

1961

Modern Zoning and Planning Progress in New York

James Felt

Follow this and additional works at: <https://ir.lawnet.fordham.edu/flr>



Part of the [Law Commons](#)

Recommended Citation

James Felt, *Modern Zoning and Planning Progress in New York*, 29 Fordham L. Rev. 681 (1961).
Available at: <https://ir.lawnet.fordham.edu/flr/vol29/iss4/5>

This Article is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Fordham Law Review by an authorized editor of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

Modern Zoning and Planning Progress in New York

Cover Page Footnote

Chairman, New York City Planning Commission

MODERN ZONING AND PLANNING PROGRESS IN NEW YORK

JAMES FELT*

ON DECEMBER 15, 1960, the New York City Board of Estimate passed by unanimous vote a Comprehensive Amendment to the New York Zoning Resolution,¹ and on December 15, 1961, after a one-year grace period, the Comprehensive Amendment goes into effect. New York has abandoned out-moded zoning. It is time, finally, to apply modern zoning to New York's program for future achievement. This article will discuss the relation of the new code to three planning areas in particular: community renewal, industrial development, and transportation. In each of these fields, the New York City Planning Commission, in cooperation with other governmental agencies, is preparing or is currently engaged in a program of analysis, recommendation and positive action.

(1) *Community Renewal.* The City Planning Commission, working with consultants, is already actively engaged in a three-year, \$2,250,000 Community Renewal Program—one of the first programs in the Nation to implement the community renewal provisions of the 1959 amendments to the Housing Act of 1949.² The goal is to develop a city-wide renewal plan based on analysis of residential communities in the city and their renewal needs in relation to the city as a whole. Our approach adopts many of the techniques developed in our pilot study of the West Side Renewal Area in Manhattan.³

(2) *Industrial Development.* The problems of industry in New York have been a special concern of the Planning Commission for well over two years. One major phase of our program, exemplified by proposals for the Washington Market section of Manhattan, is the planned redevelopment of blighted industrial and commercial areas. Another is the designation of tracts for municipally sponsored industrial parks, such as the Flatlands project in Brooklyn.⁴

* Chairman, New York City Planning Commission.

1. New York, N.Y., Zoning Resolution, Dec. 15, 1960 [hereinafter cited as Comprehensive Amendment], amending New York, N.Y., Zoning Resolution, July 25, 1916.

2. Housing Act of 1949, § 103(d), added by 73 Stat. 672 (1959), 42 U.S.C. § 1453(d) (Supp. I, 1959).

3. See New York, N.Y., Urban Renewal Board, Report on the West Side Urban Renewal Study (1958).

4. Heretofore, industrial renewal and redevelopment proposals—including Washington Market and Flatlands—have been developed under N.Y. Munic. Law §§ 72-n, 72-o. These sections, with other urban renewal and redevelopment sections of the General Municipal Law, have been consolidated and recodified in Article 15 of the General Municipal Law, §§ 500-25, added by N.Y. Sess. Laws 1961, ch. 402.

(3) *Transportation*. Finally, as an essential element in master planning, we are continuing to evaluate the long-range transportation needs of the city, including travel to and from the surrounding suburbs.

These programs are designed to meet particular problems. But their outlook is comprehensive, taking into account the varying needs of the whole city. They are not stop-gap operations.

To fulfill their aims, modern zoning is essential. Unless we avoid past zoning mistakes, efforts to improve our environment are temporary expedients only, soon overwhelmed by new outbreaks of the problems they are intended to solve. And unless we can to some degree anticipate future development, comprehensive and long-range planning is no more than an idle dream.

COMMUNITY RENEWAL

Nearly one million people have left New York City in the last ten years, most of them in middle-income families. Why did they leave? They left primarily because they could not find, within the city limits, the kind of surroundings in which they wanted to live and raise children: roughly 4,000 acres of residential development have become so badly blighted that clearance and development are required; another 8,500 acres are deteriorating and need a broad program of renewal and rehabilitation.

Out-dated zoning must accept some of the responsibility. Because the old resolution lacked effective density controls, acute overcrowding was widespread, and it became difficult to make dependable predictions of population concentration—vital data for adequate planning of public facilities. Because the old resolution contained antiquated standards of bulk—too loose for adequate provision of light and air, too inflexible for a desirable variety in architectural design—many sections of New York City became areas of congested development. And a variety of loopholes allowed incompatible uses to intermingle.

To meet the problems of blight, the city has taken many positive measures. Its public housing program, now celebrating its first quarter century, has provided apartments for a population larger than Newark's on sites located, primarily, on former slum areas. Its limited-profit middle-income housing program, now over five years old, presently is undergoing a major increase in scope. Its capital budget, year after year, allocates money for schools, hospitals, transit improvements, sewage treatment plants, libraries, parks and other needed public facilities.

And in recent years, there has been increasing recognition of the importance of integrating renewal efforts into over-all neighborhood, community and city-wide plans. This new emphasis is evidenced by the

establishment of the Housing and Redevelopment Board⁵—whose responsibilities embrace execution of renewal programs and administration of city-aided housing other than low-rent public housing—and by commencement by the Planning Commission of its Community Renewal Program. A recent report of the Housing and Redevelopment Board underlines the new approach:

Our basic philosophy is one of considering the city as a whole, developing a program which evaluates each project in relation to its impact upon a city-wide concept and plan for urban renewal and housing, and recognizing that, while each neighborhood may and should have its own distinct character, it is fundamentally a segment in the totality which is New York.⁶

However, any renewal program, piecemeal or comprehensive, is founded on assumptions of stability and controlled growth. As long as factors which contribute to blight are unrestrained, no renewal effort can keep pace with the spread of urban decay. As long as population densities are uncontrolled and unpredictable, it is impossible to plan today's developments to meet tomorrow's needs.

Put another way, modern zoning is the essential condition. It gives us effective density controls. It gives us design standards which are both practical and effective to provide adequate light and air. It gives us tools to limit the encroachment of incompatible uses into residence areas.

Residential use is protected by closing many of the loopholes in the old resolution. Variances under the old ordinance could be granted without any fixed standards or criteria. They must now be based on findings modeled on those required by the courts since 1939.⁷ Prohibitive use listing allowed districts to be invaded by unsuitable uses which did not exist when the list of taboo uses was drawn up. Permissive use listing now prohibits the introduction of all but uses specifically listed for inclusion in zoning districts.⁸ Industry and residence, once permitted to exist

5. The Housing and Redevelopment Board was established on a temporary basis by N.Y. Sess. Laws 1960, ch. 1069, and on a permanent basis by New York, N.Y., Charter §§ 1170-79, added by N.Y. Sess. Laws 1961, ch. 375.

6. New York, N.Y., Housing and Redevelopment Board, Report to Mayor Robert F. Wagner, May 31, 1960.

7. In general, these findings are: that the practical difficulty or unnecessary hardship is caused by unique physical circumstances and was not created by the present owner or his predecessors; that a variance is necessary to realize a reasonable return; that the character of the neighborhood will not be altered, use of adjacent property will not be impaired, and public welfare will not be detrimentally affected by issuance of a variance; and that the variance granted is the minimum necessary to provide relief. Comprehensive Amendment § 72-21.

8. Every known use is listed in the Comprehensive Amendment, and its location is specified. Kindred or compatible uses are combined into "use groups," and appropriate

side by side in "Unrestricted" districts, are now separated.⁹ The adverse effects of industry, once largely unrestrained, are now subject to "performance standards."¹⁰

Intensity of development is controlled by several related devices. Population density is restricted by regulating the number of dwelling units or rooms permitted on any given size lot.¹¹ But this limitation is not, by itself, a guarantee against congested development. We control the physical volume of a building by using the floor area ratio, a figure which represents the relation between the number of square feet of floor area in a building and the number of square feet of lot area.¹² We assure adequate open space primarily through the open space ratio, which determines the open space required on a lot in terms of a percentage of total floor area¹³—but also through minimum lot size requirements,¹⁴ through height and setback regulations,¹⁵ through yard and open area

combinations of use groups determine which uses are permitted as a matter of right; additional uses are allowed, subject to special permission of the Planning Commission or the Board of Standards and Appeals. Uses not specifically listed for inclusion are forbidden. See Appendix, p. 692 *infra*.

9. Residential uses are permitted in seventeen of the twenty-one primary districts—all, except C8 (general service) and M1 through M3 (light, medium and heavy manufacturing). See Appendix, p. 692 *infra*. However, certain community facility buildings in use group 4, permitted in C8 and M1 districts, may contain living accommodations.

10. See notes 22-23 *infra* and accompanying text.

11. Comprehensive Amendment §§ 23-20 to -28, 24-20 to -23, 34-10, 35-10 to -23. Supplementing these limitations in districts R1 through R5 are regulations which forbid rooming units (SRO's, for example) and restrict dwelling unit occupancy to a single family or a common household of up to four unrelated persons. Comprehensive Amendment § 23-22a.

12. These floor area limitations apply to all buildings in all districts. Comprehensive Amendment §§ 23-10 to -19, 24-10 to -18, 33-10 to -17, 34-10, 35-10 to -23, 35-31 to -32, 35-35, 43-10 to -16.

13. The open space ratio applies only to buildings containing residential uses. Comprehensive Amendment §§ 23-10 to -19, 24-17 to -18, 34-10, 35-10 to -23, 35-33, 35-34.

14. Regulations governing minimum lot size—area and width—apply only to residential buildings. Comprehensive Amendment §§ 23-30 to -34, 34-10 to -23.

15. For all buildings in all districts, the Comprehensive Amendment limits the height of front walls at or near the street line. Comprehensive Amendment §§ 23-60 to -68, 24-40 to -48, 33-40 to -48, 34-10, 34-23, 35-10 to -23, 35-60 to -62, 43-40 to -48. Above that specified height, no wall can rise within an "initial setback distance" and no building part can penetrate the "sky exposure plane" (an imaginary surface sloping up and back from an imaginary line at a specified height generally above the street line).

In all districts not governed by R1 through R5 bulk regulations, if a lot-width open area of specified depth is provided, alternative regulations permit higher front walls, establish steeper "alternate sky exposure planes," and set no "initial setback distances." Comprehensive Amendment §§ 23-64, 23-68, 24-43, 24-47 to -48, 33-44, 34-10, 34-23, 35-10 to -23, 35-60 to -61, 43-44, 43-46 to -48. In districts governed by R1 through R5 bulk regulations,

regulations,¹⁶ through court and window regulations,¹⁷ and through regulation of the spacing of buildings on a single lot.¹⁸ As a reward for additional open space, bonus provisions in certain districts provide added floor area, more rooms per lot, or a combination of both.¹⁹

because front yards are mandatory, no "initial setback distance" is required. Comprehensive Amendment §§ 23-631, 24-421, 34-10, 35-10 to -23.

Towers—buildings or portions of buildings which penetrate a sky exposure plane—are the exception to these rules. If towers are set back specified distances from the street line, cover no more than specified percentages of their lots and do not exceed floor area ratio limitations, they may, in certain districts, rise to any height. Comprehensive Amendment §§ 23-65, 23-68, 24-44, 24-48, 33-45, 34-10, 35-10 to -23, 43-45, 43-47 to -49.

16. Front and side yards are required for all buildings in R1 through R5 districts. Comprehensive Amendment §§ 23-45 to -46, 23-48, 23-54, 24-34 to -35, 24-39, 34-221, 35-51 to -52. To accommodate row houses, R3, R4 and R5 regulations permit construction of party walls and subdivision of zoning lots after development. Comprehensive Amendment §§ 23-49 to -50, 23-54, 34-10. Where side yards are not required, any open areas along the side lot line must be at least eight feet wide. Comprehensive Amendment §§ 33-25, 33-30, 34-22, 35-52, 43-25, 43-31.

Rear yards and "rear yard equivalents" are required in all districts for most types of zoning lots. Comprehensive Amendment §§ 23-47, 23-52 to -54, 24-36 to -39, 33-26 to -30, 34-10, 35-40, 35-53, 43-26 to -29, 43-31.

Special provisions apply along district boundaries. Comprehensive Amendment §§ 23-51, 23-54, 24-39, 33-29 to -30, 34-223, 35-51, 35-54, 43-30 to -31.

17. Regulations controlling the size and shape of courts and the distance from certain windows to wall and lot lines apply to residential buildings, parts of buildings devoted to residential use, and those parts of community facility buildings which contain living accommodations with required windows. Comprehensive Amendment §§ 23-49 to -50, 24-50 to -57, 33-50 to -51, 34-10, 35-10 to -23, 43-50 to -51.

18. Under a flexible system for spacing residential buildings on a single zoning lot, the distance between buildings varies, by formula, depending on their height and the length of opposing walls. Comprehensive Amendment §§ 23-70 to -72, 34-10, 35-10 to -23.

19. For buildings governed by R5 through R9 bulk regulations, the higher the building, the greater the open space ratio required (at the maximum floor area ratio permitted). The bonus provisions, within limits, reward this provision of additional open space.

Every required increase in the open space ratio results in an increase in the floor area ratio—until a certain height, when the permitted floor area ratio begins to decline. The floor area ratio at a given open space ratio and a given height factor (i.e., floor area divided by lot coverage) may be derived from the following formula:

$$\frac{1}{\text{FAR}} = \frac{\text{OSR}}{100} + \frac{1}{\text{Height Factor}}$$

Comprehensive Amendment §§ 23-142 to -143.

Every increase in the open space ratio may also result in an increase in the number of rooms permitted per lot: for each one point increase in the open space ratio over an open space ratio base figure, there is a uniform reduction in the required lot area per room—until a minimum requirement is reached. Comprehensive Amendment § 23-223.

In addition, in R10 districts, in high bulk commercial districts and in M1-6 districts, bonuses are provided for plazas, plaza-connected open areas, and arcades. Additional floor

Before passage of the Comprehensive Amendment, there were fears that the standards for bulks and densities in the new law would cause an increase in land costs, which would, in turn, inflate building costs and raise rents. But the premise is false. In fact, the Comprehensive Amendment should bring land costs in line with economic reality. The maximum total land value in the city is the value which its actual development—or a reasonable estimate thereof—would create. Zoning cannot of itself increase or decrease this total. It can only make a rational distribution by setting up rules so that the various parts of the city and the owners of its land may share the total in a reasonable and equitable way.

Before passage of the Comprehensive Amendment, there were fears that the new law would halt development because its standards make construction uneconomical. Actually, however, standards for the various districts are in line with the better part of post-war building in the city, and the Planning Commission has made a special effort to zone blighted areas, where appropriate, at densities high enough to encourage rebuilding.

In short, by setting realistic limits on bulk and density, we discourage the speculation which has spiraled land prices in many parts of the city. The result will be stabilized land values. By spreading out potential development at controlled density levels, we discourage that over-concentration of development which has congested a few areas and left others stagnant and unproductive. The result will be to give more areas a chance for new life. By guaranteeing amenity through effective controls, we halt the spread of blight. The result is an environment in which renewal can make headway against urban decay.

INDUSTRIAL DEVELOPMENT

The competition for industry in which New York City is now engaged is for high stakes: employment for our citizens, maintenance of our tax base. A diversified labor force, specialized services, direct business contacts—these are the city's inherent advantages. Yet, despite them, established concerns have left the city, and new industry has often been reluctant to come in.

We know what industry is looking for. It seeks optimum sites. It seeks room for modern industrial processes; compatible and attractive industrial neighbors whose operations produce no excessive odor, noise or dust; industrial districts free of over-built plants generating automobile and truck traffic far beyond the capacity of existing streets and off-street

area is permitted; lot area requirements are reduced. Comprehensive Amendment §§ 23-23, 23-26, 24-22, 34-112, 35-23, 35-35.

parking and loading facilities. With increasing stress, it seeks communities with stable residential neighborhoods, good schools, adequate planning and zoning.

The industrial redevelopment and industrial park plans already outlined are part of the city's program to meet these needs. The efforts to foster healthy industrial development have been impeded, however, by zoning which was sadly out of date. For our program, modern zoning is an essential basis and support.

The traditional zoning principles embodied in the old resolution treated industry as a low priority use. While residence districts were protected from the intrusion of manufacture, industrial operations were confined primarily to zones which permitted any and all uses, regardless of compatibility. Modern zoning, however, recognizes industry as a valued member of the community, meriting safeguards of its own. To protect industry from the spotty residential development which in the past has broken up or otherwise pre-empted land ideally suited for manufacturing use, the Comprehensive Amendment allows no new residences to locate in industrial districts.²⁰

The old resolution condoned congestion. Its very structure made it impossible to devise rational off-street parking regulations for industry. But modern zoning recognizes the trend in plant design toward horizontal operations and provision for off-street parking and loading. The Comprehensive Amendment contains standards which encourage this healthy trend and take into account the dictates of industrial efficiency.²¹

20. See note 9 supra.

21. Outside the exempt areas—the high density central areas of Manhattan—the following basic parking requirements apply to all manufacturing and to all storage activities. For manufacturing uses: one space for every three employees, or one space for every thousand square feet, whichever requires the larger number of spaces. Comprehensive Amendment §§ 36-21, 46-21. For storage uses: one space for every three employees, or one space for every two thousand square feet, whichever requires the smaller number of spaces. Comprehensive Amendment §§ 36-21, 46-21. Requirements for manufacturing and storage differ because of different traffic generating characteristics.

For some manufacturing and storage uses, parking requirements may be waived if the number of spaces required is too small or if entrances and exits cannot possibly conform to the access regulations. Comprehensive Amendment §§ 36-21, 36-233, 36-24 to -25, 44-21 to -25.

Group parking facilities generally are limited to a maximum of 150 spaces. Comprehensive Amendment §§ 36-12, 44-12. Additional spaces may be allowed by a Department of Buildings "modification" or Board of Standards and Appeals "exception." Comprehensive Amendment §§ 36-13 to -14, 44-13 to -14. Off-street parking is permitted, and joint facilities may be provided to serve two or more zoning lots. Comprehensive Amendment §§ 36-41, 36-421, 36-44 to -45, 44-31 to -34.

Special regulations control the size of spaces, the location of access to the street, use of

Our regulations conform to standards voluntarily provided by most of the industrial plants constructed in New York in the last ten years.

The old resolution dated from a time when we lacked the tools to measure performance. In these older ordinances, all operations involving a product or process ordinarily associated with poor performance were located in "heavy" districts, whatever their actual performance. All operations involving a product or process ordinarily associated with good performance were located in "light" districts, even though, in fact, they did not perform well. On the one hand, industries were denied admission to optimum sites in "light" or "medium" districts because they manufactured "heavy" products. On the other, even in "light" districts, an acceptable level of performance could not be assured. Modern zoning, by contrast, recognizes that the only way to classify manufacturing operations for inclusion in "light," "medium" or "heavy" industrial zones is by direct measurement of the factors which make industry a compatible neighbor—its actual performance and its impact on surrounding uses. To protect nearby uses from the adverse effects of industrial operations and to provide maximum locational flexibility to all industrial uses, the Comprehensive Amendment establishes performance standards.

These regulations²² control eight characteristics of industrial performance: noise, vibration, smoke, dust and other particulate matter, odorous matter, toxic or noxious matter, radiation hazards, fire and explosive hazards, and humidity, heat and glare. For nearly every characteristic, separate standards are established for "light" (M1), "medium" (M2) and "heavy" (M3) manufacturing districts—a more exacting standard for the "light" district, a much lower norm for the "heavy" zone. Any manufacturing use is eligible for inclusion in any manufacturing district. To qualify for authorization as a permitted use, it need only comply with the district standards set for each performance characteristic.²³

required open space for parking, surfacing and screening. Comprehensive Amendment §§ 36-52 to -56, 44-42 to -45. Regulations also restrict use of accessory parking facilities and what services may be provided there. Comprehensive Amendment §§ 36-46 to -47, 44-35 to -36.

The requirements for accessory off-street loading berths for manufacturing and storage uses are determined by the size of the establishment and its location. Comprehensive Amendment §§ 36-60 to -64, 36-66, 44-50 to -54, 44-56. The loading regulations include provisions relating to size of berths, surfacing, screening, access and waiver of requirements where access is impossible. Comprehensive Amendment §§ 36-65, 36-68, 44-55, 44-58. Special regulations permit joint loading berths for adjoining buildings or zoning lots. Comprehensive Amendment §§ 36-67, 44-57.

22. Comprehensive Amendment § 42-20.

23. Comprehensive Amendment § 42-00. When manufacturing uses do not meet applicable performance standards, they are nonconforming. Comprehensive Amendment §§ 12-10, 52-01.

Because the Comprehensive Amendment provides safeguards for both industrial and nonindustrial uses, industrial zones have been safely mapped on over 17,500 acres, whenever possible in optimum locations near major transportation facilities. Only some 12,000 acres of land in New York were actually devoted to industrial use at the end of 1960. When we remember that between 1947 and 1956 only 800 acres in the entire city were used for new industrial construction, the more than 5,500 acres mapped for industrial expansion in the Comprehensive Amendment seems adequate indeed.

Even in areas not earmarked for industry, we have been careful to pursue planning goals without placing needless burdens on industry. Thus, where industry is nonconforming, regulations do not prohibit normal maintenance and repair and incidental alterations,²⁴ reconstruction after damage,²⁵ or change from one nonconforming use to another.²⁶ However, they do restrict investments in major structural alterations,²⁷ enlargements and extensions.²⁸ To do otherwise, to allow nonconforming uses not only to remain indefinitely, but to expand, rebuild at will and become further entrenched in residential areas would make a mockery of zoning.

24. Comprehensive Amendment § 52-21.

25. When a building occupied by a nonconforming use is damaged, it may be reconstructed to its original bulk to house a conforming use or—only if less than 50% of its floor area is damaged (less than 25% in residential districts)—to house the original nonconforming use. Comprehensive Amendment §§ 52-51 to -55. The original nonconforming use may continue in any case, if only incidental alterations are made. Comprehensive Amendment § 52-531(a). Where reconstruction is contemplated and nonconformity is to be continued, reconstruction cost may be substituted for floor area in determining the percentage of damage, if application is made to the Board of Standards and Appeals. Comprehensive Amendment § 52-532.

One and two family residences which do not comply with bulk standards may be reconstructed to their original bulk. For all other noncomplying structures, however, full reconstruction is allowed only if there is less than 75% destruction, measured in floor area or (on application to the Board of Standards and Appeals) reconstruction costs. Comprehensive Amendment § 54-40.

26. Comprehensive Amendment §§ 52-30 to -31, 52-332, 52-35. In residential districts, however, a manufacturing establishment in a building designed for residential use may be changed only to a residential use. Comprehensive Amendment § 52-331.

27. Comprehensive Amendment § 52-22.

28. For nonconforming manufacturing uses, enlargement of buildings and expansion of use over existing floor area ("extension") are permitted only in CS districts and in manufacturing districts. Comprehensive Amendment §§ 52-41 to -42. An enlargement, when allowed, can be no greater than 25% of the original area and must conform to applicable bulk, performance standards, parking and loading requirements. An extension, when allowed, is restricted to areas where the nonconforming use would be permitted under the change of use provisions—but only if performance standards and loading requirements are fully met. For enlargements, there must be no new or increased violation of bulk regulations. Comprehensive Amendment § 54-31.

Nonconformity, by itself, should not cause undue hardship. There is no evidence that lending agencies will withhold funds from industries availing themselves of the privileges allowed them under the nonconforming use regulations. Nor is there evidence that nonconformity makes property unmarketable. According to the title companies, properties which do not conform to zoning regulations change hands all the time. In some cases, they even enjoy a monopoly which raises their value.

Moreover, the new code's controls on expansion should have only a limited effect on the value of nonconforming industrial property. In most cases, these regulations do not materially add to the restrictions practically placed on an industrial use by surrounding development in the older neighborhoods where these plants are typically located. The standard industrial space now occupied by small firms will continue to serve an "incubator" function. Ordinarily, it will be reoccupied by new firms with limited space needs as soon as it is evacuated by firms needing more room. The larger industrial sites now occupied by bigger firms as a rule are hemmed in by other uses. Expansion on the same site will be virtually impossible—the horizontal operation and employee parking required by industry today frequently take up several times the site area now used for older buildings. Thus, it is only in the rare instance where zoning alone restricts industry from expanding and the particular plant is of a specialized design not lending itself to change in tenancy, that nonconforming use may be burdensome.

Nonconformity is not a real obstacle in industry. More land, greater safeguards, added amenity should help us to retain the industry we now have and attract new firms. With zoning backing a positive program of industrial development, we may expect, in the coming years, major industrial growth.

TRANSPORTATION

At its roots, the transportation problem cannot be solved by modern zoning. Many of its causes lie in suburbia and exurbia, outside the effective limits of a city ordinance of any kind. And within the city the principal need is for better coordination among the various transportation programs now underway—a problem beyond the influence of zoning legislation. Modern zoning can require the provision of adequate off-street parking and loading space to alleviate traffic congestion, but it cannot assure that transportation channels and services will be provided to meet the city's needs.

Nevertheless, zoning is of considerable importance in our approach to transportation problems, for it clarifies our picture of transportation needs. Implicit in the Comprehensive Amendment are certain planning

assumptions. We have recognized that many different types of transportation facilities—both rubber and rail—must play a part in the movement of people and goods. We have recognized, too, that the admixture of means of transportation must vary in different parts of the city.

New transportation facilities will inevitably play a large part in determining land use and population density. But, conversely, the pattern of city growth will be a major factor in the placement of future routes and terminals. Insofar as the Comprehensive Amendment sets reasonable controls on the development of various parts of the city, it gives us a workable framework for transportation planning within the city, and brings use closer to viable regional solutions.²⁹

CONCLUSION

I have left for last one of the most important elements in our planning program: our recognition that planning is, above all, human relations. The Comprehensive Amendment is much more than the text recently approved by the Board of Estimate. The planning approach which led to the final version of the new code—the seventeen days of hearings before the commission, the many informal conferences, innumerable adjustments and modifications, a long process of public education and accommodation—is as much a part of the new law as the text itself, and it guides the future development of New York City no less than the text itself.

Experience with the Comprehensive Amendment has reinforced my conviction that to achieve planning progress there must be a hand-clasp of resourceful leadership and an informed public. Our program is ambitious. It depends on sound land use control—supplied, at last, by the Comprehensive Amendment. It depends equally on public participation and recognition—the kind of overwhelming support that gave us modern zoning. Armed, at last, with a sound blueprint for future growth, I am confident that the continued interest and cooperation of the public will gain for us the planning achievements that lie ahead.

29. Thus, off-street parking requirements for commercial and community facility uses and all off-street loading requirements vary depending on the location of the use which is served. Comprehensive Amendment §§ 25-31, 25-72, 36-21, 36-62, 44-21, 44-52. A local shopping center in the lower Bronx, well served by public transportation, will not need the same amount of off-street parking as a large suburban shopping center in outer Queens or Staten Island, which is accessible only by automobile. As noted before, manufacturing and storage uses in the city core need meet no parking requirements. See note 21 *supra*.

