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June 30, 2017

Marisa Lago, Chair
Department of City Planning
120 Broadway, 31st floor
New York, NY 10271

Dear Chair Lago,

I am writing to you to express my serious concern about development occurring in my district on the Upper East Side. As you are well aware, changes in technology and the cost of construction have enabled developers today to build taller buildings than ever before. It is one thing for towers of extraordinary height to be constructed in our city's major commercial cores like Midtown. But it is quite another when supertall buildings begin encroaching on predominantly residential communities like the Upper East Side, which are defined by their human-scale residential character and networks of schools, parks, affordability, small business, and transit infrastructure.

Most supertall buildings exploit a particular set of techniques specifically devised to maximize building height, which caters to the ultra-luxury market. In submissions to the Buildings Department, it has become common practice for developers to include massive voids classified as accessory building mechanicals that are exempt from floor area calculations. For example, 432 Park Avenue has 19 whole floors that have no zoning floor area. Developers are also using ultra-high ceiling heights, many of which are over 15 feet tall. As you know, the New York City Zoning Resolution does not penalize excessive floor-to-floor heights in its FAR calculations, as other jurisdictions do. As a result, a floor with a 10 foot floor-to-floor height has the same FAR as a floor with 15 or 20 foot floor-to-floor height. More than just adding to a building's height without any legitimate purpose, many of the techniques developers are using to create supertalls are horrible for urban design. 15 East 30th Street has a 140 foot structural void that allows its second floor to start at 155 feet, leaving a huge gap between the first and second floor devoid of windows and human activity. In my district where tower-on-base rules apply on the avenues, it is still possible to exploit these loopholes to maximize building height. By using a combination of large floor-to-floor heights and a void halfway up the building, 180 East 88th Street was able to achieve a height of over 500 feet.



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DISTRICT 5, MANHATTAN

I believe a limit on these loopholes, possibly through a mechanism in the Zoning Resolution, could discourage supertall construction. One option would be to limit the amount of accessory mechanical spaces that can be exempt from floor area in R6-R10 districts, just as the ZR does with R1-R5 districts. Alternatively, the Zoning Resolution can require some portion of interior mechanical spaces to count toward floor area. Very tall floor-to-floor heights could be addressed through an FAR penalty, similar to the mechanism used by other jurisdictions. Unlike a hard height cap, such amendments to the Zoning Resolution as a pilot on the Upper East Side would still allow for towers of reasonable height on our R10 avenues (First, Second, Third, and York Avenues), which benefit from a highly varied context in terms of building height and scale, age, and style. This diversity in the built context is one of the character-defining features of this part of the Upper East Side, and we must strive to retain this context, while disallowing unreasonable towers from invading the neighborhood.

There are a number of sophisticated civic groups working on these issues, including Friends of the Upper East Side Historic Districts. FRIENDS was founded in 1982 and strives to protect the architectural legacy, livability, and sense of place on the Upper East Side. FRIENDS has been a vocal advocate for sound planning and reasonable development in order to maintain the diverse character of the Upper East Side, particularly my own neighborhood of Yorkville. Like many others, FRIENDS appreciates the “hills and valleys” along our neighborhood’s avenues, created by a lively mix of low-rise tenements and smaller apartment buildings with affordable housing via rent regulation, and newer high-rise buildings which transfer development rights from low-rise neighbors to achieve their reasonable height. What FRIENDS, and I, cannot accept is a development free-for-all on our avenues, where zoning loopholes permit towers of heights completely at odds with the neighborhood context.

I recognize the need to support growth in my district, but I know that there is a way to support responsible growth that enhances, rather than negatively impacts, the community. I would welcome the opportunity to discuss these concerns with the Department of City Planning at your earliest convenience.

Our residential neighborhoods are part of what make New York the greatest city in the world. I look forward to working together to ensure that it stays that way for everyone who lives here.

Sincerely,

Ben Kallos
Council Member