



July 2, 2019

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

Dear Chair Lago,

The undersigned groups represent the multitude of concerned New Yorkers who are frustrated with developers who game the system. Zoning loopholes have enabled out-of-scale development to proliferate throughout the city. In fairness to the residents of affected neighborhoods, we ask that you uphold the regulations of the Zoning Resolution, create an even and equitable playing field, and close these harmful loopholes across the city.

We thank the Department of City Planning for taking the first step to address this problem through the recent zoning text amendment that would limit mechanical void space in some residential districts and the commitment for further study on this issue. However, to effect meaningful improvements, the Department must do more. It should look at this issue in a comprehensive way so that the elimination of one loophole does not open the door to another.

The fire safety issues discussed in the debate over voids in residential buildings pose the same threat to commercial structures. The types of voids should be expanded beyond just mechanical – all oversized voids can create the same risk. We ask that the already-approved limits on mechanical voids be expanded to include commercial properties and apply across the city.

The study of minimum lot sizes should include all residential, commercial, and manufacturing districts. We ask you and the Department to look at the example of 180 East 88th Street in Manhattan where DDG created a tiny lot subdivision to avoid the tower-on-base streetwall rule (23-651) and sliver rule (23-692). This study should also look for solutions to address the gerrymandering of zoning lots. SJP Properties and Mitsui Fudosan's tower at 200 Amsterdam Avenue in Manhattan uses portions of several zoning lots to allow the development of another "accidental," out-of-scale skyscraper.

Going forward, the Department must address unenclosed voids including stilts, terraces, and open air spaces within buildings. The May 13 letter to City Council Speaker Corey Johnson outlining DCP's future commitments on these issues points out that these spaces can create "many desirable architectural and functional uses." While we do not oppose these uses, we believe oversized spaces should be limited or count against FAR, especially in residential neighborhoods.

The loopholes mentioned here subvert the purpose and intent of the Zoning Resolution. They also pose health and safety risks. They offer no benefits to residents and are an inequitable disservice to New Yorkers who follow the City's rules. They should be abolished. We all need to work together to find solutions that restore predictability to the Zoning Resolution.

Sincerely,

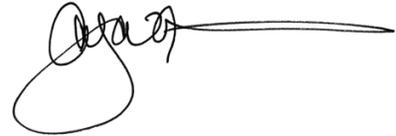
Simeon Bankoff
Executive Director, Historic
Districts Council



Peg Breen
President, The New York
Landmarks Conservancy



Elizabeth Goldstein
President, Municipal Art Society



Sean Khorsandi
Executive Director, Landmark
West!



Rachel Levy
Executive Director, Friends of the
Upper East Side Historic Districts



cc: City Council Speaker Corey Johnson
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