June 5, 2018

Honorable Members of the Board
Board of Standards and Appeals
250 Broadway, 29th Floor
New York, NY 10007

RE: Cal. No. 2017-285A
Premises: 200 Amsterdam Avenue, MN

We urge the Board of Standards and Appeals to prohibit the use of gerrymandered zoning lots in New York City.

The use of gerrymandered lots has significant policy implications for the City. Most fundamentally, we are concerned that divorcing zoning lots from the tax lots on a block will make ensuring compliance with the Zoning Resolution dramatically more difficult. Rather than working from a set pool of building blocks, lot mergers could now include a nearly unlimited number of variations and without tax lot boundaries for reference.

Such gerrymandering also opens up new loopholes for skirting the provisions of the Zoning Resolution. Section 23-70, for instance, dictates minimum spacing requirements between two buildings on the same zoning lot, setting them at 40, 50, or 60 feet depending on windows. With the ability to gerrymander a new zoning lot irrespective of existing tax lots, this requirement can be avoided; a development site can simply be carved off from the existing structures onto a new zoning lot, by passing Section 23-70 entirely. Should gerrymandering be officially condoned, we fear that other such loopholes would be discovered.

The Department of Buildings itself has come to recognize that the public interest is best served by prohibiting such gerrymandering. It noted in its March 9th letter to the board that, “having zoning lot lines coincide with tax lot lines promotes clarity and transparency.”
This particular proposal is in one Council district, but the implications of the Board’s decision on the land use process will be felt citywide. The Board should not reverse the Department of Buildings’ new interpretation. Rather, we urge you to uphold it and ensure a clearer and more transparent land use process going forward.

Sincerely,

Hon. Helen Rosenthal
Hon. Rafael Salamanca
Chair, Committee on Land Use

Hon. Ben Kallos
Chair, Subcommittee on Planning, Dispositions, and Concessions
Hon. Francisco Moya
Chair, Subcommittee on Zoning and Franchises

Hon. Margaret Chin
Hon. Carlina Rivera

Hon. Keith Powers
Hon. Mark Levine

Hon. Diana Ayala
Hon. Bill Perkins

Hon. Andrew Cohen
Hon. Andy King

Hon. Ritchie Torres
Hon. Vanessa Gibson

Hon. Barry Grodenchik
Hon. Karen Koslowitz

Hon. Robert Holden
Hon. Donovan J. Richards
Letter from Council Members re: Cal. No. 2017-285A

Hon. Stephen Levin

Hon. Antonio Reynoso

Hon. Carlos Menchaca

Hon. Alicka Ampry-Samuel

Hon. Inez Barron

Hon. Justin Brannan

Hon. Mark Treyger

Hon. Chaim M. Deutsch

Hon. Deborah Rose