



August 16, 2018

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Dear Chair Lago,

We are writing to follow up on some tremendous work done by our community stakeholders and advocacy groups in the effort to curb excessive, illogical development. All across our borough, developers have found numerous novel workarounds to circumvent the limitations we commonly understood to apply to them under zoning. The resulting out-of-context buildings have spurred community organizing like never before, as everyday residents have committed significant time and resources to highlighting arcane but deeply impactful issues in our zoning rules.

The Zoning Resolution is meant to provide consistency and predictability for both developers and residents. But again and again, we have seen buildings constructed that defy our expectations and long-held beliefs about what the rules are. Basic principles such as the definition of a zoning lot, the proper allotment of mechanical space, and the appropriate floor-to-floor height of stories in a building have now become hotly contested. There is a huge need for clarity on all these concepts.

Developers are using excessive void spaces, mechanical space, and floor-to-floor heights to significantly push up the overall height of their buildings without offering more units of housing. This is because such practices do not count against the zoning floor area, and there is no penalty in the Zoning Resolution for these excesses. In particular, tower on the base districts were created to help limit the size and scale of development but the loopholes mentioned above flout the intent of those districts.

We are deeply aware of our city's housing needs, and we understand that accepting additional density is a necessary component of addressing our crisis. But 20-foot floor-to-floor heights and 150-foot mechanical floors do nothing for housing, and represent either an abuse of New Yorkers' precious air and light or a missed opportunity to build more housing. If we expect our communities to accept additional density, we also have to demonstrate that when they are raising legitimate concerns about the circumvention of our zoning laws we will address those concerns.

Some of us have been involved in, and others of us have paid careful attention to, recent battles in which developers appear to be flouting the basic definition of a zoning lot. In one instance a "gerrymandered" zoning lot was created from portions of tax lots instead of entire tax lots in order to evade requirements of the Zoning Resolution. In another, a tiny piece of a zoning lot was lopped off by a developer to avoid restrictions that would have accompanied that piece of the lot's frontage.

If allowed to continue, zoning lot abuses and the construction practices enumerated above will allow developers to construct buildings that are far larger than what one would reasonably expect from a fair reading of the Zoning Resolution.

We understand that the Department of City Planning (DCP) is looking closely at the construction of voids in buildings and is committed to working towards a solution. However, we do not think fixing the voids issue alone is enough. Careful and detailed consideration must also be given to related issues such as the amount and the distribution of mechanical space, and floor-to-floor heights within buildings. At the Mayor's Town Hall on the Upper West Side on June 27th, the Mayor also stated that it seems logical to examine all the zoning loopholes together as a package. We believe they are all closely linked, and addressing them in a piecemeal manner would be both inefficient and ineffectual. We ask that the Department of City Planning pursue a holistic solution through the introduction of a zoning text amendment that considers all of these issues – limits on mechanical voids or other kinds of voids, a tightening of the definition of zoning lot, and restrictions on floor to ceiling heights at a bare minimum.

We need to fix our zoning rules so they can provide the clarity, consistency, and predictability that they were intended to provide. We understand that details matter, that correcting these problems is much easier said than done, and that a multitude of complications may arise during the process. But our rules will not be rules if we do not act to close huge, destructive loopholes in them.

We are committed to following up on the work of our community advocates, and we look forward to working together to address these concerns about the integrity of our zoning restrictions. We would greatly appreciate a meeting between appropriate DCP staff and staff of the City Council Land Use Division and the Land Use Division of the Manhattan Borough President's Office.



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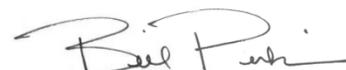
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