



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK



**THE COUNCIL OF THE CITY OF NEW YORK**  
**Manhattan Delegation**

January 10, 2019

Marisa Lago  
Director  
Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Rick Chandler  
Commissioner  
Department of Buildings  
280 Broadway, 5th Floor  
New York, NY 10007

Dear Director Lago and Commissioner Chandler,

As members of the Manhattan Delegation of the New York City Council, we write to further express our concerns with several out-of-context buildings being developed across our borough. The current construction process requires immediate action by closing loopholes that are undermining the intent of the Zoning Resolution.

There is a recent trend within as-of-right, high-density, non-contextual districts wherein developers, together with architects and designers, are using new tactics to create extraordinarily tall buildings in order to maximize upper floor views and therefore revenue.

The race for the most sweeping view of New York City and the equally stratospheric prices those views command, combined with recent technological advances in building design, have far outpaced the expectations of building scale when the zoning in many of the areas was adopted. In these instances, the bulk regulations are not controlling for building scale and we are concerned this is the beginning of the wave of this kind of development.

The resulting out-of-context buildings have led to an increase in community engagement and organizing, as everyday residents have committed significant time and resources highlighting these arcane but deeply impactful zoning loopholes.

The Zoning Resolution is meant to provide consistency and predictability for both developers and residents. We, as city policymakers, cannot argue for the predictability of an as-of-right framework for the real estate community while simultaneously dismissing the concerns of community groups and elected officials asking for some measure of predictability in terms of building scale.

More broadly, if we want our communities to accept additional density through rezonings, we also have to have clear and transparent laws to address legitimate concerns about the circumventing of our zoning laws.

Collectively we represent the densest neighborhoods in New York City and we recognize the need for density to achieve very important public policy goals, including housing production, but the loopholes that are being exploited do not produce any new housing units. The loopholes simply put the same number of units higher in the sky, not only frustrating communities but also raising safety concerns from our emergency service workers.

We understand that the Department of City Planning and Department of Buildings is looking closely at the use of “mechanical voids” – the practice of creating unoccupied floors to add height to buildings – but we want to ensure that the applicability of any new rule is consistently applied to all high-density residential buildings or mixed use buildings with a significant residential component across the Borough of Manhattan. We believe this is a real but rare opportunity to address this issue comprehensively and borough wide.

We also believe that the Department of City Planning, working with the Department of Buildings needs to address these two other issues:

- Limiting voids by counting any space that is above a 25’ floor-to-floor height threshold as additional zoning floor area; and
- Tightening the definition or interpretation of a zoning lot to ensure that small unbuildable tax lots are not merged into or “carved out” of a zoning lot for the sole purpose of moving floor area from one portion of a block to another. Zoning lots should meet some minimum requirements to prevent the “gerrymandering” condition we’re seeing.

Our Zoning Resolution should enable predictability of our built environment as it evolves in a time of legitimate height concerns. At the same time, this Zoning Resolution ensures our ability to provide constituents with adequate information regarding the future of their neighborhoods.

We look forward to continuing to work together to address these concerns.

Sincerely,



Corey Johnson  
Speaker  
City Council




Gale Brewer  
President  
Borough of Manhattan



Mark Levine  
Co-Chair, Manhattan Delegation  
Council Member, District 7



Helen Rosenthal  
Co-Chair, Manhattan Delegation  
Council Member, District 6



Diana Ayala  
Council Member, District 8



Margaret Chin  
Council Member, District 1



Ben Kallos  
Council Member, District 5



Bill Perkins  
Council Member, District 9



Keith Powers  
Council Member, District 4



Carlina Rivera  
Council Member, District 2



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Council Member, District 10