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TRANSCRIPT OF PUBLIC HEARING BEFORE
THE CITY PLANNING COMMISSION
MARCH 15, 1960

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in the matter of

Comprehensive Amendment
of the Zoning Resolution
of The City of New York

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Text

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Prepared by Department of City Planning
C.P. 15278

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PUBLIC HEARING

before the

CITY PLANNING COMMISSION

in the matter of a

PROPOSED COMPREHENSIVE AMENDMENT

Pursuant to Section 200 of the New York City Charter

of the

ZONING RESOLUTION OF THE CITY OF NEW YORK

consisting of

TEXT AND MAPS

Held at City Hall, Borough of Manhattan

Beginning on March 14, 1960, and continued on
March 15, 18, 21, 22, 23 and 25, 1960.

CONTINUED HEARING ON PROPOSED TEXT
Tuesday, March 15, 1960

CITY PLANNING COMMISSION

James Felt, Chairman
Francis J. Bloustein,
Vice-Chairman
Goodhue Livingston, Jr.
Robert Moses
Lawrence M. Orton
Michael A. Provenzano
James G. Sweeney
Commissioners

Pauline J. Malter, Secretary

CHAIRMAN FELT: The meeting will please come to order.

Will the Secretary call the roll?

SECRETARY MALTER: Chairman Felt, Vice Chairman Bloustein, Commissioners Livingston, Orton, Sweeney, Provenzano, Acting Commissioner Constable.* Quorum present. This is a continued public hearing in the matter of a proposed comprehensive amendment pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, consisting of text and maps, which are a part thereof and which are appended thereto, being CP No. 15278. On December 23, 1959, Calendar No. 48, the Commission fixed Monday, March 14, 1960, for a hearing on this matter. This took place yesterday. And for the convenience of the public, to insure orderly procedure and to permit a full hearing, the hearing is initially being devoted to the proposed text and will be continued today and on the dates set forth below, starting at 10 a.m. each day: Tuesday, March 15, 1960, today, the hearing is being continued on the proposed text. Friday, March 18, 1960, proposed zoning maps for the Borough of The Bronx; Monday, March 21, 1960, proposed zoning maps for the Borough of Brooklyn; Tuesday, March 22, 1960, proposed zoning maps for the Borough of Manhattan; Wednesday, March 23, 1960, proposed zoning maps for the Borough of Queens; and on Friday, March 25, 1960, the proposed zoning maps for the Borough of Richmond.

CHAIRMAN FELT: I made a statement at the outset of our hearing yesterday that I would like to summarize this morning; that is, that the City Planning Commission was authorized by the

(*Edward Hoffman, sitting for Acting Commissioner Stuart Constable)

Malter / Felt

Board of Estimate to retain Voorhees Walker Smith and Smith as consultants in the spring of 1956. The responsibility of the consultants was to submit a proposal for a modern zoning resolution. That proposal was received by the Planning Commission and made public in February, 1959. From February, 1959, and on, the City Planning Commission worked with groups all over the City in order to obtain their views, their recommendations and their constructive criticism in connection with the consultants' proposal.

After hearing the views of the people of The City of New York and after its own deliberations the City Planning Commission prepared its own zoning resolution which was made public on December 21, 1959, almost three months ago. Since that time, we have continued meeting with various groups throughout the City in order to obtain further recommendations and suggestions. And we have, even though it is not as yet in printed form, many changes that we intend to submit to the Board of Estimate after these hearings are concluded and after our deliberations come to a close.

These hearings are of extreme importance to us because we want the views of those present so that we might make still other changes and have still further recommendations based upon what comes forth at these hearings.

I further stated that many people either favor the resolution, or are opposed to it but have reservations. They have statements to make pro and con. So, we are dispensing with the usual

procedure of first hearing those who are in opposition to the item and then hearing those who are in favor of the item. We will call upon you as we receive your card and after we have heard from all those who have presented their cards we will, of course, be anxious to hear those who have not as yet indicated their intention to speak. The first person I have on our list for this morning is Councilman Isaacs. Is Councilman Isaacs present?

HON. STANLEY ISAACS

COUNCILMAN ISAACS: Mr. Chairman and members of the City Planning Commission, I am here speaking only as an individual at this time and not in any official capacity. I understand that the views of United Neighborhood Houses, of which I am President, were presented yesterday by Helen Harris. I cannot speak as Minority Leader of the City Council because the Council itself has no direct powers over the question of zoning, so that I am speaking as an individual and feel justified in doing so because of long familiarity with the problem. I was active in connection with the zoning law of 1916, when it was first adopted, representing a group of investing builders who scrutinized it carefully and then decided strongly that it was a very sound step in the right direction. They asked for certain modifications which were granted, and I want to emphasize that zoning law of 1916 was not only the first adopted throughout the country, but was modified to some extent as

Isaacs

less drastic than the very proposers intended because they knew what tremendous resistance they would face in passing such a novel resolution. Then I had been practicing law, mainly in the real estate field beginning with 1905, came in contact with real estate problems; later on I was involved in partnership with an investing builder and, still more, I was active in the Men's City Club in the early 1930's; spent a great deal of time on the problem of zoning and on the problem of the creation of this very City Planning Commission that exists here

Some of you remember well, I am sure, Mr. Robert D. Cohen, who was Chairman of the Committee on which I worked - one of the ablest architects that the City or State has ever produced. And we dealt with the problem of bulk zoning, which was novel then - thought of for the first time at that time - and issued reports, because we felt that some sort of zoning of that kind was essential to provide elasticity to the zoning law.

And I come here today to say that I think it is literally essential that this new proposed modification of the zoning law be adopted if the City is to be safe from literal strangulation. It's fine for an owner of property to say, "I want to do what I want with my own piece of property", but an owner has no right and should not have the right to do what he wants if it harms the whole community or if it harms his city. And overcrowding of a given plot may very often prove disastrous to all other plots on the same block; and overcrowding of a given area can prove disastrous even to the very people who accomplish it and think they are

accomplishing something worthwhile. I can point to the garment center, for example, as the most notorious example of stupid handling by private ownership of a great problem in a great area - where they built so intensively that they have choked themselves, literally, in that area and rendered it undesirable for the very projects they were aiming to accomplish. It is that sort of thing that your new zoning would certainly and definitely prevent.

We have to provide in this City, and expand, the amenities for decent living in the City, and that means less overcrowding, obviously so. That means more light and air for anyone who works here or lives here, obviously so. That means ample room to move around on foot or in busses or in taxis or in cars. And it means that we have to work out new plans, new programs with radical changes, as I say, if we want to preserve the City from strangulation.

Now, I'm not going into any details because I don't have to, nor do I want to speak at length, but I want to say that I have studied this proposed code of yours with care and diligence and at full length, and I think that it has great virtues - above all, the virtue of elasticity, so that every owner can plan his own development in the best possible way and, at the same time, not the best possible way for himself only but also for the entire community. And, above all, I think the most sound proposal - and I believe it originates with this Commission and is thoroughly sound - is the fact that you give a benefit, a definite contribution to owners

who are willing to set back their property, who are willing to provide light and air to adjoining property. That idea in itself is of tremendous value. And, incidentally, since it was adopted in a way by people who have built already in the City of New York you can see the very object which you are trying to reach stretched before you.

I wanted to make sure that you had not gone too far in the restrictive provisions of this zoning and there were two areas that I thought worth studying and worth making sure of. One is whether the best apartments which have been erected in recent years in the Borough of Manhattan could be reproduced without substantial change today under your zoning regulations, your proposed zoning regulations. And the other is that great enterprise known as Rockefeller Center, which seems to me from a planning point of view the outstanding area of The City of New York, planned I don't know how many years ago - twenty or twenty-five years ago, I'm sure - planned so that it stands up today as an outstanding example of what sound architecture, sound planning, sound judgment can produce. And I have been assured by the careful checking of your own consultants, Voorhees Walker Smith and Smith, I've been assured that Manhattan House, for example, built at 66th Street and Third Avenue - now that you've extended the area of top construction east of Third Avenue - that that building could be reproduced today almost without even minor changes under your proposed zoning resolution. And there is an apartment house that provides magnificent opportunities for those

who live there but, above all, has taken advantage of its plot so as to provide light and air to everybody around it, and that can stand today. That seems to me the kind of apartment house that you want to encourage. I've also been assured that Rockefeller Center could be reproduced today despite the enormous height of some of its buildings because of the compensating bulk, the low area, and the smaller bulk of some of the other buildings around it provided the streets running through that area, which are private streets provided by Rockefeller Center development itself, can be treated as open air parts of the development. And, of course, it can because those are private streets designed so as to give light and air to those buildings and offered and presented when Rockefeller Center was first planned.

I think if you do as you are doing, pass this law, it will stimulate that kind of intelligent development. It will stimulate that kind of unselfish planning, which in the long run benefits the owner far more than gross overcrowding of a given plot and also benefits the entire community. And I hope -- without more than minor changes in detail, that this program of yours will be unanimously supported not only by the Planning Commission but by the Board of Estimate as well, and recognized by the people of this City as a tremendous contribution to the welfare of all of us. Thank you, gentlemen.

CHAIRMAN FELT: Thank you, Councilman. Mr. Potofsky?

JACOB POTOFSKY

MR. POTOFSKY: Mr. Chairman and members of the City Planning Commission, my name is Jacob Potofsky and I reside at 19 East 88th Street, New York City. I am President of the Amalgamated Clothing Workers of America. I am here as a representative of labor and as a member of the Committee for Modern Zoning. I am here to urge prompt adoption of the proposed zoning resolution. As union members and citizens of New York City - we have 85,000 members and their families living here - we have a vital stake in any step which will make this City a better place in which to live and to work.

I do not intend to pose as an expert in zoning. I am not. I do know, however, that the zoning ordinance currently in effect is more than 40 years old and has been bruised and mauled by thousands of amendments. It was conceived in the days of the trolley car and horse drawn buggy. At that time it was a forward, progressive and outstanding step. However, it has outlived its usefulness and today this great city cannot longer rest on its laurels of the past. We must adopt an up-to-date modern zoning resolution that is geared to the realities of the jet age and we must put it into effect without delay.

Modern zoning is necessary for the strengthening of the industrial, commercial and economic life of our City and to provide attractive, wholesome working and living conditions. My union, the Amalgamated Clothing Workers of America and the industries and workers it represents have long been a pioneer in this City in cooperative housing and we have also pioneered in labor-management relationship. We know from bitter experience that there is no gain in trying to retain obsolete and archaic methods and procedures. New techniques properly applied are the best protection

Potofsky

for maintaining and raising the high standard of living to which all of us aspire.

The resolution before us, so painstakingly framed by this Commission, will take us out of the past and place us in the future where we belong. It is designed to provide more open space, light and air for the City. Of great concern to those of us in organized labor and to our business and industrial management, is that the resolution provides for and conserves industrial sites in good locations because we know that in the needle trades there has been considerable migration from this City to other areas.

We believe it will contribute to a reduction of noise, smoke, dirt and other industrial hazards which jeopardize the health and safety of our population. We believe it will provide ample space for parking facilities for commercial and residential purposes. The resolution will curtail the explosive rate of over-crowding and congestion. It will encourage the development of new parks and recreation areas while preserving those we already have.

These are some of the things that New Yorkers want. We are here not solely as union representatives or union members but as ordinary citizens seeking a better life for ourselves and our children in this community.

I have watched the activities of the City Planning Commission for a number of years and I wish to congratulate its Chairman and the Commission upon their vision and the planning they have done to bring New York up to date in the matter of zoning.

We urge this Commission to continue its efforts on behalf of New York City to insure without any delay the adoption of the proposed resolution on zoning. Thank you

CHAIRMAN FELT: Thank you, Mr. Potofsky. Is Mr. Kilham present?

Potofsky

WALTER H. KILHAM, JR.

MR. KILHAM: My name is Walter H. Kilham, Jr. I am an architect of this City. Gentlemen, as a former Chairman of the New York Chapter of the American Institute of Architects, who has come before this Commission in behalf of earlier reports, I appreciate this opportunity to appear again, although this time as a private architect.

When I first came to New York in 1928 as a student making a special study of the Zoning Law, I further had the opportunity, in the office of the late Raymond Hood, of learning something of its practical application.

The point I wish to make today, is perhaps best illustrated by a little story. As you know, one of the major features of the 1916 Zoning Law is the limiting of bulk by a rigid envelope. In those days, (as it is often the case today) the most that was expected of the architect was to squeeze every last inch of space out of that envelope, regardless of what kind of building resulted. The opportunity came to Mr. Hood's office to design a new building. The building Committee for the owner was composed largely of real estate men, with much the same points of view as they have today. Mr. Hood, however, was determined to design something better than the maximum envelope of the law might indicate.

The property ran through the block from street to street. With windows at either end and a blank wall on the lot line it was obviously "loft" space worth in those days a dollar or a dollar and a half a square foot.

Mr. Hood said "Suppose we don't try to get all the space we can, suppose we give up enough along the lot line to have a shallower space but with windows the full length - what kind of space would that be?"

Kilham

It was, of course, office space, worth twice as much a square foot in rental. In other words, by building half as much space the owner would get the same return in rentals but save the cost of all the unnecessary cubage. The idea of not trying to squeeze every inch out of a site is a difficult one for the average owner or real estate man to accept, nevertheless it did prevail in a few of our buildings and, I think, the outstanding ones such as the Daily News or Rockefeller Center. In recent years the Lever Bros. and Seagram Buildings illustrate the principle, going even further in released ground space.

The point I wish to make is that it has long been recognized that there are better ways to limit bulk and better ways to design useful buildings than by crowding a set-back envelope. The proposed resolution, in its Floor Area Ratio principle, recognizes this. A principle for designing better buildings that was once a chance to be taken by the few now becomes a challenge and an opportunity for all.

From the real estate point of view, the new proposed resolution will result in far more efficient buildings, for the purpose, giving a greater return on the investment and creating demands for new space.

From the point of view of the public, it will give better layouts in which to work and live, and at the same time, overcoming the monotony of the dull pyramids that line our streets.

From long years of observing the point of view of building committees, I can only say it is human nature for most people to be against anything new because there is security in the fact of what exists compared to the hypothetical future of the new. Therefore, I would recommend that all statements in favor of the new resolution be weighted at least ten times as compared with those that

are opposed.

It tends to reason that in all these years since 1916, The City of New York has learned something about zoning which should be put into application. It is the new law that will be more realistic -- not the old.

Secondly, the conditions of life in this city have vastly changed. If we do not pass the new law adapted to these conditions, it means this city lacks the imagination and the courage to meet the challenge of our times. There is no standing still. The proposed law is not only adapted to meet the new conditions for the proper growth of this city, but it also offers the opportunity for architects and owners alike to build better and more interesting buildings for the benefit of themselves and the public as well.

As a private architect, I give my wholehearted endorsement to the new resolution, and ask that my humble opinion be so weighted. Thank you, gentlemen.

CHAIRMAN FELT: Thank you, sir. Mr. Rheinstein?

ALFRED RHEINSTEIN

MR. RHEINSTEIN: As Chairman of the Regional Plan

Association Committee on New York City Rezoning, I have been authorized by the Association's Board of Directors, at a meeting held February 26, to reaffirm the Association's long standing position that a revised zoning resolution should be rewritten to apply more aptly to current conditions and future needs than does the present resolution adopted in 1916.

Specifically, the Association reaffirms its approval of elements contained in the current rezoning proposals, including such matters as the single map system, text in tabular form, the use group concept, the floor area ratio concept, improved handling of large-

Rheinstein

scale projects, balanced uses in neighborhoods, added emphasis on off-street parking, and more flexible architectural controls.

Modern zoning for New York City is a matter of regional concern. For the region as a whole to be healthy and prosperous, its core - the City, must be also. Since the present resolution's deficiencies are generally understood and agreed upon, we do not need to elaborate them at this time.

As regards the proposed comprehensive amendments, the new zoning resolution is designed to encourage growth and orderly distribution of population in New York City up to approximately 11.8 million persons, instead of today's ordinance which permits overcrowding of residential areas with a fantastic population in excess of 55 million. Recent studies of regional population made for our Association, show that the City's population will probably not exceed 8.3 million persons within the next 15 years. Thus, the revised resolution provides a tolerance that will permit the population of the City to increase by more than one-third which is far in excess of the predictions of the economists and demographic experts.

Our Association has confidence in the work of your Commission and your consultants. We recognize that many modifications in detail will be suggested at these meetings and subsequently considered by your Commission. We understand that a number of modifications made at the hearings last spring have already been incorporated in the draft which is before us today.

In addition to the Association's general endorsement to the proposed comprehensive amendment, the report of Douglas Powell, Regional Plan Association Planning Director, may be of value to the Commission. Mr. Powell is prepared to give his statement at this time.

Rheinstein

DOUGLAS S. POWELL, PLANNING DIRECTOR
REGIONAL PLAN ASSOCIATION

MR. POWELL: I have been authorized to present this statement by the Executive Committee of the Association.

New York City has reached a critical turning point in its development. The City has arrived at this point after a long history of rapid growth that has culminated in its existing pattern of vivid physical and economic contrasts.

On one hand, New York is a City of incredible building congestion with miles of land so crowded with housing and other buildings that millions of City residents are denied decent standards of light and open space. In contrast New York is also a City having residential neighborhoods whose qualities of beauty and openness rival those of the most restrictive suburban communities.

In its economic development, New York City is the seat of many of the nation's biggest and wealthiest manufacturing companies, banks and other financial and commercial institutions. Yet in contrast the City is increasingly becoming the home of the poor as large groups of middle and upper income families flee the indignities of slum-ridden City living.

New York is also a City built in a mold suited to mass railroad, subway and bus transportation. But it finds itself struggling to adapt to an age of private automobile transportation.

These contrasts have been a part of New York's pattern for decades. But at today's turning point, they assume added significance, for the City is no longer growing. Its population has reached a static level while growth surges upward in the surrounding suburbs. The element of raw growth which had traditionally buoyed New York

forward has now disappeared.

With the completion of the three year Metropolitan Region Study, sponsored by our Regional Plan Association and conducted for us by the Harvard University School of Public Administration, the City has been warned that powerful economic forces are at work in the New York area tending to create further deterioration in large parts of the City. These trends portend an ominous future for the City unless a sharp turn is taken in the City's development policies.

It is clear beyond any doubt that without the buoyant benefits of natural growth, the City itself must pursue policies that will improve the quality of living and working conditions within its borders. The proposed rezoning constitutes a vital opportunity for the City to adopt new policies for land development control that can help turn back the adverse economic pressures acting against the City and help restore the City's formerly strong position as the once most attractive living and working place in the region.

At the outset, the Association wishes to emphasize that the question at hand is essentially a human issue. For while in one sense we are examining and discussing a complex legal document, in another sense we are talking about a plan to bring an improved standard of living to every family living or working in the City.

The people of this City are becoming increasingly alert to this important fact.

The family that endures the indignity of slum living today but hopes for a better opportunity tomorrow may not appear at these hearings, but its interest is at stake. An improved zoning resolution will help prevent a repetition of the degrading slum con-

ditions it must endure day after day, month after month. The present zoning resolution does not offer sufficient hope for a better future.

The new zoning resolution must be enacted if the City's forthcoming renewal efforts are to be successful.

With an estimated half of its housing more than forty years old, and with over one-half of the metropolitan area's residential slum units within its borders, New York City must turn quickly to a program of widespread urban rebuilding. It cannot avoid this choice. The goals of such a rebuilding will be, first, to improve or replace much of the City's increasingly outmoded supply of housing and, second, gradually to redistribute this housing into neighborhoods that effectively separate homes from the interferences of business and industry. Third, the rebuilt neighborhoods will have to be shaped to patterns that reflect today's standards of openness and design.

In considering whether to adopt or not to adopt the new zoning resolution the City must face the strong possibility that these goals of rebuilding cannot be advanced effectively under the City's current zoning ordinance. In fact the present ordinance is so constructed that it sets the stage for the wasting of millions of dollars and years of renewal effort now under way or proposed for the future. This will be true because the current ordinance not only permits but encourages jumbled mixtures of industry, business and housing in areas of the City that will need renewal action in the coming years.

The City also must have an essentially new zoning resolution, if it is to hope to improve its economic position in relation to the suburbs. The current antiquated zoning resolution is inadequate in

helping to attract new industries into the City or for that matter in keeping existing industries within the City's borders. By permitting residential and other uses to occupy industrially zoned lands, needed areas for industrial expansion are preempted and the City's tax base suffers.

The amendment is designed specifically to correct this deficiency by giving a high priority to proper locations for industrial areas - locations that take maximum advantage of key waterfronts, and railroad and expressway routes. The new ordinance also excludes residential and other uses that are incompatible to industrial growth and expansion.

The City must have a new zoning resolution if it is to cope effectively with its transportation problem. As is the case with urban renewal the City's current zoning resolution increasingly will conflict with the City's efforts to adjust its physical and economic patterns to the automobile age. In contrast to virtually every modern city zoning ordinance, the current resolution has only the sketchiest requirements for off-street parking facilities accompanying residential, commercial, industrial, recreational and other uses. At a time when automobile ownership and use is increasing in New York City and at a time when significant areas of the City are being rebuilt - this deficiency is of major importance.

By requiring off-street parking facilities for major uses in all but the most congested commercial districts, the comprehensive amendment makes it possible for the City, through zoning, to adjust to the automobile age.

Suburban dwellers, no less than the City's own residents, have a stake in how the City's officials will act in the zoning issue. For the question of adopting or not adopting what amounts to a new zoning ordinance has a profound regional implication that will affect millions of suburban families.

If the City fails to replace the old ordinance, in effect it will have announced to the suburbs that it is willing to accept a continuing jumble of uses, excessively high residential densities and the myriad of other factors permitted by the old ordinance that past experience has shown helps to create slums. Through its inaction, New York will have told the suburbs that they may expect a further exodus from the City to their towns and villages of people and businesses seeking to escape the indignities of urban decay.

Unless New York City, through rezoning and redevelopment, can turn the tide of its population and business exodus, the pressures on suburban growth and transportation will become increasingly explosive. Furthermore an upgraded central city is essential to the long term prosperity of the entire region.

In comparison to the existing ordinance the new zoning resolution represents a major technical breakthrough toward effective means of land use control for New York City. It embodies advances and benefits of forty-four years of zoning experience in the United States since the passage of the original city zoning ordinance in 1916. It builds and improves upon the most recently adopted zoning ordinances of Chicago, Los Angeles, Washington, Denver, and other major cities in the country. For the City to continue to hitch its future to the dinosaur that is the old ordinance would be contrary

to logic and experience. It would be clear demonstration that among this nation's cities, New York has lost its drive for civic and technical leadership.

The following paragraphs are point by point analyses of some of the major technical features of the new ordinance which we endorse:

A) Maps and Districting: 1. Single Map System; In common with recent zoning ordinances for cities large and small all over the United States, the amendment proposes a single set of maps to cover use and bulk. This is a most necessary advance. Based upon the accompanying maps, as now proposed and shown, the Regional Plan Association believes that the new amendment more than meets the essential needs of a city the size of New York and that in terms of these maps the text is appropriate.

2. Residential Areas in Manhattan; Four high density to very high density residential districts are provided for the central business area of Manhattan and its environs. These are the proposed R-7, R-8, R-9 and R-10 districts. Through the provision of these zones, the new ordinance allots far greater amounts of land in Manhattan below 125th Street exclusively to residential use than does the present ordinance. Similarly the density and bulk provisions of the new zones more nearly conform to the existing densities than do the provisions of the current ordinance. Thus permitted building bulk is dropped down to conform more closely to existing conditions.

3. Residential Areas Beyond the Central Business Area; In the areas of the City beyond the Central Business District (CBD) and its immediate environs, the new ordinance provides seven different

residential districts from two low density single family zones (the R-1 and R-2 zones) up to the medium high density R-7 zone. In a few very limited areas of the Bronx and Brooklyn small areas are also given over to the high density R-8 zone.

4. Distribution of Residential Areas; The distribution of the residential zones is generally related to two factors - public transportation and distance from the Central Business District. In general the higher density residential zones are grouped along the subway lines that radiate out from Manhattan. Areas beyond easy access to the subway lines are generally zoned at lower densities. Generally portions of the Bronx, Queens and Richmond especially and to some degree the portions of Brooklyn, that are furthest from Manhattan are zoned at the lowest densities.

The proposed new zones and the bulk and density controls that distinguish them are closely related to the existing uses and densities that characterize the areas for which the zones are mapped. This is in marked contrast to the use and densities and building bulks now permitted by the existing ordinance. The general effects of the new zoning controls for residential areas is to drop the permitted building envelope to a point that conforms relatively closely to the existing building bulks and densities.

However, bulk permitted is still sufficiently high above the mass of existing residential uses to permit a large amount of rebuilding and conversion at slightly higher densities than exist today.

But - and this is of key importance - the institution of carefully drawn techniques of population-density, open-space, building-bulk, and offstreet-parking controls will make it very difficult if

not impossible for the runaway conversion of existing structures into many very small one room apartments as occurred on the west side of Manhattan in the Riverside Drive area. This fact should be stressed for it is these kinds of land use control that are vitally needed in the many areas of Brooklyn, the Bronx and Queens that are destined for further deterioration into "gray belts" in the manner described by the reports of the Metropolitan Region Study mentioned above. For during the initial stages of deterioration such "grey belts" are subjected to heavy pressures toward higher densities through conversions, overcrowding, etc. The new density open space and offstreet parking controls form an effective brake on such tendencies.

Room to Grow; The proposed comprehensive amendment provides for population capacity that is approximately 50 percent above the City's current population. This is a capacity for growth in the next fifteen years that is far above any current estimates for the City's future growth.

B) Text; 1. Tabular Form; By presenting a maximum of the text in tabular form the City has adopted a major means of shortening the resolution and making it easier to use.

2. Use Group Concept; The employment of use groups, provides a workable way of arriving at the necessarily large number of use districts demanded by the complexity of the City. It enables a variety of districts corresponding with the unique character of the many different sections of the City. It also aids materially in properly applying requirements for parking, loading berths, etc.

Powell

3. Floor Area Ratio Concept; The floor area ratio is the best device for controlling the density of population and the distribution of economic activities as well. It affords a simple means for measuring directly the major determinant of density: the amount of floor space. Moreover, this means of measurement as contrasted with former limitations on over-all bulk, imposes no arbitrary pressures toward inadequate ceiling heights.

4. Separation of Uses; In addition to those matters relating to the structure of the proposed resolution, the substantive proposals are worthy of full support. The amendment will greatly benefit both business and residents by providing a sharper differentiation from one area of the City to another. It will provide adequate zoning protection for the first time for substantial numbers of families, particularly in Manhattan and Brooklyn, where large areas of homes heretofore have been placed in commercial districts.

5. Large Scale Residential Developments; Since the future of large areas of the City beyond the central business district is likely to be one of deterioration and later rebuilding or rehabilitation, further important provisions of the new zoning ordinance should be noted. They are the provisions relating to large scale residential developments.

Since increasing numbers of such large scale developments as Queensview, Kingsview, etc., are likely to be built over the long-range future (if not in the immediate future) the ordinance spells out in detail the permitted physical relationships between and among buildings in such projects. The ordinance also permits and spells

out the ways shopping areas, churches, schools, playgrounds, and other community social uses can be mixed into the residential area. The controls over large scale residential projects are "self-administering" and are spelled out in such detail that the present cumbersome procedures of section 21 c that require Planning Commission and Board of Estimate approvals are rendered unnecessary.

These and other land use control techniques included in the amended resolution make it an effective tool for shaping the future of the City.

The Regional Plan Association concludes that the proposed comprehensive amendment to the zoning resolution is urgently needed for New York City if the City is to be successful in its efforts for improvement in the coming twenty-five or more years. Without this improved method of land use control the City will be hampered and will be unable to achieve its goal for a better future for not only its own citizens but the citizens of the Region. Thank you.

Powell

EDWARD S. REID

MR. REID: Mr. Chairman, members of the City Planning Commission, my name is Edward Reid. I am appearing on behalf of the Brooklyn Heights Association, a civic organization in Brooklyn Heights. The Association is now fifty years old and we have over 1000 members who are interested enough in civic affairs to pay dues of \$5 a year. The Association has appeared twice before in connection with the proposed zoning resolution and we submitted two written statements; each time we gave our wholehearted support to the general principles of the resolution. We made several suggestions for changes - some of them appear to be reflected in the current draft and others do not.

I am appearing here this morning to restate our support for the present draft of the resolution. As a residential community we are particularly interested in the residential bulk regulations. We have studied those in the present draft and again we give them our wholehearted support. We believe that the proposed controls will tend to prevent overcrowding, will increase the amount of light and air and will generally tend to promote more stable and, particularly, more livable residential neighborhoods.

We also believe they are flexible enough to encourage desirable variety in types of construction.

Therefore, we urge wholeheartedly that this resolution be adopted as soon as possible. Thank you.

CHAIRMAN FELT: I would like to mention at this time that there is a very large delegation of people outside with someone who represents them and who wishes to make a statement. These people come from Queens, they've been standing out in the cold and

even though this gentleman's name is not listed for this morning or this afternoon because he did not previously send in his name, I don't want the people who are with him to suffer as a result of that. So that I plan, after hearing from Mr. Savacool, with your indulgence - I know this is out of turn - to allow part of the delegation to fill the vacant seats and to have Mr. William J. Cedzich of the Richmond Hill Taxpayers Association speak. This is being done in order to accommodate many people.

WILLIAM L. SAVACOOOL

MR. SAVACOOOL: Chairman Felt, members of the City Planning Commission, my name is William L. Savacool. I represent the Chamber of Commerce of the Borough of Queens. The report, "Rezoning New York City" by the consultants, Voorhees Walker Smith and Smith, dated December, 1958, estimates the ultimate population of New York City as 11 million people and proposes to rezone the City in conformity to a density which apportions the space for 11 million inhabitants. The report of the consultants was followed by the Proposed Comprehensive Amendment to the Zoning Resolution of the City of New York as published in the City Record on December 21, 1959. This second publication follows in principle the report of the consultants except that it drops the proposed zoning administrator and proposes changes not always improvements in the zoning maps covering the Borough of Queens. Population: let us consider the estimated population of 11 million people. Should it be accepted as a controlling influence in the limitation of land use in the Borough of Queens? This is not the first time the City Planning Commission has forecast the population of our City.

In 1940 the Commission proposed a Master Plan of Land Use in which was introduced the factor of growth in the decade 1930-1940 of only 6½ percent (as compared with 23 percent in the prior decade, 1920-1930.) The Commission reached the "research conclusion" that N.Y. City is "about as large as it is ever going to be". Following up this conclusion, the Commission set up a notable feature of the Master Plan for Land Use, Dec., 1940, a Green Belt area comprising much of eastern central Queens Borough. The Green Belt was described as "land with no apparent economic future".

On the contrary the Green Belt area, the Commission proposed for Queens, is now well populated - the scene of activity in building from the end of the war in 1945 to the present. Glen Oaks was one of the many community projects to be built in the proposed (but not adopted) Green Belt area of Queens.

The estimate of eleven million as the ultimate population of N.Y. City as proposed by the consultants and followed by the Planning Commission as a basis for limiting density is also in the realm of prophesy. Many years have to pass before we know how correct is their present guess. Meanwhile our city will, if the proposed zoning is adopted, be placed in a straightjacket of very doubtful merit by the provisions for low bulk zoning with factories only one story high covering only eighty percent of the land area in the one hundred and twenty blocks, zoned M1, adjoining the Queensborough Bridge Plaza in Long Island City.

On the other hand, under the present zoning resolution, our city can go forward as opportunity knocks on our door- not altogether constrained by the framework of a guessing game like

the Proposed Resolution.

Curb Level and Yard Regulations: In the Proposed Zoning Resolution, page 5, Curb Level is defined as the mean level of the curb adjoining a zoning lot.

Yard regulations for Residence Districts are set forth on page 16 (yard regulations are stated in the same words for the other districts both Commercial and Manufacturing) as follows: "the level of a rear yard shall not be higher than the curb level except that the natural grade level need not be disturbed to comply with this requirement."

Perhaps these provisions are satisfactory for Manhattan.

It is strange that the City Grade adopted on the Final maps is not recognized or mentioned in the Proposed Zoning. On the Final Maps for the Borough of Queens the City Grades are shown on the center lines of streets. The calculations applying grades to the curb at street intersections are provided to City Surveyors by the Office of the President of the Borough of Queens, Topographical Bureau on a diagram called a Grade Detail.

The Department of Buildings checks back to the Topographical Bureau to verify the grades the surveyor shows on his survey of new buildings, particularly when the builder applies for a Certificate of Occupancy. Then surveyors' levels of the surface of the yard taken in relation to the city grade must show that drainage of rainwater from the yard is properly disposed of without flowing onto adjoining lots.

In the Borough of Queens, a control over height of yards by provision in the Proposed Zoning, should recognize city grade.

We have in Queens a section extending from Brooklyn to Nassau County near and along the route of Interboro Parkway and Grand Central Parkway where many zoning lots are high above the streets. A provision in the present zoning adopted May 29, 1940 (page 21) reading "where a front yard setback of 25 feet or more is provided, the average ground level of the land immediately adjacent to the building prior to any excavation or fill shall be considered curb level". This provision has proven valuable to owners and saved many shade trees. It deserves recognition in the Proposed Zoning.

Residential Districts: The Proposed Zoning restricts districts R1 and R2 to single family detached houses. But in R3 the restrictions break abruptly into what are called General Residence Districts in which row houses and apartment houses are permitted. This abrupt change is not wanted by home owners in Queens. We need an intermediate zone where in addition to one family houses, two family detached houses and semi-detached houses may be built. The only explanation of the motive for following R2 with a wide open zone is found in the text of the report by Voorhees Walker Smith and Smith in the paragraph on residential districts on page VIII reading: "In addition, the residential developer and home buyer or renter is permitted to exercise the greatest possible choice in determining or finding an appropriate structure type for any area in which he wishes to build or to live." This reasoning is not accepted by people who own their own homes in these sections to be sacrificed for the others who have no investment in the existing neighborhoods presently zoned E1.

It is recommended by the Chamber of Commerce of the Borough of Queens that General Residence Districts begin in neighborhoods where row houses now exist and not cover areas presently occupied by detached houses.

Board of Standards and Appeals: The policy of the Chamber of Commerce of the Borough of Queens is that the Proposed Zoning should protect - not destroy - the zoning rights of our residents, business people and factory owners. Each group has functions in an integrated community and each is essential to the welfare of our whole Borough. In large areas of Queens the Proposed Zoning indicates intention to displace business and industry from their long established locations and zone the sites for residential use.

This policy of the Planning Commission toward the Board of Standards and Appeals (the only municipal agency which now has the power to grant variances by which these business people can continue in their present locations) is proposed to be curtailed. In the booklet issued by the Planning Commission entitled "Zoning New York City", December 1959, is this statement: "But the present powers of the Board of Standards and Appeals to permit any type of use in any district, has been eliminated." The position of the Chamber of Commerce in this matter is to oppose the reduction of powers of the Board to grant discretionary variances, because of the general opinion that zoning should not be so rigid that no relief can be had.

It is better to have a Board of Standards and Appeals exercise common sense, as their decisions are reviewable in the Courts, than to support so radical a Planning Commission in reaching out for more power. In conclusion, the Chamber of Commerce of the Borough of Queens is opposed to the proposed zoning, preferring the present Zoning Resolution with some improvements such as prohibiting the construction of new houses in manufacturing districts. Thank you.

Savacool

CHAIRMAN FELT: Thank you, Mr. Savacool. Now, as I stated a few minutes earlier, we will accommodate many people who have been outside and who have a representative to speak for them - Mr. William J. Cedzich. We are calling Mr. Cedzich out of turn. When I say out of turn, I mean that we've had lists of speakers sent to us during the last week who are being heard this morning, but we will be happy to hear from Mr. Cedzich at the present time. Mr. Cedzich:

WILLIAM J. CEDZICH

MR. CEDZICH: I want to thank you, Mr. Chairman, for putting me ahead of your schedule. I appreciate it no end. We have better than a thousand people lined up to the very end of the street and I want to try to break this up as soon as possible, sir, if you will bear with me.

My name, gentlemen, is William J. Cedzich. I am the President of one of Queens County's largest tax organizations - the Richmond Hill Taxpayers Association. Our members are from the five boroughs of the City of New York. I would like to speak on how the proposed new zoning code will affect Richmond Hill. The proposed new zoning resolution for New York City, if adopted, would downgrade the Richmond Hill-Woodhaven areas of Queens. Where these areas are now zoned to permit one and two-family dwellings only, the proposed zoning would permit apartment houses and apartment hotels, thereby greatly increasing the population of these areas; and, at the same time, severe restrictions would make the construction of one and two-family dwellings, except the row-types, prohibitively expensive. These areas would become congested apartment-house areas, and the one and two-family

houses would be eventually demolished to make way for the new multi-family buildings.

The proposed zoning map for Queens shows Richmond Hill and Woodhaven as located in R-5 Districts. An R-5 District is a residence use district from which business in general would be excluded, but in which the construction of apartment houses and row-type dwellings would be greatly encouraged.

The proposed zoning would permit as many as 110 families per acre in an R-5 District. The present population in this area of one and two-family dwellings averages about 45 families per acre. The proposed zoning would more than double the present population.

CHAIRMAN FELT: In other words, what you and your group would like is an upgrading so that there will be a lesser density in the area. We want to hear your full statement but we would be delighted to meet with you and your group at any time, either in your area or in our offices, and give this full consideration. We have been doing that with a number of civic organizations in Queens and we would be delighted to do it with yours.

MR. CEDZICH: Almost the entire Richmond Hill-Woodhaven area is zoned by the existing zoning resolution in an E-1 District. Apartment houses are not now permitted. Only one and two-family dwellings may be erected. Since the construction of apartment houses was made unlawful, many new one and two-family homes have been constructed in this area. Owners have made expensive improvements to their homes. The home-owners of these neighborhoods have paid for the required public improvements, such as pavements,

sewers, schools, churches, libraries, etc.; and the area has long been a desirable residential community.

The proposed zoning would change the picture completely. By permitting new apartment houses, the people of this area would be forced to move and, in so doing, would suffer severe financial loss. The City Planning Commission realized many years ago that the construction of apartment houses in areas where private dwellings existed, soon caused the downgrading of the private dwellings, and made such dwellings depreciate in value and desirability. To prevent such deterioration of good residential areas, the City Planning Commission has in the past created several zoning areas, such as the E-1 District, in which the construction of one and two-family residences only, were permitted, and from which multiple dwellings were excluded. The proposed zoning would destroy the protection offered by the present zoning resolution. Speculators would be permitted to erect multiple dwellings adjacent to existing private dwellings, so as to profit from the fine neighborhood the present owners have established. As the apartment buildings spread, owners of private dwellings would sell out at prices lower than desirable dwellings should bring. The overshadowing of homes, the loss of sunlight, the substitution of brick walls for garden and sky, the jamming of cars into every available parking space night and day, the influx of new people who lack the interest in the neighborhood that home-owners possess, all combine to make ownership of private dwellings undesirable where apartment houses are constructed.

The proposed zoning would wipe out completely the protection of the present zoning. Such protection was obtained only

after considerable effort was expended by myself and the residents of Richmond Hill and Woodhaven area, individually and through their civic associations, to have the present zoning approved by the City Planning Commission and the Board of Estimate. The judgment of non-residents of this area would supplant that of home owners here if the zoning is adopted. Such a move would be a serious setback to individual freedom and would be another victory for advocates of an all-powerful government.

The proposed zoning would require for a one-family or two-family detached residence a minimum width of lot, or street frontage of forty feet and a minimum lot area of 3,800 square feet. All other dwellings, such as row-type dwellings, could be constructed on lots having a minimum width of 18 feet, and a minimum area of 1,700 feet (Section 23-32). Such a regulation would mean the end of construction of detached one and two-family dwellings in this area. It would greatly encourage the construction of row-type dwellings and apartment houses. Row-type houses are also encouraged by the proposed regulations relating to side yards, Section 23-461, which would permit row-type houses to be constructed without side yards, Section 23-49. This kind of construction would not improve the Richmond Hill-Woodhaven area.

The proposed zoning is defective in that it does not provide for an area of one and two-family dwellings. It proposes ten residence districts, the first two of these denoted as R-1 and R-2 Districts would permit the construction of single family detached residences only. In the remaining eight residence

districts, both private dwellings and multiple dwellings would be permitted. To protect an area such as Richmond-Hill Woodhaven, it would be necessary to establish a district which would permit two-family dwellings and which, at the same time, would exclude multiple dwellings. It would then be required that the Richmond Hill-Woodhaven area be mapped as an R-2 District which permits only one-family dwellings, since the zoning would not apply to existing dwellings except that conversions from one to two-families would not be permitted. The creation of a two-family residence district, as noted above, would be more desirable.

In conclusion, I would like to say that the members of the Richmond Hill Taxpayers Association, and the residents of Richmond Hill and Woodhaven wish to go on record as being unalterably opposed to the proposed new City Zoning Code designating Richmond Hill and Woodhaven in a R-5 District; and it is their wish that these areas remain as presently zoned - E-1, or designated under the new zoning code as R-2.

CHAIRMAN FELT: Mr. Cedzich, your group, based upon our current designations, would like to have that District R-2, is that correct?

MR. CEDZICH: Yes, sir.

CHAIRMAN FELT: Now, if you phone me tomorrow morning between nine and nine-thirty, I will be glad to arrange to have our group meet with you and the representatives of your Association, howsoever they may be designated. We will sit down and talk this over. We extend the same courtesy to you that we have to others by saying that we will meet with you in your neighborhood or in our offices. We will talk this over and we will try and see whether there can be some appropriate resolution

of this difficulty. I am sorry that all of you were not able to come into this room. I appreciate your spirit of cooperation and you may rest assured that our willingness to meet with you is extended freely and happily.

MR. CEDZICH: I am most gratified to hear that, Mr. Commissioner. This gives these people a new lift and new hope here and I will most certainly call you at nine-thirty tomorrow morning and make arrangements for a meeting. Thank you, gentlemen.

CHAIRMAN FELT: Thank you very much, Mr. Cedzich, and I thank all of you who are here. The next speaker is Mrs. Milton Gordon. Is Mrs. Gordon here? Are you speaking for the Citizens' Committee on Children? In that connection, during the last three days, the City of New York and all good people throughout this country have sustained a great loss in the passing of Mrs. Adele Levy, who has headed the Citizens' Committee for Children. Mrs. Levy has appeared before us and the Board of Estimate on many occasions in connection with any worthy cause affecting the welfare of the people of New York City, and I think if you will permit, it will be appropriate for us to rise for just a moment at this time in respect to Mrs. Adele Levy.

(At this point all those present in the Chamber stood for a moment of silence).

ALLEN A. BLAUSTEIN

MR. BLAUSTEIN: My name is Allen A. Blaustein, Zoning Chairman for the Flatbush Chamber of Commerce, South Brooklyn Board of Trade, Kings Highway Merchants Association, and Fifth Avenue Merchants Association. I am an architect by profession. As an authorized spokesman for numerous Brooklyn organizations, who appeared before your Commission's Borough Hall hearing about 10 months ago, I voiced my opposition and objections to the passage of the proposed zoning amendment prepared by the architectural firm of Voorhees Walker Smith and Smith, because its provisions were entirely out of line with the sound and workable present practical New York Zoning Resolution, brought up to date by constant necessary amendments for the past 43 years. The proposal in question was too confiscatory, cut too much building bulk where it was not necessary, and worse still, disregarded legal use and building bulk rights, erected under legal permits, by arbitrarily creating illegal non-conforming uses and bulk from legal conforming ones. Its proposed provisions were too drastic, and throughout its text, did not coincide with the present zoning resolution it was to supercede, inviting chaos, building work stoppage, creating disorder and tremendous confusion for the building industry, while disturbing the equilibrium of the city tax structure, and the economy of the property owners, commerce trade and industry.

Made some constructive recommendations then that were corrected and are now included in the new proposal before us for consideration, namely the extension of commercial strips from 100 feet to 150 feet

Blaustein

depth paralleling short sides of streets, while 5th Avenue, west side, and both sides of Kings Highway, were extended to strip depth of 200 feet, changed from C-4-3 to C-4-2, a necessary change due to the first rate shopping centers in question, for which I am grateful to the Commission.

Most of the text, so far as minimum floor area ratio, and proposed bulk were not changed nor increased in the proposal before us today from the one presented 10 months ago. Not only that but the two proposals under consideration are almost identical, and exact copies of the 1958 Chicago Zoning Ordinance, which I studied and made comparison with to see how these differ both in floor area ratio, bulk, and disposition of non-conforming uses in residential districts.

I found the Chicago ordinance on zoning much more liberal on bulk, floor area ratio—in some areas two and three times more than the very low bulk and floor area ratios that this proposal for our City contains. While the Chicago zoning law contains a section which authorizes the city to condemn non-conforming properties, its sound provision will reimburse all properties taken, before or after years of amortization, while the proposal before us does not, implying a vagueness and uncertainty of what will happen to non-conforming use private building structures.

The Planning Commission in Chicago, possessing good judgment and foresight, were interested in presenting a sound and workable zoning ordinance by raising the floor area ratios, bulk, and retain its uses to at least coincide with the bulk and uses before its new Zoning Ordinance adoption. Another item that favors Chicago is that their average blocks are about 50 feet wider than those in New York

City, while they are blessed with through alleys, parallel to long sides of blocks, with alleys in rear of short sides, in rear of business strips, suitable and used for off-street loading and parking, which our city blocks do not have except for a few downtown business blocks.

This arbitrary curtailment of orderly progressive building construction by unsound whimsical unrealistic zoning by inexperienced planners, who day dream, will bring decline and decay, relegating our world's greatest city to a third rate city, far behind Chicago, if the stupidly conceived new Comprehensive New York City Zoning amendment is jammed through the Board of Estimate, unless the entire amendment is first withdrawn, properly amended to coincide with present bulk and uses throughout, so as to encourage building construction in all its facets, new housing, commercial and industry, along with necessary extensions to expand business enterprise.

Do gooders, and those who do not own property, business, commercial or industrial, for personal aggrandizement, always mount the band wagon, literally, always favor something that they are unfamiliar with, and there are scores in this room, who render a greater disservice not only to this and other similar city agencies, by their unwarranted influence, help discredit a commission like this one in question, also.

On the other hand our nice little vacationing, appointing committee Mayor is shedding crocodile tears that the City is being short changed by the State Government. This short changing is a very small pittance, can't compare to the millions that the City will lose in tax revenue, financial ruin in millions to small home owners, loss of trade and industry decline in building construction, bringing on

unemployment to thousands from job losses, swelling the relief rolls, and other catastrophies that will mar our economy if this proposed Zoning babel opus of confusion is arbitrarily adopted, overriding the hundreds of sound constructive objections presented by experienced zoning practioners.

When there were no New York City Zoning Resolution, during 1913, with factories, slaughter houses, and stables being erected adjacent fine mansions throughout our City, although a Zoning ordinance was very urgent then to protect fine expensive residences, the Board of Estimate and Apportionment then, took all the experts, entire architectural profession, engineers, builders, realtors and bankers into its confidence, and invited all to participate in the Zone planning then, which came up with a liberal Zoning Resolution, that took three years to mould, was adopted in 1916, and has been amended from time to time to bring same up to date. We are operating now under a good Zoning law, that needs just two large amendments, to curtail very high storied buildings, and one amendment to require off street loading, and parking.

The most serious fault found in the zoning proposal before us, is that too little Floor area ratio, bulk, area, particularly in R1 to R6, similar to present B, C, D, E, F, and G zones, is allowed in these zones, almost confiscatory to build on small lots, making it financial unsound to erect an average sized dwelling or business structure. Take the solidly built up Park Slope Prospect Park West area, from Union Street to 15th Street, which is now enhanced with three, three story and four story and basement brick and limestone fine residences,

with many six story and higher elevator operated apartment houses. The present cubical bulk gives off an FAR of about 3 to 4, while the proposed FAR for R6 is only 2.00 to 2.40. The proposal is too low. It must be raised considerably to encourage builders to demolish and rebuild, with at least an economic bulk and FAR to warrant his investments. The same criticism is made from areas south of 16th Street, to Greenwood Cemetery, from 7th Avenue to 11th Avenue. This area is wrongly zoned for R5, which will permit an FAR of only 1 to 1.25. This is entirely too low, since the area now contains a solid block of 8 family houses and 6 family tenement houses, 3 and 4 stories high, should be zoned properly by raising the FAR to at least R6, since the abandoned 19th to 20th Street, Prospect Park West to 10th Avenue, Block 889, and its westerly block, 888, has been approved last year for large housing projects. This property and the northerly property blocks, 18th Street to 17th Street, from 7th Avenue to 10th Avenues, face the new Prospect Expressway, are ripe for large apartment house developments, to replace the old frame dwelling shacks, that long outlived their usefulness.

Similarly to encourage rehabilitation, throughout Flatbush, South Brooklyn, Bay Ridge and other solidly built up areas, the proposed floor areas must be increased so that a fair sized small home can be built on the thousands of small lots in Brooklyn, sizes from 12 to 18 feet in width, and less than 100 feet in depth. The proposal conflicts immensely with sound method of determining the yard and court sizes in present zoning law. Setbacks above a given building height should not be necessary on such wide boulevards as Ocean Parkway, Eastern Parkway buildings facing parks, ex-

pressways, lakes, oceans, etc.

As an unbiased, impartial 43 year New York City zoning practitioner, who personally designed all sorts of building structures, since the adoption of the 1916 zoning resolution, I must confess that the new proposal is unworkable, will cause more entanglement in a maze of uncertainty, and must be withdrawn, given restudy for at least three years to 1968, so that all the maps, and its text are corrected, to coincide with the present bulk, and present uses in order that it will become workable and a credit to the Planning Commission and not a zoning hindrance and discredit to its sponsor and the Mayor of our City.

With thousands of street omissions, mistakes, throughout zoning text, and other map corrections that must be made, there certainly no reason for haste in adopting an unworkable and impractical zoning amendment as now before us for consideration.

To assemble the amendments and corrections that I, myself and scores of others, are making, will take at least two to three months more to accomplish this work.

No greater mistake can be made by a City planner than limit the natural growth of any city, particularly one like New York. What will happen to 2nd Avenue adjacent subway property and that along the line of the proposed Utica Avenue, Brooklyn subways as soon as same are built? Also the adjacent properties to the Narrows Bridge that is now being built? No one, even a planning Commission, will be able to stifle mounting land values, that necessitate large accompanying structures to pay for high land values.

Blaustein

Quoting an editorial in the Journal American on Monday January 25, last, it states in part under caption, "CAUTION, NOT CHAOS", as follows, Chairman James Felt, of the City Planning Commission should be convinced by now that his grandiose plan to remake New York City requires a lot more study. By his own calculation, Mr. Felt has disclosed that there have been more than 300 revisions in his original rezoning plan since it was submitted four months ago.

How then, in good conscience, can Mr. Felt and the Planning Commission ask the Board of Estimate to approve the plan when it is so evident that it is still loaded down with flaws and unsound thinking.

Before this complex plan is placed on the agenda of the Board of Estimate, the Planning Commission owes the public a point by point answer to the wide range of objections raised by the experts in the field.

In detailing analytical studies of the Planning Commissions futuristic dream city, the Metropolitan Association of Real Estate Boards and the Real Estate Board of New York Inc., tore the scheme to shreds. Their chief target was a population control idea projected by the planners which would do irreparable harm.

By attempting to limit the natural growth of New York City, the Planning Commission's 300,000 word blueprint would actually penalize the City through the loss of millions of dollars in legitimate tax levels.

Rather than regret through hasty action, the rezoning program should be subjected to further laboratory testing at the hands of those who know the subject through experience. These proposals

found wanting or illconceived, should be revised or abandoned.

Reasoning is always in order but never by disorder, which leads me to quote a wise Persian Sage of a thousand years ago, who wrote as follows, in verse, "The moving finger writes; and having writ, moves on; nor all your piety nor wit shall lure it back to cancel half a line nor all your tears wash out a line of it"; Omar Khayam, which means in plain words, never write something that doesn't make sense, otherwise you will invite ridicule, and all the smoke screens that you endeavor to make literally will not right the wrong perpetrated in your opus.

Blaustein

MISS ROSE SCHNEPH

MISS SCHNEPH: My name is Rose Schnepf and I represent the Bronx Womens Bar Association. I am Chairman of the Zoning Committee. My Committee has made a thorough study of the proposed zoning amendment and I have been authorized to be here today and state that our Association is enthusiastically in favor of the adoption of the proposed zoning amendment. We are particularly impressed with the regulations limiting density of populations, with the new regulations with respect to non-conforming uses, with the regulations which will exclude residences from manufacturing districts, and the fact that instead of having three maps we will, now, under the new proposed amendment, have only one zoning map.

I could go into a great many details but this body has heard a great many arguments in favor of the amendment and I don't want to be repetitious. I have also been impressed with the fact and I would like to say it publicly, in answer to some of the arguments used by the opposition, that they forget that the proposed zoning amendment is not a rigid document; that if there are any flaws in it, certainly, by amendments in the future these matters can easily be straightened out. And so, again, I would like to urge this body to favorably pass on the proposed zoning amendment. Thank you.

Schnepf

IRVING WOLFSON

MR. WOLFSON: Mr. Chairman and gentlemen, my name is Irving Wolfson. I am the Democratic District Leader in Manhattan's Fifth Assembly District North, which is on the west side of Manhattan. I represent a community that is an apt example of what happens to an area when proper controls to prevent deterioration and blight are not present.

The West Side of Manhattan is already well known to this Commission. The radical surgery of urban renewal and redevelopment are the only possibility now, after years of neglect, antiquated laws, and inadequate enforcement. Perhaps, the West Side is a warning to the rest of the City of what can happen when the desires of slum landlords are allowed to determine neighborhood change, rather than good planning principles. This is a prime reason why we, of the F.D.R.-Woodrow Wilson Democrats, so strongly support this proposed ordinance. We feel that the new standards of light and air and open space, of reduction in density, are absolutely essential to prevent continued deterioration of our once fine community.

The City is now engaged in a vast program of rebuilding the west side. We want to make sure that these tremendous expenditures will not be for nought. We want to make sure that the incredibly overcrowded tenements will not be allowed to proliferate in other parts of the community and that the rebuilding itself is not merely a reconstituting of slums of the future. Those who are interested in land and building speculation say that the proposed

zoning ordinance would make grass grow in the streets. Frankly, we wish that grass would grow on some of the streets of our community - grass and open space for children to play on, rather than overcrowded and overbuilt tenements. The only way we can open up the mile on mile of densely built up areas of our City is by the application of such devices as the Open Space Ratio. The only way we can prevent overcrowding of our schools and playgrounds is by limiting density through such devices as minimum lot area per dwelling unit.

This is the City of the future that organizations such as ours are fighting for. We know that this cannot happen overnight. Undoing the mistakes of the past is an expensive and long-range procedure but without decent standards to insure proper development, we fear that the job will not be well done. That is why we regard the proposed zoning as a Magna Charta heralding new freedom from blight that should be the right of every citizen in every community in New York.

We urge that you be not timid in your espousal of these excellent principles. You have the unqualified support of every liberal and democratic element in the City. We will stand beside you in fighting for a better New York. We regard the proposed rezoning as the first step in that fight. Thank you very much.

CHAIRMAN FELT: Thank you, Mr. Wolfson.

Wolfson

CHAIRMAN FELT: We will now hear from Mr. Friedman, Miss Bartlett, Mrs. Gordon, Mr. Mandel, and Mr. Koenig. Mr. Friedman, I've just been asked to read three short communications, if you don't mind. The first is from the New York Chamber of Commerce, addressed to me. "Dear Chairman Felt: Mr. Samuel R. Walker, Chairman of the Committee on Civic Affairs of this Chamber of Commerce, has asked that the report of the Chamber urging a modern zoning resolution for the City of New York, which was approved by the Chamber at this meeting on November 5, 1959, be made part of the record of the hearings your Commission is now conducting* . The Chamber endorses generally and in principle the proposal for a new zoning resolution as contained in the report of your consultants and it urges the City to take early and affirmative action on a new zoning resolution, generally as proposed by the consultants, as it may be modified as a result of the public hearings now being conducted. Signed, G.G. TEGNELL, Director, Research Department, New York Chamber of Commerce. Dated March 14, 1960."

Assemblyman Passannante could not be here yesterday as he is in Albany but he sent a wire which he asked to be read: "I WOULD LIKE TO REGISTER WITH YOU AND THE PLANNING COMMISSION MY ENTHUSIASTIC SUPPORT FOR FAVORABLE ACTION ON THE ZONING AMENDMENT FOR GREENWICH VILLAGE. ASSEMBLYMAN WILLIAM F. PASSANNANTE."

*Volume A, Document 3

Felt / Walker / Passannante

And then I have the third communication, addressed to the Planning Commission: "Although our Association urges relatively minor upgrading of sections in Staten Island we wholeheartedly support the Commission re zoning plan. Mrs. Edward J. Isley, Vice Chairman of the Thornycroft Civic Association." I'm sorry, Mr. Friedman. You may proceed now.

PAUL FRIEDMAN, ESQ., representing CITIZENS UNION

MR. FRIEDMAN: Mr. Chairman, members of the City Planning Commission, I am authorized to appear in behalf of the Citizens Union and I have the honor to be the Chairman of its Sub-Committee on Zoning. Referring to the remarks made by the last speaker, I think the facts belie the contention that you or the Citizens Union have been proceeding with dangerous haste in advocating the proposed zoning resolution.

Isley/Felt / Friedman

The Citizens Union has long been an advocate of substantial revision of the zoning structure of New York City. About eleven years ago, through its Zoning Sub-Committee, it analyzed the present Zoning Resolution, section by section, and published a long series of "Zoning Recommendations of the Citizens Union." About nine years ago, it analyzed the Harrison Ballard and Allen "Plan for Rezoning of the City of New York," published a "Searchlight" report on the plan and appeared at the numerous informal hearings thereon by the City Planning Commission. The Plan for Rezoning was never brought to the action stage.

More than three years ago, the City Planning Commission under the Chairmanship of James Felt, retained the architectural firm of Voorhees Walker Smith and Smith as consultants to make appropriate studies and to draft a new Zoning Resolution. The accumulated data of the Harrison Ballard and Allen plan, and of the criticisms thereof, served as a guide. Studies indicated what the Citizens Union had long urged: that the present Zoning Resolution rests on an inadequate and outdated foundation and that a new and modern Zoning Resolution is needed.

The Voorhees Walker Smith and Smith proposal was available for study in March of 1959. The Citizens Union, through its Zoning Sub-Committee, gave it careful study in keeping with its tremendous importance. We submitted a detailed Preliminary Report for consideration by the City Planning Commission as an aid in its preparation of its own version of a Proposed Resolution. Many of the recommendations contained in our Preliminary Report were incorporated in the reports of other civic and professional organizations.

On December 21st, 1959, the City Planning Commission published its own version of a Proposed Zoning Resolution and gave approximately three months notice of public hearings to be held thereon, commencing March 14th, 1960. Again, the Citizens Union, through its Zoning Sub-Committee, gave it careful study, reported favorably on it to our Committee on City Planning, which, in turn, reported favorably on it to our Executive Committee. Our Executive Committee has a resolution which will be made part of the record in a few minutes.

I should like to point out some of the things we like about the Proposed Zoning Resolution and why we have concluded that the Proposed Zoning Resolution includes many outstanding improvements over the existing Zoning Resolution, in substance and in form.

AS TO SUBSTANCE: (1) The residential use regulations, in general, are excellently formulated. We especially favor the proposed prohibition of future residences in the General Service District (C8) and in the three Manufacturing Districts, which will keep new residences out of areas inappropriate for residential living and will preserve the existing supply of industrial land for industrial use. (2) The residential bulk resolutions, in general, appear to be excellently formulated. They control the total effect produced on a lot by the size of the building, the amount of open space surrounding it and the number of persons residing on the lot, and provide for adequate light and air. These bulk controls introduce two concepts which are novel and beneficial to the City:

(a) The first is greater freedom in the size and shape of structures, because, within the allowable floor space, the builder and his planner will have more planning alternatives than are available today.

(b) The second new concept is the use of bonuses to encourage the builder to leave open space on his lot at the street level. The incentive is in the form of several additional units of floor space beyond the normal maximum for every unit of ground space left open. Both of these objectives are excellent and, if adopted, would help to make our streets more pleasant and our buildings more interesting.

(3) We have been unable to undertake careful and extensive research to test the practical application of the bulk zoning principles set forth in the plan. We know that responsible architectural and engineering associations have done so and have reported favorably. We are of the opinion that the new concepts and ingenious devices employed in the proposal represent in general an important and constructive change from our present, less effective and out-moded method of height and area district zoning.

(4) The proposed provisions relating to Large Scale Residential Developments offer many advantages over the present Zoning Resolution:

- (a) Greater flexibility in site planning.
- (b) Greater protection for adjacent areas by means of standards clearly stated in the text of the resolution.
- (c) Simplification of the site plan for presentation to the Building Department. (No imaginary lot lines need be shown, for example.)
- (d) Elimination of the requirement for Planning Commission review of site plans.
- (e) Elimination of the requirement for zoning map amendments to permit "convenience" shopping facilities.
- (f) Opportunity for the City to acquire sites for needed community facilities at reasonable cost.
- (g) The preservation of open space in any streets to be closed.

The Proposed Zoning Resolution deals skillfully with the complexity of problems created by large scale developments. It is an important step forward.

(5) Sign regulations are set forth separately for Residence Districts, for Commercial Districts and for Manufacturing Districts. These regulations are reasonable and readily ascertainable. We especially approve of the regulations which treat the advertising sign, as distinguished from the business sign, as a separate land use.

(6) The Special Height Regulations Applying Around Major Airports are particularly praiseworthy. They supersede the Absurd regulations of the present Zoning Resolution. They are reasonable and readily ascertainable from the Flight Obstruction Maps which are part of the Proposal. They apply greater restrictions in areas where greater restrictions are required but, in general, we believe that they will be less restrictive than the present Resolution in areas where the need for restriction is less. They bear a close relationship to aircraft performance.

(7) The proposed regulations concerning non-conforming uses and non-complying buildings represent a vast improvement upon the present Zoning Resolution's treatment of the same general subject matter. They accomplish three general purposes: (a) They prevent the expansion or further entrenchment of non-conforming uses, by regulating changes, discontinuances and enlargements of such uses; (b) They gradually improve the performance of non-conforming industrial uses in Commercial and Manufacturing Districts; and (c) They gradually eliminate industrial uses from Residence Districts.

The present Zoning Resolution was predicted on the now-discredited hypothesis that, in time, non-conforming uses would wither on the vine. It therefore provided only minimum controls on non-conforming uses and in many cases permitted expansion or further intrenchment of non-conformity through wide powers granted to the Board of Standards and Appeals.

We are satisfied that the Proposed Zoning Resolution will provide a sounder framework for zoning regulation of non-conforming uses and non-complying buildings, which not only will look to the future but, within reasonable limits, will rectify past errors.

AS TO FORM: (1) The single map system, providing for 46 types of zoning districts for the entire city and replacing the present triple array of use, height and area districts in which 286 combinations are actually mapped and more than 1,000 combinations are possible, constitutes a major gain.

(2) The organization of regulations by types of districts (residential, commercial and manufacturing), including the repetition of regulations when they apply to more than one major classification, eliminates confusing cross references.

(3) The use of district symbols shows at a glance the use district classifications and sub-classifications, including type of use, bulk and parking regulations.

(4) The Columnar Chart on the right side of each page, which is used to designate the district or districts in which a particular provision or requirement is permitted, is ingenious.

(5) The tables diagrams and index of uses are aids which, although not legally a part of the resolution, are included helpfully

with the text.

(6) The division of the proposed Zoning Resolution into 7 articles, the proposed zoning maps and the appendix, makes it comparatively easy to find the particular regulations concerning which information is sought.

(7) The numbering system of the proposed Resolution makes it easy to locate any particular part of the Proposed Resolution, to refer to appropriate regulations when necessary and to amend the Zoning Resolution by adding or deleting sections without violence to the form and continuity of the Resolution.

(8) The format of the administrative regulations is excellent and will permit amendment of the provisions without distortion of the entire Article. New York City is a dynamic community; it cannot be regulated by a Zoning Resolution that is not adaptable to changing times.

For all of these reasons, the Citizens Union urges the adoption of the Proposed Zoning Resolution.

We urge such adoption promptly. We recognize that, if adoption were to be delayed until every organization and individual of goodwill-toward-better-zoning were satisfied with each and every provision, no progress could ever be made.

The present Zoning Resolution is inadequate and should be replaced. Its framework does not permit the kind of comprehensive revision that is now before us. The adoption of the proposed Zoning Resolution is the only course calculated to produce a modern, comprehensive zoning plan for the City of New York in this generation.

Friedman

We are certain that the framework of the proposed Zoning Resolution is more adaptable to the future needs of the city than the existing Zoning Resolution. We are certain, also, that most of the proposed general principles and most of the details which implement the principles are sound.

The Board of Estimate has power to modify the Proposed Zoning Resolution and to adopt it as modified. We hope that the City Planning Commission will adopt the proposed Zoning Resolution as it stands and will forward it to the Board of Estimate together with a report recommending any modifications it may wish to recommend as a result of these hearings and other recent suggestions.

We hope that such report will include, among others, certain recommendations which we shall file in a separate memorandum. We do not insist upon it. We have faith that any recommendations not included in the Commission's Report to the Board of Estimate will be the subjects of later consideration for amendments initiated by the Commission within a reasonable time.

We disagree with those who insist that the proposal now before us be amended, re-published and made the subject of new public hearings thereon before adoption. If such a course were followed, we are sure that voices would be raised calling for further amendment, further re-publication and new public hearings thereon. Such a course seems dedicated not so much to the perfection of a proposed Zoning Resolution as to killing it with endless amendments.

We are pleased to report that many of our recommendations for the amendment of the Voorhees Proposal were included by the City Planning Commission in its own version of the Proposed Zoning Resolution. We

list below those of our Recommendations which were adopted by the City Planning Commission (page references are to our Preliminary Report in which said Recommendations were made):

(1) The enlargement of the single map system, to make it more legible (p. 12).

(2) The addition of a number of uses which were omitted from the Index of Uses (p. 13).

(3) The relaxation of the provisions relating to automatic revocation of permits for construction of non-complying buildings after adoption of the Proposed Zoning Resolution (pp. 15-16).

(4) The amendment of the definitions for "commercial parking garage" and "commercial parking lot", to relate to storage or parking or both (pp. 16-17).

(5) The increasing of permitted bulk in certain residential districts (p. 19).

(6) The increasing of tower bonuses and liberalization of open space ratios (pp. 19-20).

(7) The elimination of power, other than advisory power, of the Department of Traffic under the Proposed Zoning Resolution (p. 22).

(8) The elimination of all provisions for the establishment of a Zoning Administrator (pp. 22 and 42-46).

(9) The revision of restrictions on operation of accessory off-street parking spaces, relating to transient parking in residence districts (pp. 22-23).

(10) The elimination of performance standards for six use groups otherwise permitted in a C8 District as a matter of right (p. 24).

(11) The amendment of performance standards so as to make them less complicated (pp. 27 and 32) and so as to eliminate overlapping of jurisdiction of enforcement agencies (p. 30).

(12) The amendment to add provisions, heretofore, omitted, for the continuation of non-conforming uses which exist as the result of approvals granted by the City Planning Commission or the Board of Standards and Appeals, for stated terms of years (pp. 35-36).

(13) The amendment to add provisions, heretofore omitted, permitting the authorization of repairs, alterations, extensions or enlargements of non-conforming uses heretofore permitted by the City Planning Commission or the Board of Standards and Appeals (p. 36).

(14) The amendment to protect owners against the requirement for discontinuance of a non-conforming use by operation of law where active or continuous operations have been discontinued for a continuous period of one year, irrespective of intent to resume and irrespective of cause of such discontinuance. The revision enlarges the period of discontinuance to two years. Intent to resume is still immaterial; but where the discontinuance of active operations is directly caused by war, strike, or a duly authorized improvement project by a government body or a public utility company, discontinuance for such cause does not require discontinuance of the non-conforming use (pp. 37 and 38).

(15) The amendment to permit normal maintenance of a building

or other structure containing a non-conforming use, including necessary structural or non-structural repairs or incidental alterations (p. 39), and to permit structural alterations when required by law (p. 40).

(16) The amendment to differentiate between jurisdiction over appeals for interpretation and jurisdiction over applications for variances (p. 47).

(17) The amendment to eliminate the jurisdictional requirement that each variance decision by the Board of Standards and Appeals be supported by required findings that are substantiated by evidence in the record. Thus amended, the doctrine of finality of decision after expiration of time to institute certiorari proceedings is protected (pp. 48, 49). Similarly, the amendment as to jurisdictional requirements in Special Permit decisions (p. 53).

(18) The amendment to permit a purchaser with knowledge of the zoning restrictions to apply for a variance in cases of practical difficulties or unnecessary hardship (pp. 49, 50), thereby reversing contrary judicial construction and establishing zoning applications as proceedings in rem.

(19) The amendment to extend reasonably the time within which an application may be filed in the Board for a continuation of non-conforming manufacturing or related uses in Residence Districts. Originally, the application was required without other notice to be filed not less than six months prior to the termination date. As recommended by us, the revision provides that it may be filed not later than three months after notification to the owner by the Department of Buildings that such use is required to terminate (pp. 55, 56).

(20) The amendment with respect to the power of the Board to grant special permits for services with substantial traffic-generating capacity. Originally, this power was limited to grants for stated terms of years. As recommended by us (p.56), the revision provides appropriately that some cases be only for stated terms of years (not to exceed the stated maximum) and that others may be for stated or unlimited terms.

(21) The amendments to omit the requirement for certification by the City Planning Commission or Department of Traffic in certain cases as a jurisdictional pre-requisite.

(22) The amendment to require, as a condition to a Special Permit for outdoor day camps in Residence or certain other districts, adequate reservoir space for off-street loading and unloading of campers. The revision now requires such reservoir space where the plot exceeds 12,000 square feet (p. 62).

(23) The amendment to require, as a condition to Special Permit for a gasoline service station in C2 or C6 Districts, that no maximum area be required on an arterial highway or major street and that a 7,500 square foot minimum area be required. (Originally, the maximum was 15,000 and the minimum was 10,000 square feet). We had recommended that the appropriate size be left to the Board's discretion and the revision gives effect to the substance of our recommendation (p. 70, 71).

(24) The amendment to require, as a condition to extending the term of a Special Permit for Sand, Gravel or Clay Pits, that the Board find compliance with the conditions and safeguards heretofore imposed (p. 76).

(25) The amendment to clarify legislative intent as to what constitutes "substantial difficulty" in obtaining a site of sufficient size to provide required accessory parking within certain distances from the zoning lot (p. 77).

(26) The addition of a new section, previously omitted, relating to Lapse of Special Permits (pp. 81, 82).

(27) The amendment (to supplement the requirement that the Board of Standards and Appeals and the City Planning Commission set forth required findings in support of each grant of a Special Permit) requiring said agencies, when denying a Special Permit, to set forth which of the findings required to support a Special Permit could not be made (p. 88).

(28) The amendment clarifying and supplementing the requirements for provision of adequate accessory off-street parking for Race Tracks and Transportation Facilities authorized by Special Permits (p. 89).

(29) The greater use of dimensions on the maps so as to avoid ambiguities in interpretation (p. 104).

The Citizens Union desires to express its appreciation and extends its congratulations to the Board of Estimate for having made funds available to prepare the Proposed Zoning Resolution now before us; to the Chairman and to the members of the City Planning Commission and its devoted staff and to the numerous civic, professional and special interest organizations and individuals for their perseverance and cooperation in producing the proposed new and more desirable Zoning Resolution.

We urge its adoption and I file herewith the Citizens Union Resolution to that effect.

Friedman

I hereby certify to the City Planning Commission of the City of New York that at a meeting of the Executive Committee of the Citizens Union of the City of New York held on the 11th day of March, 1960, following resolutions were duly adopted with respect to the Proposed Comprehensive Amendment of the Zoning Resolution of the City of New York, as published in the City Record of December 21st, 1959:

"BE IT RESOLVED, that in the opinion of the Citizens Union the present Zoning Resolution of the City of New York is inadequate and should be replaced; and be it further

"RESOLVED, that the prompt adoption of the Proposed Zoning Resolution represents the City's only practical hope for comprehensive zoning progress in this generation; and be it further

"RESOLVED, that the Citizens Union reserves the right to make certain suggestions for further improvements developed by its Subcommittee on Zoning which might appropriately be adopted by way of modification or amendment to the proposed new zoning but which should not be allowed to delay or otherwise impede its adoption; and be it further

"RESOLVED, that the Citizens Union hereby expresses its appreciation and extends its congratulations to the Board of Estimate for having made funds available to prepare the proposed Zoning Resolution; to the Chairman and members of the City Planning Commission and its devoted staff, and to the numerous civic, professional and special interest organizations and individuals for their perseverance and cooperation in producing the proposed new and more desirable Zoning Resolution."

IN WITNESS WHEREOF, I have hereunto set my hand as Executive Secretary of the Citizens Union of the City of New York this 14th day of March, 1960.

George H. Hallett Jr.
Executive Secretary

Friedman

MISS JULIET BARTLETT

MISS BARTLETT: Chairman Felt and members of the City Planning Commission, my name is Juliet Bartlett and I represent the WOMEN'S CITY CLUB OF NEW YORK.

The Women's City Club of New York heartily endorses the proposed new Zoning Resolution. It is a document of utmost significance which will steer the City's development into a healthier pattern for years to come. Every phase of the City's life has been considered and provided for. A million details are pulled together into a vast, imaginative and yet practical plan for New York's future.

Effective control of congestion and of population density is the most important feature of the proposal, in our opinion. With a few exceptions these controls appear to be suitably applied to the Zoning Maps so that the City's growth will be held within reasonable bounds without being strangled. Great expansion of the City's population within its rigid borders is not desirable. The proposed zoning envelope allows for sufficient expansion, in view of maintaining a healthy City with adequate public facilities. In fact, in a few residential areas we find that the proposal is not restrictive enough and would permit greater bulk and density than we consider desirable.

Among the improved features of the resolution is the new device of population density control by regulating the number of Rooms in relation to the size of the zoning lot.

Bartlett

We find this to be a practical device and comparatively simple in application, and well worked out in relation to floor area ratio. (We assume that the City Planning Commission's estimate of an average of seven-tenths of a person per room is correct.) This method of density control appears to be preferable to the Consultant's plan of regulating the number of dwelling units in relation to the lot size.

Turning to the few parts of the Zoning Resolution which we would like to see strengthened, we consider that the R10 district would permit density beyond good practice and quite possibly detrimental to good family living, and that it would almost certainly have a bad impact upon traffic and transportation, possibly on other public facilities.

While the new R9 district seems a good idea, to bridge the gap between the old R8 and the old R9 (now R10), we find that too often it has now been mapped for areas formerly designated R8 in the Consultant's Zoning Map of Manhattan.

Too frequently, in residential districts along waterfronts or large parks, fairly high bulk zoning is designated, with lower bulk further inland, thus shutting off the interior sections from view and sea breezes. At the later hearings, in discussing the zoning maps, we will point out some of these waterfront sections where we believe lower bulk districts should be mapped.

However, we want to emphasize that our enthusiasm for the Zoning Resolution as a whole far outweighs criticism of a

few details. Additional reasons for our approval, as expressed last spring, include:

1. The various devices for controlling bulk, access to light and air of streets and windows, such as F.A.R.; the sky exposure plane, the formula for spacing buildings on the same lot. These appear to be carefully worked out in relation to each other and to the various types of uses and districts.
2. The open space requirement for residential lots, keyed to the total floor area of each building, and varied from district to district.
3. A single set of maps for everything instead of three sets of zoning maps as now necessary and in use.
4. The permissive listing of uses.
5. The elimination of the unrestricted district.
6. The exclusion of residences from manufacturing districts and from heavy service districts.
7. Performance standards for manufacturing uses.

This modern method of judging the more or less objectionable features of various types of manufacturing and of manufacturing plants has been successfully tried in many cities in this country. It encourages elimination of objectionable characteristics, such as noise, odor, inflammability, etc.

Thus it makes it possible to have unobjectionable industries adjacent to residences, in many cases eliminating transportation problems. This principle is an important part of the proposed Zoning Resolution and one that the Women's City Club strongly endorses.

8. Gradual elimination of certain existing objectionable uses from residential districts.
9. The special regulations for large scale projects.

We could mention even more reasons for Women's City Club approval, but these are the most important. And, most important of all, is prompt action on this long-overdue improvement. Every week of postponement of action is an opportunity for further undesirable overbuilding. We strongly urge that this proposed new Zoning Resolution, substantially in its present form, be adopted with all possible speed.

Thereafter we trust that the City Planning Commission will put its major effort into Master planning. The lack of a comprehensive Master Plan has made it difficult to evaluate the zoning maps, especially that of the comparatively underdeveloped borough of Richmond.

In closing, we congratulate the City Planning Commission for presenting the City with an excellent new Zoning Resolution which, when put into operation, should be a boom to this City and its eight million inhabitants. Thank you.

MRS. MILTON GORDON

MRS. GORDON: I want to thank you, Mr. Felt, for your remarks about our President, Adele Levy. I'm representing the CITIZENS COMMITTEE FOR CHILDREN OF NEW YORK, INC. It's very difficult for us to appear here today because of the death of Mrs. Levy. I am here because of her extreme devotion and dedication to children. The relationship of zoning to the welfare of children is so obvious as to defy argument. It is no accident that juvenile delinquency breeds in overcrowded and congested slum areas. It is no accident that family problems affecting the emotional stability of children start in one room dwellings in older neighborhoods which have been blighted by the indiscriminate cutting up of homes and apartments into small units. Conversely, it is no accident that these problems diminish in open space, light and air.

Apart from the mental and social health of children, the physical health and safety of children is affected by smoke, odors, noise, heat, radiation hazards, and fire and explosive hazards.

That is why the Citizens' Committee for Children is interested in rezoning for the City of New York.

We are not architects or engineers, and therefore cannot testify to the technical aspects of the proposed amendment. But we can testify to its urgent need.

Because there is unrealistic and haphazard control of land use, many residential areas of the City are exposed to heavy commercial, industrial and trucking hazards. These conditions

pose problems regarding the safety and health of our children-- problems which can be resolved through modern zoning techniques and the establishment of standards controlling the nuisance and hazards generated by industry.

There are now no adequate controls to prevent overcrowding of neighborhoods and congested living conditions. Present laissez-faire zoning regulations have contributed to population concentrations in certain sections of the City that drastically curtail access to adequate school, transit, recreational and cultural facilities.

A happy and healthful environment for children cannot be found in areas where factories and dwellings stand together, where an open window admits noise, smoke, odors and all sorts of industrial nuisances instead of sunshine and fresh air.

The City must have the tools to regulate the number of dwelling units per acre so that the number of families in any neighborhood --and, therefore, the number of children -- can be more accurately predicted, thus facilitating planning for schools, recreation, libraries and other community facilities.

It is almost impossible to correct much of the damage which has been condoned by archaic zoning. Vast areas have sunk into an almost hopeless morass from which it will take Herculean efforts and generations to extricate. Without controls more and more of our City will run down hill and our children will be the principal victims.

Our children are our most valuable assets. Their welfare cannot be measured against the profits of selfish interests.

We cannot delay any longer. We must decide whether we are going to leave our children a legacy of slums or adopt the progressive and comprehensive zoning plan proposed by the City Planning Commission. Thank you.

H. ROBERT MANDEL

MR. MANDELL: My name is H. Robert Mandel, Chairman of the Board of Abbott & Adams, Inc., and we represent owners with extensive real estate interests in New York. I have been identified with real estate for about thirty-seven years.

I favor the proposed new Zoning Resolution for a good many reasons. Our company is extensively engaged in many real estate activities in New York City. I consider, as do many other prominent realtors in New York, the importance of adequate zoning for the future soundness of our city.

Those of us whose lives are mainly devoted to maintaining the real value of properties, gracious living and good working conditions in this wonderful city, are dependent upon the stability of their surroundings.

Speculation in land prices does not contribute to stability. On the contrary, it encourages unhealthy activity, based upon expectation of unconscionable densities. Such speculation is not good for the city as a whole, nor are such densities remotely tolerable for more than a tiny fraction of the city's land.

The situation which developed in Greenwich Village and which I have previously called to your attention and has been covered by my letter of February 18, 1960, on file with you,

Gordon / Mandel

is as dramatic an example as anything that I can think of, of the inadequacy of the recent Zoning Law.

As a matter of fact, it was necessary that hasty emergency action be taken to protect this community. The proposed new Zoning Resolution will provide similar safeguards for the city as a whole instead of this one community.

I join with all other real estate men of good will in urging you to adopt this new Zoning Resolution.

There are two other items which are not in my prepared text, which was an afterthought, and I want to bring to your attention. The first is the recommendation in that wonderful report of Mr. Panuch, Page 7, item 15, and I quote:

"Adopt appropriate zoning amendments to further the City's housing renewal effort." This was lost in the publicity that attended the report but I thought I would bring it out at this point.

The other item involves the federal government and Title I. Since good zoning is an essential requirement of the Urban Renewal Administration, I don't think anyone should assume that the federal government will continue to be complacent if new redevelopment projects are built in islands which are surrounded by blighted areas. Sooner or later some federal official is bound to question the worth of the present zoning act. Thank you.

CHAIRMAN FELT: Thank you, Mr. Mandel.

Mandel / Felt

WILLIAM C. KANE, P.E.

MR. KANE: My name is William C. Kane. I'm Chairman of the Metropolitan Chapter Presidents' Council of the New York State Society of Professional Engineers.

The Metropolitan Chapter Presidents' Council, which represents the five New York City Chapters of the New York State Society of Professional Engineers has not reached as yet any decision which it can present as the report of the five City Chapters.

New York Chapter, Kings Chapter and Richmond Chapter have not yet completed their studies nor presented their individual reports.

Bronx Chapter has voted to oppose the proposed Zoning Resolution but has not yet completed its detailed report.

Queens Chapter has passed the following resolution: "RESOLVED that the Queens County Chapter, N.Y.S.S.P.E., supports the basic principle of the proposed Zoning Resolution to improve the overall growth plan of New York City, with such specific benefits as single map, reduced densities, improved parking, etc. The Queens County Chapter does feel, however that certain technical considerations should be given further study, nonconforming use, economic loss, performance standards for industry, enforcement, and bulk controls."

The Metropolitan Chapter Presidents' Council wishes to reserve the right to present our full, City-wide report when it is completed.

Kane

CHAIRMAN FELT: Mr. Kane, may I extend to your Council and the various Chapters, a renewed offer to work along with them. I realize that you and your associates met in our office not too long ago. We will continue to hold meetings with you either in our offices or at the Chapter offices in an effort to work out an optimum zoning resolution for the City. Thank you very much for your cooperation.

FRED J. CARIDEO

MR. CARIDEO: Mr. Chairman, and Members of the Planning Commission, my name is Fred J. Carideo and I represent the Metropolitan Outdoor Advertising Association. We have spent a great deal of time and money analyzing both the Vorhees, Walker Smith and Smith proposal and the latest proposed comprehensive amendment to the zoning resolution as published on December 21, 1959.

We have employed recognized, outstanding Planning Engineers to help us in this study. On April 14th a presentation regarding outdoor advertising was made before your Commission by these Planning Engineers. Also they have met with Commissioner Orton and Jack Smith of your staff on June 18th, August 7th, November 6th of 1959 and in 1960 they met on January 20th. In a letter dated January 22nd, they presented recommended suggestions for revisions, to the Planning Commission.

On March 9th, last week, we met with Commissioner Orton and Jack Smith. It was our understanding that at this meeting we would be given an indication as to whether or not the Commission would accept these revisions. However, no evidence was given to us that there was any desire to even discuss these

revisions. We are asking for the courtesy of a detailed discussion of these aforementioned outdoor advertising suggested revisions to the comprehensive amendment of the Zoning Resolution with the Commission. Attached is copy of the suggested revisions.

I wish to thank you for the time you have afforded me to appear before you.

Chairman Felt: Thank you Mr. Carideo.

REV. PAUL W. RISHELL

MR. RISHELL: Mr. Chairman and members of the City Planning Commission:

I am the Reverend Paul W. Rishell, formerly executive secretary of the Department of Christian Social Relations of the Protestant Council of New York. I live in the Borough of Manhattan at 276 First Avenue. From 1941 to 1956, I was a resident in the Borough of Brooklyn, as Minister of the South Congregational Church, Court and President Streets in the Old South Brooklyn, or Carroll Park section. A chief interest and concern, as a Christian Minister, during my residence in the City of New York, has been in the area of community structure, especially from the point of view of human relations that proceed therefrom.

I, of course, do not speak as a technical expert; and therefore do not base my judgment upon building codes and other details connected with construction. But I do submit there is a sociological imperative which must be given its due consideration in the maintenance of a great city's physical structure and in the conduct of that city's diversified life. Indeed, the sociological imperative -- human welfare -- ought to be the dominant

factor in the ever present necessity of planning for a city's perpetually changing structure and life.

First and foremost then, in supporting the New Zoning Resolution, is the emphasis upon the obsolescence of the existing zoning resolution, dating back to 1961, 44 years, and made cumbersome by an almost countless number of amendments.

For one thing, the changes which have taken place since 1916 are so vast that it is difficult to conceive how any instrument drafted then for the regulation of city planning and construction could meet the needs of today. To begin with, the population of the city has increased by approximately 60%; from five million to eight million. This, however, is a minor change compared with the sociological, technical, psychological and cultural changes. The living standards of the population, the presence of the automobile, the tempo of daily life, the cross currents of knowledge and information resulting from our modern mass communication media; these and many other aspects of modern city life have created a new world. Accordingly, it is only logical to believe that the elements of time and rapid change have made a new zoning resolution mandatory.

The proposed new zoning resolution's provisions for Use Districts divided into the three general categories of "Residential", "Commercial" and "Manufacturing" ought to result in the development of more stabilized communities and family life in many areas of our city.

One of the deplorable aspects of our city's life is its unstable neighborhoods. This is particularly true in certain

fringe areas, where because of the environment the mobility of the population is at an extremely high rate. Families do not remain long enough to get their roots down into the soil of the community. The result is a civic irresponsibility on the part of adults, the heads of families; and a restlessness, or a less than adequate sense of belonging on the part of youth. Here is found an important factor in the growth of juvenile delinquency. A more systematic distribution of the population should improve the stability of communities, create a better climate for more wholesome home life, provide the incentive for a cleaner and more orderly city, and as an end result make our city a better place in which to live. Moreover, in this improved community climate, our churches and synagogues, our schools and other community agencies will be able to render more effective services.

Finally, the present program of rebuilding the city deserves and demands a plan of zoning which will make the city of the future something to be proud of. To an observing citizen, what is taking place in this city in slum clearance, urban renewal, and new building construction is nothing less than phenomenal. It was reported about a year ago that a planned seventeen-year building program would provide new dwelling units sufficient to take a million and a half people out of slums and sub-standard housing. In addition to this, new commercial and industrial units will be planned and constructed. This period of reconstruction deserves newly adopted rules and regulations.

The City Planning Commission is therefore to be commended for its far-sighted imagination, and it is hoped that the basic principles stated in the new zoning resolution, and the provisions for carrying them out will be adopted.

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LEWIS WHITEMAN

MR. WHITEMAN: Mr. Chairman and members of the City Planning Commission, my name is Lewis Whiteman. I am Executive Director and appear here on behalf of the Investing Builders Association, which is an industry trade association representing the private investment builders of the City - those who built for their own account as distinguished from general contractors.

First of all, let me say that we deplore the fact that in much of what has been said and written on this zoning proposal - most of it, unhappily, directed more to the emotions than to reason - builders have been generally painted as the villain of the piece, as professional obstructionists, motivated only by their own immediate self-interest, without much sense of civic pride or responsibility, and either unable or unwilling to take an enlightened view of the broad public interests which this proposal is intended to serve.

For our own Association, I do want to make it unmistakably clear that we do not regard these hearings as a forum for personal controversy between the City Planning Commission and the construction industry. We are not here as adversaries bent on sabotaging a sound planning program. We haven't come here just to condemn something without in turn offering some constructive suggestions of our own. We don't think the official draft is a flawless document but we do offer our sincere cooperation and our suggestions in an effort to try to make it so. And if, gentlemen, we have honest differences with you on the exact formulas which have been set up,

Whiteman

our motives as builders should not be suspect any more than should your motives as city planners. If our mission here is regarded by you purely as one to promote our own private selfish interests, then of course we obviously cannot expect you to accept in very good faith any recommendations that we may submit.

Commissioner Felt: in urging the adoption of this law, you have always stressed the public interest and the public welfare of the City. And apart from the aesthetic values of this law, we think that you are very much aware that this City's economic welfare is tied very directly to the success or failure of the construction industry. In fact, no informed person would deny that construction has been one of the most dominant industries in the development of New York City. During the past five years, new construction applications have totaled nearly five billion dollars. The industry, as you know, gives direct employment to over 200,000 building trades workers. Its annual payroll exceeds \$900,000,000. It pays about \$13,000,000 a year in sales taxes alone. The amount of new building construction completed during the past five years has increased real estate taxes paid to this City by about \$80,000,000 for the current tax year. Where do these huge expenditures go? Besides the sums paid for labor at the job site, over half this cost goes into an endless stream of materials and supplies, which in turn generate business activity in the products and services of countless other industries - heating plants, air-conditioning units, lighting and plumbing fixtures, stoves, refrigerators, lumber, sand, gravel,

Whiteman

cement, carloads of structural steel, and an interminable list of other items that New York's gigantic construction industry consumes each year. And at the risk, gentlemen, of sounding perhaps very immodest about our own Association, may I point out that its members include leading construction firms of this City, who provide the capital, the vision and planning to produce nearly \$300,000,000 of office and apartment building construction each year. More than 90% of the construction sponsored by private investment capital in New York City is produced by members of this group. What other single industry in New York is more important to its economy? Who works for it? Who buys what it produces? Who prospers when it grows? Or suffers when it declines? But the City itself and its 8,000,000 citizens. Certainly, any industry whose operations so immediately and directly affect the lives of hundreds of thousands of our citizens and contribute so heavily to the City treasury cannot be viewed as wholly self-serving or self-interested.

All this, members of the Commission, is a pretty long-winded way of making my point and that is, that we are not here purely in our own self-interest; that while we are builders we are also citizens of this community and like each of you, we too are concerned with the long-range future welfare of our City. And it is in that spirit that our Association agrees wholeheartedly with the principle of sound metropolitan planning and the imperative need for a modern, improved zoning resolution.

Whiteman

We believe that this proposal sets commendable high goals for community betterment. The only sense in which we are critical of this proposal at all is that we think some of the arithmetic for achieving these goals is bad. We believe, for example, that there many instances where map changes could be made which would be more beneficial for the City and where certain simplifications of the bulk control would tend to make buildings more economical to construct.

CHAIRMAN FELT: Mr. Whiteman, I hope that you will present recommendations for map changes at the appropriate time.

MR. WHITE MAN: I intend to do that, Mr. Chairman, as indicated by a concluding thought which I have now, which is this, Commissioner Felt: that on the occasions when you have appeared at meetings of our group you have made it clear to our members that this proposal, even in its present form, was not going to be jammed down the industry's throat, and that you were not taking an inflexible, unyielding, stubborn position about it. You have repeatedly extended an invitation to us to come in with our suggestions and talk them out with you and we are accepting that invitation as evidence of our desire to cooperate and not to obstruct. We are submitting our specific recommendations in a separate memorandum to the Commission and we will ask that you review these suggestions with our Committee at the earliest convenient date.

As a responsible public official, Mr. Felt, we don't think that you want to put a noose around the City's neck any more than we do. And we are also confident that you recognize the activities

of the private investment builders of this City as very important to the economic health of the City and that this industry, with its vast accumulation of practical knowledge and experience gained over many years, may have something of value to contribute to a new, successful zoning plan.

It is in that spirit that we respectfully ask that the Commission's official proposal be revised in accordance with the recommendations which we will submit and upon that basis, we assure the Commission of our continued full support. Thank you.

CHAIRMAN FELT: Thank you, Mr. Whiteman. I have been working very closely with you and the members of your Association for some time. On behalf of the Commission, I want to express my deep appreciation for the spirit that brings you to us. May I assure your members that we will work closely with your group, that we will be mindful of the recommendations that you make to us, and that we are endeavoring to develop what we hope will be a sound resolution.

ROSALEEN C. SKEHAN, representing THE PORT OF NEW YORK
AUTHORITY

MISS SKEHAN: Mr. Chairman, members of the Commission, I'm Rosaleen C. Skehan, Assistant General Counsel of the Port of New York Authority. You may recall that a representative of the Port of New York appeared at your public hearing last April to offer our cooperation in your goal of establishing modern zoning in New York City. At that time we noted that the Port Authority, as the

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agency charged by the States of New York and New Jersey with development of the terminal and transportation facilities of the Port of New York District on a regional basis, has a very real interest in the contribution which modern zoning can make to the development of the metropolitan area.

Since the hearings last year, the members of your Commission staff have been most generous in giving their time and constructive attention to our technical information, comments and suggestions on such matters of particular interest to the Port Authority as, for example, protection for people and property in districts around airports.

The Port Authority is pleased to record its view that the goals and concepts of the proposed new Zoning Resolution now before you seem generally well framed to serve as a constructive guide in the future development of the City of New York.

There is just one area of particular interest to the Port Authority in which the proposed new Zoning Resolution seems to us to be seriously defective. I refer to the omission from the text of any clear reflection of the established policy of the City of New York not to permit bus terminals in the heart of midtown traffic congestion.

We note that the provisions with respect to bus stations set forth in Section 24-63 of the proposed new Resolution vest in your Commission itself the power to determine whether and where new bus stations should be permitted. In a report adopted within the past year a majority of this Commission set forth the controlling consideration in the following question and answer:

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"Can New York City any longer countenance a major long-haul bus terminal in midtown without direct off-street connections to expressways and river crossings? The answer is no."
(CP 14647, July 15, 1959)

We are confident that in exercising its discretion under the new Zoning Resolution the Commission will continue to enforce this City policy. Nevertheless, in order to provide a clearly defined planning criterion for those who will look to the Zoning Resolution for guidance as to the City policy with respect to the location of bus terminals, the Port Authority recommends that a clear statement of this policy should be added to the text of the new Resolution before its final adoption. Thank you, Mr. Chairman.

REV. KENNETH O. JONES

REV. JONES: Mr. Chairman and members of the City Planning Commission, I am a Protestant clergyman whose name is Kenneth O. Jones. I happen to be Minister of the Fort George Presbyterian Church in upper Manhattan but am privileged to appear before you today on behalf of the Manhattan Division of the Protestant Council.

We recognize the influences of the environment upon the development of fundamental relationships in community living and the urgent need for more adequate zoning regulations, a need which has been demonstrated by the experience of some Protestant churches. There are some churches in the Borough of Manhattan that are presently surrounded, for the most part, by commercial and retail districts and their ministry has suffered for lack of adequate zoning.

We also recognize the moral demand upon the city government and citizenry alike, working cooperatively, to create the best possible climate for the living out of man's destiny, and the importance of a more adequate zoning program in reaching this goal. If the city is to develop a balanced tax base for present and future population development, if it is to provide for the orderly expansion and creative growth of the city, if it is to enhance the possibilities of more adequate human relationships in all residential communities, if it is to provide guiding principles for private as well as public institutions as to the future demand and needs upon their facilities and staff, if it is to contribute to the health and welfare of mankind, and if the city is to encourage the development of a balanced community through balanced land use, it is urgent that a more adequate zoning resolution be adopted than that proposed in 1916 and amended hundreds of times since then.

Therefore, be it here resolved, that the Executive Committee of the Manhattan Division of the Protestant Council of the City of New York go on record as approving in principle the proposed zoning resolution submitted by Chairman Felt on December 21, 1959. Recognizing the urgency of the necessity for such a zoning proposal as the base upon which the City Planning Commission and the city government can continue to give guidance for the rebuilding and strengthening of the neighborhoods throughout the city, it is directed that a copy of this statement be distributed to all Protestant churches in the Borough of Manhattan for their appropriate action.

And, be it further resolved that Mayor Wagner and Chairman

Felt of the New York City Planning Commission are to be commended for the forthright manner in which they have developed and presented this zoning resolution to the citizens of New York. The Protestant community of the Borough of Manhattan is deeply grateful to them for their untiring efforts in creating a New York City climate in which every man might have the opportunity to fulfill his highest ambitions and ideals. Thank you.

Chairman Felt: Thank you, Reverend Jones.

ROBERT FULLER

MR. FULLER: Chairman Felt, members of the Commission, I'm Robert Fuller, speaking for Robert Weinberg, who is ill, and the Civic Design Committee of the New York Chapter of the AMERICAN INSTITUTE OF PLANNERS. I am a member of the Committee and a resident of New York City, residing at 5622 Fieldston Road, in the Bronx. I'd like to read this statement of the Committee regarding provisions for design and conservation districts in the new zoning resolution.

The main objective of adopting a new comprehensive zoning resolution should in no way be delayed because of suggested amendments that we make at this hearing. It is essential that the new zoning be adopted as soon as possible and, as another representative of our chapter will have stated, this organization stands squarely behind the Commission in its efforts to achieve this end. The Civic Design Committee of the New York Chapter of the American Institute of Planners urges upon you the inclusion, in your report transmitting the revised zoning resolution to the Board of Estimate, of a clear statement of intent with respect to the early

establishment of a procedure for guiding the design and conservation of certain districts in the city.

We propose that appropriate measures be established by you to achieve the objective of a more beautiful and harmonious appearance in such parts of the city where public and private development of historical and/or architectural significance may already exist, where the character or tradition of an established neighborhood may require conservation methods, or where a major renewal operation is contemplated --- consisting of a variety of projects.

If the Commission should decide that, because of technical and legal problems, it is not feasible or practical to include such a regulation in the new zoning resolution at this time we respectfully urge that the Commission make appropriate recommendation to the Board of Estimate in connection with its current adoption of the new zoning resolution as to the type of legislation and nature of agency, existing or to be formed, which might properly be charged with this responsibility.

Technically and historically, zoning has, and is, used to regulate the appropriate and best use of land; bulk and height of buildings; the density of structure and population. In recent years many cities have incorporated in their revised zoning ordinances provisions and regulations for the control of the appearance of buildings, their arrangement and relationship to each other and to public and private open spaces, as well as for the conservation and enhancement of buildings of historical and architectural significance, established neighborhoods and scenic

areas.

We believe that the Commission is in sympathy with this objective. The Commission knows, too, that representatives of various civic and professional organizations such as ours have long urged the adoption of measures to this end.

For example, at the time that the Commission was considering a major revision of Section 21C of the existing zoning resolution, the New York Chapter of the AIA, supported by the Municipal Art Society and others, submitted clauses providing for the establishment of a design-guiding procedure in connection with large scale projects over which the Planning Commission has jurisdiction under Section 21C. The Commission gave sympathetic consideration to the proposal at that time, but in declining to include it in its revision of Section 21C, indicated that it expected to make it part of the comprehensive, new revised resolution, which it then had contemplated and which is now the subject of this hearing. In its published comments issued 6/11/59, on the report of your consultants, Voorhees, Walker, Smith & Smith, which was made public earlier that year, the New York Chapter of the AIA recommended a new type of zoning district applicable to historic areas and buildings, and suggested that the City Planning Commission or some other agency should have the power to designate buildings and areas of special value and, perhaps, at least halt their demolition or alteration for a stated period in the interests of conservation.

We think it appropriate, therefore, since no such provision has in fact been made in the text now before us, that

the Commission include at least a clear statement of intent at this time concerning design regulations.

This statement of intent need only be a few sentences within the Commission's report on its adopted revision of the zoning resolution as transmitted to the Board of Estimate at this time.

The precise form which subsequently may be adopted by the Commission for accomplishing the above objective within or outside the revised resolution will require skillful preparation (utilizing the best ideas of existing ordinances already in force in various parts of the country).

We shall submit to you in the near future a suggestion drafted by our committee, as to one possible form such a regulation might take. We hope that it may be a contribution towards a solution to this problem with which we are all concerned, of conserving and enhancing the aesthetic and historic values of this city and for improving its appearance. This statement is signed by Robert C. Weinberg, Chairman of the Civic Design Committee, New York Chapter of the American Institute of Planners.

BRADFORD M. GREENE

MR. GREENE: Chairman Felt, members of the City Planning Commission: My name is Bradford Greene and I am representing the NEW YORK CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS. I should like to read a letter which was written to the Commission last Friday and then just give a couple of brief remarks of my own, expressed as an individual.

"Gentlemen: At a special executive committee meeting of the New York Chapter of the American Society of Landscape Architects, the following statement was adopted:

'Although we cannot approve or disapprove the proposed zoning law as it now stands, we do highly recommend that there be included in the law adequate provisions to insure desirable control over the design, preservation and usefulness of legally designated areas whose community importance merits such regulation to preserve or guarantee the civic beauty.'

This resolution is intended to support, in principle, the position taken by the Civic Design Committee of the New York Regional Chapter of the American Institute of Planners"(which is the statement which you just heard previously) As an individual landscape architect and as a resident of Staten Island, I should like to express a few of my own personal views. I have studied the new zoning proposal and I have worked with the present law.

I can see great advantages to be gained in the proposed resolution. Strip commercial zoning now covers Staten Island like

the head of Medusa. More than twenty times the area actually needed or used is presently zoned. However, the present commercial districts, being narrow and long, do not even allow for modern large-scale shopping centers. The existing law is very confusing and restrictive in the residential areas, being tied to legal street widths, being regulated by three separate maps, and being subject to all kinds of amendments, some of which apply to one residential district but not to others.

I believe that a sensible and a varied and interesting development on Staten Island can be accomplished best by the new proposed law. I support, wholeheartedly, the need for a new zoning resolution, and I feel that with a few minor adjustments, the proposed zoning resolution will do the job. Thank you.

ROBERT M. MORGENTHAU

MR. MORGENTHAU: Mr. Chairman, I'm Robert M. Morgenthau, Executive Vice President of the RIVERDALE COMMUNITY PLANNING ASSOCIATION. We represent residents in the Riverdale area of the west Bronx, which as you know, lies between Broadway and the Hudson River and the Harlem River Ship Canal and the City Line. This is one of the most rapidly growing areas in the City and during the past ten years we have become intimately familiar with the Zoning Resolution of 1916, as a result of many matters affecting zoning which we've had before this Commission, before the Board of Estimate, before the Board of Standards and Appeals and in the courts.

As a result of this, our Association feels that the present Zoning Resolution is entirely unsuitable and unworkable and does not provide the framework for the solution of basic problems in the City - the congestion, the overcrowding, and the need for adequate community facilities. We have carefully reviewed the proposed amendment to the zoning resolution and we believe that this does provide the framework for the orderly development and growth of the City. Of course, we don't believe it is the answer to all of the City's problems but we think it provides the framework for the solution to these problems.

Without going into any further detail, I would like to say that at a special meeting of the Board of Directors of our Association on March 6, 1960, we unanimously adopted a resolution wholeheartedly endorsing the proposed amendment to the zoning resolution. Thank you very much.

CARL H. SALMINEN

MR. SALMINEN: Mr. Chairman and members of the City Planning Commission: my name is Carl Salminen and I am the Chairman of the civic planning committee of the FLUSHING CHAMBER OF COMMERCE.

The Flushing chamber of Commerce firmly supports the City Planning Commission and finds it necessary that New York have a new zoning resolution to meet present and future needs of the city, and thereby subscribes to the proposed resolution in principle.

We recognize that additional work and study is required to perfect the resolution and hope that the points raised by the Flushing Chamber will be given full consideration.

In discussing Sec. 42-20/28 concerning performance stand-

ards for manufacturing and commercial districts with members of our committee and owners of industrial establishments in our area, the committee arrived at the conclusion that the performance standards should be left to the various departments of the City administration for enforcement such as the Dept. of Buildings, Fire Dept., Dept. of Health, and Air Pollution Control.

At present these departments have satisfactorily enforced their regulations which are more or less familiar to the architects, engineers, and builders.

It is our opinion that the performance standards as proposed sound well in theory but seem excessively complex in technical interpretation. These extremely high standards would discourage many industrialists and commercial owners from building in the city, which would definitely be a serious loss to this city.

It would further seem that these performance standards would cause an added delay in processing plans in the various city departments as well as slow down construction completion. At present conditions are bad enough in the Dept. of Buildings where it takes approximately 2 months to obtain an approval, even on simple one family dwellings.

It has been voiced by many of our industrial members of the Flushing Chamber, that if the proposed performance standards were adopted, they would not hesitate considering moving their enterprizes elsewhere where regulations would not be so stringent.

We also find that the proposed resolution reduces the powers of the Board of Standards and Appeals and transfers some

of the powers to the City Planning Commission. The newly formed five-member Board of Standards and Appeals have been doing an excellent and expeditious job in hearing cases and we feel that they are best equipped to carry on the functions of granting variances and special permits. The Board should not be stripped of the powers that they now exercise under Section 7 of the Zoning Ordinance. This section authorizes the Board to determine and vary the application and use district regulations in various specified instances in harmony with their general purpose and intent.

A provision such as Section 7 should not be deleted from the powers of the Board which enables them to grant special permits when they are deserving.

We therefore suggest that the powers of the Board of Standards and Appeals not be diminished.

The parking requirements should be simplified for retail shopping areas in the proposed resolution especially in the commercial areas. Very often shopping districts are planned and constructed before the specific uses of all stores are known. Also new tenants in many instances create different parking requirements. The many variations in the number of parking spaces per person, depending on the size of the building are over-refined and do not take into account the changes in demand for parking which may occur.

It is therefore suggested that their requirements be simplified and a more uniform standard be adopted where the parking ratio is a reasonable average to the expected uses.

Salminen

MRS. JANE BINNEY: Mr. Chairman, members of the City Planning Commission, my name is Jane Binney. I am a resident of Greenwich Village and a representative of the "Save The Village" group. Specifically, I have been out in the streets gathering signatures for our petition in which we made a solemn and urgent plea for new zoning, zoning designed to protect and to improve our community. To date, we have over 15,000 signatures. I think this indicates the kind of support that the people of at least one community are giving to your City-wide zoning plan. Everyone of these signatures represents a person, a person who cares about where he lives for some special reason of his own. Some of them are fathers and mothers who were anxious about their children growing up in a place that would no longer nourish them with air or sun or parks or skies and with scarcely room to grow. Some of them were elderly people who had been born or raised in the Village who are frightened that they might be asked to move away from their homes. Many of them are just plain people - artists, painters, writers, teachers - creative people who wanted to live in a house that looked and felt like a house and not like an institution. They all signed. I had to tell them they could not sign twice. Some of these people were pessimistic; some were afraid; others were angry; some of them had already received notices of eviction and didn't know where they were going. They wanted to support the change. Some of them were eager and hopeful and wanted to help and many of them, a good many of them, were grateful that something was being done. They thanked me, actually thanked me, for letting them sign. All of the people who signed our petition support the new zoning plan. It is what they want, what they asked for. Thank you.

Binney

WALTER THABIT, representing New York Metropolitan Committee on Planning.

MR. THABIT: My name is Walter Thabit. Mr. Chairman, members of the Commission, ladies and gentlemen: last year the New York Metropolitan Committee on Planning appeared at the hearing on rezoning to support the plan prepared by the zoning consultants, Voorhees Walker Smith and Smith. We supported that plan because it seemed capable of eliminating the majority of speculative practices that were creating future slums in our City. We knew that the old ordinance could not do the job, that it was impossible to add bulk regulations to high-density areas or to otherwise amend the old zoning ordinance effectively. On the other hand, we weren't too happy with the consultants' proposal only because it seemed too liberal in the already excessively congested areas of the City.

We did not want to see a repetition of west side development and the area east of Central Park, and we did not want to see a new canyon area develop in midtown. Our specific criticism was that floor area ratios in the excessively congested districts were too high and therefore recommended that these floor area ratios be reduced by up to 20%. This recommendation applied to all the higher bulk districts in all use categories, namely, the consultants all nine residential districts, the C-5-2, C-5-3, C-6-2 and C-6-3 Commercial Districts and in M-1-2, M-1-4, M-2-2, M-2-4 Manufacturing Districts. We were not alone in coming to this conclusion. The Women's City Club of New York came to the same conclusion and made similar recommendations. On the other side of the fence in

these hearings stood some of the real estate interests. Those were the vested interests in the old ordinance. They agreed with the idea of the zoning in principle, but they rejected the consultants' proposal for a reasonable zoning envelope.

They said the proposal would restrict the growth of the City, that building would stop and that business would go elsewhere. You've heard a couple of those statements here today. The proposal, however, was by no means that restrictive. The zoning envelope proposed by the consultants provided space for 11 million people, which is about 2 and 1/2 million more people than are expected to live in this City by 1975. This extra space provided all the flexibility needed for substantial speculative appeal; it would encourage building and would provide a legitimate profit to real estate people and builders. But this wasn't enough for the speculative forces - they asked for more.

Now, the Planning Commission's own proposal is before us today. Many changes have been made based on complaints, criticisms and suggestions at the hearings and after them. Many of these changes were responses to the analyses of groups such as the New York Chapter of the American Institute of Architects, which went to great lengths to analyse the design implications of the regulations. Many of the changes were to satisfy the objections of individual owners, whose property was improperly or inaccurately mapped. Many of these changes were made to meet the criticism of the speculative forces. Before going any further, we would like

to say that the Planning Commission and its staff deserve the highest praise for withstanding so well the many pressures they were forced to bear during the past year.

In most cases, the changes made by the Planning Commission made the proposal a better one; and in no case is there any evidence of a giveaway to any individual or to any group. As far as we can determine every serious complaint was given serious consideration, and every change was based on the merits of a specific case. We are pointing out, however, that the changes have been made which are primarily beneficial to the speculator. We note, for example, that several districts in Manhattan have been changed from C-6-1 to C-6-4, a change which increases the residential envelope by some 300%, and the commercial envelope by 70% in such districts. Similarly, the area east of Central Park has been remapped to permit a substantial increase in the allowable density. We are not implying that these and other changes were unjustified or that they were unnecessary but they do increase densities in already congested areas, and they do increase the total permitted envelope.

Whatever the merits of their case, speculators should now be satisfied. They were treated liberally in the original proposal and there has been further consideration and further latitude in the proposal before us today. They have received fair and equitable treatment at the hands of the Planning Commission and if they were sincere, they should now be able to support rezoning or at least state specifically what it is that's wrong. But the speculators are not

satisfied. They want the full zoning envelope for 55 million people provided by the old ordinance. They want to wheel and deal with all the property in the City. They want to continue the spurious trading in land at exploded prices. They want to continue to neglect parking and open space, provide inferior space at premium rents, overtax schools and other public facilities, to create still more congestion.

They want to continue to be able to decrease the development of surrounding real estate by building first and highest. They want to ruin good neighborhoods with incompatible uses or excessive densities. This is what the speculator wants to maintain. This is what the proposal will prevent, and this is the zoning issue.

The newspapers have recently been full of the statements of the speculators and their captive spokesmen. It shouldn't surprise anyone that some politicians, engineers, architects, and others have joined in opposition. After all, the speculator needs political help. He also needs builders, engineers, and even architects. Some are specialists in the old zoning ordinance. And the firms that work for speculators and exploiters know which side their bread is buttered on. They must support the speculator. There's a whole society of speculation that the new ordinance will bring under a reasonable degree of control and that society is fighting back. The speculative forces are easy to distinguish from what we could call the honest people. They are those who are no longer bothering to agree with rezoning even in principle. They are now

saying that the old ordinance has stood the test of time, that it can be amended satisfactorily, that the proposal needs further study, and that it is dangerous and drastic. More inflammatory, irresponsible and inaccurate set of statements on zoning would be hard to put together. Statements like this aren't made by people who are honestly trying to find an answer. They are made by people who cannot be satisfied.

We believe that no matter how much consideration is given to his point of view, the speculator will continue to fight against rezoning. He is opposed to any kind of reasonable regulation of his activities because reasonable regulation will reduce speculation to a reasonable level. And since he cannot be satisfied, we believe that nothing more should be done to accommodate him.

Let us recognize that speculation is the zoning issue and fight it. Now, in saying this we are not saying that the proposal is perfect. We know it is not perfect. We know that it will need amendments and changes after adoption; that there will be areas where density is too high or too low; there may even be a few provisions which will have to be tested in the courts. But none of this is sufficient reason to embrace the laissez-faire ordinance of the past nor to delay the adoption of the new proposal. Amendments to the ordinance could be obtained in a few months; variances could be obtained in a few weeks, but the undesirable development which is taking place now is going to last for fifty years.

In conclusion, METCOP believes that the majority of the public, the engineers, the architects, the builders, and even the real estate men are in favor of the proposed revision, or they would be if they had read it. Most of us want an ordinance which would reasonably regulate the development of New York City. METCOP feels that such an ordinance is before us today. We believe it is practical and workable - one which has been modified enough to meet all reasonable objections to it. We expect that a few changes will be necessary as a result of these hearings, that the changes made will improve the proposal, and that there will be minor changes afterward, as well.

We therefore urge that the Planning Commission adopt this proposed ordinance as soon as possible and that it bring its final proposal to the Board of Estimate without delay. We hope and trust that 1960 will become known as the year of rezoning for the City of New York. And when the ordinance has been adopted, we hope the Planning Commission will turn its attention to master planning. We have no master plan for housing, we have no land use plan, we have no transportation and transit plan, we have no regional plan, we have no master planning. It's been neglected for a long time and zoning has taken a lot of time that could have been put to it.

We hope you adopt this ordinance fast and then turn your attention to that job. Thank you, gentlemen.

Thabit

PETER A. CLANCY

MR. CLANCY: Chairman Felt, members of the City Planning Commission, my name is Peter A. Clancy. I represent the Chairman of the Planning and Zoning Committee of the Bronx Board of Trade. This organization has been in being in excess of 66 years and represents over a thousand members. I have been a member of the organization for many years. I was born in the City. I like the City. I'm in favor of a good city and I'm in favor of planning. But we must all realize that at these hearings that many people who come here live in a residential neighborhood. Now, I'm in full concurrence with the man from Riverdale who would like to be in an R-1 District. I'm in full concurrence with the zoning for my immediate neighborhood where I have a small home, which is R-1. I'm in favor of more light, more air and, of course, our group has tried to analyze this from an overall picture of the borough, not for any one individual, whether he be a homeowner, a tenant, or an industrialist. Now, as far as mapping is concerned, today is not the day so I'm not going to discuss it but it does bear out a very proven point that the man from Richmond Hill who had a thousand people outside, who wanted to be put in a more restricted area - it proves the point that the field men did not do a good job on mapping. I personally think that to allocate one day for each borough for mapping is out of the question. You should designate a large period of time, designate a member of your staff to invite the public to come in person or to submit in writing suggestions, because the mapping is going to be very, very important if this plan is adopted.

Clancy

The Bronx Board of Trade is interested in all matters pertaining to our Borough and City, and we believe the proposal of Chairman James Felt for a Zoning Resolution for the City of New York based on recommendations of Voorhees Walker Smith and Smith is of vital importance to our community.

The Bronx Board of Trade, through its Committee on Planning and Zoning, has devoted considerable time and study to the proposed Plan of Voorhees Walker Smith and Smith dated August 1958 and released to the public February 16, 1959.

Ten months thereafter on December 21, 1959, the proposed Comprehensive Amendment of the Zoning Resolution was released by Chairman James Felt of the City Planning Commission.

The time allotted to study same is inadequate and we feel that due to the great importance that this proposal has on our Borough and City that the elected officials should be most careful in adopting a plan unless and until it is fully and intelligently studied.

We have attended many meetings of various groups -- listened to both proponents and critics of the Plan. We are firmly convinced of the complexity of same and the great impact it will have on our City. Only a few weeks back a discussion of the Plan was had at which Chairman Felt and Mr. Frank Barrera, Chairman of the Zoning Committee of the Metropolitan Association of Real Estate Boards spoke. I have great respect for those two fine gentlemen but the meeting proved one point, and that is that there is still great confusion. Here were two experts construing this new plan and they were most certainly

Clancy

not in accord. I mention this to show the need for less haste.

I do not intend at this meeting to go into a technical discussion as I anticipate that members of other groups, particularly Building Industry League, architects' societies, professional engineers and real estate boards will submit specific facts as to bulk controls, open spaces, etc.

However, from our studies and meeting with various technical groups, we do believe that in so far as The Bronx is concerned the bulk controls are too drastic and should be amended to permit greater density in many locations.

The retroactive provisions are most unfair. If there are a few buildings that create a nuisance in a neighborhood we feel they could be upgraded rather than confiscate all properties, a good many of which are a credit to the area. Furthermore, a good many neighborhoods adjacent to areas used for light manufacturing are in the process of being rebuilt with City low cost housing. We believe it would be beneficial to all to have places of employment within walking distance of the workers residence. It would cut expenses of travel, cut down on traffic congestion and bring in much needed taxes.

We feel that many of our industrial locations have been re-zoned to M-1 which is too restricted and is in conflict with present uses.

We believe that there has been too much haste, that the time given to study the Amended Plan dated December 21, 1959

is not sufficient. That due to the great impact in our City, and the fact that hearing was scheduled for today, we are compelled to reach a conclusion at this time. From our studies, which include views and opinions of proponents and critics, we have adopted the following resolution:

We are in agreement with the desired goal of all interested parties for an improved Zoning Law for the City of New York, but we are maindful of the fact that the zoning power is an extension of the police power which should be exercised with discretion in the interest of the health, safety and welfare of the community as a whole. Accordingly, we submit the following recommendations with respect to the proposed new Zoning Resolution for the City of New York:

The present Zoning Resolution should be retained with necessary revisions. The adoption of a completely new substitute resolution would upset the very large existing body of law which is the result of over forty years of interpretation and application of the present resolution. We believe that it is possible to improve upon the present framework and that beneficial changes could be made within that structure.

We approve a one map system to replace the present three map system.

Clancy

We approve the extension of the principle of "bulk zoning" but we oppose the application of this principle as set forth in the proposed resolution because of the fact that the permissible floor area in practically all districts would be so greatly reduced in comparison with present zoning requirements that it would be economically impractical to construct new buildings in most instances.

We disapprove the drastic changes proposed for excessive open spaces. The definite restriction of residential construction by private enterprise and the destruction of land value is inherent in regulations of this type. Such open space requirements will practically eliminate the value of small plots in certain locations where land values are relatively high and these excessive requirements for open space will make it impossible to build accommodations for the majority of our citizens.

We approve the principle of protecting valuable industrial areas from the intrusion of residential use by prohibiting residences in manufacturing districts.

We oppose the offstreet parking requirements on the ground that the same are overly complicated and unduly restrictive, and we recommend that the entire subject of offstreet parking be restudied.

We oppose the inclusion of Performance Standards in any Zoning Resolution as such standards should not be a part of the Zoning Law.

We oppose the retroactive provisions as to non-conforming uses by reason of the fact that the formula proposed is arbitrary and inflexible and, in effect confiscatory, and does not take into consideration the nature of the business of the property owner, the improvements erected on the land, the character of the neighborhood and the detriment caused to the property owner without compensation.

We oppose the drastic reduction of the powers of the Board of Standards and Appeals and the transfer of such powers to the City Planning Commission. The Board of Standards and Appeals is the agency exclusively vested with the power to vary the provisions of the Zoning Resolution, is best equipped to do so, and any determination of the City Planning Commission on applications of this nature is not reviewable by the Courts.

We find that the proposed resolution, instead of being a "simplified more workable Zoning Resolution", is extremely complex and all of the regulations therein have been presented in far too great detail.

We believe there has been too much haste and that further study should be made. We offer our cooperation in the effort to improve and strengthen the existing Zoning Resolution and we strongly recommend that further studies preparatory to the adoption of any revision of the text, or mapping changes, be arrived at the joint effort of groups.

The original zoning law, the first in the nation, was adopted in 1916. In 1950 a plan by Harrison Ballard and Allen, made at a cost of \$350,000 was rejected. At that time I was privileged to sit at several hearings before this plan was submitted in connection with the Harrison plan. At that time I had the feeling that when this job was consummated they were also in haste. They were running out of funds, they put it together in a hurry, and I have a belief that's the one reason it wasn't passed. I'm sure that Chairman Felt is sincere in trying to do a good job here, and I think for the benefit of the community, we should give much more thought before we put through something that has such a tremendous burden on the City. Let's not be in haste.

Chairman Felt suggests a one-year's grace period after the adoption. Now, presuming it was adopted, why not take a little more time to study it and avoid future troubles. If it was adopted six months later, we could cut the grace period possibly six months, and last but not least the suggestion of Voorhees Walker Smith and Smith under Section 1130. They suggested that this should be adopted by a negative action. I think this is vastly too important and we feel that the final resolution should not become law by negative action. We should have our representatives stand up and vote one way or the other. We say that there should be positive action before this becomes law. Thank you.

BRUCE J. GOULD

MR. GOULD: Mr. Chairman, Gentlemen, I'm here on behalf of the Lenox Hill Club, an Independent Club for Democrats on Manhattan's East Side, particularly concerned with the Community bounded by Third Avenue and the East River, from the 50's to the 80's.

We urge the adoption of the Proposed Zoning Resolution. We recognize today, "that whatever goes up must come down" is no longer true. It is not true of our rockets, nor, practically considered is it true of our City's housing - not when 1/3 of the City's 156,000 buildings subject to the Multiple Dwelling Code are over 60 years old.

Here today is not gone tomorrow, as applied to our City's housing supply. By way of example, an average of only 20 acres per year of the existing 7000 acres of City slums have been cleared in the ten years of the Title I program.

In housing basically what we put up, stays up.

The Zoning Resolution will effect tomorrow more than today, our children, more than ourselves.

The passage of this Zoning Resolution is urgently needed, controlling as it does our City's future development, growth, and appearance for decades to come. Regrettably, we see on Manhattan's East Side the evidence of the malfunctioning of our present law in the concentration of construction of the presently conceived, perhaps more appropriately labeled "misconceived" high-rise buildings.

Today's law disregards the requirements for a balanced growth of our community. Unchecked, the type of building per-

mitted will continue to produce chaotic, irrational and disorganized neighborhoods at the expense of present inhabitants and future residents.

Mr. Panuch's report "Building A Better New York" puts is succinctly, when he states: "The city's basic problem is congestion. *** In the long run (the city's) effort will be self-defeating, unless it establishes adequate control of density of population per city block."

Fortunately, the Proposed Zoning Resolution comes head on to grips with this problem. The density controls are clear cut: lot area per room is a neat, easily workable concept. Coupled with the concept of floor area ratio, varying the required lot area per room allows for the mapping of our City's population in a livable fashion.

A Manhattan Island zoned for over 5,000,000 people is nightmarish. Yet, the present law permits such an outrage. A walk in some of Manhattan's East Side neighborhoods appears to confirm that the block is being constructed to house its share of that unreasonable total.

We thank our planners that the Proposed Zoning Resolution brings down the zoned capacity of Manhattan Island to half of that 5,000,000 figure. And what is most remarkable is the productive labor that has gone into arriving at the proposed zoned capacity. The study has produced a block by block understanding of our City to determine in part how many of our inhabitants could be piled on top of each other and yet have

enough elbow room to remain friends and good neighbors.

While we shall next week take exception to some of the extensive high residence mapping of our East Side, it in no wise effects our approval of the Zoning Proposal.

If I neglect to mention the overall scheme of Floor Area Ratio, Open Space Ratio, the permissive concept of uses, the standards of performance, and the flexibility afforded building design in which to house our people more pleasantly it is not from lack of enthusiasm. Rather, it is because, in conclusion, I would like to deal with one facet, that today's over zoning encourages - the bidding up of land costs.

Manhattan's East Side is in that bidding cycle today. The speculation cycle has begun and it is difficult to stop. Queens knows this problem. Staten Island may hopefully be saved from the dire consequences by passage of this Resolution.

For the results are drastic. Galloping costs of land mean its overdevelopment to realize the highest possible prices. Each speculator counts on the overdevelopment of his slice of land - to reap a bonanza. Only a few gather the windfalls; the residents, those who consider the East Side "home" are the losers. The City ultimately loses, for each lot sold at increasingly higher and higher prices is then overdeveloped to justify the high cost which means other properties will remain under-developed and only partially productive.

When we permit unbridled congestion, people ultimately move out - they have throughout the City - over a million people

since 1950. The East Side is not sacrosanct. It can happen there as it has elsewhere in the City, bringing declined property values and blighted neighborhoods.

The Proposed Zoning Resolution meets that threat.

We urge its swift adoption. Thank you.

MRS. JOSEPH MINDELL:

MRS. MINDELL. My name is Mrs. Joseph Mindell and I am the organizing chairman of the Greenwich Village Home Owners Division of the Manhattan Land Owners Association. Our Association is unanimously in favor of the Zoning Resolution.

First, let me say that I am somewhat nervous and in awe at speaking in front of this group since I have never made a public speech in my life. And the only time I have ever been to City Hall was to get married. However, I feel this issue so keenly that it was important for me to overcome my nervousness and appear here today to speak in favor of the Zoning Resolution for the home owners of my neighborhood, Greenwich Village.

I have lived in this area for the past 25 years and there have been vast changes. A large number of unusually tall buildings have appeared which are not only huge, but box-like. This has led to overcrowding and overtaxing of services. Many cut out light, air and sunshine and have changed the character of a street and a whole neighborhood. Some of these new buildings are very high priced in rents, yet inadequate in space and comfort, with the result that instead of having stable families, they have transient residents. This is not good for anyone - tenant, owner or neighborhood, or city. With new zoning laws, new construction would be more imaginative in planning, with acceptable standards of light, air and open space. This would preserve the property values of existing buildings and areas, as well as preserve a

Mindell

good way of life. This is one reason why the home owners are in favor of the proposed zoning.

With the increased building and population, there have been new restaurants, new shops, more garages and more cars, bringing additional noises and tensions, with no planning as to their locations. The result is that garages, warehouses, restaurants, etc., can appear almost anywhere putting a blight on residential areas. This is another reason for our group favoring the Zoning Resolution because it would take into consideration the effects of such new commercial and industrial building upon its environment as well as upon its residents. Zoning laws that are 44 years old are obsolete for present day Manhattan.

Most property owners are interested in maintaining a strong, orderly growth of their neighborhoods. It protects property and allows a safe way to increase value to all owners and not to just a few at the expense of the many. Human values make property values.

There are only a small minority of owners who are not concerned with the community in which their property exists. They are the speculators who are only interested in their own immediate profits with no concern for neighborhood, city or neighbor. Their shortsightedness has helped create the slums that exist in New York today. It is appalling that a controlling group within the Real Estate Board is so shortsighted that they want to cling to old zoning laws that were even out of date ten years ago. Actually they too would profit, in the long run, by new zoning laws.

It was heartening to read in Sunday's Herald Tribune that

citizens are encouraged to raise their voices, in praise, protest or expression of needs, at City Hall and can be assured of a serious hearing. Ours is an expression of need - the zoning resolution.

Our Association of Owners is proud of the City Planning Commission, of its Commissioner, Mr. James Felt, for their intelligent and human approach in solving these difficult problems of our City. We are pleased that Mayor Wagner initiated the work that has led to the present text. And we sincerely hope that he will use his good offices when the time comes to make the Zoning Resolution into law.

Mindell

CAREY VENNEMA

MR. VENNEMA: Mr. Chairman and members of the Commission: my name is Carey Vennema. I live in Greenwich Village and am a member of the First A.D. Republican Club. I have been asked by State Senator McNeil Mitchell, the eminent Republican leader of the first A.D., to speak on his behalf and on behalf of the Club, in favor of the Commission's proposed text of the Comprehensive Amendment of the Zoning Resolution.

Everyone agrees that the 1916 Zoning Resolution now has major weaknesses. Forty-four years of changing conditions is ample time to observe its inadequacies. Only those who have an interest in maintaining the status quo would have us limp along for fifty or sixty years while they snipe at every constructive effort to give the nation's greatest city the modern zoning it deserves. They know that new zoning for New York is inevitable, but they wish to delay the day of change as long as possible.

The vast majority of the people who live or work in the City of New York - the City's human wealth - are crying out for change, however, they crave more open space around the buildings to let the sunlight and fresh air come into their homes, offices and streets, to give them more place for rest and recreation. They have grown weary of inhabiting canyons lined with massive concrete wedding cakes and they yearn for architectural variety to excite their eyes and spirits. They are frustrated by ever-increasing congestion in some areas and by advance of blight in others. These people want their city to become a better place to live and work in during the next generation.

The City Planning Commission's proposed zoning resolution will go a long way to making their wish a reality. It will provide the measuring stick for the continued building and rebuilding of the City in a manner which husbands and uses its land resources for the greatest benefit of its human resources. It will promote stable development of residential, commercial and manufacturing districts while protecting their character.

We commend the Commission for its foresightedness and efforts in preparing and proposing a workable zoning plan suited to New York's present and future needs and we urge its speedy adoption.

Vennema

RAYMOND A. PICKARD

MR. PICKARD: Mr. Chairman, members of the City Planning Commission, I represent the CIVIC CONGRESS OF STATEN ISLAND which is a parent organization of about 22 community organizations composed of over 10,000 homeowners. I am pleased to report --- I might add at this time that I am a member of the Livingston Community Association which is a member organization of the Civic Congress. I am pleased to report that we find the overall proposed zoning resolution for Richmond County generally good and we approve it except for some changes which we expect we will be able to discuss with you at the next hearing. We believe that the manufacturing zone is satisfactory. However, on that we have made our feelings to this Commission known by letter in the past. We hope to be able to discuss the residential zones at the next hearing. Otherwise, we feel that the resolution is satisfactory.

CHAIRMAN FELT: Thank you very much, Mr. Pickard. You refer, I assume, to the hearings relating to the mapping in Richmond?

MR. PICKARD: The mapping in Richmond. Is that on the 25th of this month?

CHAIRMAN FELT: Yes, that is the 25th. We will be happy to hear from you and your group at that time.

MRS. CHARLES J. PATTERSON

MRS. PATTERSON: Mr. Chairman, members of the Commission, I am Mrs. Charles J. Patterson, Secretary of the Staten Island Citizens' Planning Committee.

The Staten Island Citizens Planning Committee is a group of private citizens interested in the desirable overall long range development of the Staten Island community. From the inception of the proposal that there be a workable zoning resolution to provide for the orderly growth of New York City, our Committee has studied the plans advanced by Voorhees Walker Smith and Smith and the revisions by the City Planning Commission. We conclude that the recommendations of the City Planning Commission offer sound advantages to our city. However, we will confine our commentary to problems of Staten Island. This plan is of such immediate value to our community and is, moreover, so urgently needed to prevent reckless development and speculation that, with appropriate modifications, it should be adopted without delay.

At the Staten Island Citizens Planning Committee's Transportation Conference held at Wagner College two years ago, an analysis of population to be planned for was made on two bases: one a projection from past trends and the other the ratio of land to people. The population figure arrived at was close to 850,000, which tallies closely with your figure. The need to limit the population of Staten Island to the number who could be transported was stressed. We realize, however, that if the pressure of population is nearly unlimited, as under the present zoning,

Patterson

some form of transportation will evolve, but it is hardly likely to be orderly or satisfactory. The new controls will provide effective limitations on population and contribute materially to orderly development of Staten Island.

The new proposal gives reasonable consideration to the traditional growth of neighborhoods. It encourages enough diversification to allow movement within neighborhoods as family housing needs expand or contract. The interrelated controls governing bulk and density are designed to provide light and air in neighborhoods of all income levels, while builders are encouraged to provide more open space around a building by being allowed proportionately more square feet above the street level. Land values are protected by the system of permissive uses which are specified for particular areas, all uses being considered valuable to the community - residence, commercial, and manufacturing. No longer may residences be built in the midst of industrial buildings to the detriment of both. In other words, this proposal eliminates unrestricted districts.

Even though Staten Island has the greatest opportunity of all the boroughs for zoning to prevent neighborhood deterioration, there are, of course, many existing mixed uses which need attention. The new proposal makes provision for the restriction and upgrading of non-conforming uses and for elimination from residential districts in the long run. It will require also upgrading of manufacturing uses in commercial and manufacturing districts.

Patterson

"Performance Standards" will protect residential and commercial areas from industrial nuisances such as noise, vibration, air pollution, radiation hazards, and fire and explosion. By meeting higher performance standards, industry will have greater freedom of location.

Further advantages lie in the ease with which the new proposal can be understood and used. (1) Patently a single map system is to be preferred to the present three-map system. (2) Easily read charts offer another simplification. (3) Incorporation of bonuses for open space into a related chart is an additional clarification.

The Staten Island Citizens Planning Committee requests that the Planning Commission consider additional residential categories. By examining the "Residential Density Ranges by District" chart (Rezoning New York City, p. 25) and projecting the dwelling units through R 6, our Committee finds objection to the abrupt changes in density between R 2 and R 3 and between R 5 and R 6. We recommend new categories to be created to bridge the gaps and to conform more closely to existing residential development on the Island.

We wish to repeat our opposition to the regulations which would allow the building of prisons in commercial areas designed primarily for the servicing of residential neighborhoods. We believe this to be wholly undesirable and urge that this use be transferred to another use group, thus eliminating this objection entirely.

Patterson

Again we wish to call attention to the fact that children's or commercial amusement parks are permitted only in certain commercial and manufacturing districts: this would be unsuitable near our beachfront areas. Our Committee, which operated an information booth in the St. George Ferry Terminal during the summer of 1958, knows the demand for such amusements near the beaches. It has been suggested that the Park Department might fill this need by providing a carousel. We urge, however, that definite provision be made in the resolution for this much-sought-after form of recreation.

We find that undesirable laxity is allowed in the location of commercial establishments in residential areas. Such an establishment facing on two residential streets is permitted access from either street, even if the distance to the residences on one street or the other does not meet the distance requirements. It is our recommendation that any such use be considered non-conforming.

For community facilities built in residential areas there should be parking facilities required for all buildings regardless of size or use. Parking should be required on the zoning lot at the rate indicated in the proposals but with a minimum requirement of at least one off-street parking space per zoning lot. The City Planning Commission has made some improvements over the Voorhees, Walker, Smith, and Smith proposals in some instances for small buildings while weakening the requirements for larger buildings. This could create serious problems.

Patterson

Our Committee strongly recommends that off-street parking should be required for all public schools because the lack of parking facilities is a serious hindrance in procuring teachers in some areas of the city. We believe that the requirements should be the same as those for colleges or universities.

As to off-street loading regulations in residential districts, there should be off-street loading regulations for all community facilities in residential districts, not only for hospitals, but also for medical centers, churches, etc., police stations, colleges, universities and other institutions permitted in residential districts. There is no apparent reason for restricting commercial off-street parking to 150 cars. Providing all other restrictions are met, a parking lot for a commercial development ought to be as large as the owner desires. (Conditions stated would apply in all cases.) These comments should be applicable also to manufacturing districts.

A provision should be written into the resolution requiring the city or any large-scale developer to reserve a portion of the land for public uses such as schools and small parks.

Another provision we should like to see included in the resolution would provide for periodic review of the zoning of presently underdeveloped areas by the Planning Commission at intervals not greater than approximately two years.

In the matter of non-conforming uses, since the eventual elimination of an owner's plant is a serious matter, the maximum protection should be afforded him under the resolution. Also,

serious consideration should be given to maintenance standards for such buildings, so that they will not become community hazards or eye-sores.

In a system of permissive listing of uses, speedy procedures must be provided for the processing of applications for additional uses so that legitimate requests for desirable uses are not unduly delayed. Also, the Commission must approach proposed new uses in the light of technological developments.

Performance standards for industry must not be relaxed if we wish this to be a residence borough of home owners.

This Committee will present a statement on the maps in the zoning proposal at the appropriate hearing.

Finally, the Staten Island Citizens Planning Committee is opposed to any delay in either the adoption or enforcement of this proposal. The public is now as receptive as it will ever be because of a combination of circumstances: the recent increase in property taxes and consequent interest in the basic causes and responsibilities, and in expectations for the future. Delay will only provide time for opposition of special interests to confuse and mislead.

For Staten Island, the long-term public interest demands modern zoning. Thank you.

Patterson

BERNARD L. HEGEMAN

MR. HEGEMAN: Mr. Chairman, members of the City Planning Commission, ladies and gentleman, my name is Bernard L. Hegeman. I am an industrial real estate broker. I am appearing here today as a representative of the Society of Industrial Real Estate Brokers, New York City Chapter. At the meeting yesterday they asked me if I would come here and give you the benefit of some of their thoughts on this proposed rezoning. I will just take care of two points because of the briefness in time. One is performance zoning. Under performance zoning, when it comes to noise, in order to decide whether a man can occupy premises, you have to have a sound level meter, you have to have ^{an} octave band analyzer, and you have to have an impact noise filter. I would just like to ask if the City Planning Commission has any of these instruments. Are any of these instruments available at the City Planning Commission, Mr. Chairman.

CHAIRMAN FELT: All of those instruments are available. If they were not available, they would not have been listed in the resolution. Would you proceed, please?

MR. HEGEMAN: I was given to understand that they were not available, that you didn't have them.

CHAIRMAN FELT: They may not be in our office but they are all available.

MR. HEGEMAN: Well, the problems involved in the situation of a small manufacturer, a man working for G.E. or General Motors - those big companies would have all these kinds of technical instruments, but a small manufacturer looking for ten or fifteen-thousand feet of space to manufacture his product in, would not be equipped to decide whether he could go into and M-1 District, an M-2 District, or an M-3 District.

Now, there are a great many technicalities involving the operation of these instruments and it is not easy to use them. I question the advisability of using performance zoning in a City as built up and as well or almost completed as New York City is. We have small areas of vacant land such as Staten Island. That would be wonderful for Staten Island where a great deal of construction can take place but when it comes to Brooklyn, Queens and Manhattan, it is very difficult. Now, there is one more point which I would like to make about non-conforming uses and that is that there are a great many areas in Brooklyn where you have taken ten, twenty, or thirty square blocks, presently zoned as Unrestricted and have put them in Residential zones, mainly in R-6. This is absolutely confiscation of a man's property because in 25 years -- none of these buildings have been built within the past 15 years, and in 25 years their use as industrial property has to be eliminated and, immediately, when a building is placed in a non-conforming use district, its saleability, its mortgagability, drastically impaired.

I would like to see a great deal more time taken in working out the mapping. I would like to emphasize exactly what Mr. Clancy said but I don't think that one day for hearing the mapping in Brooklyn is going to be adequate. I think an additional day should be set up and, if Mr. Clancy says he needs it for the Bronx, I think you should consider setting up additional days for Brooklyn and The Bronx to hear the mapping because I think there will be a great many people who will want to be heard on that day.

CHAIRMAN FELT: I can assure you of this, Mr. Hegeman, that no one who wishes to be heard will be deprived of that opportunity at our public hearings.

Hegeman

I would like to emphasize the position of the Metropolitan Association of Real Estate Boards, I am a member of the Brooklyn Board, and reiterate the statements made yesterday by Mr. Frank Berrara. We take the same position that he does.

MRS. ELSIE HEINS

MRS. HEINS: My name is Elsie Heins, of the United Property Owners and Taxpayers Association. I'm here to represent Mabel Otterstedt, our President, who couldn't be here this morning. "Mr. James Felt, Chairman, City Planning Commission, City Hall, New York, New York. Regarding public hearings on new zoning code. Honorable sirs: Like its two predecessors, the new Zoning Code is headed for the ash-heap. The City Planning Commission in violation of the Code has just approved 16-story buildings in an area designated low height because of proximity to the airport, and in the midst of residential area of small homes.

Conformity in the use of land has always been regarded as necessary for the maintenance of property values. New York City in the past 10 years has shown how even a great City can be sacked when the speculators take over.

We appealed that the suburban status quo of Queens be maintained by the restriction of areas to one and two family houses, but without avail. When skilled and professional people are forced out of their private homes even industry will have to leave the City. Realizing that the margin of vacant land in Queens has all but disappeared, we had hoped that at least the low height areas might keep their suburban character. We shudder when we see the

ghost of Manhattan approach us as closely as Hillside Avenue on VanWyck Blvd. Only the strict residential Zoning Code now in force has spared us as yet from that fate. There is no such protection on the new Zoning Code.

We agree with the builders that no new one or two family homes could be built in Queens under the new code. Builders also say they cannot build apartments in R4-R5 profitably without tax exemption. Who will be around to pay taxes? In some areas families are leaving the state at the rate of 9 weekly to flee the encroachment of projects.

Without protection for the suburban nature of Queens, it will not be worth the paper its written on and will only hasten the demise of New York City. Large apartment houses are already offering three months free rent.

(10 minutes elapsed before next speaker.)

CHAIRMAN FELT: We received a number of communications, but some expressed desire that I read them or that they be read at the hearing.

This is addressed to me as Chairman of the Planning Commission, Hearing Room, City Hall, New York. "The Woodside Improvement Association, the Woodside Kiwanis Club, the Harry M. Sullivan Association, the Woodside Business Men's Association, the Woodside Post American Legion, St. Sebastians Post of Veterans Foreign Wars, the Congregations of the Community Baptist Church, St. Paul's Episcopal Church, St. Sebastian's Roman Catholic Church, Christ Lutheran Church and the Lutheran High School Association of Queens and Brooklyn do not approve of the proposed zoning resolution as pertaining to the rezoning of Woodside as submitted by Voorhees Walker Smith and Smith and requests that its adoption be withheld until suitable changes and amendments be made upon recommendations by us or considered at future hearings and meetings." This is signed by the Woodside Improvement Association, Joseph F. Krikawa, Corresponding Secretary, and Harold McArthur, President.

Although this communication relates to mapping I think it is appropriate to have it read at this time. I have a letter from Nathan Straus, Chairman of the Board of WMCA, and it is requested that I read this into the record.- Addressed to the Commission:

"Gentlemen: May I register my emphatic approval of the proposed new zoning ordinance.

Krikawa / Straus

"I may claim to know something of the subject, since I have been active in rehousing and urban planning for more than 25 years. During this period, I built the largest low-rent privately owned housing project in New York City, I was a member of the New York City Housing Authority, and Administrator of the United States Housing Authority, which made loans aggregating \$800 million to local Housing Authorities for low-rent housing. Moreover, I have been a student of zoning abroad since 1930. Last summer I inspected housing projects and consulted with city officials in charge of zoning in England, Sweden and Holland.

"On the basis of such knowledge as I may have obtained over the years, I am willing to say that not only is the rezoning plan for New York essential, but such is its importance that speedy adoption is necessary to save the City from choking itself. Sunlight is becoming rarer, year by year, on the narrow canyons of the City streets. Not only are subways and roadways crowded, but at some hours of the day the sidewalks are all but impassable because of the crowds. Unless action is taken to rezone the City, provide for keeping business properties out of residential buildings and, above all, to reduce the bulk and therefore the population of buildings, it is hard to contemplate the continued existence of New York as a metropolitan center ten or twenty years hence.

"Of course there will be selfish opposition by those speculators and builders who are profiting by the present

wholly inadequate zoning regulations. One cannot expect cooperation in changing the laws so as to put an end to their practice of building where and in what bulk offers the greatest profits. These are men who are exploiting the land in the City which is a precious and irreplaceable asset.

"When the Real Estate Board of New York announced its solemn prediction that, 'The City as a whole would suffer through the curtailment of new construction,' let us not forget the record of the bankers and also the security dealers when essential reforms to end abuses in those industries were being considered by the Congress.

"When the Federal Deposit Insurance Corporation Act was introduced in Congress in 1933, the then President of the American Bankers Association condemned it in these words: 'American banking needs the abolishment of special laws (for) public regulation and supervision rather than more statutes for its restriction and control.' Yet today the banks agree that the Federal Deposit Insurance Corporation protects depositors and the banks alike. Indeed bank advertising uses the Federal Deposit Insurance Corporation Act as a strong argument to persuade prospective depositors to make use of their facilities.

"When the struggle was on in Congress for the enactment of the Securities Exchange Act to put an end to what has been called by historians 'a fantastic era in Wall Street,' Richard

Whitney, President of the New York Stock Exchange, denounced the proposed legislation in the following words: (This bill aims) 'to establish indirectly a form of nationalization of business.' But today, 26 years later, the soundness of the Securities Exchange Act is recognized by every dealer in the securities in Wall Street.

"One may safely predict, therefore, that we have an exact parallel in legislation to safeguard New York City from further exploitation by builders, which is possible only because present zoning regulations are obsolete, inadequate and ineffective. It is to be regretted that a revised zoning ordinance was not enacted ten years ago.

"I wish you every success in bringing about speedy enactment of this proposed zoning ordinance. Faithfully yours, Nathan Straus." That is addressed to the City Planning Commission.

Now, Vice-Chairman Bloustein, have you any statement to make at the present time?

VICE CHAIRMAN BLOUSTEIN: I have some telegrams that I have been asked to read, also addressed to the Chairman: "Am unable to attend your hearing as a scheduled speaker. Please be advised that as a representative of the Somerville-Arverne Civic Association, we most vigorously support the present proposed zoning resolution and urge its immediate

Caligaris/ Straus

adoption and its submission to the Board of Estimate for their approval without unnecessary delay." Thomas A. Caliguri, President, Somerville-Arverne Civic Association.

CHAIRMAN FELT: Will the Secretary please call the roll?

SECRETARY MALTER: Chairman Felt, Vice Chairman Bloustein, Commissioners Livingston, Orton, Sweeney, Acting Commissioner Constable. Quorum present. This is a continued public hearing on the Comprehensive Amendment pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, consisting of text and maps which are a part thereof and which are appended thereto. This hearing is being continued from this morning.

CHAIRMAN FELT: Is Mr. Morris present?

EUGENE MORRIS : My name is Eugene Morris, and I am an attorney associated with the law firm of Demov and Morris, of the Association. I am also Secretary of the Real Property Law Committee/of the Bar of the City of New York, and as a member, I participated in its preparation of the report which was filed by the Bar Association with the City Planning Commission with respect to this zoning resolution. My firm represents, I think, as many or possibly more people engaged in the field of urban renewal and redevelopment, housing, conservation and rehabilitation of housing as any firm in the City of New York. We do it on a very broad base and, therefore, we have rather extensive

experience in the practical problems that are encountered in the course of the day-to-day work that is done in the field of urban renewal, housing, rehabilitation, and so forth. In connection with that, we have occasion, very often, to meet and deal with the zoning requirements in the City of New York. We have found them on many occasions in the past to be difficult to deal with and to create serious problems with respect to projects that we have been handling.

As a matter of fact, as to one project we had in The Bronx, which was developed under the Mitchell-Lama Law, we ran into a delay that exceeded a year because of zoning problems that we were faced with in the development of that particular project.

As a member of the Zoning Sub-Committee of the Bar Association, I have had occasion to study rather carefully the proposal which is here under review. I have studied it with a view to considering it as a practical instrument and a practical document for we who are active in the field of building and redevelopment, and just how it will work as far as we are concerned. That study has led me to the favorable conclusion that the change that is recommended is long overdue and will be a matter of great advantage to we who are active in the practical field of building today and building for the future.

Now, this evaluation is predicated upon specific experience with the existing zoning regulations in the manner in which they relate to housing and to the study that I described before which we have made - as to how these regulations will apply

to the new and dynamic concept of housing that we find on the ascendancy today in the fields of urban renewal and middle-income housing; and I find that in every instance that we have attempted to evaluate against the new resolution, no problems are created under the new resolution. That means that we, under the new resolution, will be able to move forward expeditiously and move forward in a way which will redound to the benefit of the City of New York in terms of practical housing produced for the City.

Our lives will be made easier. It will be made better organized. We will know where we are going, and we will know in a much more clear-cut way than we know now what can be done and what cannot be done.

We also have found that the basic philosophy or orientation of the proposed zoning resolution is geared in the same direction that we are, that is, the dynamic concept of your urban renewal and urban redevelopment as it is practiced today and as it is viewed today by those who are active in the field is consonant and coordinate with the proposal contained in this zoning resolution. For those reasons I strongly recommend the adoption of the resolution as proposed. Thank you.

CHAIRMAN FELT: Thank you, Mr. Morris. Mr. Judd, then Mr. Amster, and then Mr. Modugno.

ORRIN G. JUDD : My name is Orrin G. Judd. I am an attorney and I speak as Chairman of the Lawyers Committee of the Committee for Modern Zoning, but I have more than one concern as I appear here. As a lawyer, I have dealt with problems of mortgage

and sale and lease and have seen some of the real estate and zoning problems that effect the City today. As a citizen who has lived for fifty-three years in Brooklyn, and expects to continue to live there and see it grow, I have a concern for the creation of the climate of modern urban renewal and city living that I think the new zoning resolution may permit, which is very difficult under the old zoning resolution. I am one of the owners of an apartment house in Brooklyn and I face some of the problems that zoning and regulations require, and I think I can take a practical attitude. I am a trustee of a church which is across the street from a Title I Urban Renewal Project which is surrounded by deteriorating, converted brownstone dwellings which are one of the unfortunate monuments to the past, and probably before there was any zoning resolution but which also were affected by the inadequacies of the 1916 zoning resolution, as now amended.

I am a trustee of a school. I appeared in Brooklyn before a committee of this board on behalf of the Hill Layman Civic Association, which represents a group of men in eight different churches in the Hill area in the central part of Brooklyn. We are concerned in that connection and I think I can speak, wearing all the different hats that I sometimes wear, urging strongly the adoption of this resolution.

We have been hearing a great deal in the newspapers and in the public press and radio and television, about the need for revision of the City Charter which is

only half as old as our zoning resolution. Perhaps there is more general public concern about the City Charter, but the zoning resolution just as truly affects the lives of everyone in New York.

I think the proposed amended zoning resolution, the one that is presently before your body, contains the means to improve conditions in New York City. We are now not only a great management center, but we are the governmental capitol of the world, with the United Nations here in our midst.

We must furnish an example, looking forward to the improvement of living conditions, to attract and continue to hold in New York City, the middle-income groups who have been escaping to the suburbs and yet who are the key to prosperity and to sound government in New York City.

The provision for lower density of housing, which is one of the key thoughts in the proposed amended zoning resolution, I think should help stem the flight to the suburbs. Rows and rows of apartment houses are not conducive to gracious living. We now have requirements for open spaces in public housing. I think there should be some open spaces provided for those who live in private housing, and provided as part of the cost of that construction and not simply by the City having to tax all people for additional park space and open space.

It may be that the amended zoning resolution will restrict some increases in land value, but I don't think anybody

has a vested right to potential increase in land value that may be based on the creation of congestion, and that is what the present zoning ordinance permits.

As a citizen, I am also concerned with the industrial life in our City, and you just have to look around at the factories in the suburbs to realize that it takes a different kind of land use and that a different effect on the area is created by factories today from the factories that were built in 1916, or in 1912, when the 1916 zoning ordinance was under consideration.

The amended zoning ordinance should not only improve the residential amenities in New York City, but I think it is designed to promote the bringing to New York City of industry under conditions where it can flourish and where we can compete with the attractions some suburban sites have for both manufacturing and office use.

Of course, one of the things that affects me, and I hope affects many people who are concerned with the zoning resolution, is the experience and integrity of the Chairman of the Commission, and I hope I may be permitted just to say that Chairman Felt has given himself whole-heartedly to the welfare of the City of New York. The people should be grateful for the energy that he has brought to the development of this zoning resolution. One of his jobs is that of a member of the Slum Clearance Committee, and I am afraid he will have to admit that at the present time, we can scarcely clear slums as fast as they are created.

The amended zoning resolution, I believe, will stop the promotion of new slums by governmental regulation, and I hope it may be adopted by this Commission and forwarded to the Board of Estimate and that it will have their approval. Thank you.

CHAIRMAN FELT: Thank you.

Is Mr. James Amster present?

MR. JAMES AMSTER: My name is James Amster. I am the President of the East 49th Street Association. This is an association composed of a group of neighbors, both owners and tenants, who live east of Lexington Avenue on East 48th Street, 49th, and 50th Street. They have formed this Association to keep this part of east midtown primarily a residential community. We seek to be a community sounding board and a community voice in City affairs which affect residential living and property values in east mid-downtown Manhattan.

At a recent meeting of the Executive Committee of my Association, the proposed new zoning ordinance, which is under discussion at this meeting, was studied. It was the unanimous opinion of the Executive Committee that this program filled a very definite need in city planning and zoning ordinance. We feel that the proposed new zoning ordinance deserves the approval and support of the entire City, because it is based on an understanding that it is possible, through over-building, to create too dense a population. Our area is composed primarily of brownstone residences in excellent condition, without apology, and we feel that this area deserves preservation and protection against the existing

building trend - which demolishes these brownstones and erects in their places mass buildings which crowd people on top of people. We feel that the proposed new zoning ordinance will help us to accomplish precisely this. We feel that our brownstone area, strategically located in the heart of the midtown district, deserves special protection in order to prevent the neighborhood from becoming a canyon of giant monoliths. We therefore earnestly hope that the City Planning Commission will approve the proposed zoning ordinance.

Many visitors to the U.N. use our streets either to visit or return from the United Nations. This is probably the biggest tourist attraction to our neighborhood and to our City. Like all the magnificent capitols in the world, our neighborhood should be the most beautiful approach to the United Nations as possible. The trail between the United Nations and the Waldorf, of necessity, passes through the heart of our community. It is therefore essential, not only to us who live there, but to the City and to the world, that our neighborhood retain, maintain and encourage the residential charm we have cherished on all these three streets.

As recorded in yesterday's press, we know that the governor has introduced a plan for the creation of more public parks. This is an ideal very close to our hearts and to our aims. We have what we think an ideal location in our neighborhood for such a part site. It is between 48th and 49th Streets from First Avenue to the East River - a site largely devoid of buildings.

The East 49th Street Association would like to suggest to the City Planning Commission and to the other responsible governmental agencies that this area be zoned for park use and development, as such.

In addition to the need for parks in our area, we would like to suggest to the Commission that the area between First and Third Avenues on 48th, 49th, and 50th Streets, really deserves the protection of a R7-2 zoning. It is now intended to make this Section R8. For reasons expressed earlier, the East 49th Street Association earnestly recommends that the greater protection be given to our brownstones and to our people.

Thank you for giving me this opportunity of speaking.

CHAIRMAN FELT: Mr. Modugno, will you step forward, please? But first, Commissioner Orton would like to read a telegram.

COMMISSIONER ORTON: This is a telegram addressed to the Chairman of the City Planning Commission:

"Sirs: As an active observer of city affairs and as one who is acquainted with the specific concerns of more than 200 families in all parts of Staten Island, I commend you for your new zoning proposal. If adopted, it will be the surest way to deter the grim confusion of land use expected in our immediate future time for effective development of Staten Island. Many advantages are slipping away. In the interest of Staten Island and all New Yorkers, I hope your excellent proposal becomes a reality. Signed: Reverend Charles Reinhardt, Minister, Unitarian Church of Staten Island. "

Amster / Reinhardt

MR. JOSEPH MODUGNO: Mr. Chairman and gentlemen of the City Planning Commission. My name is Joseph Modugno. I am President of the Robinwood Property Owners Association, President of the North Shore Council and Chairman of the Federation of Civic Councils of the Borough of Queens, representing over 200 civic associations and thousands of home-owners in the County of Queens. On behalf of these three large civic organizations, we would like to register our very strong and enthusiastic support of the proposed zoning resolution which in our opinion is a magnificent master plan for the future growth and the development of our great and dynamic city. Some changes and recommendations and clarifications have been made regarding the text and maps of the zoning resolution, but they in no way detract from the strong and unanimous endorsement given to the proposed new zoning law.

And our enthusiasm is in no way diminished by the threats implied or directly made by some groups to the effect the real estate tax will increase if this proposed zoning resolution goes through. But we know that that is not the case. And we are fully confident that serious consideration will be given to any reasonable changes that have been requested or will be requested prior to the final mapping.

We feel that the old zoning law , in spite of its 2,500 amendments, has been and is ineffective for the orderly growth and development of our dynamic City. We feel that the old zoning law does not give the necessary safeguards to the homeowners to maintain the residential characteristics of their communities. The construction, as an example, of so many gasoline stations in our county, during the pas

years in residential areas, is a good example of the ineffectiveness of the old zoning law to protect the vested interests of our homeowners. This brings to mind a recent article in a national magazine dealing with the city of Tokyo, and I'd like to quote:

"From the roof of a tall downtown building, Tokyo appears to be one great shapeless mass, spreading without plan or purpose Magnificent department stores, grand with luxury merchandise, rise above where ragpickers live and dancers peel off their clothes before beautiful temples dedicated to the Goddess of Mercy. Oderiferous canneries and dye works stand next to houses in the residential sections."

We do not have oderiferous canneries in the County of Queens, but we certainly do have plenty of oderiferous gas stations in residential areas; and if variances continue to be granted in the future as in the past, the entire County of Queens will be oderiferous.

This unzoned ugliness of Tokyo is a by-product of Tokyo's post-war conditions and the attempts at rebuilding, which were largely patchwork efforts to restore what had been there before -- a huge graceless city. Now, what excuses do we have to continue the old zoning law? What excuses do we have to continue to build a giant, immense, but graceless city when under the proposed new zoning resolution, New York can continue to grow and develop into a beautiful city - a city that we can be truly proud of, a city that can be the prototype for other large cities of the world to follow, a city that will be a source of pride and joy to ourselves, our children and our children's children for many generations to come. Thank you, Mr. Chairman

CHAIRMAN FELT: Thank you very much. Is Mr. Gurney present?

JACK GURNEY: My name is Jack Gurney. I appear as Chief Architect for Housing of the New York Life Insurance Company and as

Chairman of the Civic Design Committee of the New York Chapter of the American Institute of Architects.

CHAIRMAN FELT: Mr. Gurney, when you refer to the New York Life Insurance Company, are you making a statement on behalf of that group?

MR. GURNEY: I am making this statement as Chief Architect for Housing of the New York Life Insurance Company. The proposed new zoning resolution for the City of New York, prepared by the Planning Commission, should be enthusiastically supported by those who are sincerely interested in the present and future development of the City as a whole. The 1916 zoning law is frightfully outmoded and fails completely to take into consideration the factors that are of paramount importance in the solving of problems in the future development of our City. Those advocates of amending it fail to understand or pretend not to understand that if all the basic requirements of an up-to-date resolution were to be incorporated in the 1916 zoning law, the end result would be a complete rewriting of this resolution.

For 1960 and for the foreseeable future, a complete new zoning resolution, not a patched-up resolution, with a contemporary approach to rational controls of use, bulk and parking requirements is essential as many other cities have found in recent years. The almost incredible changes that have taken place in the last 40 years have made necessary a complete new conception of proper planning of our City. It is time that we New Yorkers adopt a new zoning resolution that is geared to the modern approach to planning essential in a city the size and complexity of New York. For the past four or five years, Chicago has been operating under a new zoning resolution, generally similar in text and scope to that proposed for New York. The Housing Department of the New York Life Insurance Company has been building under this

new Chicago zoning resolution and has encountered no difficulty in its huge construction program there. As a matter of fact, Chicago has been enjoying a building boom in private residence, apartment building and office building construction since its adoption of this new resolution.

The City Planning Commission has held numerous meetings with individuals and interested groups during the period between the issuance of the Voorhees Walker Smith and Smith proposal on zoning more than a month ago and the publication three months ago of the City Planning Commission's resolution. As a matter of fact, meetings have been held right up until the time of these present hearings. I, personally, have participated in many of these meetings, and suggestions and changes requested by the groups represented at those meetings has resulted in the adoption of many of these suggestions and recommendations in the final draft of the City Planning Commission's zoning resolution.

The later recommendations, together with matters discussed in these hearings, will undoubtedly be included in the final draft submitted to the Board of Estimate. If the proposed zoning resolution is not approved, no other attempts to adopt comprehensive zoning is likely to be made in the foreseeable future. How unfortunate for the orderly development of the City in a period that will undoubtedly see a vast program of building.

New York City must be prepared to participate to the fullest extent in the orderly absorption of population increases in its future building program. An early adoption of the proposed zoning resolution will be of tremendous help in the proper comprehensive approach to the planning problems involved in such

expansion. This new zoning resolution is of vast importance to all citizens, but it is of special interest to the architectural profession which is charged with the responsibility of planning decent working and living conditions for the city's residents. Its adoption will result in an opportunity for the architectural profession to exercise much greater freedom in the planning and design of buildings in the future.

I therefore urge the adoption of the proposed resolution at the earliest possible moment, so that we can go forward with the future planning of our City under a comprehensive and modern zoning ordinance. Thank you.

LEON T. SCOFIELD : Chairman Felt and members of the Commission, my name is Leon T. Scofield. I am Zoning Chairman of the Central Queens Allied Civic Council, the oldest and largest civic council in Queens. I further want to refer to my affiliation with the Laurelton Civic Association which, I believe, is the largest paid-up civic association in the State of New York, with over 1200 paid-up members -- and that is something for a civic association.

I sat here this morning and into the early afternoon and listened to people opposing this proposed zoning resolution -- the arguments of those that did oppose it. I recall one person who said, "We should have a new zoning resolution, but I think you should stick to the old one and I'll help you patch it up." There has been that sort of approach to this matter. I heard someone say, "We oppose performance standards in a zoning resolution." We have performance standards in the building code. I think it is high time we had performance standards in zoning.

We also heard people say that the Board of Standards and Appeals is being deprived of all its powers. Having had a little experience with the Board of Standards and Appeals, I know the manifold duties they have quite outside of the matter of granting variances, etc. I think, in the long run, the Board of Standards and Appeals will call this Commission blessed for the time and work and aggravation they will save them in the long run. I have read the papers since this matter has been brought up but I have not seen a tremendous amount of members of the Board of Standards and Appeals come forward thus far to oppose this. I am not saying they may not, but they have not come forward thus far, to my knowledge, to oppose this very vigorously.

CHAIRMAN FELT: May I say in relation to your point - that we have been meeting with the members of the Board of Standards and Appeals right along in connection with the proposed zoning resolution.

MR. SCOFIELD: I understand that. I have also heard people say that they felt that the City Planning Commission shouldn't dictate to builders and developers. I don't think that the people who are opposing this resolution from the real estate point of view are the sort of developers that we like to think of as benefactors of this City. I think that the people who are genuine developers will, in the main, favor this resolution. I might add that we in our Organization have some developers who are enthusiastically in favor of this resolution.

We have had many conferences about the matter which I am speaking of with the City Planning Commission - in regard to some items, particularly, with regard to what will be R1 and R2 Districts. We feel that it requires possible amendment, possible clarification. From our past experience with the Commission, I feel that we will be able to effect a compromise suitable to our organization, our areas, ourselves and the Commission.

Therefore, on behalf of the Central Queens Allied Civic Council, I want to express to this Commission, and have it appear on the record, that we heartily endorse this resolution and urge its adoption at the earliest possible moment. Thank you.

L. BANCEL LA FARGE : Mr. Chairman, members of the Planning Commission, my name is L. Bancel LaFarge. I am an architect, practicing in Manhattan. As a Fellow of the American Institute of Architects, I have been an active member of many of its committees on a national, regional, state and local level. When the Committee for Modern Zoning

CHAIRMAN FELT: Are you the same Mr. LaFarge who is President of the New York Chapter of the American Institute of Architects?

MR. LA FARGE: Mr. Chairman, I am the President of the New York Chapter, but I am speaking as an individual. When the Committee for Modern Zoning asked me to be Chairman of the Architectural Division I was more than pleased to accept.

As many of you know, this group is a non-partisan citizen's organization consisting of civic leaders from all fields of endeavor, and I feel honored to be associated with the group.

I am here today, however, speaking as an individual who is vitally concerned with any plan that is brought forth to provide for the future growth of our City.

Piecemeal amendments to the existing zoning plan will only add further patches to the threadbare "horse and buggy" blanket of 1916. Those civic planners could not foresee the era of motored transportation and its effect upon our metropolis. Nor did they envision the great apartment complexes and tremendous office buildings that we require to provide living, commercial and industrial facilities for our community. We have been just plain lucky that industry and people have continued to come here in spite of the lack of a plan that would integrate them to their best advantage and to that of the City's.

Our welfare cannot be left to chance and stop-gap measures. A new look -- a new plan is the only answer.

The present proposals before this Commission seek an orderly development and growth of our City in order that we might

plan ahead for such services as transportation facilities, schools, utilities, and hospitals. You, gentlemen of the Planning Commission, deserve public thanks for your efforts to give these proposals the widest possible hearing. I have noted that since December, when your first hearings were held, changes have been made in these proposals, changes based on the recommendations of the various civic groups that have appeared before you. Most of the changes that have been made since the first series of hearings broaden the scope, while at the same time re-emphasize and underline the basic concepts of this new zoning plan. For example:

1. In commercial sections of the city, plazas and arcades have been further encouraged by enlarging the additional amount of rentable space the builder may be permitted for his building.

2. Historical areas are now to be zoned in such a way that demolition of existing buildings would be uneconomical, rehabilitation would be encouraged and thus the general nature of these areas would be maintained.

3. While the number of types of residential zones has been increased, density controls work in terms of the maximum number of rooms which may be built on a given plot. High bulk buildings have been eliminated from narrow streets, and the character of many of the Upper East Side streets with their fine old residential buildings

LaFarge

will be preserved. We are anxious to preserve the neighborhood quality of our city; the Mayor has already appointed a committee on neighborhood redevelopment. These proposals will go a long way in that direction. These new hearings will bring forth many more suggestions, many of which, I am sure, will be adopted. I think that this commission has already demonstrated its good faith in participating with anyone who looks to the future needs of the city. We must begin however with a basic new look at our development problems. The crazy patchwork of existing zoning legislation hides not the planning deficiencies of the minds of 1916. These new proposals are the first forward step in the city planning in 44 years. We must look to the future and not the past.

Therefore, I urge the approval of this resolution at its earliest possible moment. Thank you, Chairman and members of the Planning Board.

CHAIRMAN FELT: I have two statements I have been asked to read. One is from Arthur A. Walsh, the Executive Secretary of the Bronx Chamber of Commerce and it reads: "The Bronx Chamber of Commerce, representing more than 1200 member firms, desires to register its strenuous objections to the haste and precipitate manner in which the proposed comprehensive zoning amendment is being rushed through without affording sufficient time to study the complexity of the plan, which will affect every parcel of property in Greater New York. Rather than attracting new industry, the present plan

would harass the manufacturing firms located here with arbitrary standards of performance in addition to limitations of operation. The new plan would seriously affect the city's tax structure. The new plan would seriously hurt the building industry. The new plan would create unemployment. We respectfully request that property owners as well as business firms and civic organizations, be given ample and sufficient time to study every phase of this highly complex and arbitrary proposition prior to consideration before enactment. "

I have been asked to read a letter from the President of New York University, Carl V. Newsom and his statement reads as follows:

" Educational institutions in metropolitan New York will be called upon **in the years** just ahead to serve an increasing number of students. To meet the demands, considerable expansion of facilities will be necessary. Such expansion ought to be made in a way that will add to the architectural beauty and utility of the colleges' environments.

Obviously, obsolete regulations in zoning will be a handicap to the colleges as well as to other types of institutions

and business. We urge therefore that careful consideration be given to potential zoning improvements. New York citizens deserve the best that can be provided."

Mr. Kosse, will you please step forward?

SAMUEL H. KOSSE: Mr. Chairman, members of the Planning Commission, my name is Samuel H. Kosse. I am here as a representative of the Bronx Real Estate Board. I am Chairman of the Borough Planning and Zoning Committee of the Board and a member of the Metropolitan Association of Real Estate Boards, whose Chairman is Frank A. Barrera. Although I am not appearing as spokesman for the Bronx Chamber of Commerce, I am Chairman of the Real Estate and Builders Committee and its Industrial Development Committee. When I am free to devote time to my business I am a real estate broker and appraiser, and I have been engaged as such for 35 years.

The Real Estate Board of the Bronx has instructed me, as its representative, to voice its resolute disagreement with the plan promulgated by the City Planning Commission on December 21st, 1959. The Board is of the firm conviction that this Proposed Plan promises more and will give less than any package of laws that has been offered to the public in a generation. It is impractical for New York City, it is full of inequities and attempts the impossible in order to achieve the ideal. This Zoning Plan is receiving support from many who believe that it is the pat answer for solving all our municipal problems. On the contrary, this plan will curb new construction,

lower values and put a brake on industrial development.

This plan offers our citizens a technicians caldron full of standardized zoning devices, many of them completely new for this area; it lays them over an intensively developed City with its more than 800,000 parcels of property and directs its inhabitants submissively to devour the concoction in one gigantic swallow in hot haste and on faith. This the Real Estate Board and its members will not do. They know of no emergency in Zoning that warrants such double quick time except the dynamism of its authors.

When the Voorhees proposal was first promulgated and we thumbed through its pages quickly, we were awed by its detailed and voluminous text. As time went on and we studied the proposal section, chapter and article, we were struck by the complexity of the Plan and we realized what a momentous and potent body of laws this package contained. Then, when with little time for analysis, Public Hearings were scheduled for the purpose of eliciting corrections, amendments and opinions from the public, we became aware that haste would govern the timetable. As we studied the plan more and more, we were struck by its potent and practical effects, many of them obvious but most of them, like an iceberg, hidden under the surface. Further, we were fearful that between the complexity of the plan itself, and the need for familiarity with varied branches of knowledge to

understand the Plan, and the lack of time for analysis, there loomed up the present danger that this Proposal would be rushed down the legislative road without full examination and analysis.

Permit me just an aside on the legislative process affecting this Plan. The speaker has been informed that the Charter of the City of New York provides that if the City Planning Commission sends a plan to the Board of Estimate, which it intends to do in May or June of 1960, it can become law on the 61st day after submittal unless 3/4 of the Board members disapprove of the plan.

In order to assure proper study and analysis, the Real Estate Board of the Bronx set about to alert various professional and civic organization, and to invite their participation in discussing this plan so that they could intelligently form an opinion and take a position. These citizen, civic and business groups have generally expressed regret that they were not consulted in the formulation of the basic Vorhees Plan which really sets the pattern for the City Planning Commission's Plan. They all felt that the knowledge and experience of the local groups would have made a great contribution to the perspective of the planning technicians, either in the Revision of the Existing Zoning Plan or in the framing of a new one.

This Proposed Plan has a number of vital demerits. I do not wish to belabor unduly that which has been already said

so effectively yesterday by Mr. Max M. Simon, architect, who spoke on behalf of the seven chapters of architects which compose the Architects' Council, but some discussion of high spots may add something.

Bulk Regulations are designed to control the size and shape of buildings and they make use of the devices of maximum floor areas, height factors and open space. There has been some confusion and disagreement of late as to how much floor space has actually been lost under the proposed plan. In order to eliminate any mixups in our own mind, we asked Clarence Lillien, an architect, to prepare a tabulation of typical apartment houses which he planned and which are either built or approved by the Building Department. This synopsis appeared in the March issue of the Bronx Real Estate and Building News, the official publication of the Real Estate Board of the Bronx.

It showed that the losses in floor areas of apartment houses built under the present plan as against the proposed plan varied from 77.3% to 24%. These buildings are typical of the areas selected. The consensus of opinion of builders generally in the Bronx, is that such reduced floor space would be unattractive to them, and the budget on the building job would be uneconomic; that if a building were built the costs would be inordinately high; rentals would price the apartments out of the reach of tenants of modest means.

There should be no doubt about such facts. I believe the people are entitled to know whether the City Planning Commission has made an exhaustive survey in all Boroughs, in all areas on narrow streets and wide streets which may be available for inspection, and arrangements should be made for builders and architects to calculate the economic feasibility of such construction projects or have Dow's Service do the calculating for them. In a matter of such vital importance, the City is entitled to know, before the Board of Estimate votes on this Proposed Plan, what the true facts are.

Non-Conforming Uses: One of the harshest provisions of this Proposed Plan is the regulation that a manufacturing building, whose use is listed in Use Groups 11A, 16, 17 or 18 and is located in a newly designated Resident Zone, has a termination date for its use and existence 40 years after the date of issuance of the original certificate of occupancy or 25 years after the effective date of the Resolution.

This is, in effect, confiscation of property and businesses without compensation for the affected owner. This is retroactive legislation, arbitrary and inflexible. It does not consider the quality of the improvement with relation to the surrounding properties. Many thousands of property owners will find themselves in deep trouble. Their properties will fall in value immediately. Owners will find it difficult, if not impossible, to mortgage their properties; their saleability

will immediately be affected and, as the time for the enforcement of the death sentence approaches, these properties will be difficult to lease. The representative of the Association of the Bar assured us yesterday that this was perfectly legal, but it is little comfort to the suffering owner who must demolish his building. I would hate to be the Mayor 25 years from now and have to ward off the irate owners who will be thus affected. Since it is the City which is dogmatically changing its zoning policies, it would be more fair for it to proceed under eminent domain and pay just compensation to such property owners.

Right now, most property owners, whose properties are to become non-conforming, are in total ignorance of their future fate, and I say, that as a matter of justice, each of these owners should receive a notice, by registered mail, informing them of the fate that impends. Many of these owners have struggled a lifetime to save up enough to buy a parcel for old age security. The Board of Estimate owes a duty that, before they will even consider the Plan, they should be assured that such notice has been given.

The performance standards provisions should be given renewed study. Everybody is interested in the good health of the community, and the control of noise, smoke and other hazards needs no advocate. However, in the carrying out of the objectives, we must not attempt the impossible in order to achieve the ideal.

We believe that the inclusion of Performance Standards in a Zoning Plan unduly complicates it and simply imposes on the City Planning Commission a responsibility for day by day details of administration and diverts the efforts of its staff from the primary task of planning.

The Commission had better leave the Performance Standards to the applicable department of the City.

We must not confront the industrial man, who is looking to locate here, with a forbidding catalogue of complex performance standards and controls involving sound level meters, decibels and frequency cycles of vibration.

The blandishments of our Department of Commerce will go to naught. The prospective industrial man will go outside the City where the allurements are sweeter.

Comprehensive Zoning, precipitously imposed upon the City, will certainly impair investor confidence, not only amongst buyers but amongst mortgage lenders. This will all inevitably add up to lower assessed valuations or increased tax rates. The harmful effects on the City's real estate income will certainly weaken the City's ability to supply the many municipal services.

The Real Estate Board of the Bronx believes that, with proper effort and the participation of knowledgeable individuals, with proper use of the merits in the Proposed Plan and without the sword of haste hanging over our heads, that the present law

can be revised with less volcanic upheaval in our City.

I cannot let the opportunity pass without making comment regarding certain observations that were impressed upon me as I sat through yesterday's hearings. I heard 32 speakers who were commending to us all the attractions of the Proposed Zoning Plan. They ranged the whole spectrum of beauty and light. The Plan would eliminate all the ills that the City is heir to. It will give us form, design and beauty; eliminate slums, solve our parking and loading problems, make us a lightly developed City with plenty of light and air and green grass. They all paid obeisance to these lofty objectives.

However, they refused to include in their elite fraternity the people in the real estate industry who had the rashness to call attention to specific instances of impracticality in the plan.

Cassandras were never loved but they should be welcomed.

I have worked for the past 13 months with a group of men on the Metropolitan Association of Real Estate Boards, whom I never met before. Never have I been associated with a more dedicated group of men, even in wartime. They would desert the important demands of their own business to come to meetings to wrestle with the complexities of this Plan. The conclusions reached in these studies were from sincere civic interest and not from a parochial point of view. We desired to signal to the
Kosse

people of the City of New York and to the City Planning Commission, the rocks and shoals which may endanger the ship. If sometimes, in trying to arouse the many from apathy and inattention, we use harsh sounds and bright red lights, we hope it will be interpreted in the proper frame of reference.

We sincerely believe that the Proposed Plan has been oversold, on the platform, on television, on radio, in news releases and with every other means of communication at the disposal of one in your high position. We believe you have lulled some of the most esteemed higher circles with the "sweet music" of socially meritorious goals. May I say that we, too, believe in such lofty goals.

Lowell Mason in the "Language of Dissent" says it much better than I.

"I wish we could mount all tyranny on a black horse and all liberty on a white one. Unfortunately, the battle is not always between good and bad. It is often between good and good, with the choice resting not on the goals, which may in both cases be the same, but on the route taken to achieve them."

Thank you.

CHAIRMAN FELT: Thank you, Mr. Kosse.

Our next speaker will be Mrs. Barbara Reach of the Community Service Society.

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MRS. REACH: Commissioner Felt and Members of the Commission, my name is Barbara Reach. I am representing the Committee on Housing of the Community Service Society.

Last April we appeared before you and we are here again today to let you know that we support the amendment of the zoning resolution, and to tell you, briefly, why we are eager to see it passed.

The Society has for over one hundred years been concerned with the family welfare of its clients. Inevitably this includes a concern for the surroundings which affect the health and welfare of the family itself.

Our Committee's approach is not academic and theoretical; we work closely with the nursing and casework staff of the C.S.S. who daily see the direct and indirect effects which housing and neighborhood surroundings have on the physical and mental health of young and old, on the welfare of the family as a whole, and on the development of young people into healthy, useful citizens.

We have studied those sections in the proposed Resolution which pertain to housing and neighborhood surroundings. We shall not evaluate these provisions from the technical standpoint because our interest is focused entirely on the effects which these proposals will have on the future lives of thousands of families and individuals.

Our Committee is happy to note that the proposed
Reach

Resolution contains many sound social features, for example:

the lot area per dwelling unit regulations, which control population density by limiting the number of dwelling units permitted on a lot;

the open space ratio, which regulates the amount of open space on a lot;

the minimum lot area and lot width regulations, which affect the density of development and will permit more light and air both in residential buildings and public streets.

We are deeply interested in the closer control of population density in all areas of New York City. This proposal will curtail the extremely high densities which are permitted under the existing Zoning Resolution, densities which adversely affect normal, healthy living.

The proposed restrictions will also help to preserve and stabilize the character of present medium and low density areas and thereby help to prevent neighborhood deterioration.

Closer control should make it possible to plan hospitals, schools, health clinics, libraries, and other community facilities so that they will meet, or can be easily adjusted to the future as well as the present needs of a neighborhood. This in turn will help prevent the recurrence

of many present situations in which such facilities are located in areas where, because the character or amount of population has changed radically, there is little need for them, while other neighborhoods, where the population has grown, suffer from an acute lack of these same facilities. The financial costs of abandoning old facilities and building new ones is great; the lion's share of this cost is borne by the taxpayer, since most of these needed neighborhood facilities are erected by the City. Not to build new facilities in areas where they are needed is enormously costly in human life and social well-being.

Our Committee is also vitally interested in those provisions which will result in increased light and air, both in residential buildings and on public streets. The amount of light and air which is obtained today as a result of various provisions of the Multiple Dwelling Law is often totally inadequate for desirable living.

Many thousands of dwellings in New York City lack sufficient sunlight and air for the health and well-being of the persons who live in them. This lack is not confined, as many people suppose, to old law or even to new law tenements. Even today, large multiple dwellings, including some luxury-type apartment buildings, are being built with rooms which are stifling in summer and are so dark all year round that electric

lights must be kept burning at all times. This happens because access to light and air is inadequate.

We are aware from the visits of the C.S.S. nurses and caseworkers of the effects which dark and poorly-ventilated apartments have on the health and spirits of people of all ages.

The struggle to obtain light and air for residences in New York City has been long, arduous, slow and hard-fought. It took years to achieve legal prohibitions against the construction of new dwellings with windowless rooms; now no one would seriously defend the construction of such rooms. Another struggle was necessary to obtain the setback provisions for high buildings which have been accepted as sound and desirable for over a quarter of a century. The present requirements for yards and courts were also achieved through the efforts of many persons and groups who were primarily interested in the protection and preservation of human values.

All of these present requirements necessitated changes in what were, at one time, commonly-accepted building designs; all of them also reduced the possible lot coverage and the permitted floor areas. The results have been better and more healthful living conditions than would otherwise have existed.

Now there is once again the possibility of taking a major step forward in the long struggle to make New York City a

more comfortable, desirable, and healthful city in which to live and bring up a family, a goal in which every one here today has an interest and a responsibility.

The Committee on Housing of the Community Service Society wishes to indicate its wholehearted support of the Resolution before you.

LORIMER RICH

MR. RICH: Mr. Chairman, and members of the City Planning Commission, my name is Lorimer Rich. I am a registered and practicing architect in this city and I am a member of the New York Chapter and a Fellow of The American Institute of Architects, and a former vice president of the Architectural League.

I am the architect of many public buildings and institutional buildings, a number of which have been erected in this city. I am familiar with present zoning laws, have read the new zoning proposals and am reasonably familiar with them.

I appear here today as an individual architect and taxpayer. I speak for myself and for no organization. I am in favor of these proposals and wish to state here briefly my reasons for this opinion.

New zoning is desperately needed in New York City. It is over 40 years since our first zoning law was passed. Our city has increased in population manyfold. Our problems of pedestrian and vehicular traffic, of transportation and of sheer density of people have become intolerable. Our streets are crowded with automobiles, our subways and surface mass transportation is indecent and the number and height of our buildings is shutting out light and air to an intolerable degree. These problems are causing the very families we need most to leave the city.

L. Rich

These proposals, it seems to me, make an honest and valiant effort to ameliorate these conditions. I need not precise these things further. You have heard them several times from eminent men yesterday and today. Of course, there are items in this complicated proposal that may not be all we would like them to be and I am sure that where injustices develop, means are provided to rectify them. We all know, as a matter of fact, that if we wait for a perfect zoning resolution, we will wait forever.

Last evening the headline in one of our newspapers, said "City Architects Reject New Zoning Proposal." This is definitely not true. The headline should have said, "The Architects Council of New York City Rejects Zoning Proposal." The Architects Council is a delegate organization composed of approximately one member from each of a dozen or so architects' organizations, large and small, throughout the five boroughs. The By-laws of the Council, I am told, require that the architectural organizations of the city speak on legislative matters only through the Council. The New York Chapter of the American Institute of Architects, through its Civic Design Committee, has made an extensive study of these zoning proposals and have printed a comprehensive report in favor of the new zoning. This report and its recommendations cannot, apparently for the above mentioned reasons, be officially presented to you. Therefore, The New York Chapter of the American Institute of Architects, the largest chapter in the United

States, and I think one of the most distinguished, is forbidden to speak to you. I have talked with many, many members and I assure you that individually the great majority wish these proposals to become law. Yesterday and today, there have appeared before you many well-known architects, some of them with nationwide reputations. They have devoted much time and energy to aiding this city in its planning and architectural problems and are devoted to its welfare.

I call your attention to the fact that while these men all speak before you as individuals, they are members of the New York Chapter of the American Institute of Architects. Don't let anyone tell you that the Architects, with a big "A", of this city do not wish this zoning law. They do.

CHAIRMAN FELT: Thank you very much,
Mr. Lorimer.

Our next speaker will be Mr. Melniker.

Is Mr. Melniker in the room?

A VOICE: He just stepped outside.

CHAIRMAN FELT: Would you be kind enough to
call him for me?

A VOICE: Yes, sir.

MR. MELNIKER: Mr. Chairman, and gentlemen
of the Planning Commission, my name is Albert Melniker. I am here

today as a Chairman of the Zoning Committee of the Staten Island Chamber of Commerce and its Joint Zoning Committee.

I will read from a report which I am presenting to this Commission in order to present our point of view as concerns the proposed zoning resolution.

This report was prepared as the result of a study of the proposed zoning resolution by a joint Committee composed of the Staten Island Chamber of Commerce, the Staten Island Real Estate

Architects, the Richmond County Society of Professional Engineers and the Staten Island Home Builders Association.

This report embodies the basic findings of the Committee as it concerns the text only. In some cases the text material is related to a map condition and cannot be wholly separated from the map.

Detailed analysis of the maps will be presented in a report on mapping and related material at the March 25th public hearing devoted to the Borough of Richmond. To repeat our previous stand which was called to the Commissioner's attention since the proposed resolution was published, it is physically impossible to properly and thoroughly study this in a year's time.

We therefore reiterate that a radical change

Melniker

In the zoning of New York City certainly entitles its citizens as well as its people who are experts in the field of architecture, engineering and zoning to be given adequate and proper time for a change such as this proposal.

Our position, as it concerns the proposed zoning resolution, is that we are opposed completely to its adoption. Our position further is that the present resolution contains a well developed and proper framework for the zoning laws of this City. The necessity to modify portions of this present resolution can be simply effected by amendments, which method has been used successfully in the past by this same Commission. It is the method that was used to adopt Section 21-C and many other modifications now in the Zoning Law.

Mr. Chairman, we take this position not out of tradition, not out of the support of the "status quo;" we take this position because our careful study of the Voorhees report and our further study of the proposed Zoning Resolution of this Commission leads us to the conclusion that the results in this proposal are less than noteworthy.

Now, I take the particular view of the Staten Island citizens, we would like to quote from a statement made by a member of this Commission, the Hon. Robert Moses:

"Unlike the other boroughs of the city," Mr. Moses said,

"Staten Island still has the opportunity to avoid the errors of the past. The people of Staten Island don't need any more pompous, academic surveys of their Borough. Everything they need can be seen from the tops of half a dozen hills and from a walk along the waterfront."

Mr. Moses, also a member of the City Planning Commission, said he "disapproves of that agency's city-wide rezoning plan primarily because of the way it affects Staten Island. The rezoning of Staten Island," he said, "should have been handled separately and not as part of a five-borough package."

CHAIRMAN FELT: Mr. Melniker, what is the date of that statement?

MR. MELNIKER: This is a quotation from a newspaper. I don't have the date of that paper.

CHAIRMAN FELT: I would like to tell you, and I can produce a letter written by Mr. Moses - within the last several weeks - to Mr. Witteman, who is well known in Staten Island. It sets forth his complete and entire views on our zoning resolution. I think that reading from a newspaper item - possibly out of context - is hardly a fair method of presenting Mr. Moses' views. In connection with that, I ask Mr. Hoffman, who is representing Mr. Moses, if I am correct. Mr. Hoffman, you say that I am correct.

Will you proceed, Mr. Melniker?

MR. MELNIKER:

This report follows basically the text of the proposed resolution with the sections in the order given in the text.

We Staten Islanders are disturbed by the manner in which this proposed resolution was prepared. The result to us is a voluminous, cumbersome and unrealistic document. We accepted the theory that the consultants who wrote the Voorhees report had a right to complete independent thought and privacy although the result makes this a questionable point. However, the City Planning Commission, responsible to its citizens, and particularly dependent on the knowledge and skill of the professional architects, engineers and builders in this City, did not follow what we consider the proper procedure in drafting the proposal. The consultations and technical details reviewed with the responsible members of the building industry were merely lip service. When this document reached the public on December 21, 1959 it was apparent that the Commission was intent upon exercising its complete will upon all concerned and it is rather depressing to read the text, to study the maps and to review the Borough of Richmond in relation to this and then find the utter lack of real human understanding and consideration. We find attempts at appeasement by map modifications and by an

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occasional minor text change. We are amused at the constant reference to 2,500 amendments which are actually less than 300 written amendments, with the rest being map changes being made by the City Planning Commission themselves and functioning under the Charter of 1938.

Definitions: We object to the multitude of extremely detailed definitions. We find that this proposal in its definitions has become so definitive so as to provide a specification type code which is extremely objectionable. We find an infringement on the powers and duties of the Department of Buildings in these definitions and we find a subtle attempt in trying to create a type formula that is all wise, and that attempts to cover all conditions to the n-th degree now and in the future. This, of course, is impossible and we find some definitions entering into the realm of unnecessary detail and hair splitting analysis.

We also are a little curious as to the fiscal thinking behind this resolution because we note in the introduction that this resolution will provide for the prosperity of this City. It is also of interest to note that the projection into the future has caused this resolution to copy the present distasteful definition of arranged, designed and intended to be used. We

question whether it is the function of a City Planning Commission to become a Police Department and to find out what is "intended" as projected into future use.

Residence Districts: We find that the R-2 district has no sound value. It will simply create a one-family house on a 40 foot lot and will be a small edition of the R-1. We feel the need of a so-called two-family house district similar to our present E-1 which will act as an intermediate step between the R-1 and the R-3 and recommend that an R-2-A district be included in the text and maps.

We find the R-3 is a catch-all and are particularly disturbed that the greatest percentage of Staten Island residential property is in R-3. We feel that a two or four family house built in an R-3 district is unnecessarily penalized by the amount of property required and we further feel that the limitation of 24 families per acre in the R-3 is not conducive to sound garden type apartment house building. Further, the two story limitation is unrealistic in terms of Staten Island's terrain, where a two story may become three stories due to site conditions and be perfectly sound for apartment dwelling.

Our detailed knowledge of the R-4 thru R-9 districts is somewhat limited but knowledge received from Architects and

and Builders of high rise apartment houses raises a serious question as to whether sound economics and architectural flexibility were included in the thinking when these sections were written.

Commercial Districts: The commercial section raises one serious objection. We oppose the theory of permissive uses. We further object to the parking designations in the commercial districts as being much too cumbersome and being impractical. We find that the retailer presently established will be penalized when alteration and expansion is required. We find that the whole system of commercial zoning represents a planned economy type of system, and if this resolution is enacted in its present form we can visualize hundreds and thousands of amendments when the commercial businesses realize the straight jacket they find themselves in.

May I call your attention to the fact that Staten Island has two beautiful parks in which are included over 12 miles of bridle path.

Under the proposed zoning plan, in time, the stables adjacent to these parks must close their doors since they are on residential property. There is no other land zoned so that stables can be opened up in the vicinity of these parks.

Throughout the rest of the City of New York there are nine parks, all of which have bridle paths for horses and

equestrians. The proposed zoning around these parks does not permit the operation of riding stables except for one instance at Prospect Park in Brooklyn where one stable is still in proper zone but four others will be non-complying.

The question on non-compliance will become a serious hurdle for the commercial owner and tenant and this raises one other objection to the concept of the commercial section of this resolution. Commercial areas on Staten Island have been cut back extensively. It seems hard to accept the theory that with an increase in population and activity that Staten Island will require less rather than more commercial zoning.

The category of uses, the use groups, the parking requirements and the intermixture of a series of highly academic requirements makes it doubtful whether the owner, the architect, the builder, the building department or the City Planning Commission could ever be coordinated to realize the goals set forth by this resolution.

Further consideration should be given relating to outdoor advertising. The only "C" district permitting this type of advertising is confined to Coney Island.

Manufacturing District: The manufacturing section has created a dilemma. Manufacturing firms that are well equipped with expert engineers on the matter of plant management have advised this Committee that performance standards as outlined are almost impossible to achieve. There is no question that manufacturing in its many branches needs some controls, but should also have the right to operate in a reasonable and sensible manner. The straight jacket defined by the manufacturing section would make the possibility of industrial expansion in the City, and particularly on Staten Island, so many empty words. The report of the manufacturing sub-committee contains the following statements:

Section 41-00 - (c) Most of the "nuisances" mentioned are inherent to a greater or less degree in any manufacturing facility. Few, if any, manufacturing establishments can be considered "free" of such influences. The section provides a means of rejecting or limiting many types of industry regardless of the provisions of paragraph (d).

Section 42-20 - Could limit the ability of

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a factory to expand, except possibly through the lengthy and expensive process of appeal.

Section 42-23 - This paragraph may impose a considerable burden on an industry by compelling a performance level which may be entirely unnecessary in that particular district.

Example: Reduction of windborne dust near a beach area where windborne sand is present.

Chapter 4, concerning permitted and required off-street parking spaces, seems unnecessarily cumbersome. The requirements for large establishments are reduced by the permissive regulations, and thereafter expanded, first by appeal to the Department of Buildings, and further, apparently without limitation, by the Board of Standards and Appeals. It would seem more practical to establish this requirement in the text, applying the appropriate yardstick to the available space.

The uses of many materials are regulated and limited by the Resolution, with the provision that permissive authority to institute or expand such uses will lie in various City departments which now control hazards. Since the regulations of these departments will govern, it seems unnecessary to include the subject in the Resolution.

Provision should be made, as a step toward retaining existing

local industry, for reasonable additional non-conforming operations or processes, or reasonable extensions thereof in such establishments

It would seem desirable to mention the limited amount of suitably located land offered for prospective industrial development. The ultimate population of the Island will include a block of wage-earners which cannot and should not be entirely supported by adjacent Boroughs. New and expanded industry must be present to support a share of our population and sustain a corresponding proportion of local business.

The proposed amendment is completely inadequate and improper for the heavy manufacturers that are presently located on Staten Island. The restrictions imposed by this proposed amendment can only lead to high operating costs and continued problems which could eventually lead to the relocation of manufacturing operations to a more desirable area in a neighboring state.

Non-Conformance: As in the ~~Vorhees~~ report, we strenuously object and take extreme exception to the method of handling non-conforming and non-complying uses. We are critical of the arbitrary way this is handled in the text and certainly just as critical of the mapping that just as arbitrarily creates non-conformance. The wholesale remapping of Staten Island by this Commission in June, 1956 succeeded in creating much hardship, particularly to the small investor and the businessman who had plans

for the future. This pattern is now being repeated with greater penalties.

If the City of New York is intent on a plan of perfection, then they should also be intent on paying for this plan. If the City sees fit to wipe out businesses or industry, then they should face the facts and provide for the payment of condemnation. They cannot, in our opinion, get a free ride at the expense of the taxpayer and tell him to solve the city's problem by amortizing his business or factory. This is an extremely autocratic procedure and one that has made this resolution most distasteful.

We reject this in its entirety.

Administrative: One of the most noteworthy objections to the new Resolution is that it is permissive in nature. As a result, it only permits specified uses, leaving little or no room for interpretation and flexibility as the city grows.

The Administrative provisions carry forward this approach into the interpretation, regulation and enforcement of the Proposed Resolution. The only point at which discretion may be found is at the City Planning Commission level. The Board of Standards and Appeals and the Building Department have no discretion whatsoever. Their area of action is succinctly prescribed by the Resolution. An examination of the work delegated

to the Board of Standards and Appeals reveals that it still has power to grant variances, but only within the narrow limits and upon the stringent grounds specified. It may also permit special specified uses under the conditions enumerated. All discretionary powers of the Board are removed.

This diminution of powers finds a correlative increase in powers in the Planning Commission. The functions of the Building Department which has the primary duty for administering the Resolution presents certain questions. This agency, although woefully unequipped to take on the burden, is charged with enforcing the Resolution against existing non-conforming uses. It is this report's opinion that this agency is completely unable to assume this responsibility due to inadequate staffing.

Further, the complexity of the Resolution will make administration of it tedious, time consuming and difficult. Whether this is a fault of the administrative provisions or of the Resolution itself is immaterial. The problem seems to be inherent in attempting to draft a Resolution which purports to regulate zoning by dealing with minutia, using complex formulas and being permissive in nature. Such a Resolution will lead either to stultification of the building and real estate industries due to inability to administer or to utter confusion resulting from attempting to administer something which is not conducive

to good administration.

It is advisable to leave discretion for the regulation and administration of the zoning Resolution in the hands of individuals familiar with the day to day operation of the Resolution and in close contact with the people and professions attempting to operate under the Resolution, rather than in the hands of a group of men primarily interested in the policy behind the master planning of the City of New York. General policy making must be divorced from actual administration and at the same time administration must be permitted discretion in order to be effective. We feel the Proposed Zoning Resolution does the opposite and is attempting to concentrate the entire power of the Resolution in the hands of the Commission.

We are not in favor of the extreme amount of power given to the City Planning Commission by the proposed resolution. We know that there is no judicial review of the action of the City Planning Commission and we feel that this is not consistent with a democratic procedure. We do not believe that the City Planning Commission should be judge and jury at the same time.

Conclusion: We are not in favor of this Proposed Resolution. We find very little in the text that is of sound, practical value to our city, and particularly as it affects Staten Island.

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Further, our study of the mapping does not indicate any improvement over the shortcomings of the text. We find serious and glaring faults in the concept of mapping Staten Island under this proposed Resolution.

We do not find a clear, concise document. We find a complicated, ambiguous attempt to supercede our present resolution. This we cannot accept. We are of the definite opinion that our present zoning law is clear, simple and practical. Furthermore, it is flexible and has kept pace with the times. Thank you.

CHAIRMAN FELT: Thank you, Mr. Melniker.

Melniker

MR. ROGER STARR:

MR. STARR: Mr. Chairman, Members of the Planning Commission. My name is Roger Starr, I am an Executive Director of Citizens' Housing & Planning Council of New York.

The Board of Directors of Citizens' Housing and Planning Council at its regular meeting in June, 1959, endorsed the Voorhees, Walker, Smith and Smith proposal for a new zoning resolution. A lengthy report was adopted at that time outlining a number of specific recommendations, copies of which were previously given to you.

At a recent meeting of our special Zoning Committee, the proposals now before you in the form of a resolution presented by the Planning Commission itself, met with the approval of our Zoning Committee. Therefore Citizens' Housing and Planning Council of **New York** endorses your proposed zoning resolution and urges its passage as quickly as possible.

Having thus covered the formalities, I would like to stress the major benefits to the city which we believe will follow the prompt adoption of this new zoning resolution. Our Council is interested primarily in better housing and effective city planning.

As to housing, we believe that the establishment of sound density standards of population will benefit all housing in the city. We believe that the standards established in the proposal are sound standards. This does not mean, of course, that the time will never come when we will want to change the application of specific areas - this is mapping, and we must always maintain

Starr

proper power to change mapping as the city develops.

But the standards of population density and land uses which your proposal would provide will tend to keep neighborhoods pleasant and livable where they have these characteristics now. New, over-built housing will not be allowed to exploit the city's dwindling supply of vacant land with a population that after a few years will be ready to move on, leaving potential slums behind. How often have we seen this pattern before in New York?

Good zoning today may eliminate the need for slum clearance tomorrow. In locations that are particularly in demand, these controls are needed to prevent exploitation that will overload community facilities, and destroy the possibility of achieving pleasant, stable neighborhoods. Finally, in both low and middle-income housing, your density and bulk controls will prevent thoughtless waste of a limited supply of fiscal aids in producing housing in the wrong place, of the wrong type, and for the wrong people.

We have before us the horrible example of the Ebbets Field Middle-Income Anthill. It involves a 25-story building in which what would have been a fairly good weekday crowd at the same Ebbets Field site will be expected to live out their lives in meek satisfaction. These are the middle income families who are now moving to the suburbs in waves, and who, presumably share a taste for the ideal of a detached home sitting on its own piece of land. The proposed zoning resolution offers 5,700 square feet as the minimum lot area for such a home. Does anyone think they will be swayed to abandon this ideal permanently by their 200 square feet of the

Ebbets Field site, which is the pro-rata portion per family of the 5 $\frac{1}{4}$ acres? This is one-twenty-eighth of the 5,700 square feet in a minimum one-family home site.

Of course, we understand the tremendous pressures on public officials to produce middle-income housing. Of course, the temptation is great to consider anything that rents for \$30 a room and meets the requirements of low-middle income housing. If we are to use public power and public funds to keep middle-income families in New York, it seems clear we can depend only on the powers of the law to establish housing standards high enough to enforce the achievement of the objectives.

Will the enforcement of these standards create an overwhelming problem for the real estate and construction industries? Citizens' Housing and Planning Council does not think so - in many cases proper standards are being met. In some cases there will be readjustment of present industry patterns. These readjustments will be made.

Parenthetically, I might say that we at Citizens' Housing are composed not only of planners and visionaries, though we are proud of those we have; our Directors include contractors, investment builders, real estate people and representatives of every other phase of the construction industry.

Incidentally, the two classes - visionaries and real estate men - are not mutually exclusive. Contrary to an impression which certain trade associations are trying to foster among the public - some of our practical real estate people are among the strongest supporters of the new zoning resolution.

I think that by far the majority of our Board regards as fanciful nonsense the suggestion that limiting overcrowding will kill the building industry. That industry - given general prosperity to make a market for it, and a city with industries and amenities - has successfully adjusted to many radically changed conditions. It has mastered new building laws and safety codes, a zoning law and many amendments, parking regulations and the vagaries of popular taste. Thirty years ago it provided swimming pools in the cellar; now it will provide them on the roof. Investors have accepted steel frames instead of bearing walls; reinforced concrete instead of steel; new-law tenements instead of old-law tenements; multiple dwellings for new law tenements. Each change has stimulated a new choir of doom-singers. Anyone who feels that the density limitation will so affect the profitability of construction that the building industry will go into a tailspin - such a critic does not understand the flexibility of the building industry, with its very low percentage of fixed capital to gross volume, its ability to combine and recombine in the solution of changing problems.

The same critic probably also says that the increased land cost resulting from density limitation will stifle initiative. Obviously if the building industry were to slow down, land costs would be drastically revised. So the two predictions are irreconcilable. What we will see, in some parts of the city, if the zoning resolution is passed, is a readjustment of land cost to its new use value. And the building industry will gradually adjust its operations to the new ground rules, and the new patterns of city life that will emerge.

Land-owners in popular areas, holding land at a price that reflects the hanging gardens of Babylon they expect to put on it, will give up their dreams. The sooner they are awakened, and the sooner we relate land price to a realistic use value, the better for the City and all of us who live in it.

Second, we favor the new zoning resolution because of the aid that it will give to sound replanning of the City and its facilities. Because of the fundamental orderly construction of the new zoning resolution, it will be easy to plan in our study the need for new schools, new roads, new public facilities of all kinds.

New industrial sites would be easier to find, to locate and to plan for. And, incidentally, the performance standards of which we are hearing so much about today, are for the protection of industry as well as for the protection of bleeding hearts and do-gooders like myself. We're trying to attract into New York City many different kinds of industries - industries that have requirements as to the environment in which they themselves are located, and will come here when we can assure them that -- sitting in what is now an unrestricted area they are likely to be surrounded by who knows what for a neighbor -- but when we have performance standards and the division of industry by the kind of nuisance they create for their neighbors, we are attracting industry to this area, not chasing it away.

One of the most attractive features of your proposal is the flexibility that is the direct result of its system of strict controls. Does this seem paradoxical? Those who specialize in

reading unpleasant messages on the walls of the city, will tell us that your new zoning resolution would freeze the city into a rigid pattern. It is perfectly clear that the only thing that has ever frozen the city into rigid patterns are the bad buildings that have been put up because of loose and inadequate zoning laws and building codes. The Equitable Building at 120 Broadway, which was the horrible example of light and air gluttony that impelled New York to adopt a zoning resolution in 1916 - this building still stands exactly as erected. It still blots out the sun from its neighbors, casts deep shadows on narrow streets around it and disgorges into the subway every night more people than the subways can stand. The zoning resolution which grew out of the threat posed by the Equitable Building has been amended thousands of times. The Equitable Building will never be amended.

I do not agree with those who criticize the present zoning resolution simply because it has often been amended. I expect that the new one will often be amended. The question before us is not whether we should wait to adopt a zoning resolution until we have found one which in our wisdom of today, we think of as incapable of further amendment. The question is rather which affords a better basic law with which to guide the development of New York in the future - the present zoning law or your new proposal. The answer is so obviously in favor of the resolution which you have proposed, that I urge on you the promptest action to adopt it. Thank you.

Starr

CHAIRMAN FELT: Thank you, Mr. Starr.

Our next speaker will be Mrs. Randolph Guggenheimer.

MRS. GUGGENHEIMER: Mr. Chairman, Members of the Planning Commission, my name is Mrs. Randolph Guggenheimer and I am speaking as President of the Day Care Council which has 117 units in all five boroughs of this city -- as well as for the Women's Division of the Committee for Modern Zoning.

I believe that the City is morally bound to adopt the proposed modern zoning resolution for the welfare of its residents, and that failure to procure such adoption will betray New York City residents and their children.

Mr. Chairman, I am deeply troubled because there has been no basic pattern that has enabled us to plan the important health, education, and welfare services that are needed in this City. A city must operate for the welfare of the majority of its citizens, not for the profit of a few -- and the most important of its citizens, if it is to have a future at all, are the children. How can we design the day care centers to care for those whose mothers can't be home during the day, the schools to educate our young people, the parks and recreation centers, the open space that will allow them to grow up in a city where they can see the sky occasionally, or play with safety, or just grow up in the kind of environment we all

Guggenheimer

want for them if we have no basic sensible pattern that projects the future complexion of a neighborhood. We already have the unpleasant and uneconomic demonstration of underutilized schools in our areas and schools operating on triple sessions in others. We surely already have enough sardine-packed overcrowding, with children playing on streets where exposure to the worst influences and where traffic hazards and where hopeless recreation conditions exist. We already have a traffic problem in many areas that is crippling. What seems obvious is that we have a horse and buggy zoning resolution from 1916 which is, in one way, peculiarly appropriate because our high powered modern automobiles move at less than horse and buggy speeds through some of our important business sections -- and that too represents an appalling hazard -- ambulances and fire equipment and doctors conveyances and other emergency vehicles have impossible obstacle courses to run.

The Zoning Resolution proposed by the City Planning Commission is the best thing that could happen to New York City. It allows us to plan for schools and welfare services such as day care centers without the fear that they quickly will become obsolete. It provides for more light, air and space and encourages the development of parks and plazas. It also goes a long way towards solving

the city's traffic problem which becomes more intolerable each year and which, worst of all, is a growing threat to the lives of children.

If it is not the final answer to all our problems, it is at least the underlying framework which must be built before answers can be found for the sake of the too often neglected child, and for the sake of the average citizen.

We are grateful to the City Planning Commission for proposing to make our city a better one for us all to live in.

AARON L. BENJAMIN, representing NEW YORK REGIONAL CHAPTER,
AMERICAN INSTITUTE OF PLANNERS.

The New York Regional Chapter of the American Institute of Planners last April expressed its approval of the proposal for the rezoning of the City of New York as submitted to the Commission by the consulting firm of Voorhees, Walker, Smith & Smith. At that time, the members of the Chapter, the majority of which are actively engaged in city and regional planning in the New York metropolitan area, recognized the pressing need for a complete revision and modernization of the Zoning Resolution of the City of New York. During the months which followed, members of the Chapter have reviewed various aspects of the proposed resolution and have contributed to the formulation of specific recommendations by other professional and civic organizations, of which they are also members. It is not our intention to discuss any specific text provisions of the proposal at this time, but rather to comment on the potential effectiveness of the proposal in providing sound planning concepts within the City.

Speaking for itself, however, the Chapter wishes to commend the Planning Commission for the thorough way in which it has solicited the views of all parties concerned during the months following the introduction of the zoning proposal. We also commend you for the way you have integrated the thinking of these groups into the zoning proposal which you released in December, 1959.

The Planning Commission has recognized that the original zoning resolution, with its many amendments, now constitutes a cumbersome and inadequate medium for guiding the City's growth.

Benjamin

The advances which have taken place in the techniques of zoning require that a thorough overhaul of the entire structure of the zoning resolution is necessary.

It is our belief that the present form of Proposed Zoning Ordinance, when adopted, will provide a rational framework for the future development of New York City by allowing the architect, the builder, the developer and the investor more latitude in the exercise of their activities, while at the same time fostering the development of sound municipal growth.

We wish particularly to commend the form of the proposed resolution. The introduction of charts, tables and diagrams; the use of clear, concise language; the use of a single map instead of the present complicated system, and other advances in the form of the resolution, all tend to simplify what by its nature must be a very complicated document.

The changes which have been incorporated into your zoning proposal of December, 1959 should dispel most of the reasonable objections that were raised against the consultant's proposal of last April. There is no question in our minds that the proposal in its present form will do much to bring about the achievement of very desirable planning goals. For example, the proposal will achieve greater control over population density and result in a rational distribution of new population as well as a better redistribution of existing population. The proposal will further encourage the development of open space so essential to good municipal development. It will tend to relieve traffic

congestion, improve circulation and provide for adequate off-street parking facilities, where such facilities are desirable and necessary. The reduction of building coverage will result in the provision of more adequate light and air for all types of building use. Furthermore, the general distribution of potential land uses throughout the various sections of the city is sound and provides for the logical grouping of compatible uses. The establishment of performance standards encourages desirable industrial development by giving high performance industry a wider choice of sites while offering surrounding development measurable protection. Finally, the setting up of procedures by which non-conforming uses can be gradually eliminated is a further progressive step. Such devices as the sky exposure plane, F. A. R. controls, the plaza bonus, open space ratio will all encourage more flexible design and better overall planning.

It is our belief that the new concept of zoning as presented in the proposed ordinance is based on effective land-use planning and that it will enhance the development of New York City as a commercial, civic and cultural center as well as its residential, commercial and industrial growth. In conclusion, we wish to express the hope that passage of the new ordinance will be expedited so that it can be put into effect as soon as possible.

Benjamin

LEONARD MANCUSI

MR. MANCUSI: Mr. Chairman and members of the Planning Commission, I am the President of the Francis Manor Civic Association, an Association representing about 200 homeowners in the County of Queens, specifically the section known as Whitestone. Speaking as the President of the organization and also for myself, I wish to state that we are in accord and we do support the new planning resolution to be adopted by the Planning Commission and by the Board of Estimate. Our only hope is that it will not be delayed unduly. Anything that I might say would only be echoing the comments and the praises of the previous speakers. I wish to comment on one or two small items, particularly on the opponents of the proposed resolution who apparently are saying a lot of words, speaking strongly against it but are failing to give any facts that might substantiate their particular reasoning why the planning resolution might not be beneficial to the City of New York.

Why any group or any individual can stand up and disagree with anything that may be for the benefit of the people of an area or stand in the way of progress is something that I can never believe or understand. We are almost on the threshold of the space era, so to speak; and if the scientists can make such great progress with the experimentation by missiles and rockets into space, why can't our Planning Commission, people who are spending their time and energy for the benefit of the people of the City of New York -- why should they be hamstrung in their efforts to produce a better City, a more modern City, something for which we can all be proud at some future time.

The present zoning resolution or the code is just an antiquity that must be discarded. If we live under the antiquities, we certainly cannot see the future, we cannot see the sunlight, that the Planning Commission wishes to bring to us and our children.

We sincerely support the proposed resolution. We rely upon the integrity of the Board in doing what it sees fit and proper for the protection of the property owners, the single-house property owners, the large interests and the industries of this great City.

They are not doing this in the hope of destroying a City or destroying any particular interest, the real estate interests, or the architects' interests, whoever they may be who are opposing the resolution, I'm afraid they are barking up the wrong tree. We have always progressed and will progress and all interests will profit by our progress but if we stand still we will just remain in the same rut and never see the future or the light.

We sincerely urge the Planning Commission to submit its resolution to the Board of Estimate and urge its speedy adoption.

CHAIRMAN FELT: Thank you, Mr. Mancusi. Mr. Stephens?

FRANCIS X. STEPHENS, JR.

MR. STEPHENS: Chairman Felt, members of the Commission, my name is Francis X. Stephens.

I appear for some 200 industrial property owners in the section of Hunts Point in the Bronx. I appear on a special tangent of this zoning resolution - to urge special consideration for the peculiar and particular situations which exist in that area.

Now, Mr. Chairman, I've handed up to you a memorandum which outlines much of which I would like to say. Included in that memorandum is a map of the section, and I use the map only because it illustrates the few points which I would like to emphasize now. We start off with the principle that we favor zoning. I also want to compliment yourself and the members of the Commission for the study that you have given to this problem of zoning. The very bulk and size of the proposed amendment indicates the study which must have been put into it. But I would like to emphasize this one point which is axiomatic to the principle of zoning, and I quote now from the town law which, of course, is applicable to cities. After stressing and stating the purposes of zoning and the police power which is behind it, it says this: "Such regulations", referring to zoning, "shall be made with reasonable consideration among other things as to the character of the district and its particular suitability for particular uses and with a view toward conserving the value of the buildings and encouraging the most appropriate use of the land throughout the municipality."

Now, Hunts Point in the Bronx is a peculiarly isolated section. You've been there - you know about it. And you, Mr. Chairman, should have some special knowledge of Hunts Point because of your wide experience in that area. Since that time it's been more isolated by reason of the fact that on a piece that has the proposed 175-foot Bruckner Boulevard, with its overhead arterial highway. It's bounded by Long Island Sound, by the East River, and by the New Haven yards; and if the map that I presented to you is studied, you will see that around the perimeter of that area, numbered in connection with the footnotes at the bottom, you will find the New York City Asphalt Plant, the area for the proposed new New York City Produce Market, Consolidated Edison plan, the Hunts Point Sewerage Treatment Plant, the area of the Blue Ridge Fuel Company, the National Gypsum plant, the Oak Point yard of the New Haven Railroad and the plant of the American Banknote Company. Now, a further examination of that map, and only for the purpose of emphasizing the inconsistency, as we see it, of the performance standards of an M-1 and an M-2 Zone, you will find that about a third of the entire area of Hunts Point is taken up by the industries which I have referred to.

Then the area of the M-1 - incidentally, of 208.8 acres remaining after the subtraction of those industries to which I referred is divided, 280 acres, rather, is divided - 209 acres in M-1, 40 acres in M-2, and 31 acres in M-3, subtracting the industries which are existing in there from the 31 acres, which

leaves very little new area for an industrial development.

Now, the point that I would like to emphasize here, and I do it briefly because you have been very patient in listening, is that included within this 280 acres of the Hunts Point area, which we say is isolated as an industrial area catering to heavy industry, we find the New York City asphalt plant, which is proposed in an M-1 Zone - making that plant itself a non-conforming plant. We find that a great number of the industries there in the M-1 and M-2 Zones would be put to performance standards, which we believe will be a confiscation of the values and the properties that we have. Now, in Bronx County, the area for industrial land is rapidly diminishing. Freedom Land alone has taken about 205 acres of available industrial land. I sympathize with the Commission in trying to set up zoning so that it will make place for each of the various statuses--the residential, the industrial and the commercial. But I say to you that in this area, which is isolated as it is, the industrial purpose is the one which is outstanding. There has even been an effort, here, Mr. Chairman, to enlarge the Residential zone. And in that area today, there are some one-family houses and tenements, none of which is of later building than thirty years and most of which are about sixty years old.

So I say that if something should give way, it should be the residential aspect, which is really not needed there in an enlarged state.

CHAIRMAN FELT: I might say at this time, without attempting to cut you off in any way, that on the conclusion of your remarks Mr. Smith will talk with you and give you some of our current views in connection with matters relating to the Hunts Point area.

MR. STEPHENS: Thank you.

CHAIRMAN FELT: I also urge you to appear before us on the appropriate day in connection with the mapping because what you are discussing is mostly a mapping situation.

MR. STEPHENS: Just one other point then - in view of the consideration which the Commission evidently will give to our special request here: The M-1 area in here is, under the general set-up of the new planning resolution intended to be or stated to be a buffer zone. But somehow or other, the buffer zone has consumed the majority of the available land, and I say that if there is to be a buffer zone around the R-6, then it should be reduced to a minimum; and that the rights of the people who have bought land for industrial purposes and have industry there should be well recognized. Thank you very much.

WITHAM J. DUFOUR: Chairman Felt and members and staff of the City Planning Commission, my name is Witham J. Dufour. I am Chairman of the Zoning Committee of the Old Country Club Civic Association of Flushing, Inc. and of the North Shore Council of Home Owners' Associations, Inc. The North Shore Council is composed of twenty home owners' civic associations representing the home-owning taxpayers north of Northern Boulevard from Flushing Bay to Little Neck Bay. We own and live in our own homes and pay real estate taxes on them to the City of New York. This area of our City probably is the largest one-family dwelling area in the City and we are all proud of its contribution to the beauty of our City. Our real Estate taxes as home owners contribute to the major source of income of the City - as do all real estate taxes paid by owners of the real estate of our City.

The Old Country Club Civic Association and the North Shore Council of Homeowners' Associations, through their members as owners of real estate, enthusiastically endorse the proposed Comprehensive Amendment of the Zoning Resolution of the City of New York. This amendment has been long overdue. The dedicated and thorough studies upon which it is promulgated have been the basis of its proposed form only after patient and considerate hearings of the views and desires of many interests and their representatives. All have been given the opportunity to discuss it and comment. We and the Queens Federation of Civic Councils have been heard, and several suggestions that involve better definitions of the intent of the proposed resolution and a number of minor map changes have been sympathetically listened to by the Commission. Within reason, they will be incorporated in the final resolution to be presented for adoption by the city government.

Dufour

This proposed Zoning Resolution will meet the daily and weekly threat to our City by hodge-podge zoning and temporary variances that is bringing in bull-dozers overnight to tear down and then downgrade our city with indiscriminate erection of the wrong types of structures in any neighborhood or lot in our City. Look at the maze of gasoline stations and the onrushing erection of so-called country clubs which are in reality open air bar and grills with a swimming pool. These are invading any section of our City at the pleasure of the special interests back of them.

Who are these special interests? They are the opponents to the proposed zoning law. Under the guise of Real Estate Boards, Real Estate Lawyers, Architects and more brazenly as entrepreneurs they are posing as representing. All Real Estate Men, All Real Estate owners, and All Lawyers and Architects - this they most certainly do Not do. An investigation of their membership, active that is, will show that they represent only a minute fraction of such interests that they are determined to exploit by subterfuge or any means their own selfish interests. This includes local and often misguided Chambers of Commerce. The New York Chamber of Commerce is a strong supporter of the proposed Zoning Resolution.

Again, as Chairman of the Zoning Committee of a local civic association and as Chairman of the Zoning Committee of the North Shore Council of Homeowners' Associations I speak for many owners of fine real estate who fully support the proposed Amendment of the Zoning Resolution of the City of New York. We and all taxpayers need it to eventually upgrade our City instead of continuing to downgrade it as we have been doing for many years. Let's have it adopted without further delay. Thank you.

JANE BENEDICT

MISS BENEDICT: My name is Jane Benedict. I am the Secretary of the Yorkville Save Our Homes Committee, a committee of tenants who organized some five years ago, as the name of the Committee indicates, to try to hold on to some vestige of their homes in a smitten community. We come here today to support the proposal of the City Planning Commission and to say that we are glad to see that there is some attempt at overall planning in New York City and that although your zoning recommendations, as you yourselves say, are not a panacea for all the housing problems of New York City - still, we greet such a proposal as you have made as a beginning of a prospectus on the enormous problem that faces us all.

We, in Yorkville, have seen in the last nine years some 15,000 families, families that have lived in apartments that rented for 20 to 50 dollars a month, depending on whether they were heated or not or depending on whether they had inner bathrooms or not, been thrown out of these buildings for luxury housing that rents for \$75 to \$100 a room or more, per room, per month. 15,000 families in nine years and some 3,000, it is calculated, will be moved on again by summertime. In this tragis uprooted community, where the crosses on the windows indicating apartments now vacant because the house will soon be demolished, seem to indicate a forest as one walks down the street. In this blighted community, we look upon your zoning proposal, as I say, not as a total solution

Benedict

to our problems and we could wish that some of your density classifications were lower so that they would be something of a brake upon luxury housing, but still we look upon your zoning proposals as something of a lifeline to catch on to.

We should like to testify at the Manhattan hearings to as to more detailed feeling on the specific proposals that you make. But we do say that it is high time that there is this kind of an approach to New York City's problem. We have seen a horrible example, and the people in Yorkville are living through somehow, a horrible example of what real estate situations without trammels upon them can produce to the homes of the average citizen. Thank you very much.

MRS. ADA ZAKIN

MRS. ZAKIN: Mr. Chairman, members of the City Planning Commission, I am Ada Zakin, and I am President of the Far Rockaway Taxpayers and Civic Association, in whose behalf I appear before you today. Our Association wishes to commend you and the members of the Commission and your staff for this master plan of zoning which we hope will be adopted in the very near future. We want to thank you for your cooperation and courtesy and we would like to take this opportunity to thank Mr. Shapiro and Mr. Joroff for coming out to Far Rockaway the times that they did to help us and to advise us, and I'd also like to thank Mr. Friedman for the advice we got from him via the telephone.

In general, we are in agreement with your plan. We feel, however, that nursing homes and day camps come under the category of commercial enterprises and should not be permitted in residential areas. Taxpayers buy homes in quiet residential sections and suddenly find that peace and quiet disturbed by the noise and activities of the many participants of the day camps. Their lawns are not their own private property anymore. Transient non-residents show no respect for a person's lawn. There are many other disturbing elements arising from a day camp. The ugly sight of many overflowing garbage cans, all-day parking of buses on the streets.

The nursing homes also represent a parking problem. There are other reasons why nursing homes should not be in residential areas. We sincerely hope that great consideration will be given to the school situation and that careful planning will be used to set aside enough land in each area to sufficiently accommodate the school population. Again, I want to thank you.

GEOFFREY R. WIENER

MR. WIENER: Mr. Chairman, members and staff of the City Planning Commission. My name is Geoffrey Wiener. I am Executive Director of Hamilton Madison House, a settlement house here in the Lower East Side and I'm appearing today as co-chairman of the housing division of the Lower Eastside Neighborhood Association. We are appearing in strong support of the proposed comprehensive amendment of the zoning resolution and we compliment the Commission on its development.

The Lower Eastside Neighborhood Association, which I represent here today, is a citizen self-help organization with a membership of more than 1,000 individuals and more than 90 public and private civic organizations on the Lower East Side.

We intend to be back on March 22 with specific recommendations for minor modifications to the proposal in relation to the maps for the lower East Side. We bring here today a different kind of expertise to this hearing than that represented by many of the civic groups who have appeared before you. For five years now, both through the divisions of the Association and its constituent neighborhood councils our neighbors have striven to make order out of chaos in planning ahead for the rebuilding of their community. During this period we have all become acutely conscious of the confusion which results from an out-dated zoning resolution and from the lack of any master plan. Though it may be that the plan should precede the resolution, it is quite obvious that this will not happen in New York City, and we therefore welcome the most progressive zoning resolution yet developed for any city in our country.

We know from our neighbors what it means to have rootless neighborhoods, isolated public or private housing communities and manufacturing, warehouse and commercial establishments interspersed with dwellings. As we have developed plans for portions of the Lower East Side, we have experienced frustration in being unable to implement them, despite interest and encouragement from every city department with its finger in the planning and housing pie, including the City Planning Commission. As public, private and commercial interests developed their plans independently of our community, they have

experienced great antagonism and resistance on the part of citizens who were not involved and who are doomed to suffer because of this unilateral mode of operation.

The zoning resolution under consideration today not only lets new light into our streets and homes but also into the minds of men who will be responsible for planning the future of the City. We look forward to the prompt enactment of the resolution since it represents current best thinking for land use and promises to halt the downward spiral which has plagued our City for several decades. Thank you very much.

RAPHAEL H. COURLAND

MR. COURLAND: My name is Raphael H. Courland and I am an architect practicing in the name of Maurice Courland and Son, in New York City, and in addition to normal architectural and engineering practice I have been interested in city planning for some years past. I have furnished a copy of this statement. Having examined the Proposed Comprehensive Amendment of the Zoning Resolution, I take this opportunity to express my whole-hearted approval and support of it.

Of its many excellent features, a most significant one to me is the means inherent to conserve the basics of city planning thru Land Use.

Land coverage, density of occupancy, building bulk, parking, contiguity of buildings, contiguity of diverse uses, in this Proposed Amendment, are all linked to the ultimate use of municipal services and the density of population; and these linkages are guarded by means of permissive provisions for land use. These provisions are expressed in terms of specifically permitted uses only.

Conversely, in the present zoning resolution, land use is expressed by means of prohibitive provisions. This results in evasion of the initial intent of the resolution by encouraging the consideration of any means which will circumvent the stipulated prohibitions as they are construed in their narrowest sense. This is especially to be noted in instances of land use of a type unforeseen when the present resolution was enacted.

City planning, in its broadest sense, is the provision for orderly living in urban areas. It seeks to preserve the amenities of

urban life. It strives for a balance in facilities, municipal services and the population which must be served. And it aims for the orderly expansion of all facilities in direct response to the growth of population.

The legal device which implements the plan, channels municipal growth, and safeguards the conception, is the zoning resolution. A zoning resolution which maintains a balance of population density with the concomittant facilities and physical amenities, is achieving the intent of the resolution. On the other hand a zoning resolution which permits imbalances to develop, and which hampers corrective action or planning, is denying the intent.

In advocating the Proposed Amendment, I do imply the failure of the present resolution to safeguard the intent underlying the resolution. I do not base this observation upon its enactment in 1916, when so much of the present technology of manufacturing, commerce and transportation was not anticipated; nor do I concern myself with the more than 2,500 amendments to the present resolution, per se.

No human agency, in this very complex field, can anticipate all things. But human agencies can establish the basis for orderly growth, in response to new sociological developments, along principles designed to safeguard the amenities of life, and the balance of municipal service to the population.

To achieve continuing adjustment to continuing social change, modifications of any resolution that may be adopted will be necessary and enacted. But on no account should they be permitted to destroy the sociological intent of the resolution.

The alarming aspect of the present resolution, among other things, is that the evasion of its literal text, to the point of nullification of the concepts and intent underlying that resolution, is the norm. And further, that the numerous variances and amendments reveal a pattern that is inconsistent with planning for ultimate orderly municipal growth.

This is not the consequence of maladministration. Rather is it the consequence of operation under the principle of prohibitive provisions. When the order of the day reads, "Thou shalt not do 'a' and 'b' and 'c'," it follows that anything else may be done with impunity. It then becomes immaterial what the intent of the resolution may have been.

But if we say, "Thou shalt do only 'a' and 'b' and 'c'," and we set up machinery for the consideration of anything different, subject, however, to the overall conception behind the resolution, we then deal with a legal device which inherently safeguards intent. This is the principle of permissive provisions. And this is basis to the land use aspects of the Proposed Amendment. Certainly there will be modifications - a whole paraphernalia of accomodation to sociological change. But the prime conception of the Proposed Amendment, which is the protection of the ultimate public interest, is more completely achieved in this way than could possibly be achieved by changes in the present resolution.

Therefore, Mr. Chairman, I most respectfully urge the adoption of the Proposed Comprehensive Amendment of the Zoning Resolution.

JOSEPH STEIN

MR. STEIN: Chairman Felt, members of the City Planning Commission, my name is Joseph Stein. I am an attorney at 305 Broadway. I represent the seven Santini Brothers of Jerome Avenue in The Bronx, whose trucks you have seen on the highways and whose foresight have made them the organization they are today, and whose same foresight has behooved them to be represented here to register their objection. While I do not represent a group or a civic organization, but just this one company, this is the case in which it is better - it seems to me - to examine the tree than the forest.

The effect of this proposal on my client should be multiplied by the many companies similarly situated. Gentlemen, I make my remarks on this proposal convinced of the deliberation I know it received. Its draftsmanship compels my respect. On the other hand, your invitation to the public to have its say evinces a still open mind on your part. For our part, we assume that the proposal will benefit the public good. It would be presumptuous of us to think otherwise. It will benefit the public good as does the highway which more than occasionally requires the removal from its path of private homes and businesses. But I question the fairness and constitutionality of a highway condemnation or zoning law which would legislate the destruction of private property without just compensation. That is precisely what this resolution results in.

Because of the limited time, I will confine my remarks to the part of the proposal which deals with non-conforming uses,

Stein

especially in residential districts. The proposal allots a lifetime, generally, of 25 years, to those structures which are non-conforming in a residential district. We are meeting today in a building whose age is a multiple of such a life span. You could hardly consider this building as depreciated to zero but it would be so under the proposed resolution. Aside from the unfairness of cutting to a fraction the normal use of a structure to its owner and depreciating the value of the land and improvements, many a building will become rundown long before its arbitrary life span for who would invest in a building that would soon have to be destroyed and demolished. Hanging over such property will be the hazard that if it be destroyed by fire or other causes, to a substantial extent, it will bring down upon the owner not the usual loss, against which he can insure himself, but damages in three ways. His insurance will cover him only for the portion actually destroyed. Not being permitted to continue the use of the remaining portion, it will become necessary for him to have an uncompensated loss in regard to the remaining half. In addition, he will have the cost of demolition of that portion. In an effort to keep his loss covered by insurance, it will be pardonable if he says, "Fireman, don't save my building."

But assuming even that the insurance policies can be revised to cover such losses, his insurance costs would have to be four times what they were to cover this kind of a loss.

CHAIRMAN FELT: Mr. Stein, how many storage warehouses are there of Santini Brothers in areas designated as residential areas?

MR. STEIN: They have one in The Bronx and they have one in Queens. The one in The Bronx, I understand, is quite a substantial edifice with a life span of much more than 25 years, and it would certainly be a real loss to them to have that just given a lifetime of 25 years.

CHAIRMAN FELT: And the one in Queens?

MR. STEIN: The one in Queens is actually adjacent to a C-8 Zone, so that actually all we would have to do is cut out 100 feet and bring in the part that protrudes into the residential zone.

CHAIRMAN FELT: Then your problem basically, aside from assuming a minor adjustment might be made one way or another, your problem is the Bronx problem.

MR. STEIN: If the Queens problem could be solved.

CHAIRMAN FELT: If the Queens problem could be adjusted.

MR. STEIN: That's right.

CHAIRMAN FELT: Very well, I don't want to give any implication of anything that will be done, but I just thought it would be well for us to understand the type of problem that confronts you.

MR. STEIN: Would it then be proper for us to bring up the Queens problem here when the mapping is done in Queens?

CHAIRMAN FELT: Yes. In fact, it would be proper, if you so wish, to bring up the Bronx problem as well as the Queens problem. By saying that, I don't mean to stop you from your statement. You may continue with your statement but for the interest of your client and in an effort to see what might be done for your client's protection, you should be here on the occasion of the mapping hearings.

MR. STEIN: Thank you. The end result is as sad as it is humorous. He will suddenly be not the owner of a factory or a warehouse but the proud possessor of an empty lot, fit for a single-family house, surrounded by smokestacks and factories whose end is still in some distant future. If, however, this must come to pass, then it seems to me that it should not be adopted in one bulk package and allowed to pass over our City like an unreasoning steamroller. Each non-conforming use should be given a chance to be heard so that wherever possible hardships will be avoided, and where a hardship cannot be avoided let us not ask the owner to be sporty about it. Let us all absorb his loss by condemnation.

Finally, we submit that faith in our community and its stability will be undermined if our holdings can be depreciated by legislative fiat. Gentlemen, however we may differ with you, we appreciate the opportunity you have given us to be heard. Thank you.

Stein

JACK SCHULMAN

MR. SCHULMAN: Mr. Chairman and members of the Commission, my name is Jack Schulman. I'm an attorney and a member of the Board of Directors of the Queens Valley Home Owners Association and Chairman of its Zoning Committee. I was former President of this Association and formerly Chairman of the Board of Directors. Our Association wants to go on record as supporting the proposed comprehensive amendment of the zoning resolution. There are approximately 2800 one and two family homes located in the Association area of which more than 1500 are members. Our area covers that portion of the Borough of Queens bound roughly on the north by Queens College, on the east by Kissena Boulevard, on the south by Union Turnpike and on the west by Grand Central parkway. The need for density controls have become very evident to us. It is generally accepted that the present zoning resolution is outmoded, archaic and cumbersome, and requires complete revision.

A new and more effective method is necessary to direct and channel the orderly growth of our City. The proposed zoning resolution provides direction to density control, so badly needed in our area and in much of central Queens, which has not been fully developed.

It will control the erection of new structures and just as important, the reconstruction of many portions of Queens. Under the present zoning resolution, a number of builders have erected homes with considerable open space. We approve of this. However, there are a few builders who erect monstrosities on land in Queens, affording little open space an utilizing the land to the fullest maximum of the present zoning resolution.

Schulman

The proposed zoning resolution includes controls over floor area ratio and regulations as to lot area per dwelling unit, open space ratios and minimum lot regulations, all combine to enforce those regulations which are presently practiced by the better and more considerate builders of homes. In our own area, our elementary junior and senior high schools are overcrowded. Many of them have double and triple sessions. It has become necessary to bus our children to outlying schools, simply because there are no seats available for them in the schools in our neighborhood. Transit facilities in our neighborhood have become strained and are close to the saturation point. To permit the erection of huge colonies of skyscraper apartments, thus concentrating more people in the area, without providing adequate transportation would be the straw that would break the back of the camel of transportation.

Similarly, we have begun to find it increasingly difficult to find parking places for automobiles in our area. The extraordinary, almost wholly undirected growth of housing facilities, causing great concentration of persons, has intensified this problem.

Great masses of people should not be permitted to spring up in any part of our City without an eye to such facilities or their potential development. For example, a lack of such planning is to be found in the erection of our skyscraper apartments, now spreading up in the Borough of Queens. Complex giant structures of 21 and 27-story apartment buildings are being erected in central Queens without a thought to the triple problems of schools, parking and transit facilities. Under the present zoning resolution there is practically no control over this type of misplaced skyscraper. Schools will have to be provided for the children which would normally be expected to

live in the area. Similarly, provisions will have to be made to transport their parents to and from work and to provide places to park their automobiles. The proposed zoning resolution provides the solution to these problems or, at least, a sensible approach to the same. No document the size and complexity of the zoning resolution can be expected to be beyond criticism. However, we firmly believe that this is a giant step forward to the better development of the Borough of Queens and of the City. It offers the solution to sensible density control in our City. We strongly urge its speedy adoption. Thank you.

Schulman

STANLEY B. TANKEL

MR. TANKEL: Mr. Chairman and members of the Commission, my name is Stanley B. Tankel and I represent the Greenwich Village Study Group, which is a group of professionals in architecture and city planning and other professionals in Greenwich Village, and I am also Chairman of the Community Planning Committee of the Greenwich Village Association. In these capacities, I want to express my feeling that I think the proposed zoning is a very wonderful thing for our community of Greenwich Village. I am also a city planner who has studied the resolution for its effect on the entire City of New York, and in this capacity I'd like to register my opinion that the proposed resolution would be a boon to all of the City's communities and not just Greenwich Village.

Blight and deterioration are bound to be hastened if this resolution is not adopted. Finally, I'm here as a property owner whose bulk will be restricted by the proposed resolution. When this resolution is adopted by the Board of Estimate this spring, I promise that I will write you a letter of thanks for restricting my right to ruin my own property values. The reason I'll thank you is that you are proposing at long last to make decent standards of light and air and open space in our town. How else can you preserve real estate values? There is a close relationship to good living and working conditions and the value of property. It needn't be labored; it is proven readily by the fact that 85% of all the buildings constructed since World War II

according to your studies, are in conformity with the standards proposed in the zoning resolution. Our own community has had the bad luck to be the site of a few of the substandard 15% which remain. I have been inside some of these modern slums. It is the City's duty to protect us from this gluttony of light and air, which was the way it was so aptly phrased by a previous speaker.

There is no question in my mind that the vast majority of New Yorkers want a better City and will not be tyrannized or diverted from this objective by the irresponsible, self-defeating, though perhaps noisy efforts of the small minority.

This proposed resolution is vital to New York's future. It will insure this future as now written and mapped without any if's, and's, but's, or qualifications. You have bent over backwards to accommodate objections up to now over the past year or more. I urge you to press for the immediate adoption of this resolution. Thank you.

PHILIP BEANE

MR. BEANE: My name is Mr. Beane and I live at 416 Lafayette Street in Manhattan, which is now called, I guess, the East Village. I was wrongly informed that this area would be a residential area but as I came down here today I discovered that it had been classified as a light industrial area. I wish that the Commission would reconsider this classification because the block that our apartment house is located on is rapidly becoming

a residential area. There are two apartment houses on the block at this time. One of them is ours, which is a reconverted building which has been completely rebuilt, and the other buildings are the Colonnades, a series of buildings which are the oldest luxury apartment houses in the City of New York. Across the street on the opposite side of Lafayette Street is the HIAS, which is a large charitable type of organization. At the present time, we have many small manufacturers and printing organizations on the street, and these people continually block the street, cause a great deal of dirt to accumulate on the street, and they just do not fit into the harmony of the neighborhood.

CHAIRMAN FELT: I am sorry to interrupt you and we will continue to hear your statement but I think you should be informed that the purpose of our hearing today and yesterday was the text of the resolution, not the mapping. In other words, what concerns you is how the block that you live on is mapped, is that right?

MR. BEANE: It is not a particular block. It is a series of blocks. I don't know whether that would make a difference.

CHAIRMAN FELT: A series of blocks -- how those blocks are mapped? We are going to have hearings on the mapping of Manhattan on the 22nd of this month, and I think it would be much better for you to speak on behalf of the point that you raise now at that time because what we concern ourselves with today is the text of the resolution, rather than the mapping of specific streets of the five boroughs. What I would like to do is this: I would like

to have one of the members of our staff sit down with you right now and go over the block with you so that we will know the area that you have in mind and precisely what the zoning proposal is for that area. I think you will be in a better position to press your point at the right time. This is really not the right time for that. Is there anything that would make it impossible for you to be here on the 22nd?

MR. BEANE: No, I can be here on the 22nd. I would just like to add this: looking over the rest of the zoning provisions and listening to the program on WNYC yesterday, I think that the plan itself is a splendid plan but that this small area was not properly planned.

CHAIRMAN FELT: In other words, you appear here today not in opposition to the zoning plan but you have some serious question as to how a certain area of Greenwich Village is mapped. We think the time for you to present your point of view to us is on the 22nd. But since you are here we can help you as much as possible by having Mr. Friedman of our staff sit down with you right now and go over your individual case.

MR. BEANE: Thank you very much, sir.

LETITIA KENT

MISS KENT: Mr. Chairman, members of the Commission, my name is Letitia Kent. I speak in favor of the proposed zoning an an ordinary citizen and a resident of Greenwich Village The Village is one of the areas in New York City which is unique in that it has been able to maintain its architectural character and scale but, alas, it is so attractive that everyone wants to live there, and many of the new buildings are erected without consideration for their surroundings, particularly as regards height and bulk, and are ruining it. I therefore wish to express myself most heartily in favor of the proposed zoning which I feel will assist in the preservation of the neighborhood. Thank you.

CHAIRMAN FELT: Are there any others who wish to be heard? Please bear in mind that this will be your last opportunity to be heard on the text of the resolution before the Planning Commission. You will, of course, have an opportunity to speak before the Board of Estimate. I ask once more: is there anyone here who wishes to be heard?

(no reply)

If no one else wishes to speak, we will recess this hearing.

SECRETARY MALTER: On recessing this public hearing until Friday, March 18, 1960, at 10:00 A.M. Chairman, Vice Chairman, Commissioners Livingston, Orton, Sweeney, Provenzano, Acting Commissioner Constable. This meeting now stands in recess at 5:40 P.M. on Tuesday, March 15, 1960.

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