than three motor vehicles accessory to single and two-family dwellings. In doing so it now explicitly excludes non-passenger vehicles from such garages.

Section 3(9)(b). At present, the regulations (in the unnumbered paragraph referred to above) prevent the provision of group garages in connection with group housing developments despite the fact that the changes in the Multiple Dwelling Law necessary for this purpose were adopted at the 1939 session of the legislature. Such developments, usually operated on a rental basis, have elsewhere proven themselves especially desirable from the points of view of economy and the many advantages to be derived from good design, including use of open space and neighborhood amenities generally.

The Commission has accordingly introduced this new section, to permit the provision of adequate garage facilities as an integral part of any such project. The only objection made to this proposal at the hearings was based upon the possibility that such projects might not all continue under one ownership, and the suggestion was made that they should be required to continue so. It is of course impossible to prevent the alienation of property through sale; moreover the fact that each such project must originate under a single ownership is the best possible guarantee that the several units will be so handled

as to cause a minimum of disadvantage to each other. It is believed that ample safeguards are provided.

Section 4(a) (15). The inability of the designers and operators of business buildings to make any provision for the parking of the cars of tenants and customers has contributed largely not only to the congestion in central business districts but in some instances to the difficulty of doing business at all in such areas. The amendment to this paragraph makes it possible to provide such facilities, again under safeguards that are believed to be adequate. Its adoption is an important step in any program for adapting the city to the needs of the motor age.

Section 6(a). The lack of adequate garages, parking lots and gasoline stations is not the only defect in the present zoning affecting these facilities. As has already been pointed out, these service adjuncts to the motor car may be located, constructed and operated in such manner as to have little, if any, unfavorable effect upon the neighboring properties. At the same time, the constant flow of cars, the arrangement of the facilities, and the upkeep and maintenance, or lack thereof, may seriously injure the neighbors and serve as a focal spot for community decay. In the face of these potentialities, perhaps not fully understood at the time, the Building Zone Resolution as originally adopted in 1916 provided that these, as well as all other non-conforming uses, might continue in perpetuity. The belief was expressed that they would probably die out in course of time, and be supplanted by conforming uses.

It was apparently not appreciated that this *exclusive* right to conduct these non-conforming activities gave them something in the nature of a *perpetual monopoly* unaffected by any power of the Board to surround their activities with reasonable conditions and safeguards designed to protect the neighborhood. In any event, they have persisted, and without any of the ameliorating safeguards or periodic reviews to which new facilities of the sort are subject.

In the opinion of the Commission the time has come to take cognizance of this situation, not only from the point of view of the general public and the immediate neighborhoods affected, but in fairness to the more recent entrants into this field of business activity, themselves subject to what is deemed reasonable regulation. The Commission is supported in this view by a review of similar policies that have been successfully pursued in certain instances in other parts of the country.

The changes in this paragraph (6-a) are for the dual purpose of clarifying the status of non-conforming uses, both those existing in 1916 and those created by use district changes since 1916, and of referring to certain exceptions to the general rule of unqualified continuance for such uses.

Section 6(e). One exception applies to gasoline stations, and requires that, if non-conforming, they shall be required to apply to the Board within five years for the right to continue thereafter. This right of continuance, to be granted as a stated term of years, may be accompanied by such reasonable safeguards and conditions as the Board may deem desirable, thus bringing these stations, after this further lapse of time, into the same regulatory framework as are all newly established stations in such areas. The question of the guiding principles under which the Board shall administer these and other provisions of the Resolution are discussed elsewhere in this report. Suffice it to state here that they are intended to provide continuance during the period which may be presumed to be necessary and reasonable for the amortization of the investment.

Section 6(f). The reasons for introducing this paragraph, affecting garages, are the same as for Section 6(e), above. The provision differs, however, in that only garages within 200 feet of schools, hospitals and parks or otherwise conflicting with the provisions of Section 21-A are to be required to apply to the Board, and a period of ten years is allowed for the purpose. These differences are due, among other things, to the greater permanence of the structures involved, and the lesser need and opportunity for attaching useful conditions to the continued operation of garages than gasoline stations. It reflects the Commission's belief, however, that at least in the vicinity of schools and other public structures, and of parks and playgrounds, where safety is a vital factor, the public authority should not be without power to deal with problems growing out of the use of nearby lands for garaging and service to motor vehicles.

No items in the projected amendments were more actively discussed at the hearings than these, though it must be said that most of the discussion indicated so complete a misunderstanding not only of the Commission's whole approach to the problem but of the actual effect of the provisions under discussion as to render much of the discussion beside the point. Some of this misinterpretation is comprehensible in view of the essentially complex nature of the subject-matter. The concern of individual owners for their properties is also entirely understandable, and the Commission has had their legitimate interests fully in mind in considering the administrative aspects of the pro-

posed changes. It is less understandable why more groups concerned with the overall welfare of the city did not recognize the points at issue and represent more adequately the public point of view. Their failure to do so cannot be construed by the Commission as a valid reason for failure to act on a matter it believes to be of great public importance. These provisions for bringing non-conforming gasoline stations and garages within the same regulatory framework as are new facilities are believed to be in the public interest and surrounded by adequate safeguards for the protection of the private interests concerned.

The contention that these provisions are in contravention of Section 646(g) of the New York City Charter has been carefully considered by the Commission. It is the opinion of the majority that no conflict with this section is involved in any of the present amendments.

Section 7(f). This section is the necessary counterpart to Section 6(e) and (f), just discussed, and to other sections of the Resolution limiting the location of garages and gasoline stations, in that it gives the Board authority to grant exceptions for such uses in areas where they may not go as a matter of right. As with all the other paragraphs under Section 7, it must be read in conjunction with the general limiting language at the head of the section, and with the further indication of intent herewith recommended by the Commission for consideration by the Board of Estimate. Opinion at the hearing differed as to the elimination or modification of the "80 per cent consent" requirement. Its elimination is in line with the Commission's belief that the placement of these service facilities needs to be greatly facilitated, if the motor car is to be of maximum service, and that the government agency entrusted with the administration of the law should not be hampered by arbitrary limitations. Ample provision for the expression of local opinion exists in the public hearings required to be held by the Board on all questions coming before it for consideration under this section. In conformity with the same principle the language of this paragraph extends the jurisdiction of the Board to areas affected by new Section 21-A, a power at present denied by the courts, because of the way in which old Section 21 is worded.

Section 7(g). The changes in this paragraph, which relates to the granting of temporary permits for parking lots, formerly designated as section 7(h), are wholly verbal, except that such permits are explicitly forbidden to encroach upon required open spaces about buildings.

Section 7(h). This paragraph is introduced to give the Board separate authorization for dealing with motor vehicle repair shops. Since there may be need for such facilities in any use district, the Board is, again, granted full discretion, within its general limitations which provide assurance that any permits issued for repair facilities in the more restrictive districts would be surrounded by adequate conditions and safeguards.

Section 21-A. Former paragraphs 2 and 3 of Section 21 are here consolidated and revised. The Commission is of the opinion that the protection of the vicinity of school buildings from motor vehicle service facilities is sound, and should be extended to such other public facilities as hospitals, libraries, museums, parks and playgrounds. However, as already indicated, the Commission believes that the jurisdiction of the Board should be extended to include these cases, and has so worded the text.

An alternative proposal, that the continuance of garages and gasoline stations so located, be permitted unless and until the Board shall elect to proceed against them, was studied but abandoned on the advice of the Corporation Counsel, who held that such a procedure might be successfully attacked as capricious and inequitable. The procedure proposed by the Commission gives each of those affected equal right to present his case for determination on its merits by a suitable administrative agency, whose procedure must include a duly advertised public hearing.

The Board's power here, as elsewhere, is to be limited by considerations such as a reasonable time for the amortization of the investment in the improvement.

4. *Business and Advertising Signs.* A great deal of attention has been given in recent years to the subject of outdoor advertising, both in urban and rural areas. It has been generally agreed that whereas special legislation may be required in rural areas, where zoning is for the most part non-existent, cities may be expected to handle this problem through their zoning regulations.

The most casual inspection of the City of New York is enough to convince any impartial observer that zoning has thus far failed to solve the problem, so far as this city is concerned. Billboards and signs not only dominate our business streets, except the few for which special local laws have been enacted, but they take advantage of every opportunity to crowd in upon public places, established and maintained by public

funds, including civic centers, parks, and especially express highways and bridge approaches. It is true that new advertising signs are excluded from districts zoned for residence use, but here again the non-conforming use tends to persist in perpetuity. Moreover the outdoor sign or billboard is to be differentiated from any other use controlled by zoning in that it derives its value not from the use of the property on which it is located, as do other uses, but from its exploitation of the view from other more or less distant properties. For this reason signs located in business areas often exert a deteriorating influence over very extensive residential areas.

Early in its deliberations the Commission came to the conclusion that here again, as in the case of garages and gasoline stations, there was a problem requiring attention, and presumably special measures for its solution.

The Commission also early reached the conclusion that far from being a purely aesthetic matter, as was claimed by many at the hearings, this problem is primarily economic and hence of fundamental concern both to private individuals and to the city itself. What power has a city to attract or even retain residents, if its home areas are rendered unattractive by reason of excessive outdoor advertising displays? Or what right has it to permit the chance owners of properties adjoining costly public improvements to benefit by their exploitation, when the funds for these purposes come through taxes from all the people?

In analyzing the problem the Commission found certain conclusions inescapable. It is apparent, for example, that there are certain areas where signs, far from being a draw-back, are among the City's principal and traditional attractions. Such, for example, is the "Times Square" area, and there are others of which this is true in lesser degree. It was clear, therefore, that whatever remedies might be recommended, they should not interfere with these features of the city.

It is also apparent that the sign erected and maintained to identify a business conducted on the premises is wholly different from the sign erected for the purpose of advertising goods or services obtainable elsewhere. The one is merely an accessory to another legitimate use; the other is a distinct business use in itself, but a use which, as already pointed out, is more nearly a use of adjoining and nearby property than of the property upon which it happens to be located.

For these reasons it has seemed logical to consider quite different regulations for these two distinct types of outdoor display. For the business sign, only the regulations which may reasonably be imposed upon it as an accessory to other business uses have been inserted. For the advertising sign regulations appropriate to this unique business use are proposed.

In general, these ends would be accomplished by: establishing a clear distinction between business and advertising signs; redefining the signs permissible as accessory uses in residential and business districts; prohibiting advertising signs from locating, as a matter of right, in business and hence retail, restricted retail and local retail districts; making their erection or continuance in such districts subject to review by the Board of Standards and Appeals; and finally by establishing areas within the vicinity of parks, parkways and express highways from which advertising signs would be excluded, except by special action of the Board. The several sections giving effect to these regulations are as follows:

Section 1(q). By means of a new definition inserted for the purpose, a clear distinction is made between business signs drawing attention to a business conducted on the same premises, and advertising signs publicizing activities or commodities offered elsewhere. The latter is clearly recognized as being in itself a distinctive type of business activity: the former merely an accessory to another business use.

Section 3(9)(c) and (d). Pursuant to the Commission's belief that certain of the accessory uses permissible in residence districts should be defined, these two paragraphs establish standards governing the use of business signs in connection with business permissible as accessory uses in residence districts, including signs indicating property as "for sale" or "for rent".

Section 4(a)(49). The intent and effect of this amendment is to establish adequate administrative control over signs, primarily advertising signs, through the Board of Standards and Appeals, by preventing their erection in business, retail, restricted retail and local retail districts, except after review and favorable action by the Board in cases where they are forbidden from locating as a matter of right. The general run of business signs are exempted from this prohibition; only those exceeding five hundred square feet in size, or extending more than eighteen inches beyond the street line being sent to the Board for approval. Exceptions are made in the case of awnings and marquees, for which special provision is made in the Building Code, and for projecting signs on certain buildings of an essentially public nature.

Section 6(b), (c) and (d). The unlimited continuance of a non-conforming use is especially indefensible when that use is by its very nature an exploitation of its surroundings, and when there is a relatively minor capital investment involved, as in the case of signs. For these reasons, there have been included in this section provisions for a two year limitation upon existing non-conforming business and advertising signs, this limitation being subject, as in the case of gasoline stations, to review and extension for a stated term of years by the Board of Standards and Appeals.

Section 7(k) and (l). Explicit authorization for action by the Board to permit non-conforming business and advertising signs in business and retail districts, and business signs in restricted and local retail districts, for stated terms of years is contained in this section. Coupled with the previous sections, there are hereby provided adequate procedures for bringing signs in this City within the control of a suitable regulatory body. As noted in the case of garages and gasoline stations, the question of the standards under which the Board is to act, is discussed later in this report.

Section 7(m). Of a similar nature is this clause granting to the Board authority to review cases in which application is made for the erection or continuance of signs within two hundred feet of certain public improvements, more explicitly defined in Section 21-B.

Section 21-B. In order to grant positive protection in the immediate vicinity of those improvements upon which large amounts of public funds have been expended, there is here inserted a provision excluding advertising signs within view from and within a distance of two hundred feet from parks, parkways and express highways. This provision is similar in principle to the exclusion of garages and service stations from the vicinity of schools and other public buildings. As in that case, instances of special hardship may be reviewed and afforded relief by action of the Board of Standards and Appeals, under Section 7(m).

Section 4-D and 4-E. There are certain areas in the City, the most notable being the Times Square theatre district, in which these controls of either business or advertising signs are probably neither desirable nor practicable. At the same time the special conditions obtaining in such limited areas should not be permitted to stand in the way of adequate regulation elsewhere. There are therefore established two new use districts to be known as Business-1 and Retail-1 Districts, respectively, in which the provisions of Section 4(a) (49) shall not apply.

At the hearings, repeated requests were made that the Commission lay out such districts for incorporation in the use district map coincidentally with the adoption of the new regulations. It is of course impracticable to take such steps prior to the time the new districts are in legal effect. Ample time is provided, in the two-year interval following their adoption, for the consideration of requests for such use district amendments by the Commission and the Board of Estimate.

Reference was made at the hearings to the income derived by the city from the licensing of signs. Investigation reveals that this is approximately \$300,000 annually. Such income need not be lost to the city. The elimination of signs in inappropriate places, and requirements that they conform to reasonable standards and regulations will not eliminate outdoor advertising, however much it may shift and modify it. There will still be a contribution to the city from the proceeds of sign licenses. It may be pointed out, in this connection, that some cities collect much larger sums, proportionately, from such sources—a matter which the fiscal officers of the city may care to take under advisement.

5. *Improvements in Standards and Methods.* A considerable group of amendments are proposed for the purpose of effecting improvements in the standards and methods employed in the existing Building Zone Resolution for the control of uses and building development in this City. These include a few changes in use provisions, including clarification of the status of non-conforming uses in residential districts, a number of amendments for the purpose of facilitating the construction of multiple dwellings in E and F Area Districts more nearly in conformity with the natural topography of the land, and certain other miscellaneous items considered hereunder in the order in which they appear in the Resolution. The changes deemed desirable in E and F area districts require certain amendments to the following definitions, Section 1(d), (f), (h) and (k):

Section 1(d) and (f)—Definitions covering curb level and height of buildings. The provisions as to "curb level" and "height of buildings" in the original Building Zone Resolution assumed that multiple dwellings would be erected adjacent or near to the street line, and on ground either approximately at street level or to be graded to such level. In actual practice, many multiple dwellings have been erected in recent years in locations where neither of these conditions prevailed, namely in districts where large plots of rolling terrain are to be found. In such cases, if multiple dwellings are erected, they

have often had to be built in ways that are neither economic nor attractive, in order to comply with the provisions of the Building Zone Resolution. It would be preferable in cases where such buildings have adequate set backs from front, side and rear lot lines to permit, or rather to require, that the height of the building and the treatment of the surrounding land be related to the natural topography. For these reasons, the definitions cited above are amended so that in the absence of an established curb elevation, or in cases where a building is set back twenty-five feet or more from the street line, the average level of the plot immediately adjacent to the building shall be considered the curb level, from which the height of the building shall be measured.

Section 1(h) and (k)—Definitions of rear yards and courts. Comparable in intent are the amendments to the definitions of rear yards and courts. At the present time, both the rear yards and courts of multiple dwellings must be excavated to the same curb level from which the height of the building is calculated. At the same time the definitions of rear yards and courts are such as to require such excavation to extend to the rear and side lot lines of the plot on which the multiple dwelling is erected, even if the rear yards and courts thus provided are greatly in excess of the requirements of the Resolution. Assuming that such yards and courts as are actually required are excavated to grade, there would seem to be no good reason for requiring excess space in either direction to be so excavated. In fact, every aesthetic and economic consideration would suggest that the building be permitted to leave the ground undisturbed. For these reasons, the definitions cited above are amended to introduce "excess" rear yards and courts, whose level is governed by amendments to other sections of the Resolution, namely Section 17(b) and 18(d).

Section 4(a) (11)—Excluded business uses. Dry cleaning establishments have, until now, been included among the uses prohibited in business districts. When this provision was originally introduced, such work was done in large establishments using inflammable liquids as cleaning agents. In recent years, modern methods have been developed by which dry cleaning can be conducted as an incidental to tailoring and other establishments utilizing non-inflammable fluids for the purpose. There would seem to be no reason for the exclusion of such local service agencies from business districts, and the present amendment is proposed to legalize them.

Section 4-B(a) to (k), inclusive—Restricted Retail Districts. As previously established, certain uses have been excluded from restricted retail districts on the ground that they were incompatible with the purposes for which such districts were established. The Commission has received a number of requests for clarification and extension of these excluded uses, and for this purpose has substituted the new provisions (a) to (k), inclusive, for those previously in effect.

Section 6(a)—Non-conforming Uses. Upon its adoption on July 25, 1916, the Building Zone Resolution exempted from its use district provisions all the uses not then in conformity with such provisions and with the use district maps as then adopted. No provision was made, however, for defining the status of uses subsequently to become non-conforming by reason of amendments to the use district maps. With the exception of the two groups of uses covered by Section 6(b) to (f), inclusive, previously referred to in this report, the legal status of all such non-conforming uses will be clearly defined hereafter by the present amendment.

Section 7(c)—Adjustment of uses at use district boundaries. In view of the fact that use district boundaries are normally drawn within blocks and do not always correspond with property lines, the Board is called upon to make suitable adjustments from time to time. A rewording of this paragraph is necessary to enable the Board to deal with these cases more satisfactorily. Considerable concern was expressed at the hearings, that this section, if worded as advertised, would permit the Board to allow undesirable use variances. It is recommended that the Board of Estimate revise the wording so as to eliminate any such possibility. (See Appendix B.)

Section 7(e)—Temporary and conditional permits for non-conforming uses. Up to the present time, Section 7(f) (old) has empowered the Board of Standards and Appeals to grant temporary and conditional permits for not more than two years for non-conforming uses in undeveloped sections of the city. The limitation involved in the clause "in undeveloped sections of the city" is hereby eliminated both because there is no acceptable definition as to such sections, and because it is deemed desirable that the jurisdiction of the Board be extended throughout the City on this temporary and conditional basis. As formerly, the new provision limits such permits to two years, but allows for renewals. The time limitation provides sufficient assurance against the establishment of permanent non-conforming uses under this clause—a possibility viewed with alarm by some who appeared at the hearings.

Section 9(b)—Corner influence. At the present time, the height of a building fronting on a wide street may equal the height permissible on the wide street for a distance of 150 feet in depth along the side street on which it also abuts. In view of the general agreement that existing height regulations permit excessive building bulk, and in view of the desirability of preserving light and air in the narrower side streets, there would appear to be no good reason for permitting the influence of the wider street to extend for a depth greater than 100 feet. This section is, therefore, amended accordingly.

Sections 15(a), (b), (d) and (e) and Sections 16(a), (b), (c) and (d)—Improved standards in E and F Area Districts. The E and F area districts, affected by these changes, were originally expected to develop as two-family and single-family house districts. But in recent years there has been considerable apartment house construction in these districts, and the apartments erected have frequently exceeded the densities desirable in such areas, especially in combination with individual homes. Furthermore, the detailed provisions of the Building Zone Resolution have been such as to hamper the utilization of the terrain to best advantage, especially where there are large plots of uneven grade.

To effect desirable improvements, the court and yard requirements are slightly increased in E and F area districts; the front, side and rear yard requirements for multiple dwellings are given minimum dimensions, to be increased on a percentage basis, up to a given maximum, with increased size of plot. Finally, there is introduced an entirely new principle of bulk limitation, designed to keep the bulk of buildings in these districts within reasonable limits, at the same time affording a maximum of leeway for individuality of design and arrangement. This bulk limitation is expressed in terms of permissible area of floor space in the building in proportion to the area of the plot. For example, the 1.6 ratio permitted in F area districts is such as to permit the usual six-story apartment, but if the height were increased, it would be necessary to decrease the coverage proportionately. This provision must be read in conjunction with the new definition, Section 1(u), which gives a precise definition of "floor area". The regulation is framed in terms of floor area, rather than cubic contents of building, because the latter would put a premium on low ceilings.

Section 17(b) and 18(d)—Excess rear yards and courts permitted at grade. As previously stated, in referring to amendments to definitions, the purpose of giving a distinctive status to yards and courts in excess of those actually required by the Resolution is to permit them to remain at the natural level of the land. These sections, as amended, make this possible.

Section 19(a)—Encroachment by roofed porches. Some uncertainty has existed in the past as to the extent to which porches might encroach upon required yards and courts. This amendment prohibits such encroachment when the porches are roofed.

6. *Entirely New Districts and Provisions.* In addition to the several routine and technical changes, the comprehensive treatment of the garage, filling station, business and advertising sign problems, and changes in existing standards and methods employed in the Building Zone Resolution, a number of entirely new provisions are introduced. Several of these are required to deal with urban problems which were practically non-existent at the time of the adoption of the original Resolution, such as trailer camps, bus stations and airports. There are also a number of additional districts designed to foster and protect types of development until now inadequately protected in the City of New York, including low density garden apartments, row and group houses, and strictly local shopping centers. These and other entirely new provisions, taken in the order of their appearance in the text of the Resolution, may be summarized as follows:

Section 3(9)(e)—Removal of sod, gravel, etc. In order to protect established residential districts, some limitation needs to be placed upon the extent to which owners of vacant land may engage in the business of selling the excavated materials below the established levels. Lacking such limitation, the conduct of sand and gravel businesses in residential districts may create conditions hazardous and otherwise detrimental to the community. The present amendment recognizes the legality of such excavation and sale of material as may be necessary and justified in connection with the construction of a building or preparing the site therefor, including grading to the legal street level. In defining and explicitly listing such operations as a permissible use in residential districts, the present amendment provides a basis for preventing excessive operations of this sort.

Section 4(a)(47)—Bus stations. As has been amply demonstrated in this city, the operation of bus terminals is liable to create conditions of special street hazard and congestion. It is therefore deemed necessary to exclude such terminals from locating, as a matter of right, in business and more restrictive use districts, in order that they may be made subject to special consideration and approval by the Board of Standards and Appeals, and to the special conditions and safeguards that may be imposed by the Board.

For this purpose there is introduced a further section, 7(i), specifically authorizing the Board to grant such permits.

Section 4(a) (48)—Auto trailers and tourist camps. At the time of the adoption of the Building Zone Resolution in 1916, automobile trailers were unheard of. In recent years they have become so common that many communities have established public parking places and camps for their accommodation. Until now there has been no explicit provision in the New York Building Zone Resolution covering such facilities, and their status has, therefore, been highly anomalous. As in the case of bus stations, this is a business use which is subject to abuse unless carefully regulated in the public interest. Amendments are therefore introduced for the purpose of excluding trailer camps from business, retail, restricted retail and local retail districts, as a matter of right, at the same time authorizing the Board to issue permits for such purposes, subject to suitable conditions and safeguards. The latter provision is contained in Section 7(j).

Section 4(a) (50) and (51)—Auto wrecking and steam laundries. Experience has indicated that both auto wrecking yards and steam laundries may be highly objectionable and should, therefore, be excluded from business districts, a justifiable exception being made in the case of hotel and hospital laundries.

Section 4-C—Local retail districts. The original use classifications embodied in the Building Zone Resolution at its adoption in 1916 were limited to three: unrestricted, business and residence districts. It subsequently became apparent that the business districts were too little restrictive to meet the needs of retail shopping centers, and *retail* and *restricted retail* districts were successively introduced into the Resolution. There is still lacking any use district permitting the stores and services appropriate to purely local neighborhood shopping, but excluding those uses and structures not needed in such districts and incompatible with the immediately adjacent residences. There is therefore introduced this local retail district, in which the uses permitted in the restricted retail district are further limited to the ground floor. Such limitation is entirely consistent with the practice in this city of providing stores in the first floor of apartment buildings, and should permit the conversion of many existing relatively unprotected business areas into genuinely local retail districts.

Section 4-F—Manufacturing Districts. In the original Building Zone Resolution no provision was made for any use district especially adaptable for manufacturing and light industry. Such districts are found in zoning ordinances generally, and there has been considerable demand for their establishment in this city.

As advertised and heard by the Commission, this section would provide for a manufacturing district in which the permitted uses would be the same as in business districts, but the amount of floor space in which manufacturing would be allowed is fixed at 75 percent instead of the 25 percent permissible in business districts.

In view of the fact that garages and gasoline stations are numerous in many areas where these new manufacturing districts would be most appropriate, and since they will as a rule be insulated from residence districts by business streets, so that the effects of advertising signs will be minimized, it is believed that such uses may safely be permitted as a matter of right in the manufacturing districts, and this report has been written on the assumption that this may be done. However, a number of minor changes in wording will be necessary for this purpose, as indicated in Appendix B.

Section 9-A(a) and (b)—Airports. The omission of special consideration for airports in the original zoning of the City is readily understood, in view of the state of aviation's development at that time. The intimate relationship between the provision of conveniently located modern air terminals and the prosperity of the city, together with the rigid safety requirements attendant upon modern air travel, all point to the necessity for adequate protection for these essential public facilities. The structure of the Resolution, with its height districts lacking any explicit maximum height limits, renders it impossible to grant adequate protection through the mere amendment of the existing height district maps. It is therefore necessary to modify the right to construct buildings or other structures in excess of the basic height district dimensions, in the vicinity of airports, except with the explicit permission of the Board. This procedure has been adopted as clearly within the basic framework of the Resolution. It merely withholds the application of certain height district exceptions, when this would be dangerous to air travel. The Commission rejected the alternative method, used in several other cities, of setting up a separate system of height regulations in areas adjoining airports.

In order to give the Board power to vary these regulations in appropriate cases, there should be inserted a paragraph to be known as Section 9-A(b), reading as follows:

(b) The Board may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of this section in harmony with its general purpose and intent.

This paragraph was included in the Resolution as advertised for hearing on June 28, 1939, and subsequently omitted. It is believed that its restoration should be effected by the Board of Estimate.

Section 14-A(a) to (e) inclusive—Row and group houses. New York's zoning to date has been altogether unsuited to the development of the row house, despite the fact that such houses are popular and are regarded by many authorities as perhaps the most economical and satisfactory type of medium income housing. In the relatively restrictive E and F districts, rows of houses are prevented by the requirement of a side yard on one or both sides of each building, respectively (each unit between party walls being defined as a separate building under the Administrative Code). In the D and other less restrictive area districts row houses are permitted, but are subject to being intermingled with high density apartments such as are common in those districts. Indeed, the usual practice is to construct unbroken rows of houses along the side streets, reserving the avenue frontage for apartments. The row houses are then sold off while the district retains a degree of openness, but the owners soon find themselves overshadowed by the bulky apartments permissible in D area districts. For these reasons the Commission has sought to provide a new district, to be designated as D-1, in which row houses may be encouraged to develop along desirable lines, and with adequate protection from other more dense forms of development.

The worst feature in existing row house development, aside from the intrusion of apartments, is their construction in solid, unbroken rows, extending frequently over the whole frontage of a block. In the new D-1 district there is no explicit limitation on the number of units which can be built together, but a graduated side yard requirement will tend to limit the number of units to desirable proportions. In rental housing projects where continuing maintenance can be afforded, this side yard can be in effect a community playground; where the individual row houses are sold, the house next to the side yard will command a higher price, in addition to affording a desirable open space. It may be recalled here also that the amendments to Section 3(9)(b) in defining certain accessory uses permissible in residential districts, specifically permit groups of garages for the service of such row house developments. This eliminates one of the principal obstacles existing at the present time to satisfactory row housing.

At the hearings some opposition was expressed to the side yard requirement, with a preference for a fixed dimension, if any. In the case of a six-unit development, the combined side yard requirement would be 30 feet, or 15 feet at each end if evenly divided. This is not excessive. It is only in case a great many units are constructed as one that the side yards would be large, and the prevention of unbroken row construction is one of the purposes of this amendment. The Commission is of the opinion that flexible requirements of this sort, leaving a good deal to the judgment and good business sense of the owner and his designer, are preferable to more arbitrary restrictions, and hence adheres to the flexible provision of the text as presented.

Section 15-A(a) to (d)—Less restrictive single-family district. As first adopted, the Building Zone Resolution made no provision for single-family house districts. As has been indicated, the E and F districts were expected to develop with two-family and single-family houses respectively, but it became apparent that both of these districts were in fact open to apartment houses, many relatively dense apartments having been built in them in recent years. To remedy this situation the Commission initiated, and in July, 1938, there went into effect, the new G area district, a number of which have subsequently been adopted as area map changes on petition of property owners in four of the five boroughs.

Experience has indicated, however, that there are numerous areas in which residents and property owners desire protection against the erection of apartments, but are not prepared to comply with all the requirements of the G district. For this reason the Commission has initiated this new E-1 area district, for single-family houses, somewhat less restrictive than the G district. It is believed that units of two such houses having a common party wall are not incompatible with such developments and they are therefore also permitted.

Section 16-A(a) and (b)—Garden apartments. In recent years there has been a pronounced tendency toward the development of multiple dwellings popularly characterized as "garden apartments". Commercially, the term has been applied to any building of relatively moderate coverage, with some greenery for a setting. Such has been the type of apartments erected in E and F districts. Elsewhere there have been built garden apartment communities enjoying much greater open space. It is felt that the time has come for New York to provide protection for genuinely open garden apartment districts. This is accomplished in the projected F-1 district, by superimposing upon the normal provisions of the F area district, a requirement that the floor area be limited to 0.75 times the area of the lot. This provides a district that is comparatively restrictive

as to bulk of building, but in which the builder is allowed wide latitude as to the design of the building to be erected. Its effect is to permit a three-story building to cover 25 percent of the lot, but to limit a six-story building to about 12 percent coverage, with other combinations in proportion. Such low densities are appropriate in many outlying sections. Upon the adoption of the F-1 district as a part of the Resolution, owners in many areas may petition for a change in the Area-district map, to place them in an F-1 district, and thus obtain protection against the more densely built type of apartment.

Section 19(h)—Protection against business use on side streets. This section is designed to remedy a condition about which there has been legitimate complaint. Business and retail districts customarily extend along the frontage of so-called "business streets", on which the great majority of the stores front. Such districts extend as a rule 100 feet deep, thus providing business frontage on the residential streets leading into the business street. The corner stores tend to exploit this frontage as well, for advertising, display, and sometimes entrances, to the great detriment of the adjoining residences on the side street. The proposed amendment would restrict the business activities of such corner buildings to the frontage of the recognized business street, and to a depth of 25 feet on the side street.

Section 19-A(a) to (d), inclusive—Loading space. One of the recognized purposes of zoning is the relief of street traffic. A leading contributing cause of street congestion is the parking of vehicles at the curb for purposes of loading and unloading. Many modern buildings have, in their own interest, provided off-street loading facilities, in order to eliminate this type of congestion. The proposed amendment would require the provision of such facilities in all new or substantially altered buildings used for purposes involving considerable trucking, in proportion to the floor area of the building. The amendment differs only in detail from similar amendments proposed and actively supported during the past decade by the Merchants Association and other organizations.

Section 21-C—Large scale housing projects. The provisions of the original Building Zone Resolution contemplated the erection of buildings on individual lots. A great many of the provisions in the Resolution are directly related to the individual building plot, as such.

More recently there have been notable instances of large scale residential building operations, both public and private, in which groups of buildings have been planned and constructed as a unit, in which case the original lot lines lose all meaning in relation to the structures being erected. These building groups, probably without exception, embody standards of light, air and coverage far in advance of the requirements of the zoning resolution. In fact it would appear that in some instances the need for technical agreement with the Building Zone Resolution, including the use of arbitrary lot lines for the purpose, stands in the way of the realization of the best potential results of unified design.

In several instances it has been necessary to make minor and apparently irrational changes in the zoning maps to permit such projects to proceed. In order to provide a means for furthering desirable projects of this sort, with a minimum of delay and difficulty, this new section is introduced. It is believed to contain ample safeguards.

Section 22-A—Lapse of permit. Variances from many provisions of the Building Zone Resolution are granted by the Board of Standards and Appeals. These variances are made in view of special justifying circumstances, and are usually accompanied by stipulations also devised in the light of the special circumstances obtaining in the particular case. Heretofore there has been no limitation on the length of time such variances are valid. The fact that such variances and exceptions, and the conditions accompanying them, are made in the light of special circumstances obtaining at the time of the application, but not necessarily continuing indefinitely, warrants a time limitation on such privileges. The limit here provided is one year, within which time some substantial construction in conformity with the special permit must have taken place, if the permit is not to lapse.

As indicated previously, something remains to be said about the delegation of authority to the Board of Standards and Appeals contemplated in several of the proposed amendments.

The Commission's reasons for believing such delegation desirable and necessary have been quite fully indicated in several sections of this report. It seems clear that these problems can best be handled, can indeed only be handled, by an administrative body, such as the Board of Standards and Appeals in this city.

At the hearings the suggestion was made that certain of these responsibilities might better be retained by the City Planning Commission. But the Commission is quite unable to function as does the Board in such matters. The Commission can, to be sure, initiate changes in the zoning maps, such as would permit the more general distribution of garages and gasoline stations. But it could not limit the uses in such

spot zones to garages and gasoline stations, nor could it attach such conditions and requirements as would safeguard the neighboring community. The Board can do these things.

The Commission has attempted to surround the action of the Board with adequate safeguards in each instance, and would point out again that all actions of the Board are governed as much by the general provisions of Section 7 and Section 21 as by the paragraphs giving it specific jurisdiction over particular matters.

The Commission has also given consideration to the desirability of adding a further section, 7-A, for the governance of the Board, particularly with respect to the new responsibilities that would be entrusted to it. If the Board of Estimate believes that such a section is desirable, the Commission suggests the following wording:

§ 7-A. Variances for continued use of non-conforming signs, gasoline service or oil selling stations, parking or storage of more than five motor vehicles or garages for more than five motor vehicles. *The Board of Standards and Appeals in appropriate cases, after public notice and hearing and subject to appropriate conditions and safeguards as to construction, continued operation and maintenance, may determine and vary the application of §6 (b), (c), (d), (e), (f), for a stated term of years in harmony with the general purpose and intent of this resolution. In making such determinations the Board shall take into account, to the extent in its judgment practicable, the present and prospective character of the area or community affected, as evidenced by available data relating to existing conditions, present and anticipated trends of development, and the Master Plan of the city in so far as adopted; it shall also take into account the investment involved, the extent to which it shall have been amortized, and the additional time required for its substantial amortization; and it is empowered to establish general rules and regulations covering these matters, to the end that the public health, safety and general welfare may be secured and substantial justice done. In cases where uses are hereafter made non-conforming under section 21-A, by action of the city in establishing any of the public uses enumerated therein, special consideration shall be given to such circumstance by the Board, and additional time may be granted for the amortization and elimination of the non-conforming use.*

Attention is directed finally to the fact that the Commission, in its consideration of the whole matter, far from desiring to subject any person or group to unreasonable or arbitrary regulation, has made every effort to devise and suggest provisions embodying the greatest possible flexibility and freedom of action consistent with the primary objective of a balanced and planned city, in which established land uses of suitable character will be given the maximum degree of protection from unwise and improper use of properties, and every encouragement afforded for the rehabilitation of the city's run-down and blighted districts.

Further measures may have to be devised for these purposes, both within and without the framework of the Zoning Resolution. The majority of the Commission believes it has made clear the special circumstances surrounding the advertising sign, gasoline station and garage businesses which, in its judgment, require the procedures herein proposed. It is equally confident that the designation of a suitable regulatory agency with broad general powers to administer these provisions, subject to the requirement of individual consideration, including a public hearing in each instance, rather than any attempt to embody numerous detailed regulations in the Resolution itself, is the preferable procedure.

The following resolution, attached to this report as Appendix C, giving effect to the proposed amendments was adopted by the Commission on May 29, 1940 (Cal. No. 22), and it is herewith filed with the Secretary of the Board of Estimate, pursuant to section 200 of the New York City Charter.

R. G. TUGWELL, Chairman,
LAWRENCE M. ORTON,
CLEVELAND RODGERS,
EDWIN A. SALMON,
Commissioners.

Minority Report, Including Suggested Substitute Amendments

The undersigned, while subscribing to practically all of the opinions and recommendations contained in the majority report and resolution, do take exception to the following:

Section 6 (e)
Section 6 (f)
Section 21-A

Acknowledging the goal contemplated by the excepted sections, the procedure appears to be objectionable for the following reasons:

(1) It seemingly contravenes the intent of the Charter as set forth in Section 646 (g) —which states that certificates of occupancy shall be binding and conclusive upon all agencies and officers of the city unless vacated by the Board of Standards and Appeals or a court of competent jurisdiction—and assumes that the City Planning Commission can, if not over-ruled by a three-quarter vote of the Board of Estimate, automatically terminate all previously existing legal uses, and more specifically legal variances, without the establishment of new standards or consideration for conditions heretofore specifically established as a special requirement for a variance use. The act of the Commission terminates the use or variance and in consequence thereof cancels the legally issued certificate of occupancy. As written, the proposal is not mitigated by reference to the power of the Board of Standards and Appeals. This power is merely continued. It has, in the cases of variances, already been exercised and a justification for many non-conforming uses established. The Board is not advised or instructed to review or apply new criteria nor is it incumbent upon it to grant a new variance. In order to justify a new variance, as required by this proposal, it would undoubtedly be necessary to have each application prepared and investigated anew. The initiative rests entirely with the applicant. This, as demonstrated by experience, involves a considerable outlay of time and expense. Admitting the Charter provision that the Board of Standards and Appeals may safely be entrusted with the authority to grant variances, the contemplated placing in its hands of the right to arbitrarily give or withhold the same in this special category and compel the issuance of certificates of occupancy without reference to the Department of Buildings and Housing and without any criteria upon which to justify or base its own decision, must be viewed in the light of possible ends other than those hopefully contemplated by the majority report of the Commission.

(2) It would establish a policy of retroactiveness which has heretofore been carefully avoided in this city and which, if appealed to the courts, might prove sufficiently inclusive to indefinitely postpone the accomplishment of the desired objective.

(3) Contrary to the stated opinion of the majority, it does not appear to offer reasonable protection to the person who conducts a business of the nature referred to and considering possible implications resulting from future actions of the City Planning Commission threatens, to at least some extent, the future orderly development of property. The Commission may jeopardize the reasonable rights of those concerned by changing any zone, except where the Board of Estimate disapproves, thus developing an accruing uncertainty which will, in the opinion of practically all testimony offered at the hearings, depreciate the value of business properties and retard private development. The Charter specifically directs attention to the protection of real estate values, which under the present form of municipal taxation are indispensable to the proper conduct and welfare of the government of The City of New York.

(4) The proposal does not contemplate the termination of any use other than those listed and attempts no control over businesses even more objectionable.

(5) The majority recommendation does not recognize or establish any definite standards for existing or future gasoline stations. Existing uses could be approved or disapproved five years hence without justification other than the arbitrary decision of the Board of Standards and Appeals. New stations could be built without criteria other than those which now exist. It is conceivable that the result obtained would be a continuance of the present objectionable features rather than an improvement, thus ignoring the justification for the entire proposal.

(6) The specific outlawing, without stipulated objection and without public hearing, of garages and gasoline stations operating in conformance with all laws, rules and regulations by the subsequent location of a service or facility such as is described in section 21-A, does not appear justifiable unless supported by evidence that the same is a menace or a public nuisance.

In view of the above expressed opinions, sections 6 (e) 6 (f) and 21-A as noted in the report and prescribed in the resolution, are disapproved.

It is recommended that the proposals excepted be amended as follows:

* * * * *

Proposal 6(e) (to be incorporated in the Administrative Code rather than the Zoning Resolution)

Subsequent to January 1, 1945, gasoline stations (in non-conforming use districts) shall, unless otherwise specifically permitted by action of the Board of Standards and Appeals in accordance with the intent of the provisions of Section 21 of this resolution, conform to the following requirements of safety, health and public welfare:

(1) The premises used, or to be used, as a gasoline station shall be improved with a satisfactory building set back at least twelve feet from the street line or lines, whose

dimension along the street or streets on which it faces shall not be less than 50 per cent. of the frontage of the plot. The said building shall be equipped with a waiting room, an office and display room, separate toilet facilities and a storage room for accessories.

(2) There shall be provided an entrance and exit drive at least twelve feet in width. Such drive shall enter on the right hand side of the plot as viewed from the street and shall pass behind the building and exit on the left hand side of the said plot.

(3) All gasoline pumps, grease and oil pits and inspection stands shall be of an approved type and location and shall not be situated nearer any street line than the front or side of the required building.

(4) All courts, driveways and floor pits shall be graded and paved and shall be provided with adequate drainage facilities, discharging directly into a proper sewer or other approved water conductor.

(5) All pumps, pits, equipment and structures used for storing, discharging or using gasoline or oil shall comply with the regulations established by the appropriate city agencies empowered to determine and enforce the same.

(6) No sign or advertising bulletin used on premises containing a gasoline station located within a non-conforming use area shall exceed 36 inches in length and 24 inches in width nor shall more than one sign of any size be affixed to any building, equipment, plant or other structure except where the same faces on more than one street, in which case a maximum of two signs may be permitted.

* * * * *

Proposal 6(f)—Eliminate (refer to 21-A alternate proposal)

* * * * *

21-A. Except as hereinafter described, no premises shall be used as a gasoline service or oil selling station, nor as a garage for more than five motor vehicles nor for the storage or parking of more than five motor vehicles, and no building shall have its use changed for such purposes if any part of the said premises or building is situated on either side of any portion of a street between two intersecting streets on which there exists an entrance to or an exit from a public school, a duly organized private school licensed by the Board of Regents for children under 16 years of age, a hospital maintained as a charitable institution, a public library, a public museum, a public park or a public playground in excess of one half acre in area; and in no case within 200 feet therefrom measured along the accustomed line of travel. This prohibition shall not apply when the distance exceeds 900 feet measured in a straight line. Where certificates of occupancy have been issued and wherein all other requirements of law, rule and regulation have been complied with, the existing use of premises, above described, may be continued unless such use shall have been determined, after a public hearing by the Board of Standards and Appeals, to be a hazard to life, health, property or the general welfare. Any public agency having adjacent or overlapping jurisdiction or any institution above noted may petition the Board of Standards and Appeals to terminate such existing use, stating the reasons therefor. The Board may continue or terminate the said use subject to such conditions as it shall stipulate. The termination of an existing use shall give due consideration to the general welfare and to the investment involved.

JOHN C. RIEDEL,
ARTHUR V. SHERIDAN,
Commissioners.

APPENDIX A

GENERAL SUMMARY OF RECOMMENDED AMENDMENTS TO ZONING RESOLUTION ADOPTED BY THE CITY PLANNING COMMISSION

This appendix has been prepared as a ready reference to all the sections of the Building Zone Resolution affected by the resolution adopted by the City Planning Commission on May 29, 1940 (Cal. No. 22). Where the reasons for the proposed amendments are stated at greater length in the Report, appropriate references are given.

Preamble: Technical and routine changes to conform with procedure under new Charter.

ARTICLE I—DEFINITIONS

§1. Definitions.

(a) Technical and routine change—wording eliminated—synonymous use of "lot" and "plot", "building" and "structure" are contained in new definitions (v) and (s) respectively.

(d) Improvement in standards and methods for determination of curb level. See page 9.

(f) Technical and routine changes, to make wording conform with that of

Multiple Dwelling Law, and improvement in standards and methods as to grade from which height shall be measured. See page 9.

(h) Clarification of location of "the rear of a lot" is desirable in connection with designation of excess yards and courts and for other purposes. For discussion of "excess rear yards" see page 9.

(k) For explanation of "excess court space" see page 9.

(l) Technical and routine change to make wording conform with that of Multiple Dwelling Law.

(o) To bring the definition of a "family" into conformity with Multiple Dwelling Law.

(p) New definition—accessory use defined for the first time in its application to the entire ordinance. Supplementary regulations of accessory uses in residence districts, contained in §3(9), applies only to this use district and portions of structures in local retail districts which are situated above the level of the first story ceiling.

(q) New definition covering advertising and business signs. See page 7 for full statement of amendments affecting signs.

(r) New definition of routine character, giving short designation for Board of Standards and Appeals.

(s) New definition to relate the words "building" and "structure" as in the Administrative Code.

(t) New definition to cover the several types of "dwellings", including cases where a building is used only in part for residential purposes.

(u) New definition required by the application of a "floor area" regulation in certain area districts, as more fully explained on page 13.

(v) New definition of the word "lot", for clarification.

(w) New definition, for clarification of "non-conforming building or use".

(x) New definition, for clarification of the word "premises".

(y) New definition required in connection with the regulation of trailer camps. See page 11.

(z) New definition of the words "public park" for purposes of this Resolution only. Required for protection from incompatible uses, specifically garages, filling stations and advertising signs. Parked strips or malls in public streets are generally not used for recreational purposes, and are therefore excluded from these protective measures.

ARTICLE II—USE DISTRICTS

§2. **Use Districts.** Technical and routine changes including new sentence to establish status of amended use district maps.

§3. **Residence Districts.** Routine change, omitting unnecessary wording.

(1) Routine change to include reference to three new area districts (§14-A, 15-A and 16-B).

(4) Explicit recognition of water supply facilities unnecessary, as they could not be excluded under zoning, in any case.

(9) Heretofore *accessory uses* have been wholly undefined. It is deemed desirable to provide explicit authority for certain of these uses to be permitted in residential districts, all other questions involving such *accessory uses* being left to the courts, as formerly. The uses now defined explicitly are as follows:

(a) Addition of clear statement that commercial vehicles may not be garaged in private garages accessory to single and two-family dwellings.

(b) New provision permitting large garages or group garages, for passenger vehicles, as accessories to groups of dwellings and apartment houses. This brings the Zoning Resolution into conformity with a recent amendment to the Multiple Dwelling Law. See pages 4 and 5.

(c) Description of the general types of home occupations that are permissible as accessory uses. This was not previously included in the Resolution, and misinterpretations and misunderstandings resulted. Also limitation on the business signs that may be displayed in connection with such uses.

(d) Detailed regulation of business signs in residence districts—not previously specifically covered. See page 8

(e) Recognition of the right to remove sod, sand, etc., in connection with the construction of a building or regrading of a lot is here coupled with the reasonable requirement that a lot shall not be excavated below established grade, except for the construction of a building. See page 11.

§4. **Business Districts.**

(a)(4) Routine change, adding "welding" to the prohibited uses of blacksmithing and horseshoeing.

(11) With the introduction of modern machinery and methods, including the use of non-inflammable liquids properly regulated by the Fire Department, it is deemed unnecessary to exclude from business districts the cleaning operations incidental to other uses. They are recognized as legitimate accessory services, and hereby permitted.

(15) Relaxation of prohibition on garages in business districts so as to permit parking or garage space adjoining or within a business building for use of tenants, customers, etc. Also restriction of automobile sales rooms permitted as a matter of right in business districts to those that are indoors.

(25) Clarification—prohibiting pigment manufacture, which is now implied under the prohibition of paint manufacture.

(29) Clarification of the extent of repairs and servicing for motor vehicles which will be permitted in business districts. Other types of repairs remain as excluded uses.

(31) Routine change, adding "lumberyard" to the prohibited use of "saw or planing mill".

(33) Clarification, including the slaughtering of fowl in the prohibition applying to slaughtering of animals.

(39) Routine change, simplifying previous wording.

(46) Clarification to include oil selling stations with gasoline service stations as a prohibited use. Previously their prohibition was implied.

(47) Inclusion of *bus stations* among prohibited uses, as a necessary step in their adequate regulation. See page 11.

(48) Inclusion of *trailer camps* among prohibited uses as a step in their regulation. See page 11.

(49) A new section preparing the way for the regulation of business and advertising signs. To this end advertising signs are prohibited, as a matter of right, from business and all more restrictive use districts, and business signs are regulated as to type, size, placement, etc. For full discussion, see pages 7 and 8 of the report.

(50) Addition of *automobile wrecking yards* as a prohibited use. See page 11.

(51) Addition of *steam or wet wash laundries* as prohibited uses, except if conducted in a hotel or hospital where they are deemed indispensable accessory uses.

(c) Omission of unnecessary wording.

§ 4-A. **Retail Districts.** Routine change, the word "no" replaced by "not".

§ 4-B. **Restricted Retail Districts.**

(a to k) Improved enumeration of uses excluded in restricted retail districts. See page 11.

§ 4-C. **Local Retail Districts.** Creates a new "Local Retail District", in which other than residence uses would be restricted to the first floor. See page 11.

§ 4-D. **Business-1 Districts.**

§ 4-E. **Retail-1 Districts.** Create two new districts exempt from prohibition of advertising signs and restrictions on business signs, while retaining all regulations otherwise existing and proposed in business or retail districts, respectively. See page 8.

§ 4-F. **Manufacturing Districts.** Improvement in standards, by creation of new "Manufacturing Districts", which will have the same provisions as business districts, except that manufacturing will be permitted on 75 percent of the floor area. See page 11.

§ 6. **Existing Buildings and Premises.**

(a) Routine and technical changes to clarify the status of uses lawfully established prior to amendments to the use district map and through variances granted by the Board of Standards and Appeals since the original passage of the Zoning Resolution; and reciting certain exceptions. Also omission of extensive unnecessary wording. See discussion, page 5.

(b) (old) Omitted in entirety as unnecessary. (b) (new) (c) (d) Detailed provisions regulating the continuance of advertising and non-conforming business signs, subject to action by the Board. See pages 7 to 9.

(e) Provisions for bringing non-conforming gasoline service and oil selling stations within the regulatory control of the Board. See pages 4 to 7.

(f) Provision bringing garages not in conformity with Section 21-A within the regulatory control of the Board. See page 6.

§ 7. **Use District Exceptions.** Omission of unnecessary wording.

(c) Grants increased jurisdiction to the Board in the extension of new buildings and uses, as well as existing buildings, across use district boundary lines, subject to the usual safeguards.

(e) (old) Omitted in entirety, because its subject matter is now covered by new paragraph (f).

(e) (new) Authorizes the Board to grant temporary and conditional permits for non-conforming buildings or uses. This paragraph represents amendment of old paragraph (f).

(f) Revision of old §7(e) and 7(g). New wording makes it clear that the Board can grant variances for garages and filling stations in all districts, including areas affected by Section 21-A.

(g) (old) Omitted because its subject matter is now covered by paragraph (f).

(g) (new) Authorizes the Board to grant temporary permits for the parking or storage of motor vehicles on otherwise vacant property. See pages 6 and 7.

(h) The Board is authorized to grant permits for the erection of a repair shop for motor vehicles in districts restricted against such use.

(i) Discretionary power granted to the Board concerning the location of bus stations. See page 11.

(j) Discretionary power granted to the Board concerning the location of trailer camps. See page 11.

(k) (l) (m) Gives the Board power to grant exceptions from all regulations restricting the erection or continuance of advertising signs and business signs.

ARTICLE III—HEIGHT DISTRICTS

§ 8. **Height Districts.** See reference to Article II, §2.

§ 9-A. **Airports.**

(a) Entirely new provision limiting height district exceptions in the vicinity of airports. See pages 11 and 12.

ARTICLE IV—AREA DISTRICTS

§ 10. **Area Districts.** See reference to Article II, §2.

§ 14-A. **D-1 Districts.**

(a to e) Creates a new Area District, especially designed for single family row or group houses. Such district classification is customary in zoning ordinances within the metropolitan region, but is new in New York City. See pages 12, 13 and 14.

§ 15. **E Districts.**

(a to c) Improvements in standards applying to dimensions of yards and courts in E area districts. See pages 12 and 13.

(d) Establishment of front yard regulations for multiple dwellings in E area districts. See pages 12 and 13.

(e) Application of new floor area bulk regulations to E area districts. See pages 12 and 13.

§ 15-A. **E-1 Districts.**

(a to d) Creates a new Area District, especially designed for single family, twin or duplex houses built with a party wall. See pages 12 and 13.

§ 16. **F Districts.**

(a to e) See comments on §15(a), (b), (c), (d) and (e). See also pages 9 to 13.

§ 16-A. **F-1 Districts.**

(a) (b) Creates a new Area District especially designed for low coverage and low bulk garden apartments. See page 13.

§ 16-B. **G Districts.**

(b to e) Technical and routine changes to make the language conform with wording of corresponding provisions in other sections of the Resolution.

§ 17. **Rear Yards.**

(a) Routine change to include references to new districts.

(b) Introduces new provision permitting "excess rear yards" to remain at natural grade. Also elimination of unnecessary wording.

§ 18. **Courts.**

(b) (1 to 5) Routine changes, to include provisions applying to new districts.

(d) Provisions applying to "excess court space". See comment on §17(b); also see pages 9, 12 and 13.

§ 19. **Area District Exceptions.**

(a) Prohibits encroachment of enclosed porches into court space. See page 13. Also routine changes to take account of new districts.

(g) Routine change, covering designation of front of lot.

(h) New regulations for safeguarding the character of residence districts adjacent to other use districts. See page 13.

§ 19-A. **Loading Space.**

(a to d) New provisions requiring loading space in conjunction with certain types of buildings. See page 13.

ARTICLE V—GENERAL AND ADMINISTRATIVE

§ 20. **Interpretation; Purpose.** Routine changes designed for clarification of existing legal position of zoning resolution in relation to other laws, ordinances, and rules.

§ 21. **Rules and Regulations; Modification of Provisions.** Routine changes. Paragraphs two and three incorporated in new §21-A.

§ 21-A. **Restrictions on Location of Garages, Storage or Parking of Motor Vehicles, Gasoline Service Stations.** Rewording of former second and third paragraphs of §21. Applies to garages, parking or storage of more than five motor vehicles, and gasoline service and oil selling stations located near certain enumerated public institutions, including schools and parks. These are deemed to require special protection. See pages 6 and 7.

§ 21-B. **Restrictions on Location of Advertising Signs.** Regulation of advertising signs near parks and express highways. See page 8.

§ 21-C. **Site Plans for Large Residential Developments.** A new procedure for approval of large scale housing projects without zoning amendments. See pages 13 and 14.

§ 22. **Unlawful Use; Certificate of Occupancy.** Routine changes, for conformity with New York City Charter.

§ 22-A. **Lapse of Permit.** New section providing for lapse of variances granted by the Board. See pages 13 and 14.

§ 23. **Enforcement, Legal Procedure, Penalties.** Routine changes for conformity with the New York City Charter.

§ 24. **Amendments, Alterations and Changes in District Lines.** Routine changes for conformity with the New York City Charter.

§ 25. **Restoration of Existing Buildings.** Elimination of unnecessary wording.

§ 26. **When Effective.** Routine change omitting obsolete reference to date of original passage of zoning resolution.

Appendix. Map Designations, and Map Designation Rules. Routine changes to provide for additional Use Districts, to clarify the provisions of the rules and to establish consistency as far as practicable in rules relating to Height, Area and Use Districts.

APPENDIX B

ADDITIONAL AMENDMENTS SUGGESTED FOR CONSIDERATION BY THE BOARD OF ESTIMATE

This appendix has been prepared to group together for ready reference certain additional changes, principally minor and technical adjustments, submitted for consideration by the Board of Estimate. Where the reasons for the proposed amendments are explained in more detail in the Report, appropriate references are given.

§ 3(9) (e). For clarification, line 3, after *but*, insert "in the latter case", and for established substitute "legal street".

§ 4(a) (15). For the reasons stated in the Report, page 6, 7, insert, beginning second sentence, "Except where the provisions of section 21-A apply,".

§ 4-F. Following the words *business districts*, line 2, insert "except that the provisions of section 4(15), (29), (46) and (49) shall not apply, and". For the reasons stated in the Report, p. 11, the following changes in other sections affecting manufacturing districts are also required for the same purpose:

§ 6(c). The word "manufacturing" to be eliminated.

§ 6(d). Insert the words "manufacturing or" between "in" and "unrestricted" in the second line.

§ 6(e). Insert after the word "except" the words "manufacturing and". Also, insert after "and in such locations in" the words "manufacturing and".

§ 7(f). Eliminate the word "manufacturing" in the first line. Eliminate the word "an" in the second line and replace this "an" by a "manufacturing or".

§ 7(g). Eliminate "manufacturing" in second line.

§ 7(h). Eliminate "manufacturing" in first line.

§ 7(k). Eliminate "manufacturing" in first line.

§ 7(l). Eliminate "manufacturing" in first line.

§ 6(b), (c), (d) and (e). Routine changes for uniformity: In each case, for *additional period*, substitute "term of years."

§ 7(c). To be reworded as follows: "Permit the extension of an existing or proposed building into a more restricted district under such conditions as will safeguard the character of the more restricted district; permit, where premises are devoted to a non-conforming use, the construction of a new building or structure or the extension of an existing building or use into a more restricted district or into a district restricted

against the proposed use under such conditions as will safeguard the character of the district."

§ 7(f). For uniformity, insert at end of paragraph: "for a stated term of years."

§ 9-A(b). As noted in report, text of this paragraph advertised for hearing on June 28, 1939, to be restored as follows: "(b) The Board may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of this section in harmony with its general purpose and intent."

§ 7-A. Variances for continued use of non-conforming signs, gasoline service or oil selling stations, parking or storage of more than five motor vehicles or garages for more than five motor vehicles. The Board of Standards and Appeals in appropriate cases, after public notice and hearing and subject to appropriate conditions and safeguards as to construction, continued operation and maintenance, may determine and vary the application of § 6(b), (c), (d), (e), (f), for a stated term of years in harmony with the general purpose and intent of this resolution. In making such determinations the Board shall take into account, to the extent in its judgment practicable, the present and prospective character of the area or community affected, as evidenced by available data relating to existing conditions, present and anticipated trends of development, and the Master Plan of the city, in so far as adopted; it shall also take into account the investment involved, the extent to which it shall have been amortized, and the additional time required for its substantial amortization; and it is empowered to establish general rules and regulations covering these matters, to the end that the public health, safety and general welfare may be secured and substantial justice done. In cases where uses are hereafter made non-conforming under section 21-A, by action of the city in establishing any of the public uses enumerated therein, special consideration shall be given to such circumstance by the Board, and additional time may be granted for the amortization and elimination of the non-conforming use. (See report, page 14.)

APPENDIX C.

RESOLUTION OF CITY PLANNING COMMISSION AMENDING BUILDING ZONE RESOLUTION

Resolved, By the City Planning Commission, that the resolution adopted by the Board of Estimate and Apportionment July 25, 1916, and amended April 23, 1937, entitled "A resolution regulating and limiting the height and bulk of buildings hereafter erected and regulating and determining the area of yards, courts and other open spaces, and regulating and restricting the location of trades and industries and the location of buildings designed for specified uses and establishing the boundaries of districts for the said purposes," be and the same hereby is amended by adding the new matter indicated by *italics* and omitting the old matter in brackets [], as follows:

[CITY OF NEW YORK]

[BOARD OF ESTIMATE AND APPORTIONMENT]

[AMENDED BUILDING ZONE] *ZONING RESOLUTION OF THE CITY OF NEW YORK*

(Adopted [April 23, 1937, including amendments of June 4, 1937] *May 29, 1940.*)

A Resolution Regulating and Limiting the Height and Bulk of Buildings Hereafter Erected and Regulating and Determining the Area of Yards, Courts and Other Open Spaces, and Regulating and Restricting the Location of Trades and Industries and the Location of Buildings Designed for Specified Uses and Establishing the Boundaries of Districts for the Said Purposes.

Be it Resolved by the [Board of Estimate and Apportionment] *City Planning Commission* of The City of New York:

ARTICLE I—DEFINITIONS

§1. **Definitions.** Certain words in this resolution are defined for the purposes thereof as follows:

(a) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure".

(b) The "street line" is the dividing line between the street and the lot.

(c) The "width of the street" is the mean of the distances between the sides thereof within a block. Where a street borders a public place, public park or navigable body of water the width of the street is the mean width of such street plus the width, measured at right angles to the street line, of such public place, public park or body of water.

(d) The "curb level" for the purpose of measuring the height of any portion of a building, is the mean level of the curb in front of such portion of the building. But where a building is on a corner lot the curb level is the mean level of the curb on the street of greatest width[.], *for the purposes of this resolution*. If such greatest width occurs on more than one street the curb level is the mean level of the curb on that street of greatest width which has the highest curb elevation. The "curb level" for the purpose of regulating and determining the area of yards, courts and open spaces is the mean level of the curb at that front of the building where there is the highest curb elevation. Where no curb elevation has been established or [the building does not adjoin the street] *where a front yard setback of 25 feet or more is provided*, the average [ground] level of the [lot] *land immediately adjacent to the building prior to any excavation or fill* shall be considered the curb level.

(e) A "street wall" of a building, at any level, is the wall or part of the building nearest to the street line.

(f) The "height of a building" is the vertical distance measured in the case of flat roofs from the curb level to the level of the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs from the curb level to the mean height level of the gable. Where no roof beams exist or there are structures wholly or partly above the roof the height shall be measured from the curb level to the level of the highest point of the building. Where a building is a [tenement house] *multiple dwelling*, as defined in the [Tenement House] *Multiple Dwelling Law* the height of the building on the street line shall be measured as prescribed in said law for the measurement of the height of a [tenement house] *multiple dwelling* and such measurement shall be from the curb level as that term is used in said law, *except that where no curb elevation has been established or where a front yard setback of 25 feet or more is provided, then in no case shall the grade from which the measurements are to be made exceed the average level of the land immediately adjacent to the building prior to any excavation or fill*.

(g) The "depth of a lot" is the mean distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

(h) The "rear of a lot" is the portion of a lot directly opposite the front. A "rear yard" is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot. An "excess rear yard" is that part of a rear yard lying outside the limits of a rear yard of required dimensions.

(i) The "depth of a rear yard" is the mean distance between the rear line of the building and the rear line of the lot.

(j) Lots or portions of lots shall be deemed "back to back" when they are on opposite sides of the same part of a rear line common to both and the opposite street lines in which the lots front are parallel with each other or make an angle with each other of not over 45 degrees.

(k) A "court" is an open unoccupied space other than a rear yard, on the same lot with a building. A court not extending to the street or to a rear yard is an "inner court." A court extending to the street or a rear yard is an "outer court." A court on the lot line extending through from the street to a rear yard or another street is a "side yard." "Excess court space" is that part of a court lying outside the limits of a court of required dimensions.

(l) The "height of a yard or a court" at any given level shall be measured from the lowest level of such yard or court as actually constructed or from the curb level, if higher, to such level. The highest level of any given wall bounding a court or yard shall be deemed to be the mean height of such wall. Where a building is a [tenement house] *multiple dwelling*, as defined in the [Tenement House] *Multiple Dwelling Law*, the height of a yard or a court shall be measured as prescribed in such law.

(m) The "least dimension" of a yard or court at any level is the least of the horizontal dimensions of such yard or court at such level. If two opposite sides of a yard or court are not parallel the horizontal dimensions between them shall be deemed to be the mean distance between them.

(n) The "length of an outer court" at any given point shall be measured in the general direction of the side lines of such court from the end opposite the end opening on a street or a rear yard to such point.

(o) A "family" is [any number of] *one or more persons [living and cooking together on the premises as a single housekeeping unit] occupying a dwelling and maintaining a common household*.

(p) An "accessory use or building" is a use or building customarily incident to the principal use or building and located on the same lot with such principal use or building.

(q) A "sign" is any structure or part thereof or device attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag,

pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of this resolution the word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

A "business sign" is a sign which directs attention to a business or profession conducted upon the premises. An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises. A "for sale" or "to let" sign relating to the property on which it is displayed shall be deemed a business sign.

(r) "Board" shall mean the Board of Standards and Appeals created by Chapter 503 of the Laws of 1916 and Chapter 27 of the New York City Charter.

(s) The word "building" shall be deemed to include a structure as defined in the Administrative Code.

(t) A "dwelling" is any building or any portion thereof which is occupied as the home or residence of one or more persons.

a. A "multiple dwelling" shall be as defined in the Multiple Dwelling Law.

b. A "single-family dwelling" is a building designed for and occupied exclusively by not more than one family.

c. A "two-family dwelling" is a building designed for and occupied exclusively by not more than two families.

(u) For the purpose of determining the ratio of the floor area of a building to the area of the lot, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines but excluding garage areas and basement and cellar floor areas not devoted to residence use. All horizontal dimensions are to be made between the exterior faces of walls, including the walls of roofed porches. The floor area of a building shall include the floor area of accessory buildings, except garages, on the same lot, which shall be measured in the same way.

(v) A "lot" is a parcel or plot of ground which is or may be occupied by a building and accessory buildings including the open spaces required by this resolution.

(w) A "non-conforming building or use" is one that does not conform with the regulations of the use district in which it is located.

(x) The word "premises" shall include a lot with or without a building thereon.

(y) A "trailer camp" shall mean and include any premises where two or more vehicles are parked, which are designed, intended, arranged or used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for two or more such vehicles, whether such vehicles stand on wheels or rigid supports.

(z) For the purpose of this resolution, a public park shall be deemed to be any publicly owned park, playground, parkway or roadway within the jurisdiction and control of the Commissioner of Parks, other than parked strips or malls in a public street, the roadways of which are not within his jurisdiction and control.

ARTICLE II—USE DISTRICTS

§ 2. **Use Districts.** For the purpose of regulating and restricting the location of trades and industries and the location of buildings designed for specified uses the City of New York is hereby divided into [five] nine classes of districts: (1) residence districts, [(2) business districts, (3) retail districts, (4) restricted retail districts and (5)] (2) local retail districts, (3) restricted retail districts, (4) retail districts, (5) retail-1 districts, (6) business districts, (7) business-1 districts, (8) manufacturing districts, (9) unrestricted districts; as shown on the [amended] use district map [which accompanies this resolution and is hereby declared to be part thereof. The use districts designated on said amended map], consisting of thirty-five sheets and an index sheet each dated March 31, 1937, and signed by the Chief Engineer of the Board of Estimate and Apportionment [, are hereby established.]. The use districts designated on said map, as amended, or as may be hereafter amended from time to time, are hereby continued and declared to be part hereof. The [amended] use district map designations and [amended] map designation rules which accompany said [amended] use district map are hereby declared to be part thereof. No building or premises shall be erected or used for any purpose other than a purpose permitted in the use district in which such building or premises is located.

§ 3. **Residence Districts.** In a residence district no building shall be erected other than a building [, with its usual accessories,] arranged, intended or designed exclusively for one or more of the following specified uses:

(1) Dwellings, which except as hereinafter provided in [section 16-A in a G area district,] §§ 14-A, 15-A and 16-B, shall include dwellings for one or more families and boarding houses and also hotels which have thirty or more sleeping rooms.

(2) Clubs, excepting clubs the chief activity of which is a service customarily carried on as a business.

(3) Churches.

(4) Schools, libraries, public museums, court houses, fire houses, and police stations [and local electrically operated pumping stations for supply of water for domestic uses, and, or, fire protection].

(5) Philanthropic or eleemosynary uses or institutions, other than correctional institutions.

(6) Hospitals and sanitariums.

(7) Railroad passenger stations.

(8) Farming, truck gardening, nurseries, or green houses.

(9) *Accessory uses customarily incident thereto, not including a business or any building or use not located on the same lot with the building or use to which it is accessory. The term accessory use shall include only uses or buildings which serve exclusively the convenience of occupants of the building to which they are accessory. Such accessory uses may include, inter alia:*

(a) *A private garage for not more than three motor vehicles as an appurtenance to a single family or two-family dwelling; such private garage shall be exclusively for passenger vehicles, and space for one passenger motor vehicle may be rented.*

(b) *A private garage or group of private garages, with a capacity not exceeding one vehicle for each family, as an appurtenance to a group of single family or two-family dwellings erected under one ownership, or as an appurtenance to one or more multi-family dwellings erected under one ownership; such garage or group of private garages shall be exclusively for passenger vehicles, including buses, which are used by the occupants of said dwellings. No space shall be rented or sublet to non-occupants.*

(c) *The practice of a profession within the premises in which the practitioner resides. Dressmaking, millinery and similar home occupations not conducted as a regular business and employing no help other than members of the immediate family living on the premises and having no business signs on the premises other than one sign not exceeding one square foot in area.*

(d) *The following non-flashing non-illuminated business signs: A nameplate indicating the occupant; a sign not exceeding one square foot in area indicating practice on the premises of the profession of the occupant; a sign not exceeding 12 square feet in area advertising the premises as "for sale" or "for rent" with pertinent information, which sign if on vacant property shall not be within 15 feet of the street line nor within six feet of any adjoining property line. No sign shall project more than 12 inches beyond the street line. Not more than one sign shall be permitted for each use, profession, or person coming within the provisions of this section.*

(e) *Removal for sale of sod, loam, clay, sand, gravel or stone in connection with the construction of a building on the lot, or in connection with the regrading of a lot but not below the established grade.*

[In a residence district no building or premises shall be used for any other than a use above specified for which buildings may be erected and for the accessory uses customarily incident thereto. The term accessory use shall not include a business nor shall it include any building or use not located on the same lot with the building or use to which it is accessory. A private garage for more than three motor vehicles shall not be deemed an accessory use. Space in a private garage for one motor vehicle of other than a commercial type may be rented.]

§ 4. Business Districts. (a) In a business district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for any of the following specified trades, industries or uses:

(1) Ammonia, chlorine or bleaching powder manufacture.

(2) Asphalt manufacture or refining.

(3) Assaying (other than gold or silver).

(4) Blacksmithing or horseshoeing or welding.

(5) Boiler making.

(6) Brewing or distilling of liquors.

(7) Carpet cleaning.

(8) Celluloid manufacture.

(9) Crematory.

(10) Distillation of coal, wood or bones.

(11) Dyeing or dry cleaning establishments other than establishments where dry cleaning is accessory to the principal use.

- (12) Electric central station power plant.
- (13) Fat rendering.
- (14) Fertilizer manufacture.
- (15) Storage or parking of more than five motor vehicles or garage for more than five motor vehicles, including garage units or parking or storage on contiguous lots for a less number which in the aggregate accommodate more than five motor vehicles in the same ownership, management or control and not including [a] an indoor salesroom where motor vehicles are kept for sale or for display purposes only. *There may however be provided exclusively for tenants or their employees, customers or patrons, outdoor parking or indoor garage space adjoining or within a business building but not within required open spaces provided no fee is charged and no gasoline or oil selling, or servicing or repair facilities are included.* [This provision shall in no way interfere with the carrying out of plans approved prior to the date of the passage of this resolution.]
- (16) Gas (illuminating or heating) manufacture or storage.
- (17) Glue, size and gelatine manufacture.
- (18) Incineration or reduction of garbage, offal, dead animals or refuse.
- (19) Iron, steel, brass or copper works.
- (20) Junk, scrap paper or rag storage or baling.
- (21) Lamp black manufacture.
- (22) Lime, cement or plaster of paris manufacture.
- (23) Milk bottling and distributing station.
- (24) Oil cloth or linoleum manufacture.
- (25) Paint, oil, varnish, pigment or turpentine manufacture.
- (26) Petroleum refining or storage.
- (27) Printing ink manufacture.
- (28) Raw hides or skins—storage, curing or tanning.
- (29) Repair shop for motor vehicles *other than facilities for minor adjustments with hand tools in a garage for more than five motor vehicles.*
- (30) Rubber manufacture from the crude material.
- (31) Saw or planing mill or lumber yard.
- (32) Shoddy manufacture or wood scouring.
- (33) Slaughtering of animals[.] or fowl.
- (34) Smelting.
- (35) Soap manufacture.
- (36) Stable for more than five horses.
- (37) Starch, glucose or dextrine manufacture.
- (38) Stock yard.
- (39) Stone or monumental works, or [a plant used for] the manufacture of cement blocks.
- (40) Sugar refining.
- (41) Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
- (42) Tallow, grease or lard manufacture or refining.
- (43) Tar distillation or manufacture.
- (44) Tar roofing or tar waterproofing manufacture.
- (45) Refrigerating plants, coal yards and coal pockets.
- (46) Gasoline service or oil selling station.
- (47) Bus station.
- (48) Trailer camp.
- (49) *Business and advertising signs, except:*
 - (a) *Non-flashing business signs, each of which does not exceed 500 square feet in area and which does not project more than eighteen inches beyond the street line. provided that such business signs may in no case exceed an aggregate of 15 per cent of the area of the wall surface, including window and door areas, on which they are displayed.*
 - (b) *Business signs on awnings or marquees permitted by the Administrative Code.*
 - (c) *Projecting signs attached to a theatre, hotel, a large department store or a similar structure of an essentially public nature, which advertise or indicate the principal business transacted on such premises.*
- (50) *Automobile wrecking yard.*
- (51) *Steam or wet wash laundry other than in a hotel or hospital.*

(b) In a business district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for any trade, industry or use that is noxious or offensive by reason of the emission of odor, dust, smoke, gas or noise; but car barns or places of amusement shall not be excluded.

(c) In a business district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used for any kind of manufacturing, except that any kind of manufacturing not included within the prohibitions of paragraphs a and b of this section may be carried on provided not more than 25 per cent of the total floor space of the building is so used, but space equal to the area of the lot may be so used in any case, although in excess of said 25 per cent. The printing of a newspaper shall not be deemed manufacturing. [No use permitted in a residence district by section 3 shall be excluded from a business district.]

§4-A. Retail Districts. In a retail district the same regulations and restrictions shall apply as are provided for business districts except that no manufacturing or treatment of products shall be carried on other than such as are incidental to the conduct of a retail business conducted on the premises, or such other manufacturing as is now permitted in a business district, provided that in such other manufacturing [no] not more than five per cent (5%) of the total floor space of the building is so used.

§4-B. Restricted Retail Districts. In a restricted retail district, the same regulations and restrictions shall apply as are provided for retail districts except that in a restricted retail district no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following purposes:

[Theatre or motion picture theatre.

[Open-air theatre or motion picture theatre.

[Cabaret and public dance hall other than in clubs or hotels.

[Bus stations.

[Business of selling automobiles on lots or plots unbuilt upon.]

(a) Amusement centre for the playing of games and for the operation of bagatelle machines and other similar devices.

(b) Billiard parlor, pool parlor or bowling alley other than in a hotel.

(c) Cabaret other than in a hotel.

(d) Freak show or wax museum.

(e) Theatre or motion picture theatre.

(f) Undertaking establishment or funeral parlor.

(g) Open front store other than a sidewalk cafe.

(h) Public dance hall other than in a hotel.

(i) Shooting gallery, skeeball or similar games.

(j) Skating rink other than in a hotel.

(k) Warehouse or storage plant.

§4-C. Local Retail Districts. In a local retail district, the same regulations and restrictions shall apply below the level of the first story ceiling as are provided for restricted retail districts, except that no manufacturing of any kind shall be permitted; and no building shall be erected or structurally altered which is arranged, intended or designed to be used above the level of the first story ceiling for any use not permitted in a residence district.

§4-D. Business-1 Districts. In a business-1 district, the same regulations and restrictions shall apply as are provided for business districts except that in a business-1 district, §4(a)(49) shall not apply.

§4-E. Retail-1 Districts. In a retail-1 district, the same regulations and restrictions shall apply as are provided for retail districts except that in a retail-1 district, §4(a)(49) shall not apply.

§4-F. Manufacturing Districts. In a manufacturing district, the same regulations and restrictions shall apply as are provided for business districts, except that 75 per cent of the total floor space of the building may be used for manufacturing. Space equal to the area of the lot may be so used in any case, although in excess of said 75 per cent.

§5. Unrestricted Districts. The term "unrestricted district" is used to designate the districts for which no regulations or restrictions are provided by this article.

§6. Existing Buildings and Premises. (a) Any use existing in any building or premises on July 25, 1916, and any use legally established and existing thereafter, not conforming to the regulations of the use district in which it is maintained, may be continued therein except as provided in this section and in §§6(b) (c) (d) (e) (f),

§21-A and 21-B. No [then] *such* existing building designed, arranged, intended or devoted to a use not permitted by this article in the district in which such use is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located. Such building may, however, be reconstructed or structurally altered to an extent not greater than 50 per cent of the value of the building, exclusive of foundations, provided that no use in such building is changed or extended [, except as authorized in paragraph b of this section, and provided further, that no use included in any one of the enumerated subdivisions of paragraph a of section 4 is changed into a use included in any other enumerated subdivisions of paragraph a of section 4 or into a use prohibited by paragraph b of section 4, and also provided that no use prohibited by paragraph b of section 4 is changed into another use prohibited by paragraph b of section 4 or into a use included in an enumerated subdivision of paragraph a of section 4.

(b) Any use existing in any building or premises on July 25, 1916, and not conforming to the regulations of the use district in which it is maintained may be changed, and such use may be extended throughout the building, provided that in either case:

- (1) No structural alterations shall be made in the building, except as authorized by paragraph a of this section, and
- (2) In a residence district no portion of a building devoted to a use included in subdivision 1 of section 3 shall be changed to any use prohibited in a residence district and
- (3) In a residence district no building or premises, unless devoted to one of the uses that is by section 4 prohibited in a business district, shall be changed to any of such uses, and
- (4) In a residence or business district no building or part thereof and no premises unless devoted to one of the uses that is by paragraph a or b of section 4 prohibited in a business district, shall be changed to any of such uses.

[If a use is changed as authorized in this section, the new use may thereafter be changed, subject to the limitations imposed by subdivisions 1, 2, 3 and 4 of this paragraph.]

(b) *In a residence district and in locations within a local retail district situated above the level of the first story ceiling, the continuance of a business sign not conforming to the provisions of §3(9) shall be limited to two years unless the Board shall grant a variance for such use to continue for a stated additional period.*

(c) *In a restricted retail, retail, manufacturing or business district and at locations within a local retail district below the level of the first story ceiling, the continuance of a business sign not conforming to the provisions of §4(49) shall be limited to two years, unless the Board shall grant a variance for such use to continue for a stated additional period.*

(d) *In a residence, a local retail, a restricted retail, a retail or a business district and in such locations in unrestricted districts where the provisions of §21-B apply, the continuance of an advertising sign shall be limited to two years, unless the Board shall grant a variance for such use to continue for a stated additional period.*

(e) *In all use districts except unrestricted districts, and in such locations in unrestricted districts where the provisions of §21-A apply, the continuance of a gasoline service or oil selling station shall be limited to five years, unless the Board shall grant a variance for such use to continue for a stated additional period.*

(f) *In all use districts at locations where the provisions of §21-A apply, the continuance of parking or storage of more than five motor vehicles or garage for more than five motor vehicles shall be limited to ten years, unless the Board shall grant a variance for such use to continue for a stated term of years.*

§7. Use District Exceptions. The Board of Standards and Appeals [created by chapter 503 of the laws of 1916,] may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the use district regulations herein established in harmony with their general purpose and intent as follows:

(a) Permit the extension of an existing building and the existing use thereof upon the lot occupied by such building at the time of the passage of this resolution or permit the erection of an additional building upon a lot occupied at the time of the passage of this resolution by a commercial or industrial establishment and which additional building is a part of such establishment;

(b) Where a use district boundary line divides a lot in a single ownership at the time of the passage of this resolution, permit a use authorized in either portion of such

lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the district in which such use is authorized;

(c) Permit the [extension] *construction of a new building or structure or the extension of an existing or proposed building or use* into a more restricted district or into a district restricted against the proposed use under such conditions as will safeguard the character of the [more restricted] district;

(d) Permit in a residence district a central telephone exchange or any building or use in keeping with the uses expressly enumerated in section 3 as the purposes for which buildings or premises may be erected or used in a residence district;

[(e) Permit in a business or retail district the erection or extension of a garage or stable or the parking or storage of more than five motor vehicles on a vacant area or plot in any portion of a street between two intersecting streets, in which portion there exists a garage for more than five motor vehicles or a stable for more than five horses which existed on July 25, 1916;]

[(f)] (e) Grant [in undeveloped sections of the city] temporary and conditional permits for not more than two years for [structures] *buildings* and uses [in contravention of] *not in conformity with the requirements of this article and not otherwise specifically provided for in this section*;

(f) *Permit in a manufacturing, business, business-1, retail, retail-1, restricted retail, local retail, or residence district, and in such locations in an unrestricted district where the provisions of §21-A apply, the erection or continuance of a gasoline service station or oil selling station, and the erection of a garage for more than five motor vehicles or the storage or parking of more than five motor vehicles; permit in all use districts at locations where the provisions of §21-A apply, the continuance of a garage for more than five motor vehicles or the parking or storage of more than five motor vehicles;*

[(g) Permit in a business, retail, restricted retail or residence district the erection of a garage provided the petitioner files the consents duly acknowledged of the owners of 80 per cent of the frontage deemed by the Board to be immediately affected by the proposed garage. Such permit shall specify the maximum size or capacity of the garage and shall impose appropriate conditions and safeguards upon the construction and use of a garage;]

[(h)] (g) [Permit] *Grant temporary and conditional permits, for [a period of] not more than two years, in a manufacturing, business, business-1, [or] retail, retail-1 or restricted retail district for the parking or storage of more than five motor vehicles on a lot [or plot] unbuil upon, subject to such conditions and safeguards as the Board deems proper] where unbuil upon but not within required open spaces. The use of such lot [or plot] shall not include any other non-conforming use or any servicing of motor vehicles [.]*;

(h) *Permit in a manufacturing, business, business-1, retail, retail-1, restricted retail, local retail or residence district, the erection of a repair shop for motor vehicles;*

(i) *Permit in a manufacturing, business, business-1, retail or retail-1 district, a bus station. The use of premises for a bus station shall not include any other non-conforming use or any servicing of motor vehicles;*

(j) *Grant in a manufacturing, business, business-1, retail, retail-1, restricted retail, local retail or residence district, temporary or conditional permits for not more than two years for a trailer camp;*

(k) *Permit in a manufacturing, business, retail, restricted retail, local retail or residence district the erection or continuance of a non-conforming business sign for a stated term of years;*

(l) *Permit in a manufacturing, business or retail district the erection of an advertising sign, and permit in such districts and in a restricted retail, local retail or residence district the continuance of an advertising sign for a stated term of years;*

(m) *Permit in an unrestricted, manufacturing, business, business-1, retail or retail-1 district the erection of an advertising sign within 200 feet of an express highway or a park of one-half acre or more in area and within view of the same, and permit the continuance of such signs so located, for a stated term of years.*

ARTICLE III—HEIGHT DISTRICTS

§ 8. **Height Districts.** For the purpose of regulating and limiting the height and bulk of buildings hereafter erected, The City of New York is hereby divided into eight classes of districts: (a) one-quarter times districts; (b) one-half times districts; (c) three-quarter times districts; (d) one times districts; (e) one and one-quarter times districts; (f) one and one-half times districts; (g) two times districts; (h) two and one-half times districts; as shown on the [amended] height district map [which accompanies this resolution and is hereby declared to be part hereof. The height districts

designated on said amended map], consisting of thirty-five sheets and an index sheet, each dated March 31, 1937, and signed by the Chief Engineer of the Board of Estimate and Apportionment [, are hereby established]. *The height districts designated on said map, as amended, or as may be hereafter amended from time to time, are hereby continued and declared to be part hereof.* The [amended] height district map designations and [amended] map designation rules which accompany said [amended] height district map are hereby declared to be part thereof. No building or part of a building shall be erected except in conformity with the regulations herein prescribed for the height district in which such building is located.

(a) In a one-quarter times district no building shall be erected to a height in excess of one-quarter times the width of the street, but for each two feet that the building or a portion of it sets back from the street line one foot shall be added to the height limit of such building or such portion thereof.

(b) In a one-half times district no building shall be erected to a height in excess of one-half times the width of the street, but for each one foot that the building or a portion of it sets back from the street line one foot shall be added to the height limit of such building or such portion thereof.

(c) In a three-quarter times district no building shall be erected to a height in excess of three-quarter times the width of the street but for each one foot that the building or a portion of it sets back from the street line one foot shall be added to the height limit of such building or such portion thereof.

(d) In a one times district no building shall be erected to a height in excess of the width of the street, but for each one foot that the building or a portion of it sets back from the street line two feet shall be added to the height limit of such building or such portion thereof.

(e) In a one and one-quarter times district no building shall be erected to a height in excess of one and one-quarter times the width of the street, but for each one foot that the building or portion of it sets back from the street line two and one-half feet shall be added to the height limit of such building or such portion thereof.

(f) In a one and one-half times district no building shall be erected to a height in excess of one and one-half times the width of the street, but for each one foot that the building or a portion of it sets back from the street line three feet shall be added to the height limit of such building or such portion thereof.

(g) In a two times district no building shall be erected to a height in excess of twice the width of the street, but for each one foot that the building or portion of it sets back from the street line four feet shall be added to the height limit of such building or such portion thereof.

(h) In a two and one-half times district no building shall be erected to a height in excess of two and one-half times the width of the street, but for each one foot that the building or a portion of it sets back from the street line five feet shall be added to the height limit of such building or such portion thereof.

§ 9. Height District Exceptions: (a) On streets less than 50 feet in width the same height regulations shall be applied as on streets 50 feet in width and, except for the purposes of paragraph d of this section, on streets more than 100 feet in width the same height regulations shall be applied as on streets 100 feet in width.

(b) Along a narrower street near its intersection with a wider street, any building or any part of any building fronting on the narrower street within 100 feet, measured at right angles to the side of the wider street, shall be governed by the height regulations provided for the wider street. A corner building on such intersecting streets shall be governed by the height regulations provided for the wider street for [150] 100 feet from the side of such wider street, measured along such narrower street.

(c) Above the height limit at any level for any part of a building a dormer, elevator bulkhead or other structure may be erected provided its frontage length on any given street be not greater than 60 per cent. of the length of such street frontage of such part of the building. Such frontage length of such structure at any given level shall be decreased by an amount equal to one per cent. of such street frontage of such part of the building for every foot such level is above such height limit. If there are more than one such structure, their aggregate frontage shall not exceed the frontage length above permitted at any given level.

(d) If the area of the building is reduced so that above a given level it covers in the aggregate not more than 25 per cent. of the area of the lot, the building above such level shall be excepted from the foregoing provisions of this article. Such portion of the building may be erected to any height, provided that the distance which it sets

back from the street line on each street on which it faces, plus half of the width of the street, equals at least 75 feet. But for each one per cent. of the width of the lot on the street line that such street wall is less in length than such width of the lot, such wall may be erected four inches nearer to the street line.

(e) When at the time plans are filed for the erection of a building there are buildings in excess of the height limits herein provided within 50 feet of either end of the street frontage of the proposed building or directly opposite such building across the street, the height to which the street wall of the proposed building may rise shall be increased by an amount not greater than the average excess height of the walls on the street line within 50 feet of either end of the street frontage of the proposed building and at right angles to the street frontage of the proposed building on the opposite side of the street. The average amount of such excess height shall be computed by adding together the excess heights above the prescribed height limit for the street frontage in question of all the walls on the street line of the buildings and parts of buildings within the above defined frontage and dividing the sum by the total number of buildings and vacant plots within such frontage.

(f) Nothing in this article shall prevent the projection of a cornice beyond the street wall to an extent not exceeding five per cent. of the width of the street nor more than five feet in any case. Nothing in this article shall prevent the erection above the height limit of a parapet wall or cornice solely for ornament and without windows extending above such height limit not more than five per cent. of such height limit, but such parapet wall or cornice may in any case be at least five and one-half feet high above such height limit.

(g) The provisions of this article shall not apply to the erection of church spires, belfries, chimneys, flues or gas holders.

(h) Where not more than 50 feet of a street frontage would otherwise be subjected to a height limit lower than that allowed immediately beyond both ends of such frontage, the height limit on such frontage shall be equal to the lesser of such greater height limits.

(i) If an additional story or stories are added to a building existing at the time of the passage of this resolution, the existing walls of which are in excess of the height limits prescribed in this article, the height limits for such additional story or stories shall be computed from the top of the existing walls as though the latter were not in excess of the prescribed limits and the carrying up of existing elevator and stair enclosures shall be exempted from the provisions of this article.

§ 9-A. Airports. The provisions of § 8 and § 9 permitting the erection of a building to heights in excess of those provided by the several height districts, at the street line, and further permitting additional height for a building by one or more set backs from the street line, shall not apply to any buildings located within one mile from the boundary of any airport publicly owned or controlled.

ARTICLE IV—AREA DISTRICTS

§ 10. **Area Districts.** For the purpose of regulating and determining the area of yards, courts, and other open spaces for buildings hereafter erected, the City of New York is hereby divided into [seven] *ten* classes of area districts: A, B, C, D, *D-1*, E, *E-1*, F, *F-1*, and G; as shown on the [amended] area district map [which accompanies this resolution and is hereby declared to be part hereof. The area districts designated on said amended map], consisting of thirty-five sheets and an index sheet, each dated March 31, 1937, and signed by the Chief Engineer of the Board of Estimate and Apportionment [are hereby established.] *The area districts designated on said map, as amended, or as may be hereafter amended from time to time, are hereby continued and declared to be part hereof.* The [amended] area district map designations and [amended] map designation rules which accompany said [amended] area district map are hereby declared to be a part thereof. No building or part of a building shall be erected except in conformity with the regulations herein prescribed for the area district in which such building is located. Unless otherwise expressly provided the term rear yard, side yard, outer court or inner court when used in this article shall be deemed to refer only to a rear yard, side yard, outer court or inner court required by this article. No lot area shall be so reduced or diminished that the yards, courts or open spaces shall be smaller than prescribed in this article.

§ 11. **A Districts.** In an A district at court at any given height shall be at least one inch in least dimension for each one foot of such height.

§ 12. **B Districts.** In a B district a rear yard at any given height shall be at least two inches in least dimensions for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 10 per cent. of the depth of the lot, but need not exceed 10 feet at such level. An outer court or a side yard at any given height

shall be at least one inch in least dimension for each one foot of such height. An outer court at any given point shall be at least one and one-half inches in least dimension for each one foot of length. But for each one foot that an outer court at any given height would, under the above rules, be wider in its least dimension for such height than the minimum required by its length, one inch shall be deducted from the required least dimension for such height for each 24 feet of such height. A side yard for its length within 50 feet of the street may for the purposes of above rule be considered an outer court.

§ 13. **C Districts.** (a) In a C district a rear yard at any given height shall be at least three inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 10 per cent. of the depth of the lot, but need not exceed ten feet at such level. An outer court or a side yard at any given height shall be at least one and one-half inches in least dimension for each one foot of such height. An outer court at any given point shall be at least one and one-half inches in least dimension for each one foot of length. On a lot not more than 30 feet in mean width an outer court or a side yard at any given height shall be not less than one inch in least dimension for each one foot of such height, and an inner court at any given height shall be either (1) not less than two inches in least dimension for each one foot of such height or (2) it shall be of an equivalent area as hereinafter specified in paragraph c of [section] § 18.

(b) If the owner or owners of any part of a C district set aside perpetually for the joint recreational use of the residents of such part designated by them, an area at least equal to 10 per cent. of the area of such part in addition to all yard and court requirements for a B district, such part shall be subject to the regulations herein prescribed for a B district. Such joint recreational space shall be composed of one or more tracts each of which shall be at least 40 feet in least dimension and 5,000 square feet in area and shall be approved by the Board of Standards and Appeals as suitable for the joint recreational use of such residents.

§ 14. **D Districts.** (a) In a D district a rear yard at any given height shall be at least four inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 10 per cent. of the depth of the lot, but need not exceed 10 feet at such level. If a building in a D district is located in a residence district as designated on the [amended] use district map, the depth of a rear yard at its lowest level shall be at least 20 per cent. of the depth of the lot, but need not exceed 20 feet at such level. However, for each one foot in excess of 10 feet of the depth of such rear yard at its lowest level, there may be substituted one foot of depth of unoccupied space across the whole width of the front of the lot at the curb level between the street line and the street wall of the building.

(b) In a D district an outer court or a side yard at any given height shall be at least two inches in least dimension for each one foot of such height. An outer court at any given point shall be at least two inches in least dimension for each one foot of length. On a lot not more than 30 feet in mean width an outer court or a side yard at any given height shall be not less than one and one-half inches in least dimension for each one foot of such height. On such lot an outer court at any given point shall be not less than one and one-half inches in least dimension for each one foot of length. On such lot an inner court at any given height shall be either (1) not less than three inches in least dimension for each one foot of such height or (2) it shall be of an equivalent area as specified in paragraph c of [section] § 18.

(c) In a D district no building located within a residence district as designated on the amended use district map shall occupy at the curb level more than 60 per cent. of the area of the lot, if an interior lot, or 80 per cent. if a corner lot. In computing such percentage any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.

(d) If the owner or owners of any part of a D district set aside perpetually for the joint recreational use of the residents of such part designated by them, an area at least equal to 10 per cent. of the area of such part in addition to all yard and court requirements for a C district, such part shall be subject to the regulations herein prescribed for a C district. Such joint recreational space shall be composed of one or more tracts, each of which shall be at least 40 feet in least dimension and 5,000 square feet in area and shall be approved by the Board of Standards and Appeals as suitable for the joint recreational use of such residents.

§ 14-A. **D-1 Districts.** (a) *In a D-1 district no dwelling shall be erected or altered other than for occupancy by a single family. Two or more attached single family dwellings with party walls shall be permitted.*

(b) *In a D-1 district separate side yards for each dwelling shall not be required, but*

if provided, the minimum width of a side yard along the side lot line shall be 5 feet, for the full depth of the lot or back to the rear yard.

(c) In a D-1 district, when two or more dwellings are constructed with party walls, side yards shall be required at both ends of the group or row of houses, and the minimum sum of the widths of such side yards at the two ends of each group or row shall be 5 feet multiplied by the number of houses in the group or row.

(d) In a D-1 district, no portion of any building shall be erected nearer than 10 feet to the street line of any street as laid out upon the City Map.

(e) In a D-1 district, no building shall be erected which does not comply with all the provisions in force in a D district.

§ 15. **E Districts.** (a) In an E district a rear yard at any given height shall be at least five inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 15 per cent. of the depth of the lot, [but need not exceed] and in no case less than 15 feet at such level. If a building in an E district is located in a residence district as designated on the [amended] use district map, the depth of a rear yard at its lowest level shall be at least 25 per cent. of the depth of the lot, but need not exceed 25 feet at such level. However, for each one foot in excess of 10 feet of the depth of such rear yard at its lowest level, there may be substituted one foot of depth of unoccupied space across the whole width of the front of the lot at the curb level between the street line and the street wall of the building. In an E district on at least one side of every building located within a residence district there shall be a side yard along the side lot line for the full depth of the lot or back to the rear yard, and the least dimension of such side yard for a multiple dwelling shall be not less than 15 feet.

(b) In an E district an outer court or side yard at any given height shall be at least [two and one-half] three inches in least dimension for each one foot of such height. On a lot not more than 50 feet in mean width an outer court or a side yard at any given height shall be at least [two] two and one-half inches in least dimension for each one foot of such height. An outer court at any given point shall be at least [two and one-half] three inches in least dimension for each one foot of length.

(c) In an E district no building located within a residence district as designated on the [amended] use district map shall occupy at the curb level more than 50 per cent. of the area of the lot, if an interior lot, or 70 per cent. if a corner lot, and above a level of 18 feet above the curb level no building shall occupy more than 30 per cent. of the area of the lot, if an interior lot, or 40 per cent. if a corner lot, exclusive in each case of garages. In computing such percentage any part of the area of any corner lot in excess of 8,000 square feet shall be considered an interior lot.

(d) In an E district no portion of any building shall be erected nearer than 10 feet to the street line of any street as laid out upon the City Map, and no portion of any multiple dwelling in a residence district shall be erected nearer to the street line of any street than a distance equal to 10 per cent. of the depth of the lot, except that such distance need not exceed 20 feet.

(e) In an E district the floor area of a building shall not exceed 1.9 times the area of the lot, if an interior lot, or 2.5 times if a corner lot as computed in paragraph (c) of this section.

§ 15-A. **E-1 Districts.** (a) In an E-1 district no dwelling shall be erected or altered other than for occupancy by a single family. Two attached single family dwellings constructed with a party wall shall be permitted.

(b) In an E-1 district, when two dwellings are constructed with a party wall, the minimum sum of the widths of the side yards shall be 12 feet.

(c) In an E-1 district, no portion of any building shall be erected nearer than 15 feet to the street line of any street as laid out upon the City Map.

(d) In an E-1 district, no building shall be erected which does not comply with all the provisions in force in an E district.

§ 16. **F Districts.** (a) In an F district no portion of any building shall be erected nearer than 15 feet to the [building] street line of any street as laid out on the City Map; and no portion of any multiple dwelling in a residence district shall be erected nearer to the street line of any street than a distance equal to 15 per cent. of the depth of the lot, except that such distance need not exceed 30 feet.

(b) In an F district a rear yard at any given height shall be at least six inches in least dimension for each one foot of such height. The depth of a rear yard at its lowest level shall be at least 20 per cent. of the depth of the lot, [but need not exceed]

and in no case less than 20 feet at such level. Excepting that if a building in an F district is located in a residence district as designated on the amended use district map, the depth of a rear yard at its lowest level shall be at least 30 per cent. of the depth of the lot, but need not exceed 30 feet at such level. However, for each one foot in excess of 15 feet of the depth of such rear yard at its lowest level, there may be substituted one foot of additional depth of unoccupied space to that hereinbefore provided across the whole width of the front of the lot at the curb level between the street line and the street wall of the building. In an F district, on both sides of every dwelling there shall be a side yard along the side lot line for the full depth of the lot or back to the rear yard, and the least dimension of each such side yard for a multiple dwelling shall be not less than 20 feet. [For every residential building located in a residence district both sides of such building shall be capable of being afforded direct light, air and access upon such side yards for its entire length.]

(c) In an F district an outer court or side yard at any given height shall be at least [three] four inches in least dimension for each one foot of such height, excepting that on a lot not more than 50 feet in mean width an outer court or a side yard at any given height shall be at least [two and one-half] three inches in least dimension for each one foot of such height. An outer court at any given point shall be at least [three] four inches in least dimension for each one foot of length.

(d) In an F district no building shall occupy at the curb level more than 35 per cent. of the area of the lot, if an interior lot, or 50 per cent. if a corner lot, and above a level 18 feet above the curb level no building shall occupy more than 25 per cent. of the area of the lot, if an interior lot, or 30 per cent. if a corner lot, exclusive in each case of garages. In computing such percentage any part of the area of any corner lot in excess of 6,000 square feet shall be considered an interior lot.

(e) In an F district the floor area of a building shall not exceed 1.6 times the area of the lot, if an interior lot, or 1.9 times if a corner lot as computed in paragraph (d) of this section.

§ 16-A. **F-1 Districts.** (a) In an F-1 district, the floor area of a residence building shall not exceed 0.75 times the area of the lot.

(b) In an F-1 district, no building shall be erected which does not comply with all the provisions in force in an F district.

[§ 16-A.] § 16-B. **G Districts.** (a) In a G district no dwelling shall be erected or altered other than for occupancy by a single family.

(b) In a G district no portion of any building shall be erected nearer than 20 feet to the [building] street line of the street on which it fronts.

(c) In a G district no portion of any building shall be erected nearer than 10 feet to either side line of the [plot] lot except that a one-story building or extension used exclusively for a garage may extend to within 5 feet of one side line provided that such building shall be at least 70 feet from the [building] street line of the street, and except that on a [plot] lot not more than 50 feet in width any building may extend to within 5 feet of one side line and to within 10 feet of the other side line.

(d) In a G district no building shall be erected nearer than 15 feet to the rear line of the [plot] lot, except that a one-story building or extension used exclusively for a garage may extend to within 5 feet of such rear line of the [plot] lot.

(e) In a G district no building inclusive of a garage shall occupy at the [ground] curb level more than 35 per cent. of the area of the [plot] lot, and above a level of 14 feet above the [ground] curb level more than 25 per cent. of the area of the [plot] lot.

(f) In a G district no building shall be erected which does not comply with all the provisions in force in an F district.

§ 17. **Rear Yards.** (a) Except in A districts for lots or portions of lots that are back to back there shall be rear yards extending along the rear lot lines of such lots or portions of lots wherever they are more than 55 feet back from the nearest street. Such rear yard shall be at least of the area and dimensions herein prescribed for the area district in which it is located at every point along such rear lot line. Within 55 feet of the nearest street no rear yards shall be required, except in D-1, E-1, F, F-1 and G area districts. No rear yards shall be required on any corner lot nor, excepting in [an] E-1, F, F-1 and G area districts, on the portion of any lot that is back to back with a corner lot.

(b) Where a building is not within a residence district as designated on the [amended] use district map, the lowest level of a rear yard shall not be above the sill level of the second story windows, nor in any case more than 23 feet above the curb

level. [Where a building is within a residence district the lowest level of a rear yard shall not be above the curb level, except that not more than 40 per cent. of the area of the yard may be occupied by the building up to a level 18 feet above the curb level.] *In an E, F or F-1 district the excess rear yard may remain at the level of the original or natural surface of the ground.* [In the case of a church, whether within or without a residence district, such 40 per cent. may be occupied up to a level of 30 feet above the curb level.]

(c) Chimneys or flues may be erected within a rear yard provided they do not exceed five square feet in area in the aggregate and do not obstruct ventilation.

(d) Except in A districts, where a building on an interior lot between lots for which rear yards are required runs through the block from street to street or to within 55 feet of another street, there shall be on each side lot line above the sill level of the second story windows and in any case above a level 23 feet above the curb level a court of at least equivalent area at any given height to that required for an inner court at such height and having a least dimension not less than that required for an outer court at the same height.

(e) When a proposed building is on a lot which is back to back with a lot or lots on which there is a building or buildings having rear yards less in depth than would be required under this article, the depth of the rear yard of the proposed building shall not be required to be greater at any given level than the average depth of the rear yards directly back to back with it at such level, but in no case shall the depth of such rear yard be less at any height than the least dimension prescribed for an outer court at such height.

§ 18. Courts. (a) If a room in which persons live, sleep, work or congregate receives its light and air in whole or in part directly from an open space on the same lot with the building, there shall be at least one upper court, outer court, side yard or rear yard upon which a window or ventilating skylight opens from such room. Such inner court, outer court or side yard shall be at least of the area and dimensions herein prescribed for the area district in which it is located. Such rear yard shall be at least of the area and dimensions herein prescribed for an inner court in the area district in which it is located. In an A district, such inner court, outer court, side yard or rear yard shall be at least of the area and dimensions herein prescribed for a court in such district. The unoccupied space within the lot in front of every part of such window shall be not less than three feet, measured at right angles thereto. Courts, yards and other open spaces, if provided in addition to those required by this section, need not be of the area and dimensions herein prescribed. The provisions of this section shall not be deemed to apply to courts or shafts for bathrooms, toilet compartments, hallways or stairways.

(b) The least dimension of an outer court, inner court or side yard at its lowest level shall be not less than four feet, subject to the following exceptions:

(1) Where the walls bounding a side yard within the lot are *not* more than 25 feet in mean height and not more than 40 feet in length such least dimensions may be not less than three feet.

(2) *In a D-1 district such least dimension shall be five feet.*

[(2)] (3) *In an E or E-1 district such least dimension shall be four feet.*

[(3)] (4) *In an F, F-1, or a G district such least dimension shall be five feet.*

[(4)] (5) Where any outer court opens on a street such street may be considered as a part of such court.

(c) The least dimension of an inner court at any given height shall be not less than that which would be required in inches for each one foot of height for a rear yard of the same height, except that an inner court of equivalent area may be substituted for said court, provided that for such area its least dimension be not less than one-half of its greatest dimension. If an inner court is connected with a street by a side yard, for each one foot that such side yard is less than 65 feet in depth from the street, one square foot may be deducted from the required area of the inner court for each 15 feet of height of such court. If the lot is not required under this resolution to have a rear yard, an outer court, not opening on a street, shall open at any level on an inner court on the rear line of the lot and such inner court shall be deemed a rear yard in such case.

(d) *In an E, F or F-1 district, excess court space may remain at the level of the original or natural surface of the ground.*

§ 19. **Area District Exceptions.** (a) The area required in a court or yard at any given level shall be open from such level to the sky unobstructed, except for the ordinary projections of skylights and parapets above the bottom of such court or yard, and except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four inches. *Roofed porches shall not encroach into any portion of required yards or courts.* However, where a side yard or an outer court opens on a street a cornice may project not over five feet into such side yard or outer court within five feet of the street wall of the building. [. And] ; *and* provided that in an E or E-1 district a one-family residence, detached on all sides and having on one side a side yard of a clear and unobstructed width of not less than five feet, may have a cornice or eave projecting not more than 2 feet 6 inches into a side yard on the opposite side with the further provision that in an F, F-1 or a G district such cornice or eave, or a porte-cochere having a height of less than 18 feet, may project not more than 3 feet into both side yards.

(b) An open or lattice enclosed iron fire escape, fireproof outside stairway or solid-floored balcony to a fire tower may project not more than 4 feet into a rear yard or an inner court, except that an open or lattice enclosed iron fire escape may project not more than 8 feet into a rear yard or into an inner court when it does not occupy more than 20 per cent. of the area of such inner court.

(c) A corner of a court or yard may be cut off between walls of the same building provided that the length of the wall of such cut-off does not exceed 7 feet.

(d) An offset to a court or yard may be considered as a part of such court or yard provided that it is no deeper in any part than it is wide on the open side and that such open side be in no case less than 6 feet wide.

(e) If a building is erected on the same lot with another building the several buildings shall, for the purpose of this article, be considered as a single building, unless otherwise herein specifically provided for. Any structure, whether independent of or attached to a building, shall for the purpose of this article be deemed a building or a part of a building.

(f) If an additional story or stories are added to a building existing at the time of the passage of this resolution, the courts and yards of which do not conform to the requirements of this article, the least dimensions of yards and courts shall be increased from the top of the existing yard or court walls as though they were of the prescribed dimensions at such heights and the carrying up of existing elevator and stair enclosures shall be exempted from the provisions of this article.

(g) *On a corner lot the owner may elect either street line as the front of the lot, except as provided in paragraph (h) of this section.*

(h) *In cases where there is more than 100 feet of frontage on a street in an unrestricted, a manufacturing, a business, a business-1, a retail, retail-1, a restricted retail or a local retail district, to a depth not exceeding 100 feet, and the abutting property to the rear is in a residence district, buildings within 100 feet of a corner, hereafter arranged, intended or designed to be used for other than a residence use, shall have their entrances fronting on such street, and show windows and business signs facing on or projecting over any intersecting street shall not extend more than 25 feet from the corner.*

§ 19-A. **Loading Space.** (a) *Every building or part thereof hereafter erected, which is arranged, intended or designed to be used for manufacture, storage, or goods display, or for a department store, hotel or hospital, shall be provided with one truck loading or unloading berth of a minimum size of 25 feet by 10 feet for each 25,000 square feet and fraction thereof exceeding 5,000 square feet of aggregate gross floor area arranged, intended or designed for such use. The minimum clear height of such space, including access to it from the street, shall be 12 feet. Such requirements shall not apply to any such building having less than 25,000 square feet of aggregate gross floor area arranged, intended or designed for such use;*

(b) *No building or part thereof heretofore erected, which is arranged, intended or designed for any of the purposes specified above shall hereafter be altered, extended or enlarged so as to provide aggregate floor space in excess of 25,000 square feet, unless truck loading or unloading berths are provided as required for buildings hereafter erected;*

(c) *No building that is not arranged, intended or designed for use for the purposes*

specified above shall be hereafter used for such purposes unless truck loading or unloading berths as herein prescribed are provided.

(d) Where such loading space does not adjoin the street, convenient and adequate access, at least 12 feet in width, to such space shall be provided.

ARTICLE V—GENERAL AND ADMINISTRATIVE

§ 20. Interpretation; Purpose. [In interpreting and applying the provisions of this resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this resolution to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; nor is it intended by this resolution to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this resolution imposes a greater restriction upon the use of buildings or premises or upon height of building or requires larger yards, court or other open spaces than are imposed or required by such existing provision of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this resolution shall control.] *In interpreting and applying the provisions of this resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. It is not intended to abrogate or annul ordinances, rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or land except as otherwise provided in this resolution. Where this resolution imposes greater restriction upon the use of a building or land or upon the height and bulk of a building, or prescribes larger open spaces than are required by such ordinances, rules, regulations or permits, this resolution shall control.*

§ 21. Rules and Regulations; Modification of Provisions. The Board of Standards and Appeals[, created by Chapter 503 of the Laws of 1916,] shall adopt from time to time such rules and regulations as they may deem necessary to carry into effect the provisions of this resolution. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this resolution the Board of Standards and Appeals shall have power in a specific case to vary any such provision in harmony with its general purpose and intent, so that the public health, safety and general welfare may be secured and substantial justice done. Where the street layout actually on the ground varies from the street layout as shown on the [amended] use, height or area district map, the designation shown on the mapped areas shall be applied by the Board of Standards and Appeals to the unmapped streets in such a way as to carry out the intent and purpose of the plan for the particular section in question. Before taking any action authorized in this section the Board of Standards and Appeals shall give public notice and hearing.

[No garage for more than five cars may be erected or extended and no building not now used as a garage for more than five cars may have its use changed to a garage for more than five cars and no premises may be used for the storage or parking of more than five motor vehicles on any portion of a street between two intersecting streets, in which portion there exists an exit from or an entrance to a public school; or in which portion there exists any hospital maintained as a charitable institution; and in no case within a distance of 200 feet from the nearest exit from or entrance to a public school; nor within 200 feet of any hospital maintained as a charitable institution. This protection shall also apply to duly organized schools for children under 16 years of age, giving regular instruction at least five days a week for eight months or more each year, owned and operated by an established religious body or educational corporation. This limitation on the location of garages or the use of premises for the storage or parking of more than five motor vehicles shall apply to unrestricted as well as business and residence districts.

[No gasoline service station may be erected or extended on any portion of a street between two intersecting streets in which portion there exists an exit from an entrance to a public school; and in no case within a distance of 200 feet from the nearest exit from or entrance to a public school. This protection shall also apply to duly organized schools for children under 16 years of age, giving regular instruction at least five days a week for eight months or more each year, owned and operated by any established religious body or educational corporation.]

§ 21-A. Restrictions on Location of Garages, Storage or Parking of Motor

Vehicles, Gasoline Service Stations. Except as provided in §§6(e) and (f) and §7(f), no premises may be used as a gasoline service station or oil selling station, or as a garage for more than five motor vehicles or for the storage or parking of more than five motor vehicles, and no building may have its use changed to any such use, if any part of such premises or building is situated on either side of any portion of a street between two intersecting streets, on which portion there exists an exit from or an entrance to a public school, a public park or public playground of one half acre or more in area, a hospital maintained as a charitable institution, a public library, a public museum, or a duly organized school licensed by the Board of Regents for children under 16 years of age; and in no case within 200 feet thereof measured along the accustomed line of travel. However, this prohibition shall not apply when the distance exceeds 900 feet measured in a straight line. As provided in §6(e) and (f), the continuance of such existing nonconforming uses so located in any use district is limited to five years for gasoline service or oil selling stations, and to ten years for garages for more than five motor vehicles or the parking or storage of more than five motor vehicles, except as provided in §7(f).

§21-B. Restrictions on Location of Advertising Signs. No advertising sign shall hereafter be erected or structurally altered in any use district within 200 feet of a highway designated by the City Planning Commission as an express highway or within 200 feet of a park of one-half acre or more in area, if within view of such highway or park, except as provided in §7(m). The continuance of an existing advertising sign so located in any use district shall be limited to two years, except as provided in §7(m).

§21-C. Site Plans for Large Residential Developments. Upon presentation to the Board of a site plan showing the locations of dwellings and open spaces on an area not less than 75,000 square feet in extent, the Board, after public notice and hearing and after a favorable report from the City Planning Commission, may grant a variance from the use, height and area provisions of this resolution; provided that the ratio of the floor area of the building or buildings to the area of the lot does not exceed that permitted by this resolution; and further provided that the Board is satisfied that the provision of light and air is in all respects adequate to the special circumstances of the particular case and at least equivalent to the requirements of this resolution; and further provided that the minimum distance between any two buildings is not less than 6 inches per foot of height and in no case less than 20 feet.

§22. Unlawful Use; Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, changed or converted wholly or partly in its use or structure until a certificate of occupancy to the effect that the building or premises or the part thereof so created, erected, changed or converted and the proposed use thereof conform to the provisions of this resolution shall have been issued by the [commissioner] department of housing and buildings [of the borough in which such building or premises is located, or, in the case of a tenement house as defined in the Tenement House Law, by the tenement house commissioner]. In the case of such buildings or premises it shall be the duty of the [commissioner] department of housing and buildings [or the tenement house commissioner, as the case may be,] to issue a certificate of occupancy within ten days after a request for the same shall be filed in [his] its office by any owner of a building or premises affected by this resolution, provided said building or premises or the part thereof so created, erected, changed or converted and the proposed use thereof conform with all the requirements herein set forth. Under rules and regulations of the Board of Standards and Appeals a temporary certificate of occupancy for a part of a building may be issued by the [commissioner] department of housing and building [or the tenement house commissioner, as the case may be]. Upon written request from the owner, the [commissioner] department of housing and buildings [or the tenement house commissioner, as the case may be,] shall issue a certificate of occupancy for any building or premises existing at the time of the passage of this resolution certifying after inspection the use of the building or premises and whether such use conforms to the provisions of this resolution.

§22-A. Lapse of Permit. A building permit granted after the Board has varied the provisions of this resolution, or after the court has reversed or modified the action of the Board pursuant to §668e-1.0 of the administrative code, shall lapse after the expiration of one year, if no substantial construction has taken place in accordance with the plans for which such permit was granted, and the provisions of this resolution shall thereafter govern.

§23. Enforcement, Legal Procedure, Penalties. This resolution shall be enforced [by the tenement house commissioner and] by the [commissioner] department of housing

and building [in each borough,] under the rules and regulations of the Board of Standards and Appeals.

[The tenement house commissioner shall enforce said regulations in so far as they affect or relate to tenement houses as defined by the Tenement House Law. The commissioner of buildings shall in each borough enforce said regulations in so far as they relate to buildings or premises other than tenement houses. Each of said officers within his jurisdiction is]. *It is hereby* empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the building zone resolution [adopted by the Board of Estimate and Apportionment on the twenty-fifth day of July, nineteen hundred and sixteen, and as subsequently amended]. Such order may be served in the same manner as provided in [section] §643a-6.0 of the *Administrative Code* [seven hundred and seventy-five of the Greater New York Charter for the service of orders by the fire commissioner].

The owner or general agent of a building or premises where a violation of any provision of said building zone resolution has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises or any part thereof in which any violation shall exist shall be guilty of a misdemeanor.

Any such person who having been served with an order to remove any such violation shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the said building zone resolution in the respect named in such order shall be guilty of a misdemeanor.

In addition to the foregoing remedies the City of New York by the Corporation Counsel may maintain an action for an injunction to restrain any violation of the said building zone resolution.

§ 24. **Amendments, Alterations and Changes in District Lines.** The [Board of Estimate and Apportionment] *City Planning Commission* may from time to time on its own motion [or on petition], after public notice and hearing, *adopt a resolution to* amend, supplement or change the regulations and districts herein established, *pursuant to the provisions of the New York City Charter.* Whenever *during the month of April in any year,* the owners of 50 per cent. or more of the frontage in any district or part thereof shall present a petition duly signed and acknowledged to the [Board of Estimate and Apportionment] *City Planning Commission* requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof, it shall be the duty of the [Board] *Commission* to vote upon said petition [within 90 days after the filing of the same by the petitioners with the Secretary of the Board] *during the months of May or June of that year.* If, however, a protest against a proposed amendment, supplement or change be presented, duly signed and acknowledged by the owners of 20 per centum or more of the area of the land included in such proposed change, or by the owners of 20 per centum or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 per centum or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by an unanimous vote of the [board] *Board of Estimate.* If any area is hereafter transferred to another district by a change in district boundaries by an amendment, as above provided, the provisions of this resolution in regard to buildings or premises existing at the time of the passage of this resolution shall apply to buildings or premises existing at the time of passage of such amendment in such transferred area.

§ 25. **Restoration of Existing Buildings.** Nothing in this resolution shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy or prevent the continuance of the use of such building or part thereof as such use existed at the time of such destruction of such building or part thereof [or prevent a change of such existing use under the limitations provided in section 6. Nothing in this resolution shall prevent the restoration of a wall declared unsafe by the commissioner of buildings or by a board of survey].

§ 26. **When Effective.** [The] *This* zoning resolution [of July 25, 1916, and all amendments thereto are hereby declared superseded by this resolution, which] shall take effect immediately.

APPENDIX--MAP DESIGNATIONS AND MAP DESIGNATION RULES ACCOMPANYING [AMENDED BUILDING ZONE] ZONING RESOLUTION OF THE CITY OF NEW YORK.

(Adopted [April 23, 1937] May 29, 1940)

[AMENDED] HEIGHT DISTRICT MAP DESIGNATIONS

— — — — — indicates the boundary of a Height District.
 (1/4) (1/2) (3/4) (1) (1 1/4) (1 1/2) (2) (2 1/2) are symbols for district classifications as defined in the zoning resolution.

[AMENDED] HEIGHT DISTRICT MAP DESIGNATION RULES

1. An area surrounded by a district boundary line shall be in the Height District designated therein [, except as otherwise provided by these rules].
2. The boundaries of Height Districts shall be the limiting line to which the height regulations provided in any given district may be availed of.
3. The precise location of a boundary line is to be interpreted as follows:
 - (a) In cases where the district boundary is within a block and extends [along] in the direction of the length [thereof] of the block and no fixtures are shown, said boundary shall be deemed to be located 100 feet from the bounding street lying within the less restrictive district.
 - (b) In cases where the district boundary is within a block and extends [along] in the direction of the width [thereof] of the block and no fixtures are shown, said boundary shall be deemed to be located 100 feet from the nearest street.
 - (c) In cases where the boundary line is shown by fixture as being located a specific distance from the street line, this distance shall control.
 - (d) In cases where the boundary line is given a position within a street, it shall be deemed to be in the center of the street.
 - (e) In cases where a boundary line is shown [along] as adjoining a railroad, [such boundary] unless otherwise fixed, it shall be deemed to [be the center] coincide with the boundary line of the railroad right-of-way.
 - (f) In cases of navigable waters, the boundary line, unless otherwise fixed, shall be deemed to coincide with the pierhead line, except in cases where no pierhead line has been established, when the shore line shall [govern] control.
 - (g) Any island outside of the shore or pierhead lines, unless otherwise designated, shall be deemed to be in a 1 1/2-times height district.




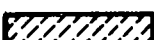







[AMENDED] AREA DISTRICT MAP DESIGNATIONS

— — — — — indicates the boundary of an Area District.
 (A) (B) (C) (D) (D-1) (E) (E-1) (F) (F-1) (G) are symbols for district classifications as defined in the zoning resolution.

[AMENDED] AREA DISTRICT MAP DESIGNATION RULES

1. An area surrounded by a district boundary line shall be in the Area District designated therein [, except as otherwise provided by these rules].
2. The boundaries of Area Districts shall be the limiting line to which the area regulations provided in any given district may be availed of.
3. The precise location of a boundary line is to be interpreted as follows:
 - (a) In cases where the district boundary is within a block and extends [along] in the direction of the length [thereof] of the block and no fixtures are shown, said boundary shall be deemed to be located 100 feet from the bounding street lying within the less restrictive district.
 - (b) In cases where the district boundary is within a block and extends [along] in the direction of the width [thereof] of the block and no fixtures are shown, said boundary shall be deemed to be located 100 feet from the nearest street.
 - (c) In cases where the boundary line is shown by fixture as being located a specific distance from a street line, this distance shall control.
 - (d) In cases where the boundary line is given a position within a street, it shall be deemed to be in the centre of the street
 - (e) In cases where a boundary line is shown as adjoining a railroad, unless . . . wise fixed, it shall be deemed to coincide with the boundary line of the railroad right-of-way.
 - (f) In cases of navigable waters, the boundary line, unless otherwise fixed, shall be deemed to coincide with the [bulkhead] pierhead line, except in cases where no [bulkhead] pierhead line has been established, when the shore line shall [govern] control.
 - (g) Any island outside of the shore or [bulkhead] pierhead lines, unless otherwise designated, shall be deemed to be in an A district.

[AMENDED] USE DISTRICT MAP DESIGNATIONS

	indicates the boundary of a Use District.
	indicates Residence District.
	indicates Local Retail District.
	indicates Restricted Retail District.
	indicates Retail District.
	indicates Retail-1 District.
	indicates Business District.
	indicates Business-1 District.
	indicates Manufacturing District.
	indicates Unrestricted District.
	indicates Undetermined [District] area for which no restriction or regulation as to the use have been established.

[AMENDED] USE DISTRICT MAP DESIGNATION RULES

[1. In general Use Districts are intended to have a depth of 100 feet. Where block widths are less than 200 feet and no fixtures are shown, the district boundary is intended to be 100 feet from the street to which the less restrictive designation relates.

[2. The boundaries of Use Districts shall be the limiting line to which uses permissible in any given district may be availed of.

[3. The precise location of a boundary line is to be interpreted as follows:

[(a) In case of parallel streets, unless otherwise fixed, the Use District boundary shall coincide with the centre line of the block.]

1. An area surrounded by a district boundary line shall be in the Use District designated therein.

2. The boundaries of Use Districts shall be the limiting line to which the use regulations permissible in any given district may be availed of.

3. In general, Use Districts are intended to have a depth of 100 feet.

4. The precise location of a boundary line is to be interpreted as follows:

(a) In case of parallel streets, unless otherwise fixed, the Use District boundary line shall coincide with the centre line of the block, except that when block widths are less than 200 feet and no fixtures are shown, the district boundary shall be deemed to be 100 feet from the street to which the less restrictive designation relates.

(b) In case of streets which are not parallel, the Use District boundary, unless otherwise fixed, shall be construed as the bisector of the angle formed by prolonging the street lines to an intersection.

(c) In cases where a block has a length in excess of 200 feet and the boundary [line is parallel with the nearer one of the bounding streets, unless otherwise fixed,] line extends in the direction of the width of the block and no fixtures are shown, its position shall be [considered as distant] deemed to be located 100 feet from the nearest street.

(d) In cases where the boundary line is shown by fixture as being located a specific distance from a street line, this distance shall control.

(e) In cases where the boundary line is given a position within a street, it shall be deemed to be in the centre of the street.

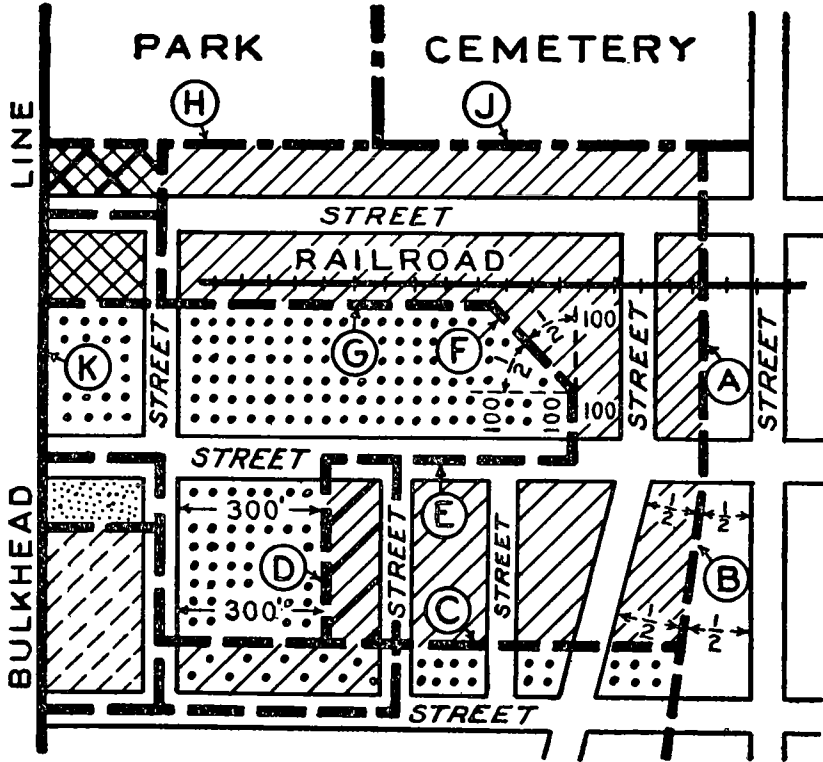
(f) In cases where a boundary line is shown as having a position oblique to the streets bounding the block in which it is located, unless otherwise fixed it shall be deemed to be the bisector of the angle formed by intersecting lines 100 feet from and parallel with the bounding streets, the said distance being measured at right angles or normal to the street lines.

(g) In cases where a boundary line is shown as adjoining a railroad, unless otherwise fixed, it shall be deemed to coincide with the boundary line of the railroad right-of-way.

(h-j-k) In cases of parks, cemeteries and navigable waters, the boundary line, unless otherwise fixed, shall be deemed to coincide with the boundary line of the park, or the cemetery, or the [bulkhead] pierhead line, except in cases where no [bulkhead] pierhead line has been established, when the shore line shall [govern] control.

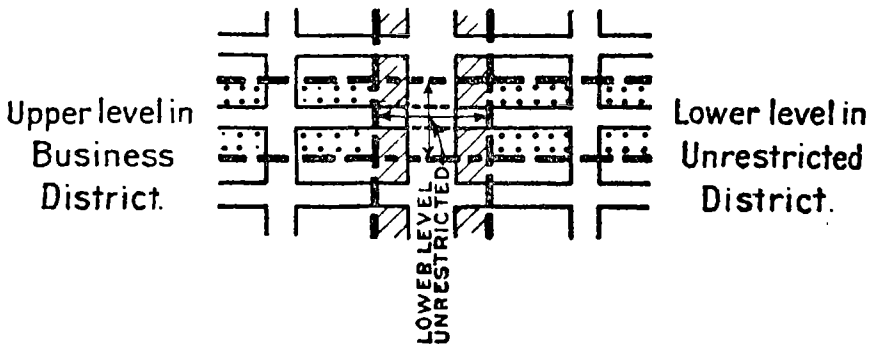
(1) Any island outside of the shore or pierhead lines, unless otherwise designated, shall be deemed to be in an Undetermined Area.

Diagram Illustrating Methods Used in Fixing Boundaries of Use Districts



4. Where two streets cross at different levels, the use designation of the lower street shall control, except that when the use designation of the lower street is less restrictive it shall control only to the curb level of the higher street. Above the curb level of the higher street the more restrictive designation shall apply for a distance of 100 feet measured along the intersecting streets from each street corner.

Diagram Illustrating Two Level Streets



BOROUGH OF THE BRONX

No. 23

(CP-1534)

In the matter of a proposed amendment of Area District Map, Section Nos. 6 and 7, by **changing partly from an E Area District and partly from an F Area District to a D Area District** the property within the **territory bounded generally by Story avenue, Rosedale avenue, Seward avenue and Metcalf avenue**, in the Borough of The Bronx.

(On May 4, 1940, this matter was received in the office of the Commission; on May 8, 1940, Cal. No. 50, the Commission fixed May 22, 1940, for a hearing; on May 22, 1940, Cal. No. 52, the hearing was closed.)

On motion, the following report, including resolution, was unanimously adopted:
Report No. 1315. May 29, 1940.

To Secretary, Board of Estimate, from City Planning Commission:

Pursuant to section 200 of the New York City Charter, the Commission on May 8, 1940 (Cal. No. 50), authorized a public hearing concerning a proposed amendment of Area District Map, section Nos. 6 and 7, by changing partly from an "E" Area District and partly from an "F" Area District to a "D" Area District the property within the territory bounded generally by Story avenue, Rosedale avenue, Seward avenue and Metcalf avenue, in the Borough of The Bronx, as more particularly shown upon the accompanying diagram, bearing the signature of the Secretary and dated May 8, 1940.

The proposed amendment was requested by the New York City Housing Authority, in a communication, dated May 3, 1940, in order to establish zoning regulations which would be appropriate for a contemplated public housing development.

The property involved is zoned as an "F" Area District with the exception of a small area on the easterly side of Noble avenue which is zoned as an "E" District. The surrounding territory is zoned as "D," "E" and "F" Area Districts to the north, as "D" and "E" Districts to the east and as an "F" District to the south and west. All of the property covered by the proposed amendment is zoned as a Residence District.

This matter was the subject of a public hearing duly held by the Commission on May 22, 1940 (Cal. No. 52). No opposition to the proposed zoning amendment developed and the hearing was closed.

The trend toward construction of row or group houses for families of low to medium income has been recognized by the Commission in the framing of suggested amendments to the Building Zone Resolution. The type of development contemplated by the Housing Authority within the area covered by this proceeding would be consistent with the Commission's proposed "D-1" Area District, and creation of a "D-1" zone would thus be more appropriate than changing the zoning to a "D" District. However, the Commission has not yet taken action on the amendment to the text of the Building Zone Resolution recommending the D-1 provisions to the Board of Estimate, and does not feel that it is justified in deferring formal action on the submitted petition of the Housing Authority.

The fact that the property affected by the proposed rezoning is to be developed and controlled by a public agency appears to insure that the improvement will conform to the best housing standards and that the adjustment of the zoning regulations to meet the requirements of the project is undoubtedly warranted.

The zoning amendment was considered further at a meeting of the Commission held on May 29, 1940 (Cal. No. 23), at which time it was approved and the following resolution giving effect to the amendment was adopted and it is herewith filed with the Secretary of the Board of Estimate in accordance with the provisions of Section 200 of the New York City Charter:

Resolved, By the City Planning Commission that the resolution adopted July 25, 1916 and amended July 6, 1938, entitled "A resolution regulating and limiting the height and bulk of buildings hereafter erected and regulating and determining the area of yards, courts and other open spaces and regulating and restricting the location of trades and industries and the location of buildings designed for specified uses and establishing the boundaries of districts for the said purposes," be and the same hereby is amended by changing the Area District Map, section Nos. 6 and 7, so as to change partly from an "E" Area District and partly from an "F" Area District to a "D" Area District the property within the territory bounded generally by Story avenue, Rosedale avenue, Seward avenue and Metcalf avenue, in the Borough of The Bronx, as more particularly shown upon the accompanying diagram, bearing the signature of the Secretary and dated May 8, 1940.

R. G. TUGWELL, Chairman, City Planning Commission.

FIXING DATES FOR FUTURE HEARINGS

City Map Changes

BOROUGH OF MANHATTAN

No. 24

(CP-1439)

Communication, dated April 1, 1940, from the President of the Borough of Manhattan, transmitting for approval map **laying out the lines and grades for service streets adjacent to East River drive** between East 100th street and East 102d street, between East 105th street and East 109th street, between East 110th street and East 111th street, and between East 121st street and East 122d street **changing the westerly line of East River drive** from East 111th street to a point about 290 feet northerly therefrom, and **laying out a public park** on the **westerly side of East River drive** between East 120th street and East 121st street.

(On April 4, 1940, Cal. No. 137, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 199-b of the New York City Charter, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed change in the City Map by establishing the lines and grades of service streets adjacent to the westerly side of East River drive between East 100th street and East 102d street, between East 105th street and East 109th street, between East 110th street and a point about 86 feet northerly therefrom, and from East 121st street to East 122d street, and by adjusting the grades of the intersecting streets affected; by changing the lines of East River drive between East 111th street and a point about 290 feet northerly therefrom; by changing the grades of East River drive between East 100th street and East 114th street; and by laying out a public park bounded by East River drive, a line about 100 feet south of East 121st street, a line about 397 feet east of Pleasant avenue and East 121st street, Borough of Manhattan, in accordance with a map bearing the signature of the President of the Borough and dated March 12, 1940.

BOROUGH OF BROOKLYN

No. 25

(CP-1502)

Communication, dated April 13, 1940, from the President of the Borough of Brooklyn, transmitting for approval map showing **change of lines within territory bounded by Meeker avenue, Varick avenue, Anthony street and Vandervoort avenue.**

(On April 18, 1940, Cal. No. 54, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 199-b of the New York City Charter, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed change in the City Map by changing the lines and adjusting block dimensions of the street system within the territory bounded by Meeker avenue, Varick avenue, Cherry street, Porter avenue, Anthony street and Vandervoort avenue, Borough of Brooklyn, in accordance with a map bearing the signature of the President of the Borough and dated April 11, 1940.

BOROUGH OF THE BRONX

No. 26

(CP-1487)

Communication, dated April 9, 1940, from the President of the Borough of The Bronx, transmitting for approval map **laying out a public park** within the **area bounded by Crosby avenue, Baisley street and Eastern boulevard.**

(On April 18, 1940, Cal. No. 58, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 199-b of the New York City Charter, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed change in the City Map by laying out a public park bounded by Eastern boulevard, Crosby avenue, and a line about 102 feet north of the northerly line of Eastern boulevard, Borough of The Bronx, in accordance with a map bearing the signature of the President of the Borough and dated April 9, 1940.

BOROUGH OF QUEENS

No. 27

(CP-553)

Communication, dated July 21, 1938, from the President of the Borough of Queens, transmitting for approval map showing a **change** in the **street system** within the **territory bounded by Hillyer street, Queens boulevard and 51st avenue**, this involving a closing of **Gorsline street** from Queens boulevard to 51st avenue.

(On July 28, 1938, Cal. No. 206, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 199-b of the New York City Charter, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed change in the City Map by eliminating Gorsline street from Queens boulevard to 51st avenue, Borough of Queens, in accordance with a map bearing the signature of the President of the Borough and dated July 13, 1938.

No. 28

(CP-1019)

Communication, dated June 8, 1939, from the President of the Borough of Queens, transmitting for approval map showing a **change of grade** on **32d avenue** from 102d street to 103d street.

(On June 15, 1939, Cal. No. 114, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 199-b of the New York City Charter, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed change in the City Map by changing the grades of 32d avenue from 102d street to 103d street, Borough of Queens, in accordance with a map bearing the signature of the President of the Borough and dated May 17, 1939.

BOROUGH OF RICHMOND

No. 29

(CP-1353)

Communication, dated February 23, 1940, from the President of the Borough of Richmond, transmitting for approval map **establishing the lines and grades** of **Sparkill avenue** from Upton street to Richmond road, **Hunton street** from Holly street to Richmond road, **Meadow avenue** from Holly street to Sparkill avenue, **Holly street** from Hunton street to Meadow avenue and **Richmond road** from Targee street to Albright street.

(On February 29, 1940, Cal. No. 221, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 199-b of the New York City Charter, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed change in the City Map by establishing the lines and grades of Sparkill avenue from Upton street to Richmond road, Hunton street from Holly street to Richmond road, Meadow avenue from Holly street to Sparkill avenue and Holly street from Hunton street to Meadow avenue

and by changing the lines and grades of Richmond road between Targee street and Albright street and adjusting the grades of the intersecting streets affected, Borough of Richmond, in accordance with a map bearing the signature of the President of the Borough and dated February 20, 1940.

Drainage Plans

BOROUGH OF THE BRONX

No. 30

(CP-1419)

Communication, dated March 18, 1940, from the President of the Borough of The Bronx, transmitting for approval drainage plan for Sewerage District No. 37-T-3, showing **modification in Doughty street** from East 158th street to East 153d street; **East 157th street** from Cromwell avenue to Exterior street; and **East 153d street** from East 157th street to a point about 300 feet southeasterly.

(On April 4, 1940, Cal. No. 156, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 82d9-1.0e of the Administrative Code of The City of New York, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a modified drainage plan for Sewerage District No. 37-T-3, Borough of The Bronx, showing sizes, location and grades of sewers in East 157th street from Exterior street to Cromwell avenue, Doughty street from East 157th street to East 158th street, and in East 153d street from East 157th street to a point about 280 feet southeasterly therefrom, bearing the signature of the President of the Borough and dated March 18, 1940.

No. 31

(CP-1423)

Communication, dated March 25, 1940, from the President of the Borough of The Bronx, transmitting for approval drainage plan for Sewerage District No. 43-S-18, showing **modification in Hering avenue** between Morris Park avenue and Rhinelander avenue.

(On April 4, 1940, Cal. No. 160, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 82d9-1.0e of the Administrative Code of The City of New York, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a modified drainage plan for Sewerage District No. 43-S-18, Borough of The Bronx, showing sizes, location and grades of sewers in Hering avenue from Morris Park avenue to a point about 500 feet northwesterly therefrom, bearing the signature of the President of the Borough and dated March 25, 1940.

No. 32

(CP-1528)

Communication, dated April 9, 1940, from the President of the Borough of The Bronx, transmitting drainage plan for Sewerage District No. 43-S-19, showing **modification in Hering avenue** between Rhinelander avenue and Neill avenue.

(On April 18, 1940, Cal. No. 62, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 82d9-1.0e of the Administrative Code of The City of New York, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a modified drainage plan for Sewerage District No. 43-S-19, Borough of The Bronx, showing sizes, location and grades of sewers in Hering avenue from Neill avenue to Rhinelander avenue, bearing the signature of the President of the Borough and dated April 9, 1940.

BOROUGH OF QUEENS

No. 33

(CP-1327)

Communication, dated February 1, 1940, from the Acting President of the Borough of Queens, transmitting for approval drainage plan for Sewerage District No. 31 B.S.W.-3, showing **location, sizes and grades of sewers in a sewer easement from the pier and bulkhead line of Flushing River easterly to 40th road, in 40th road from said sewer easement to Lawrence street, and in De Long street from 40th road to 41st avenue.**

(On February 29, 1940, Cal. No. 138, the Board of Estimate referred this matter to the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 82d9-1.0e of the Administrative Code of The City of New York, hereby fixes Wednesday, June 19, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on an amended drainage plan for Sewerage District No. 31-B.S.W.-3, showing location, sizes and grades of sewers in a sewer easement between the Flushing River and DeLong street; in DeLong street between 40th road and 41st avenue; and in 40th road from DeLong street to Lawrence street; bearing the signature of the Acting President of the Borough and dated January 31, 1940.

Zoning

BOROUGH OF BROOKLYN

No. 34

(CP-1601)

Petition of Sidney W. Davidson and 27 other property owners requesting an amendment of the Building Zone Resolution, Use District Map, Section Nos. 12 and 16, to **change from a Business to a Residence District the property bounded by a line 100 feet east of Hicks street, a line 100 feet north of Grace Court alley, Henry street, and a line 100 feet south of Grace Court alley, Borough of Brooklyn.**

(On April 29, 1940, this matter was received in the office of the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 201 of the New York City Charter, hereby fixes Wednesday, June 12, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed amendment of Use District Map, section Nos. 12 and 16, by changing from a Business District to a Residence District the property within the area bounded by a line 100 feet east of Hicks street, a line 100 feet north of Gracc Court alley, Henry street and a line 100 feet south of Grace Court alley, in the Borough of Brooklyn.

No. 35

(CP-1602)

Petition of Florence E. H. Pound and Laura E. N. Lester requesting an amendment of the Building Zone Resolution, Use District Map, Section No. 28, to **change partly from a Residence District and partly from a Business District to Business and Unrestricted Districts the property within the territory bounded generally by a line 100 feet southwest of Cropsey avenue, a line 25 feet east of Bay 34th street, Hunter avenue and a line 50 feet west of Bay 34th street, Borough of Brooklyn.**

(On April 30, 1940, this matter was received in the office of the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 201 of the New York City Charter, hereby fixes Wednesday, June 12, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed amendment of Use District Map, section No. 28, by changing partly from a Residence District and partly from a Business District to a Business District and an Unrestricted District the property within the territory bounded generally by a line 100 feet southwest of Cropsey avenue, a line 100 feet southeast of Bay 34th street, Hunter avenue and a line 50 feet northwest of Bay 34th street, in the Borough of Brooklyn, as shown on a diagram, bearing the signature of the Secretary and dated May 29, 1940.

BOROUGH OF QUEENS

No. 36

(CP-1581)

Petition of Cyril Guardia and about 240 other property owners requesting an amendment of the Building Zone Resolution, Use District Map, Section No. 13, to **change partly** from **Unrestricted** and **partly** from **Business** Districts to a **Residence** District the property within the **territory bounded generally by Henry avenue, a line 100 feet east of 74th street, 52d avenue, a line 100 feet west of 74th street, a line 100 feet south of Calamus avenue and 72d place; also the westerly side of 74th street** from 52d road to 52d drive, Borough of Queens.

(On April 27, 1940, this matter was received in the office of the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 201 of the New York City Charter, hereby fixes Wednesday, June 12, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed amendment of Use District Map, section No. 13, by changing partly from Unrestricted Districts and partly from Business Districts to a Residence District the property within the territory bounded generally by 51st avenue, the southwesterly right-of-way line of the Long Island Railroad, the westerly right-of-way line of the New York Connecting Railroad, the center line of 52d drive and its easterly prolongation, a line 100 feet west of 74th street, a line 100 feet south of Calamus avenue and a line 100 feet east of 72d place, in the Borough of Queens, as more particularly shown upon the accompanying diagram, bearing the signature of the Secretary and dated May 29, 1940.

(See diagram A, page 387.)

No. 37

(CP-1582)

Petition of the J. A. Wigmore Land Company and four other corporations requesting an amendment of the Building Zone Resolution, Use District Map, Section Nos. 11 and 15, by **changing** from a **Business** District partly to **Retail** and partly to **Residence** Districts the property within the **territory bounded generally by Hollis Court boulevard, a line 100 feet north of 73d avenue, a line 100 feet west of Springfield boulevard, a line 100 feet south of 67th avenue, Cloverdale boulevard, a line 100 feet south of Union turnpike, a line 100 feet east of Bell boulevard and 85th avenue**, Borough of Queens.

(On April 30, 1940, this matter was received in the office of the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 201 of the New York City Charter, hereby fixes Wednesday, June 12, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed amendment of Use District Map, section Nos. 11 and 15, by changing from a Business District partly to a Retail District and partly to a Residence District property within the territory bounded generally by Hollis Court boulevard, a line 100 feet north of 73d avenue, a line 100 feet west of Springfield boulevard, a line 100 feet south of 67th avenue, Cloverdale boulevard, a line 100 feet south of Union turnpike, a line 100 feet east of Bell boulevard and 85th avenue, in the Borough of Queens, as more particularly shown upon the accompanying diagram, bearing the signature of the Secretary and dated May 29, 1940.

(See diagram B, page 385.)

No. 38

(CP-1583)

Petition of the Cord Meyer Development Co. requesting an amendment of the Building Zone Resolution, Use District Map, Section No. 14, to **change from** a **Residence** to a **Business** District **both sides** of **Windsor place** from a line 100 feet south of Queens boulevard to a line 100 feet north of Austin street, Borough of Queens.

(On April 30, 1940, this matter was received in the office of the Commission.)

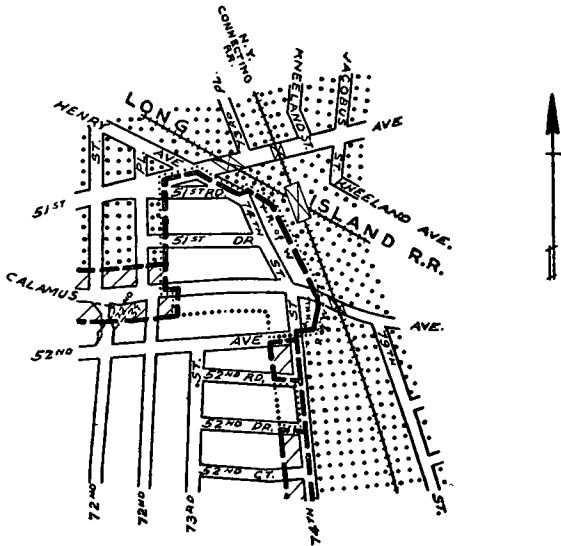
On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 201 of the New York City Charter, hereby fixes Wednesday, June 12, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed amendment of Use District Map, Section No. 14, by changing from a Residence District to a Business District the property abutting upon both sides

DIAGRAM A . .

Report No. 1365

C. P. 1581



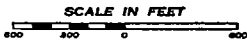
CITY PLANNING COMMISSION
 CITY OF NEW YORK
**DIAGRAM SHOWING PROPOSED
 USE DISTRICT AMENDMENT
 ON SECTIONAL MAP
 13**

**BOROUGH OF
 QUEENS**

New York, May 29, 1940

Philip B. Thurston
 Secretary

Wm. G. Shea
 Director, Div. Mapping & Zoning



NOTE:
 ———— Indicates boundary of zoning district.
 The area enclosed by the fine dotted line is proposed to be
 changed from Unrestricted and Business Districts to a
 Residence District.

of Windsor Place, for a depth of 100 feet, from a line 100 feet south of Queens boulevard to a line 100 feet north of Austin street, in the Borough of Queens.

No. 39

(CP-1600)

Petition of about 332 property owners, submitted by the Jamaica Park Civic Association, Inc., requesting an amendment of the Building Zone Resolution, Area District Map, Section Nos. 18 and 19, to **change** from a **D** to an **F** Area District the property within the **territory bounded by a line 100 feet north of Foch boulevard**, the Old Southern Division of the Long Island Railroad, a **line 100 feet northwest of Baisley boulevard, Lakeview lane, 122d avenue, Lakeview boulevard East, 118th avenue, Long street and 157th street**, Borough of Queens.

(On April 29, 1940, this matter was received in the office of the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to section 201 of the New York City Charter, hereby fixes Wednesday, June 12, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for a public hearing on a proposed amendment of Area District Map, Section Nos. 18 and 19, by changing from a "D" Area District to an "F" Area District the property within the territory bounded by a line 100 feet north of Foch boulevard, the southwesterly right-of-way line of the Old Southern Division of the Long Island Railroad, a line 100 feet northwest of Baisley boulevard, Lakeview lane, 122d avenue, Lakeview boulevard east, 118th avenue, Long street and 157th street, in the Borough of Queens.

PUBLIC HEARINGS

City Map Changes

BOROUGH OF BROOKLYN

No. 40

(CP-1202)

Hearing on a proposed change in the City Map by **laying out** a public **play-ground** within the **area bounded by Circumferential parkway, a line 700 feet westerly of Ocean parkway, West avenue and West 5th street**, including the **elimination** of the **lines of West 3d street** from West avenue to a point about 275 feet northerly therefrom, Borough of Brooklyn.

(On December 7, 1939, Cal. No. 158, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 21, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

Commissioner Salmon left the meeting at the close of the above hearing.

No. 41

(CP-1416)

Hearing on a proposed change in the City Map by **changing** the **grades** of **East 36th street** from Avenue T to Avenue U, Borough of Brooklyn.

(On April 4, 1940, Cal. No. 143, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 22, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

BOROUGH OF THE BRONX

No. 42

(CP-684)

Hearing on a proposed change in the City Map by **laying out** a **public place** within the **area bounded by Soundview avenue, Randall avenue and Thieriot avenue**, Borough of The Bronx.

(On November 17, 1938, Cal. No. 97, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 23, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

BOROUGH OF QUEENS

No. 43

(CP-624)

Hearing on a proposed change in the City Map by **changing the grades of Horace Harding boulevard** between Lawrence street and Grand Central parkway, Borough of Queens.

(On September 22, 1938, Cal. No. 329, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 24, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 44

(CP-1350)

Hearing on a proposed change in the City Map by **changing the grades of the street system within the territory bounded approximately by 56th avenue, 94th street, 59th avenue, Queens boulevard and 90th street**, Borough of Queens.

(On February 29, 1940, Cal. No. 131, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 25, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 45

(CP-1489)

Hearing on a proposed change in the City Map by **changing lines and grades of the street system within the territory bounded approximately by Union turnpike, 132d street, 82d avenue and Queens boulevard**, Borough of Queens.

(On April 18, 1940, Cal. No. 65, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 26, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following report was unanimously adopted:

Report No. 1285.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on April 18, 1940 (Cal. No. 65), there was referred to the City Planning Commission a communication, dated April 15, 1940, from the Acting President of the Borough of Queens, submitting for approval a proposed change in the City Map by changing lines and grades of the street system within the territory bounded approximately by Union turnpike, 132d street, 82d avenue and Queens boulevard, Borough of Queens, in accordance with a map bearing the signature of the President of the Borough and dated April 10, 1940.

On November 30, 1939 (Cal. No. 2), the Board of Estimate approved a map laying out a Public Place embracing the area bounded by Union turnpike, 126th street, 82d avenue and Queens boulevard. This property was acquired by the City on January 15, 1940 and the Queens Borough Hall is now in course of construction thereon.

The map now under consideration provides primarily for widening three of the streets bounding the Public Place in order to introduce more adequate traffic facilities. 126th street from Union turnpike to 82d avenue and 82d avenue from 126th street to Queens boulevard are each proposed to be widened from an established width of 60 feet to widths of 80 feet and 85 feet, respectively, and Union turnpike is widened a maximum of 20 feet in the section west of 126th street. In each of these three instances the widen-

ing can be effectuated by taking a narrow strip of property heretofore acquired for the Public Place.

The southerly line of Union turnpike is also shifted southwardly a maximum of about 20 feet in the section between 126th street and a line about 150 feet easterly therefrom, in order to improve traffic facilities. This, however, will necessitate the acquisition of a small triangular strip of unimproved private property.

The established grades in 126th street from 82d avenue to Union turnpike are proposed to be raised a maximum of about 12 feet, involving a corresponding grade adjustment in an intersecting portion of 81st avenue, in order to provide a satisfactory street gradient adjacent to the Public Place and to facilitate the installation of a combined sewer for which an authorization is now pending before the Board of Estimate. The improvement of 126th street to the proposed grades will necessitate considerable filling-in and will result in leaving vacant private property abutting the easterly side of the street considerably below the elevation of the street, but this appears unavoidable. Minor adjustments are to be made in the established elevations of Union turnpike and the grades in 82d avenue adjacent to the Public Place are proposed to be raised to provide a more satisfactory grade treatment at the intersection with Queens boulevard, but apparently no private property will be adversely affected.

Provision is also made for introducing special roadway and sidewalk treatment in 126th street from Union turnpike to 82d avenue by establishing a 50 foot roadway adjoined on each side by a 15 foot sidewalk; in 82d avenue from Queens boulevard to 126th street by establishing a 65 foot roadway adjoined on each side by a 10 foot sidewalk; along the northerly side of Queens boulevard by establishing a 12 foot sidewalk adjoined by a 48 foot roadway in the section between points 165 feet and 395 feet west of 82d avenue; and along the southerly side of Union turnpike by establishing a 10 foot sidewalk adjoined by a roadway of irregular width from a point about 440 feet west of 126th street to a point about 200 feet west of 132d street.

This matter was the subject of a public hearing duly held by the Commission on May 29, 1940 (Cal. No. 45). No opposition to the proposed map change developed and the hearing was closed. It was thereupon determined that the proposed changes in street lines and grades will materially improve traffic facilities and permit of the provision of necessary public improvements adjacent to the Queens Borough Hall.

It is recommended:

1. that the map under consideration be approved, and
2. that upon approval of the map resolutions be adopted establishing special roadway and sidewalk treatment in 126th street from Union turnpike to 82d avenue; in 82d avenue from 126th street to Queens boulevard; in Queens boulevard between points 165 feet and 395 feet west of 82d avenue; and in Union turnpike from a point about 440 feet west of 126th street to a point about 200 feet west of 132d street, in accordance with the treatment shown on the map.

Respectfully, R. G. TUGWELL, Chairman, City Planning Commission.

Drainage Plans

BOROUGH OF QUEENS

No. 46

(CP-1258)

Hearing on an amended drainage plan for Sewerage District No. 41-SB-17, showing **location, sizes and grades of sewers** in the area approximately **bounded by 137th avenue, New York boulevard, North Conduit avenue and Rockaway boulevard.**

(On January 11, 1940, Cal. No. 189, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 27, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 47

(CP-1511)

Hearing on an amended drainage plan for Sewerage District No. 35-A-1, Borough of Queens, showing **location, sizes and grades of sewers** in **126th street** from **Interborough parkway** to 82d avenue, and in **Interborough parkway** from Queens boulevard to a point about 1,550 feet northeasterly therefrom and thence

northerly traversing Grand Central parkway to the intersection of Park drive East with Union turnpike.

(On May 2, 1940, Cal. No. 113, the Board of Estimate referred this matter to the Commission; on May 8, 1940, Cal. No. 28, the Commission fixed this day for a hearing, which has been duly advertised.)

There were no appearances.

On motion, it was unanimously voted to close the hearing.

On motion, Rule 105 was waived and the following report was unanimously adopted:

Report No. 1368.

May 29, 1940.

Hon. FIORELLO H. LA GUARDIA, Mayor, Chairman, Board of Estimate:

Sir—At the meeting of the Board of Estimate held on May 2, 1940 (Cal. No. 113), there was referred to the City Planning Commission a communication, dated April 23, 1940, from the President of the Borough of Queens, transmitting for approval an amended Drainage Plan for Sewerage District No. 35-A-1, Borough of Queens, showing location, sizes and grades of sewers in 126th street from Interborough parkway to 82d avenue, and in Interborough parkway from Queens boulevard to a point about 1,550 feet northeasterly therefrom and thence northerly traversing Grand Central parkway to the intersection of Park drive east with Union turnpike; bearing the signature of the Acting President of the Borough and dated April 18, 1940.

This matter was the subject of a public hearing duly held by the Commission on May 29, 1940 (Cal. No. 47), pursuant to the provisions of the Administrative Code. No opposition to the amended Drainage Plan developed and the hearing was closed. It was thereupon determined that upon approval by the Board of Estimate of a related Map Change which has been approved this date by the City Planning Commission the streets involved in the amended Drainage Plan under consideration will have been legally laid out and the project will be consistent with the City Map.

Respectfully,

R. G. TUGWELL, Chairman, City Planning Commission.

Zoning

BOROUGH OF BROOKLYN

No. 48

(CP-1510)

Hearing on a proposed amendment of Area District Map, Section No. 22, by **changing** from an **E Area District** to a **C Area District** the property abutting upon the **westerly side of East 21st street**, for a depth of 100 feet, from Farragut road to Glenwood road, in the Borough of Brooklyn.

(On April 27, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 29, the Commission fixed this day for a hearing, which has been duly advertised.)

Objections, dated from April 23 through May 29, 1940, received from the following: Marie H. Stevens, Louis R. Saxon, Mrs. Charles J. Durhan, Milton Greenebaum, Hussey & Hoeh, Herbert F. Stover, Wm. D. Stevens, Gustavus S. Smith, Esq., on behalf of May Ganley, Theresa Henkel and the Neary Realty Co., Inc.; Quality Utilities Corporation, Florence Lloyd Reid.

Memorandum in opposition, received from W. H. K. Davey, Esq., on behalf of South Midwood Residents' Association.

Appearances—In Opposition: W. H. K. Davey, Esq., representing the South Midwood Residents' Association; Barney Rosenfeld; Joseph J. Ryan; Richard I. Hussey, Vice-President, South Midwood Residents' Association; Milton M. Eisenebaum, Esq., attorney for Mrs. Charles J. Durhan. In Favor: A. E. Robert Friedman.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 49

(CP-1520)

Hearing on a proposed amendment of Use District Map, Section No. 22, by **changing** from a **Business District** to a **Residence District** the **property** located on the **northeasterly side of 16th avenue** from a line midway between 55th street and 56th street to 56th street, in the Borough of Brooklyn.

(On April 29, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 26, the Commission fixed this day for a hearing, which has been duly advertised.)

Appearances—In Favor: Irving Ehrlich, Esq., for petitioner; Arthur S. Hodgkiss, Ass't. Executive Officer, Department of Parks.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 50 (CP-1521)

Hearing on a proposed amendment of Area District Map Section Nos. 22 and 23, by **changing** from an **E Area District** to a **C Area District** the property within the **block bounded by Foster avenue, East 22d street, Farragut road and East 21st street** in the Borough of Brooklyn.

(On April 30, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 30, the Commission fixed this day for a hearing, which has been duly advertised.)

Protest, duly acknowledged, dated May 28, 1940, received from Edna M. Hastings.

Appearances—In Opposition: W. H. K. Davey, Esq., representing the South Midwood Residents' Association; Barney Rosenfeld; Joseph J. Ryan; Richard I. Hussey, Vice-President, South Midwood Residents' Association; Milton M. Eisenebaum, Esq., attorney for Mrs. Charles J. Durhan; Forbes J. Holland, Esq., attorney for Edna M. Hastings.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 51 (CP-1536)

Hearing on a proposed amendment of Use District Map, Section No. 29, by **changing** from a **Business District** to a **Residence District** the property abutting upon the **southwesterly side of Gerritsen avenue**, for a depth of 100 feet, from a line 104 feet southeast of Allen avenue to a line 1,120 feet southeast of Allen avenue, in the Borough of Brooklyn.

(On April 30, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 27, the Commission fixed this day for a hearing, which has been duly advertised.)

Protest, dated April 30, 1940, received from Mrs. Gussie Shelz and 37 other property owners.

Appearances—In Opposition: Mrs. G. Shelz, R. N. Brown. In Favor: James Graham, Esq., for petitioner.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 52 (CP-1537)

Hearing on a proposed amendment of Area District Map, Section No. 23, by **changing** from an **E Area District** to a **C Area District** the property within the **block bounded by Foster Avenue, East 23d Street, Farragut Road and East 22d Street**, in the Borough of Brooklyn.

(On April 30, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 31, the Commission fixed this day for a hearing, which has been duly advertised.)

Protest, duly acknowledged, dated May 28, 1940, received from Edna M. Hastings.

Appearances—In Opposition: W. H. K. Davey, Esq., representing the South Midwood Residents' Association; Barney Rosenfeld; Joseph J. Ryan; Richard I. Hussey, Vice-President, South Midwood Residents' Association; Milton M. Eisenebaum, Esq., attorney for Mrs. Charles J. Durhan; Forbes J. Holland, Esq., attorney for Edna M. Hastings; H. G. Roper; Messrs. McDermott, Ruberl, Saxon and Ryneld; Mrs. Bodken and Olwell. In Favor: Charles H. Pulis; A. S. Hart, Esq., attorney for Mrs. Albert Dressel; Mr. Thralls, on behalf of Jerome Thralls.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 53 (CP-1538)

Hearing on a proposed amendment Area District Map, Section Nos. 16 and 22, by **changing** from an **E Area District** to a **C Area District** the property within the **territory bounded by a line 100 feet west of Rugby Road, Caton Avenue, a line 100 feet east of East 16th Street, a line 100 feet north of Church Avenue, East 16th Street and Church Avenue**, in the Borough of Brooklyn.

(On April 29, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 28, the Commission fixed this day for a hearing, which has been duly advertised.)

Objections, dated March 27, 1940 through May 29, 1940, received from the following: Mrs. Mattie Lowe; Gretchen T. Atkins; Henty Realty Corp.; Charles R. Failing; Portional Apartment Corp.; Third United Cities Realty Corp.; Second Portional Apartment Corp.; Harry Koepfel, Esq.

Protest, duly acknowledged, received May 16, 1940, from Charles R. Failing and 32 other property owners.

Consents, duly acknowledged, dated February 23, 1940 through May 29, 1940, received from Max H. Friedman Realty Company and fifteen others.

Consents dated April 22, May 7 and 8, 1940, of the Flatbush Chamber of Commerce, the Greater Flatbush Civic League and the Flatbush Taxpayers & Civic Association, received from the petitioner.

Appearances—In Opposition: Charles R. Failing; Thomas S. Walsh; Mr. Brill; Arthur S. Hodgkiss, Ass't. Executive Officer, Department of Parks. In Favor: Charles Burston; Louis Mollenhauer; Paul Windels, Esq.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

BOROUGH OF QUEENS

No. 54

(CP-1515)

Hearing on a proposed amendment of Area District Map, Section No. 9, by **changing** from an **E** Area District **partly to a D** Area District and **partly to an F** Area District the property within the **territory bounded generally by 83d Street, Grand Central Parkway, 23d Avenue, a line 100 feet east of 88th Street and a line 100 feet north of 24th Avenue**, in the Borough of Queens.

(On April 29, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 32, the Commission fixed this day for a hearing, which has been duly advertised.)

Appearances—In Opposition: Arthur S. Hodgkiss, Ass't. Executive Officer, Department of Parks. In Favor: A. J. Wheeler, Esq., of Messrs. Cullen & Dyckman, attorneys.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 55

(CP-1522)

Hearing on a proposed amendment of Area District Map, Section No. 14, by **changing** from an **E** Area District to a **D** Area District the property within the **area bounded by 78th avenue, Grand Central parkway**, the northerly line of the property of the City of New York and a **line 100 feet east of Queens boulevard**, in the Borough of Queens.

(On April 29, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 33, the Commission fixed this day for a hearing, which has been duly advertised.)

Appearance—In Favor: Samuel Burley, Esq., for petitioner.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

No. 56

(CP-1539)

Hearing on a proposed amendment of Use District Map, Section No. 31, by **changing** from a **Residence** District to a **Business** District the property abutting upon the **northerly side of Boardwalk**, for a depth of 100 feet, from Beach 32d street to Beach 33d street, in the Borough of Queens.

(On April 30, 1940, this matter was received in the office of the Commission; on May 15, 1940, Cal. No. 34, the Commission fixed this day for a hearing, which has been duly advertised.)

Appearances—In Opposition: Arthur S. Hodgkiss, Ass't. Executive Officer, Department of Parks. In Favor: James Graham, representing Realty Associates, Inc.

On motion, it was unanimously voted to close the hearing and lay over the matter under Rule 105.

MATTER NOT ON CALENDAR CONSIDERED BY UNANIMOUS CONSENT
—
FIXING DATE FOR FUTURE HEARING
—

Capital Budget
—

BOROUGH OF MANHATTAN
—

No. 57

(CB-40-58)

Communication, dated April 23, 1940, from the Commissioner of Docks, requesting an **amendment** to Table 1 of the Capital Budget for 1940, to **provide for the construction of a shed on Pier 26, North River**, and the construction of Pier New 36, North River, with the removal of portions of old Pier 36 and old Pier 37. The total cost of these improvements is estimated at \$1,650,000.

(On April 24, 1940, this matter was received in the office of the Commission.)

On motion, the following resolution was unanimously adopted:

Resolved, That the City Planning Commission, pursuant to sections 216 and 224 of the New York City Charter, hereby fixes Wednesday, June 5, 1940, at 2.30 p. m., in Room 16, City Hall, Borough of Manhattan, City of New York, as the time and place for departmental and public hearings on a proposed amendment of the Capital Budget for 1940, by adding to Table 1 two new projects requested by the Commissioner of Docks to provide for the construction of a shed on Pier 26, North River, and the construction of new Pier 36, North River, with the removal of portions of old Pier 36 and old Pier 37. The total cost of these improvements is estimated at \$1,650,000.

On motion, the Commission adjourned at 3.35 p. m. to meet Wednesday, June 5, 1940, at 2.30 o'clock p. m.

PHILLIP B. THURSTON, Secretary.