Amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York relating to various sections concerning off-street parking regulations in Community Boards 1 through 8, Manhattan.

Introduction

The City Planning Commission proposes a comprehensive amendment to the New York City Zoning Resolution which modifies the off-street parking regulations within Community Boards 1 through 8 in Manhattan.

The current Zoning Resolution, adopted in 1961, encourages off-street parking in Manhattan by: requiring significant amounts of accessory parking for new residential development; permitting substantial amounts of parking to be provided as accessory to commercial uses; allowing public parking lots with a capacity of 150 spaces as of right in most commercial and manufacturing zones.

The proposed amendment is the latest attempt to institute land use controls over off-street parking which are consistent with environmental policies and sensitive to the concerns of business and development interests in the City. This proposed action is designed to work together with the proposed midtown zoning revisions and is cited as a "mitigating measure" in the Environmental Impact Statement prepared for the midtown proposal.

History

The 1970 Clean Air Act as amended required the State and City to implement programs and regulations designed to achieve and maintain federally-mandated air quality standards in New York City. In response to this legislation the City and State adopted a Transportation Control Plan (TCP) in 1973 which included several measures to reduce automobile use in New York City. Among them was a

goal of reducing off-street parking in Manhattan's Central Business District (CBD) south of 60th Street by 40 percent.

When the City and State did not implement all of the measures in the 1973 TCP they were sued by the Friends of the Earth in federal court. (Friends of the Earth et. al., v. Hugh L. Carey, et al). In February, 1977 a federal court order upheld the parking strategy in the TCP and instructed the City to begin implementing a parking management program. The court order required the City to prevent any net increase in off-street parking spaces in the CBD by requiring the removal of existing spaces when new ones were added. Finding this "trade-in" procedure to be unworkable and counterproductive, the State, which has final responsibility for implementing the overall clean air plan and achieving federal air quality standards, imposed, under its Indirect Source Regulation (6NYCRR Part 203), a moratorium on all new parking south of 60th Street in Manhattan.

The moratorium proved unsatisfactory to a number of affected parties who contended that a singular focus on air pollution overlooks a broad range of important social and economic concerns, to the detriment of the City. In response, the State requested a modification of the federal court order to eliminate its "trade-in" provisions, so that the moratorium could be lifted. Public interest groups which were plaintiffs in the suit agreed to permit the State to lift the moratorium provided that off-street parking facilities be reviewed under stipulated guidelines and that by October 31, 1979 amendments to the City's Zoning Resolution reflecting such guidelines be adopted to enable the management of parking to achieve the original aims of both the clean air plan and the 1977 court order. In October 1978, the court order was so modified.

Following the guidelines in the 1978 court order the City Planning Commission prepared a comprehensive amendment and held public hearings on the proposal in September and October, 1979. The reaction was largely unfavorable. Opposition included the Real Estate Board of New York, the Chamber of Commerce, the Metropolitan Parking

Association, the Automobile Club of New York, Citizen's for Clean Air and the State Department of Environmental Conservation. Only the Natural Resources Defense Council (NRDC) and the City's Department of Transportation supported the amendment.

Consequently, the Commission tabled the proposal and began negotiations with several of the concerned organizations in order to forge land use controls on off-street parking that are consistent with the Federal Clean Air Act, are satisfactory to the environmental plaintiffs in the federal suit, are acceptable to the City and State and can be supported by the business community. The current proposal is a result of that effort.

Highlights of the Proposed Zoning Amendment

Following are the highlights of the proposed zoning amendment as heard on September 16, 1981 and October 28, 1981.

Residential Parking

Unassisted housing:

The currrent zoning requires that accessory off-street parking spaces be provided for at least 40 percent of the dwelling units, primarily for the use of the tenants, either on site or off site.

The proposed text removes the minimum requirement and allows residential development to provide accessory parking for a maximum of 20 percent of the new units below 60th Street and a maximum of 35 percent of new units above 60th Street.

Assisted housing:

The current zoning requires that accessory off-street parking spaces be provided for at least 12 percent to 30 percent of the dwelling units depending upon the type of assisted housing. The proposed text lowers the required parking to a minimum of 12 percent to 20 percent of the dwelling units and eliminates required parking for units designed for and occupied by the elderly.

Parking for Community Facilities, Commercial and Manufacturing Uses

The existing zoning text allows these uses to provide a maximum of 150 to 225 accessory off-street parking spaces as of right.

The proposed amendment reduces the number of as of right accessory off-street parking spaces. Hospitals are allowed a maximum of 100 spaces, hotels are allowed parking spaces for 15 percent of the guest rooms up to a maximum of 225 spaces. All other community facilities, office buildings and manufacturing uses are limited to one space per 4,000 square feet of floor area up to a maximum of 100 spaces.

Public Parking Lots

The existing zoning text allows public parking lots with up to 150 spaces as of right in most C2, C4, C6, C8 and M zones except where special purpose districts prohibit such use.

Under the proposed amendment public parking lots are not allowed in the following areas except by authorization from the City Planning Commission:

Midtown Manhattan Core bounded by 60th Street, First Avenue, 32nd Street and 8th Avenue

Convention Center Study Area bounded by 8th Avenue, 30th Street, Hudson River and 42nd Street

Downtown Manhattan Core bounded by Worth Street, Centre Street, Frankfort Street, South Street, Whitehall Street, State Street, Battery Place, West Street, Morris Street, Greenwich Street, Liberty Street, Church Street, Vesey Street, West Broadway, Park Place and Church Street

In addition, public parking lots are not permitted except by authorization in the M1-5 and M1-6 districts identified for industrial preservation in the City Planning Commission's loft preservation/conversion plan. However, public parking lots will now be allowed in the manufacturing zones west of 10th Avenue in the Special Clinton District where they were not allowed previously.

Accessory Off-Street Parking Spaces - General Regulations

Applicability

Under the existing text any existing use, new development, enlargement or conversion may provide off-street accessory parking as of right.

The proposed amendment allows as of right parking for new developments and enlargements only.

Location

The existing text allows permitted and required parking to locate either on or off the site of the use to which it is accessory.

Under the proposed amendment only required parking may be provided off site. Permitted parking must locate on the site.

Use of Spaces

Under the existing text accessory parking may be used primarily by the occupants of the building. It may also be used by non-occupants.

The proposed text restricts the use of accessory parking to the occupants of the building with two exceptions: required parking for assisted housing and hotel parking.

Size of Parking Spaces

The existing text requires a minimum of 300 square feet for a self-parking space and 200 square feet for an attendant operated space.

Under the proposed amendment a parking space cannot exceed 200 square feet and therefore must be attendant operated, with two exceptions: required parking and parking accessory to large community facilities, commercial and manufacturing development. In the latter category if the spaces are enclosed, exclusively accessory, free and self-parking then the maximum size of the space may be 300 square feet.

Enclosure

The existing text allows accessory parking to be enclosed or unenclosed.

The proposed amendment requires that all parking except that provided for assisted housing and hospitals be enclosed.

Curb Cuts

The existing text allows curb cuts on wide streets.

Under the proposed amendment entrances and exits to permanent parking facilities are not allowed on wide streets except by authorization of the City Planning Commission and on certain wide streets the Commission must authorize curb cuts for as of right public parking lots.

Special Permits and Authorizations

Under the proposed amendment the power to grant special permits and authorizations listed below rests with the City Planning Commission. Special permits are subject to approval by the Board of Estimate.

Special Permits

a. Permit on site or off-site open or enclosed accessory parking with any capacity for the occupants of the principal use, in all zones.

b. Permit public parking lots and garages with a capacity of up to 100 spaces in C1, and any capacity in C2, C4, C5, C6, C8 and M districts.

Authorizations

a. Authorize accessory on-site, enclosed parking with a maximum capacity of 15 spaces in existing buildings

b. Authorize public parking lots with a maximum capacity of 150 spaces in C2, C4, C6, C8 and M districts where public parking lots are not allowed as of right as noted above.

c. Authorize curb cuts on wide streets

Parking facilities allowed by authorization or special permit will be for a fixed term of years and will require renewals except for those authorized in existing buildings .

Applications reviewed under the special permit or authorization procedure will be submitted to the Department of Environmental Protection for a report on air quality and to the Department of Transportation for a report on traffic impact.

Public Hearings

The City Planning Commission held a public hearing on the proposed text amendment on September 16, 1981 (Calendar #61). The public hearing was continued to October 28, 1981 (Calendar #46) at which time the hearing was closed. Following is a summary of the testimony at the public hearings and additional comments which the Commission received.

The Real Estate Board of New York, the Metropolitan Parking Association, the Natural Resources Defense Council and the Sierra Club gave unqualified support, commending the Commissioners and the Department's staff for developing a proposal that could gain the approval of so many diverse interests.

The Citizen's Housing and Planning Council and the Metropolitan Garage Board of Trade voiced general support, disagreeing only with that portion of the text which limits the amount of as of right accessory parking spaces in new residential buildings to 20 percent of the dwelling units. CHPC thought that this ceiling would prove inadequate for the needs of the tenants attracted to the new buildings, adversely affecting marketability and sharpening the competition for existing on-street parking spaces. The garage spokesman thought that the 20 percent maximum would preclude accessory garages of economic size and operation and therefore builders would not provide them.

Community Board #8 sent a letter of total support for the proposed text and Community Board #5 sent a resolution endorsing the text with a request that the curb cut ban on new public parking lots along 14th Street be extended to Irving Place instead of Fourth Avenue and along 23rd Street from Avenue of the Americas to Lexington Avenue.

The Automobile Club of New York objected to the proposed amendment or any attempt to limit off-street parking in Manhattan, alleging that restrictions on off-street parking are increasing congestion and air pollution and damaging the City's economy.

In its written resolution, Community Board #2, citing Greenwich Village as a major tourist attraction as well as home to a large hospital and several universities, requested that it be deleted from the proposed legislation until a full traffic, parking and environmental study be prepared for its area. The Board also recommended that the authorization procedure for public parking lots include consultation with the affected community board.

Community Board #4 appeared to oppose that portion of the text which allows public parking lots as of right in the manufacturing zones west of 9th Avenue in Chelsea and west of 10th Avenue in Clinton. Referring to ongoing studies of the areas between 18th and 30th streets in Chelsea and between 42nd and 59th Streets in Clinton, the Board said it would be inappropriate and counterproductive to provide for de facto changes in land use before the studies are completed.

A representative of the Printing Industries of Metropolitan New York expressed concern about the impact on the west side of the as of right public parking lot provisions and requested more time to study the issues.

Subsequently, the State DEC insisted that the CPC add language that would not allow the grant of a special permit or authorization for a parking facility if the DEP issued a negative report on air quality. Consequently, the Commission is amending Section 13-43 (Departmental Reports) so that: no special permit or authorization may be granted if the proposed parking facility would cause a violation in ambient air quality standards or exacerbate an existing violation.

Consideration

The proposed amendment is a delicately balanced compromise achieved through long, arduous negotiations with the Natural Resources Defense Council (NRDC), the Metropolitan Parking Association (MPA), the Real Estate Board of New York (REB), the City Department of Transportation (DOT) and the State Department of Enviornmental Conservation (DEC). As with all negotiated settlements, none of the parties is completely satisfied with the results and there are those who were not party to the negotiations who have critcized portions of the resulting compromise. Therefore, it is useful to identify and explain the basic ingredients of the compromise.

The crucial issue in the negotiations concerned the prohibition of as of right public parking lots of less than 150 spaces in the CBD. In the 1979 version of the text all public parking lots required a special permit from the CPC and the Board of Estimate (BOE), pursuant to the Uniform Land Use Review Procedure (ULURP). The MPA and the REB argued that subjecting all public parking lots in the CBD to the ULURP Procedure, would halt land assembly for new development. With public hearings at the community boards, City Planning Commission and Board of Estimate, it would no longer be possible to acquire property confidentially and the cost of acquisition would skyrocket or holdouts would block assemblage. Also, it would be difficult to obtain a special permit for parking through the political process. Without parking as an interim use, it was argued, assemblages could not be financed. They presented a list of post-war office and residential buildings which were erected on sites which had been assembled using the parking lot as an interim use.

The MPA and REB urged that public parking lots with not more than 150 spaces be allowed as of right for a maximum term which ranged from five to fifteen years. They said that assemblers must have the guarantee of interim use parking before they would begin to assemble sites. If the City wanted to control the location and design of parking lots, they concluded, then it should identify those streets where parking should be prohibited and spell out the design standards which it required.

Responding to this advice the Commission directed its staff to draft a proposed text which would:

1. recognize the use of public parking lots in the assemblage process;
2. reflect CPC land use policies regarding the development of the CBD;
3. assist DOT in its efforts to control and improve traffic movement in the CBD;
4. satisfy the DEC on the maintenance of air quality standards;
5. gain the support of the NRDC and other environmental groups.

After reviewing the economic, land use, air quality and traffic conditions in the CBD and the current land use and traffic planning efforts, the DCP staff prepared a map. It identified those areas where public parking lots with a maximum capacity of 150 spaces could be allowed as of right because land use and traffic conflicts are not severe and there is no reason to preclude assemblage and development. Basically, the areas were: 1) the commercial and manufacturing districts in the "Valley" between the midtown and downtown cores where the predominant real estate activity is loft conversion, and 2) the peripheral manufacturing zones on the west side which are not clusters of a particular industry.

Conversely, the map, by excluding certain areas, also reflected some basic land use policy decisions about the CBD. As of right parking lots were not allowed in an expanded midtown core (8th Avenue to the East River from 32nd to 60th Streets) and a reduced downtown core (generally south of Worth Street and east of Church Street). These areas have too many critical land use and traffic problems to allow public parking as of right.

Also excluded were the graphic arts center, the meat market and the garment center where the City wants to protect the existing buildings for manufacturing or commercial uses and to stop residential

conversion. Public parking lots should not be an alternative to preserving these buildings nor should assemblage be encouraged. Finally, the Convention center Study Area (8th Avenue to the Hudson River from 30th to 42nd Streets) was excluded because of the traffic impact of the convention center. The consultant for the convention center forecast a very severe traffic problem in that area and recommended that the convention center rely on shuttle bus service from midtown instead of providing public parking spaces and encouraging private automobile access.

Staff presented the map first to DOT and the NRDC and then to the REB and the MPA. It generated much discussion. DOT wanted to extend the midtown core to 23rd Street but was persuaded that control over the two cores and the convention center area was a significant achievement. The NRDC, apprehensive over the amount of potential as of right parking in the "Valley", was finally convinced that loft conversion would preclude the demolition of almost all of the buildings. The REB and the MPA wanted as of right parking along Eighth Avenue from 42nd to 59th Streets and in the Special Clinton District. After due consideration the Commission agreed to allow public parking lots as of right in the manufacturing zones west of Tenth Avenue because a ban on as of right parking lots in this area was no longer needed or desirable. It is no longer the convention center site; it is a mixed manufacturing area with many vehicle related uses; it is an area where peripheral parking can serve both the midtown core in general and the theater district in particular; it is an area where the traditional land assemblage process should be allowed to operate and will not interfere with the future development of the area.

Thus, the manufacturing zones in Clinton west of 10th Avenue were added to the map of areas where public parking lots with a capacity of up to 150 spaces would be allowed as of right. In all other areas of the CBD public parking lots would require either an authorization or a special permit from the City Planning Commission

with a review by both the DOT and the Department of Environmental Protection (DEP) required.

Having agreed to allowing public parking as of right in some areas of the CBD the NRDC sought to protect against a possible proliferation of parking spaces. NRDC, supported by the State DEC, proposed to set a ceiling on the number of off-street parking spaces that could operate in the CBD at any given time. However, there were many problems with this approach. First, the task of deciding what types of spaces to count and of keeping track of all additions to and substractions from this agreed upon number of parking spaces would have created a serious administrative problem. Second, unless the maximum was applied to blocks or small areas it could have led to concentrations in the more critical locations. Third, setting a maximum on the number of off-street spaces in the CBD or even by block or small area would have been interpreted in such a way that a certain number of parking spaces could be placed in the CBD without damaging land use, traffic or air quality conditions and until that number was exceeded no review would be necessary.

The Department of City Planning (DCP) and DOT made several attempts to place parking lot design and operating standards into the proposed text to control as of right parking lots. The departments realized, however, that such standards would be extremely difficult to interpret and enforce. They settled for the satisfaction that at least public parking lots in the critical areas would be reviewed for their land use, traffic and air quality impacts and thus their design and operating characteristics would be assessed as well. Also, DCP and DOT negotiated restrictions on curb cuts for as of right parking lots along several key streets outside the midtown and downtown cores. On such streets as Canal, Delancey and 14th, where pedestrian and vehicular traffic are heavy, parking lots are allowed as of right to help assemblage and development but curb cuts require authorization from the City Planning Commission.

The negotiations then turned to the proposed review process for non-as of right parking facilities. DOT supported by the NRDC, sought a veto power over parking facilities which required special permits or authorizations. The MPA would not accept any text that gave DOT the power to deny an application, insisting that the CPC should balance traffic considerations with other land use, economic and social objectives. NRDC accepted this compromise. As for community board involvement in the review of parking facilities requiring an authorization, the MPA and the REB argued that formal notification to the affected community board would prevent sites from being assembled in confidence and would impair the development process. Since community board liaisons in the DCP would probably discuss pending applications with members of the affected community board anyway, this was not a major issue.

The final stumbling block to an agreement was the provision in the federal court order, and incorporated into the 1979 version of the amendment, which prohibits new public parking facilities in the midtown and downtown cores from opening before 10:30 A.M. on non-holiday weekdays. While the MPA and REB sought to eliminate or modify this restriction the NRDC and DCP defended it for two reasons. First, forcing new public facilities to open after 10:30 A.M. would prevent their use by commuters, which was a primary goal to be achieved by restricting the growth of parking spaces. Second, those spaces would be available for drivers who enter the CBD cores in midday when the occupancy rates at off-street parking facilities are highest. DOT resolved the issue by objecting to the 10:30 A.M. opening. If the new spaces in the CBD cores were filled by commuters early in the day then they would not be available later for short-term parkers, thereby discouraging vehicle entries during the midday period when traffic is heaviest on the core streets.

The negotiations focused on the role of public parking lots in the assemblage/development process and answered the most severe objections to the 1979 version of the parking amendment.

There is, however, another question which has been argued repeatedly both in 1979 and again in 1981. The proposed amendment allows as of right accessory parking spaces for only 20 percent of the new dwelling units in new residential constructon below 60th Street. Additional spaces require a special permit. The CHPC and the Metropolitan Garage Board of Trade, for different reasons, have criticized the ceiling as too low, implying that developers want and need to provide more parking spaces as of right. Some architects and developers have supported their position. Members of Community Board #2 have informally argued for at least some required parking in both new developments and conversions, alleging that developers will not provide them otherwise.

The NRDC, DOT and the CPC oppose required parking in residential buildings. If parking is mandated then the building owner can claim hardship if the spaces are not rented to tenants and can convert the garage to transient use. This has been an important source of new public parking facilities in the CBD. Further, these facilities then attract additional cars to residential streets to the detriment of the neighborhood. The Commission believes that, as a matter of good land use planning, public parking facilities do not belong in residential buildings or neighborhoods without a careful review of their land use, traffic and environmental impacts.

The Commission is confident that developers will provide parking if it will help market the apartments. Experience in the past several years is inconclusive. Many residential buildings have been constructed without parking and have rented or sold quickly. Other developers have chosen to provide more than the minimum amount required under the current Zoning Resolution.

At this time the NRDC opposes altering the proposed amendment to increase the permitted 20 percent maximum below 60th Street. Studies by the CPC indicate that no more than one family in four owns an automobile in the CBD. While the Commission is not prepared to change the proposed amemdment at this time, it is possible that, given

the cost of new apartments, a greater percentage of tenants in new buildings will own cars. The Commission will continue to monitor this situation and react as necessary.

Community Board #2 requested a specific study for its area. The Commission recognizes that traffic and parking problems exist in that area as they do in many areas of Manhattan where apartments, tourist attractions, hospitals, educational institutions and other traffic generating uses intermingle. However, the impact of the proposed amendment on CB #2 is minimal for several reasons.

First, while the proposed text removes the parking requirement for new residential construction, there is little potential for such development in CB #2 due to the current zoning, the large number of historic districts and the value of existing structures. The text change may have a minor effect: to encourage the redevelopment of small sites which might have had problems providing the required parking under the present Zoning Resolution.

Second, although the proposed text extends the prohibition on as of right parking lots to the meat market and the graphic arts center, public parking lots are already proscribed in much of CB #2 under the existing zoning disrict regulations. They continue to be allowed as of right in several areas of the CB but the extensive historic district designations in CB #2 will continue to inhibit the demolition of buildings for parking lots. Also, the values of existing buildings are too great to warrant their replacement by parking lots.

Third, even though the proposed text eliminates the parking requirement of one space per ten beds for new hospital construction, it allows a hospital to provide 100 spaces as of right which is the equivalent required for 1,000 beds.

Fourth, although the proposed text removes the parking requirement for many new non-residential developments in R6 districts, the existing parking requirements apply only to new construction and not to the conversion of existing buildings. There is little likelihood that townhouses will be demolished for new non-residential

construction in Greenwich Village and its historic districts. Even if this were to occur, the R6 districts are so well served by public transportation that parking would not be necessary or desirable.

On the contrary, the proposed text, by closing the accessory parking loophole, discourages the demoliton of structures to provide parking accessory to another use. In so doing, the proposed text lessens the demolition threat in historic districts and reinforces the City's historic preservation efforts.

Finally, the streets in large portions of CB #2 were in place before the gridiron system was laid out. Consequently, vehicular traffic is frequently impeded by off-set intersections, discontinued and narrow streets, etc. It would be folly to encourage more public parking and more traffic in CB #2.

CB #5 requested that the curb cut ban on as of right public parking lots be extended to 23rd Street between the Avenue of the Americas and Lexington Avenue and along 14th Street from Fourth Avenue to Irving Place. These streets were discussed extensively during the negotiations.

There are no serious traffic problems on 23rd Street in this area. Despite several parking facilities and curb cuts on the south side of 23rd Street, traffic moves relatively freely, perhaps because there is little retail activity and vehicular and pedestrian traffic is comparatively light. Furthermore, new curb cuts would be allowed as of right only on the south side of 23rd Street from the Avenue of the Americas to Park Avenue. The remainder of the frontage, including the entire north side, is in zones that do not allow public parking lots as of right.

Initially, DOT and DCP recommended banning curb cuts along 14th Street to Third Avenue, but the REB and the MPA argued strenuously for curb cuts on 14th Street east of Fourth Avenue where properties are being assembled for future development. Reluctantly, DOT and DCP relocated the ban to Fourth Avenue, satisfied that it covered the frontage with the most intense pedestrian and vehicular

traffic. Also, drawing the line at Irving Place would be difficult because it does not cross 14th Street on the south.

The Automobile Club of New York opposed the proposed amendment for several reasons:

1. it will reduce off-street parking in Manhattan;
2. it "buttresses a city policy. . . passenger cars keep out";
3. it will sap the vitality of the City;
4. it will cause more congestion and illegal parking;
5. it will lead to exorbitant parking rates;
6. it will worsen air quality;
7. it ignores a major purpose of zoning: to satisfy the need for off-street parking in commercial areas and to protect retail, commercial and residential areas from congestion by providing off-street parking spaces.

The Commission has responded to similar arguments repeatedly during the past several years.

First, the amendment does not eliminate or reduce existing off-street parking spaces. All existing spaces may remain as long as the owner of those spaces wants them to continue.

Second, the amendment does not keep cars out of Manhattan. In preparing and considering this proposal the Commission has assumed that the automobile will continue to play a significant role in the City's ecnomy and the life of its residents and cars will continue to enter the CBD daily. The amendment does, however, allow the City to plan for the automobile and its off-street parking needs in a more rational manner than it has in the past. It closes the loophole which allowed public parking facilities in the guise of accessory parking, to locate virtually anywhere in the CBD regardless of land use, traffic and air quality considerations.

Third, the amendment will not sap the vitality of the City. During the past several years Manhattan has undergone a remarkable boom in every phase of business activity, except the growth of parking

facilities. Obviously, private passenger cars are important but not crucial to the economic health of the CBD. Less than 5 percent of the employees arriving in the midtown and downtown cores between 7 A.M. and 10 A.M. drive to work. Even among the daily auto trips to midtown only 6 percent are shopping trips. Most of the daily auto trips for recreation and entertainment occur in the evening when parking is adequate in most areas.

Fourth, the amendment will not cause congestion; but unplanned and poorly located public parking facilities can cause congestion and this proposal will prevent that from occurring in the future. City control over public parking facilities in the two cores will also give the DOT a better chance to cope with existing congestion through its traffic planning and street improvement programs.

Fifth, although parking rates may increase, in part because of the restrictions on new parking spaces in the CBD, general inflationary trends and the City's taxing policies are also major contributors to the rising cost of parking. There are those, not including the Commission, who advocate further steep increases in rates as a disincentive to driving into Manhattan. They cite the hidden public costs of private automobile driving as reflected in:

1. lost fares for public transportation;
2. more frequent street improvements/repairs;
3. more traffic control costs;
4. greater energy consumption and dependence on foreign oil sources;
5. increased air and noise pollution;
6. higher accident and insurance rates.

Sixth, the amendment will certainly not worsen air quality in Manhattan. In fact, new public parking facilities will not be allowed in the CBD if the DEP finds that the proposed facility will violate ambient air quality standards or exacerbates an existing violation. Furthermore, City review over public parking facilities will offer DOT

the opportunity to plan for street and traffic improvements to reduce existing congestion. It is impossible to estimate how much worse both congestion and air pollution would be if during this current business boom, there had been unrestricted growth in off-street public parking facilities in the cores.

Finally, the proposed amendment does not ignore the purposes of zoning. The Automobile Club reflects 1950's values current when the existing Zoning Resolution was adopted in 1961. But times and our concerns have changed since then. Today, almost everyone agrees, and the courts have made it law, that in Manhattan, at least, air quality must become a critical planning goal. The Commission is confident that the proposed amendment responds to environmental directives and also protects the economic interests of the City.

In response to the concerns of the State DEC, as noted above, the Commission has amended Section 13-43 to add the following: In no case shall a special permit or auithorization be granted if the proposed use would cause a violation of ambient air quality standards or exacerbate an existing violation of such standards.

The Commission has determined that the amendment as modified is appropriate and adopted the following resolution which is duly filed with the Secretary of the Board of Estimate pursuant to Section 200 of the New York City Charter.

RESOLVED, by the City Planning Commission that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changes relating to various sections concerning off-street parking regulations in Community Boards 1-8, Manhattan, as follows: