



September 7, 2018

Rick D. Chandler, P.E., Commissioner
Department of Buildings
280 Broadway
New York, NY 10007

RE: 50 West 66th Street, Manhattan (aka 36 West 66th Street)
Block 1118, Lots 14, 45, 46, 47, 48, and 52 JOB NO. 121190200

Dear Commissioner Chandler:

We write in strong support of the zoning challenge filed concerning the proposed building at 50 West 66th Street, located on the south side of West 66th, between Central Park West and Columbus Avenue. Our offices have joined this challenge and we request your careful consideration of the objections outlined by George Janes on behalf of Landmark West!

After reviewing the plans, we are completely opposed to the developer's proposal to build a 775-foot building at this site. We urge you to deny any building permit application relying on -- what we explain below -- is a flawed interpretation of the zoning resolution. We also have concerns about the building's fire safety.

The proposed development simply does not conform with the zoning regulations of the Special Lincoln Square District, which include rules essentially limiting buildings to around 30 stories in height by controlling their floor area and footprint. By selectively applying Special District rules to different zoning lot areas, the developer has been able to propose a building much taller than was ever intended under these regulations.

The 50 West 66th Street proposal also takes advantage of other loopholes, increasing its height far beyond what was ever intended through the use of excessive mechanical void space and excessive floor-to-floor heights. As we have called for in the past, these loopholes must be closed.

But apart from its reliance on loopholes, it is clear that the proposal does not conform with the specific zoning regulations of the Special Lincoln Square District, regulations that were intended to prevent developments just like this one.

The developer's proposed zoning lot contains 6 tax lots, 5 of which are in a C4-7 district on the West 66th Street side of the site, with the remaining lot located in an R8 district fronting on West 65th Street.

The developer assembled this larger zoning lot to 1.) accumulate more development rights, and 2.) avoid the tower rules that were set in place in 1994 to control the height of buildings in the special district.

The relevant rules require:

--That 60 percent of the floor area on the zoning lot be located on floors at least partially below 150 feet (ZR Section 82-34), and

--That each floor of the tower above 85 feet occupy a minimum footprint of 30 percent of the lot area (ZR Section 82-36).

These two provisions were enacted in tandem, and were intended to be applied in tandem in order to effectively limit the height of new developments, as described by the City Planning Commission in their 1993 report:

. . . [I]n order to control the massing and height of development, envelope and floor area distribution regulations should be introduced throughout the district. These proposed regulations would introduce tower coverage controls for the base and tower portions of new development and require a minimum of 60 percent of a development's total floor area to be located below an elevation of 150 feet. This would produce building heights ranging from the mid-20 to the low-30 stories (including penthouse floors) on the remaining development sites.

In response to the Community Board's concern that a height limit of 275 feet should be applied throughout the district, the Commission believes that specific limits are not generally necessary in an area characterized by towers of various heights, and that the proposed mandated envelope and coverage controls should predictably regulate the heights of new development. The Commission also believes that these controls would sufficiently regulate the resultant building form and scale even in the case of development involving zoning lot mergers. (Pages 18-19, CPC Report N 940127 (A) ZRM, December 20, 1993).

In other words, the two provisions work as intended by the Commission only when they are both applied to the same zoning lot area. By requiring 60 percent of floor area to be located below 150 feet and a minimum tower coverage, the Commission intended to create a rule that would cause developments to run out of floor area once they hit around 30 stories.

The proposed development at 50 West 66th Street tries to circumvent this intent by using one zoning lot area to calculate the *tower coverage* portion of the rule, and another zoning lot area to calculate the *bulk distribution* part of the rule.

The developer has relied on past DOB precedent to argue that the minimum tower coverage rule can be calculated based *only on the portion of the zoning lot located in the C4-7 zoning district*. When calculating the bulk distribution rule, however, the developer seeks to base the calculation on the *larger zoning lot, including the R8 portion*.

As a result of these inconsistencies, the developer is seeking to utilize a smaller tower footprint, while at the same time, counting the floor area on the larger zoning lot towards the requirement of 60 percent below 150 feet. This flawed approach has generated a building much taller than was ever intended under the Special District regulations.

The developer's decision to apply its tower coverage and bulk distribution calculations inconsistently across a split lot, raises real questions about the integrity of the land use process. Could other developers also begin to use the same strategy?

And then there is the human cost of this particular structure. As Mr. Janes points out, the FDNY has raised several concerns regarding the safety of another building with a similar void. These concerns must be addressed to ensure the security of building tenants, neighbors, and the FDNY. Furthermore, at 775 feet, the proposed building is far too tall for the context of our neighborhood, overshadowing nearby buildings and Central Park. We stand with our constituents when they say this building is not only inappropriate for the community, but a serious safety concern.

The Lincoln Square Special District's regulations were specifically designed to maintain the area's context and built environment. Compelling the developer of 50 West 66th Street to follow both the letter *and* spirit of the District's regulations will result in a development much more in conformance with the community's expectations, and the clear intent of the City Planning Commission. We urge you to revoke approval for the plan as it is currently proposed.

Sincerely,



Helen Rosenthal
NY City Council Member, 6th District



Gale Brewer
Manhattan Borough President



Brad Hoylman
NY State Senator, 27th District



Richard N. Gottfried
NY State Assembly Member, 75th District