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CREDAI-MCHI UNITS

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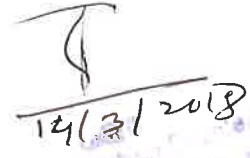
PRESIDENT, RAIGAD
Vilas Kothari

PRESIDENT, NAVI MUMBAI
Prakash Baviskar

Ref. No. MCHI/PRES/17-18/169

March 13, 2018

To,
Dr. Nitin Kareer (I.A.S.)
Principal Secretary - I
Urban Development Department
Government of Maharashtra
Mantralaya, Mumbai - 400 032


14/3/2018
Urban Development Department
Mantralaya, Mumbai - 400 032

Sub: Suggestions/Objections on Draft DCPR 2034

Ref: Letter bearing No. MCHI/PRES/17-18/149 addressed to Dr. Nitin Kareer, Principal Secretary-I of UDD.

Respected Sir,

CREDAI-MCHI would like to request its participation by submitting its Suggestions and Objections on the Draft DCPR 2034 in city's development plan. These suggestions and objections have been drafted after discussing with the stakeholders and put forth for accountability and transparency in the real estate business.

Our Chamber's main perspective with reference to the DCPR Suggestions is as follows:


- (i) Reduce all premiums & to be capped not exceeding more than 30% RR (Fungible, Premium FSI, PPL etc.) to bring viability of projects and shall create substantial Affordable Housing Stock.
- (ii) The Suggestions/Objections, which are re-commended by the Planning Committee, as they had interacted with larger number of stakeholders, to modify DCPR 2034, could be considered, please.

It is suggested that, this should be accepted in totality as lot of study is done on these particular points noted here, to make it more viable and feasible for working under the guidelines of the DCPR 2034. Copy of the suggestions/objections is enclosed herewith.

Submitted for your necessary consideration please.

Thanking you,

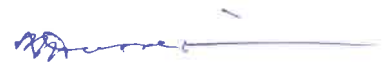
Yours faithfully,
For CREDAI-MCHI



Mayur Shah
President



Domnic Romell
Hon. Secretary



S. S. Hussain, I.A.S. (Retd.)
Chief Executive Officer

Encl.: As above.

| Sr. No. | Part No/ Regulation No. | Suggestion Proposed | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------|---|--|---------------------|--------------------|---|---------------------|-----------|-----------------------|-----|-----|-----------|------------------------|------|-----|-----------|-------------|------|-----|----------------------------|-----------------------|------|-----|----------------------------|-----------------------|------|-----|
| 1 | <u>DCR Regulation 19: Public Street and Means of Access</u> | <p>It may be noted that 60% of redevelopment in the City of Mumbai and practically 80% of slums and 100% of tenanted buildings, reservations under accommodation reservation policy are situated majorly on 9M. & 12M. wide road. Further as per DC Regulation 17 (2) of 1991 an access of 9.00 m is considered adequate for, Multi-Storied, High Rise and Special Buildings.</p> <p>The Planning Committee have recommended minimum road width vis a vis height of the building as per Table 6. We are requesting to consider our suggestion</p> <p>Table No 6</p> <table border="1" data-bbox="624 734 1406 1592"> <thead> <tr> <th data-bbox="624 734 871 949">Building type</th> <th data-bbox="876 734 1007 949">Height of Building</th> <th data-bbox="1011 734 1161 949">Minimum road width required in Metres (m)</th> <th data-bbox="1166 734 1406 949">MCHI Recommendation</th> </tr> </thead> <tbody> <tr> <td data-bbox="624 956 871 1070">High Rise</td> <td data-bbox="876 956 1007 1070">Above 32 m up to 70 m</td> <td data-bbox="1011 956 1161 1070">9.0</td> <td data-bbox="1166 956 1406 1070">9.0</td> </tr> <tr> <td data-bbox="624 1077 871 1191">High Rise</td> <td data-bbox="876 1077 1007 1191">Above 70 m up to 120 m</td> <td data-bbox="1011 1077 1161 1191">12.0</td> <td data-bbox="1166 1077 1406 1191">9.0</td> </tr> <tr> <td data-bbox="624 1198 871 1279">High Rise</td> <td data-bbox="876 1198 1007 1279">Above 120 m</td> <td data-bbox="1011 1198 1161 1279">18.0</td> <td data-bbox="1166 1198 1406 1279">9.0</td> </tr> <tr> <td data-bbox="624 1285 871 1435">Special/ Assembly Building</td> <td data-bbox="876 1285 1007 1435">For Height up to 32 m</td> <td data-bbox="1011 1285 1161 1435">12.0</td> <td data-bbox="1166 1285 1406 1435">9.0</td> </tr> <tr> <td data-bbox="624 1442 871 1592">Special/ Assembly Building</td> <td data-bbox="876 1442 1007 1592">For Height above 32 m</td> <td data-bbox="1011 1442 1161 1592">18.0</td> <td data-bbox="1166 1442 1406 1592">9.0</td> </tr> </tbody> </table> <p>Further, Clause (c) under Table 6 provides that Rehabilitation schemes and/or affordable housing schemes should be permitted to have building of any height, if they abut road having width of min. 9 mtrs.</p> <p>It is not practical to link height of building to road width in respect of Mumbai city as it will bring 90% rehabilitation schemes on a halt. Each rehabilitation scheme has FSI more than 3 and rehabilitation itself consumes more than 50% of such FSI. The net plot available to consume the balance FSI in such schemes or plots affected by Accommodation Reservations are sometimes less than 50% of the total land holding. As such the free sale building is bound to be 70 mtr and above. The rehabilitation schemes can be successful only if FSI is allowed to be consumed in-situ. Getting</p> | Building type | Height of Building | Minimum road width required in Metres (m) | MCHI Recommendation | High Rise | Above 32 m up to 70 m | 9.0 | 9.0 | High Rise | Above 70 m up to 120 m | 12.0 | 9.0 | High Rise | Above 120 m | 18.0 | 9.0 | Special/ Assembly Building | For Height up to 32 m | 12.0 | 9.0 | Special/ Assembly Building | For Height above 32 m | 18.0 | 9.0 |
| Building type | Height of Building | Minimum road width required in Metres (m) | MCHI Recommendation | | | | | | | | | | | | | | | | | | | | | | | |
| High Rise | Above 32 m up to 70 m | 9.0 | 9.0 | | | | | | | | | | | | | | | | | | | | | | | |
| High Rise | Above 70 m up to 120 m | 12.0 | 9.0 | | | | | | | | | | | | | | | | | | | | | | | |
| High Rise | Above 120 m | 18.0 | 9.0 | | | | | | | | | | | | | | | | | | | | | | | |
| Special/ Assembly Building | For Height up to 32 m | 12.0 | 9.0 | | | | | | | | | | | | | | | | | | | | | | | |
| Special/ Assembly Building | For Height above 32 m | 18.0 | 9.0 | | | | | | | | | | | | | | | | | | | | | | | |

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|-----------|---|--|
| | | <p>TDR in lieu of construction is not economically not viable for implementation of scheme.</p> <p>Hence, we request that 9.00 mtr should be considered as adequate width of access /Public Street for buildings having heights more than 32 mtr.</p> |
| <p>2.</p> | <p>DC Regulation 41(2)(a) : Side and rear open space in relation to the height of the buildings for light and ventilation.</p> | <p>MCGM in the Draft DCPR 2034 had proposed Table A considering ideal scenario for development and Tables B and C representing scenarios where there could be constraints and demonstrable hardships in providing Opens spaces.</p> <p>In DCR 1991 there is a provision of providing 6.00 meters and 9.00 Open space for dead wall of High rise buildings. These open spaces are considered sufficient by Chief Fire Officer hence provision in Table A as proposed by MCGM should be retained</p> <p>It may be noted here that the plots in Mumbai are seldom found in of regular shapes and sizes. There are always challenges and demonstrable hardships while providing the proposed Opens spaces as desired in Table A</p> <p>MCGM has after several discussions and past precedent cases suggested the Tables B and C in the DCPR 2034. It is therefore requested to retain the Tables B and C along with the provision to allow relaxation by the Hon' Commissioner by charging premium. Further, we request you to allow 6.00 m side and rear open space for buildings having height upto 120 m and 9.00 m for buildings exceeding height of 120 m for a fully air-conditioned building (building which does not derive light and ventilation form external open space). The open space thus provided shall be considered adequate.</p> |
| <p>3</p> | <p>DCPR 30 (A) Floor Space Indices & Floor Space/Built-up Area (BUA) computation, Tenement Density and Protected Development</p> | <p>DC regulation 30(A) 2 provides for permissibility of FSI on a plot as follows;</p> <p><i>"The permissible FSI shall be on gross plot area including area under DP roads/roads for which sanctioned Regular line as per MMC Act is prescribed and DP Reseroation/, and where the land is to be surrendered to MCGM/Appropriate Authority under Regulation 14 (Amenity Plot), 15 (inclusive housing), 16 and 17"</i></p> <p>The 1991 policy for development of reservations was not conducive to development and only 18% of the plan is implemented till date. Most of plots under reservation left open and unattended and attract squatters. Subsequently slum schemes are implemented on these plots by offering only 1/3rd the area of reservation. This has deprived the City of the social amenities and it is a loss to the State. Hence it is important to incentivise the policy.</p> <p>Mumbai is an opens space starved city. Millions of people have no access to social amenities and reservations. By this additional incentive, all the stake holder who are connected with reservation such as the land owners, the tenants, the hawkers in front of the plot will have sufficient incentive for such reservations to be handed over and accelerate the handing over process. Such reservations will act as nodal centre for skilled development and progress of the city The monetary compensation the entire budget</p> |

| | | |
|--|--|---|
| | | <p>of the planning authority will not be sufficient to offer such compensation.</p> <p>The entire Rule 30(A) recommended by MCGM u/s 30 of MRTP Act is based on grant of FSI on gross plot area. Right to Fair Compensation Act and grant of TDR allows compensation equal to twice the area of the land surrendered.</p> <p>In various discussions, at the time of hearings being conducted, before Planning Committee and the Committee which drafted DCR, it was stated that since FSI will be granted on the gross plot area, the BUA equal to the area of reservation will be granted one (1) times the area of the reservation. This was in the response to the demand of grant of built-up area equal to twice the area of reservation in accordingly;</p> <p>Accommodation Reservation policy dated 2 May 2016 provides entitlement of full permissible FSI of entire plot and the permissible TDR potential of the entire plot, on the balance land available after handing over the requisite portion as prescribed in the policy to MCGM.</p> <p>Hence, we request that the recommendation by the Planning Committee u/s 30 of MRTP Act of allowing FSI on gross plot inclusive of area under D.P. roads and reservations be accepted.</p> |
|--|--|---|

DC Regulation 30 (A)(1) TABLE 12

| | Occupancy and location | Floor Space Index (F.S.I.) |
|-----|--|----------------------------|
| (1) | Residential and Commercial Zones | |
| (A) | Island City | 1.33 |
| | <p>(i) Provided that FSI may be permitted to exceed upto 1.83 subject to following conditions:-</p> <ol style="list-style-type: none"> 1) It is applicable only on plots fronting on road width of minimum 9.00 mt. and above. 2) Additional 0.50 FSI is optional and non-transferable. It is to be granted on application and to be used on the same plot. 3) As per concept of TDR, additional FSI shall be permissible on gross plot area. 4) Additional FSI available as per Regulation 32 and 33, shall be related to basic FSI of 1.33 only, other than non cessed buildings having Basic/Normal FSI higher than 1.33. 5) Premium shall be charged for additional 0.50 FSI at the rate as may be decided/amended by the Government from time to time. 6) Premium shall be shared as follows:- <ol style="list-style-type: none"> i) 25% to Government of Maharashtra. ii) 25% to Dharavi Redevelopment Project (DRP) [This share is to be used for DRP upto completion of DRP or up to period as may be decided by the Government, after which said share will go to Municipal Corporation of Greater Mumbai (MCGM)] iii) 25% to Maharashtra State Road Development Corporation (MSRDC) (This share is to be used for Bandra - Versova Sealink Project). iv) 25% to Municipal Corporation of Greater Mumbai (MCGM). (However, Govt. shall have right to change this ratio, depending upon the need.) 7) In island City and Mumbai Suburban District, additional construction shall be permissible by way of use of TDR& additional FSI on payment of premium as shown in table in new sub-clause (C) herein below. 8) No vertical extension of existing building by utilizing 0.50 FSI shall be permitted with erection of columns in the required marginal open spaces. 9) Prorata tenement density shall be relatively increased as per the increase in FSI above 1.33. 10) 0.50 additional FSI shall not be permitted in areas where restrictions/prohibitions have been imposed under any other acts/rules/regulations for the time being in force. 11) The relaxation premium i.e, 10% of normal premium shall be charged while condoning deficiencies in open spaces (as applicable for use of slum TDR). | |
| (B) | Suburbs and Extended Suburbs - | |

| (i) | The area earmarked for BARC from M Ward and the areas comprised in N Ward bounded on the west by the Eastern Express Highway, on the north by the northern boundary of the N ward, on the east by the Thane creek and on the south by the southern boundary of N ward. | | | | | | | 0.75 |
|----------|---|------------------|------------------------|---------------------------------|------------------------|---|--|--|
| (ii) | Areas of the village of Akse, Erangal and Marve in the P North Ward and Gorai and Manori in the R Ward excepting gaothan proper | | | | | | | 0.50 |
| (iii) | The remaining area in Suburbs and Extended Suburbs including gaothans as per clause (1) C below | | | | | | | 1.00 |
| (C) | Total Maximum limit of building potential in terms of FSI as given in table below (for residential and commercial):- | | | | | | | |
| Sr. No. | Plots fronting on road width | Basic/Normal FSI | | Maximum Permissible TDR Loading | | Additional FSI on payment of premium as per Regulation 32, Table 12 | Total Maximum limit of building potential in terms of FSI | |
| | | Island City | Suburb/Extended Suburb | Island City | Suburb/Extended Suburb | | Island City/ Suburb/Extended Suburb | Island City |
| | | | | | | | Basic +TDR+ additional FSI on payment of premium as per Regulation 32, Table 12, Clause 1(A) | Basic+ TDR + additional FSI on payment of premium as per Regulation 32, Table 12, Clause - I (B) iii |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | (3+5+7)8 | (4+6+7) 9 |
| 1 | 9 m. and above but less than 12.20 m | 1.33 | 1.00 | 0.17 | 0.50 | 0.50 | 2.00 | 2.00 |
| 2 | 12.20 m and above but less than 18.30 m. | 1.33 | 1.00 | 0.37 | 0.70 | 0.50 | 2.20 | 2.20 |
| 3 | 18.30 m. and above but less than | 1.33 | 1.00 | 0.57 | 0.90 | 0.50 | 2.40 | 2.40 |

| | | | | | | | | |
|---|-------------------------|------|------|------|------|------|------|------|
| | 30.00 m | | | | | | | |
| 4 | 30 mtr. And above | 1.33 | 1.00 | 0.67 | 1.00 | 0.50 | 2.50 | 2.50 |

Note : Additional FSI on payment of premium, TDR loading is subject to CRZ and other restrictions in the Development Control Regulation.

- a) For existing non-cessed buildings where the present FSI is more than 1.33 which is the Basic/Normal permissible FSI, the maximum TDR as permissible under Table 14 shall be allowed to be increased pro-rata to the existing FSI vis-à-vis the Basic/Normal FSI of 1.33 by relaxing the Total Maximum Limit of building potential in terms of FSI as per Regulation 32, Table 14, Clause 1(A)/1(B) of DCR 1991 accordingly.
- b) The additional FSI on payment of premium as per DCR 32, Table 14, Clause 1(A)/1(B) would continue to be permitted over and above the existing FSI of the pro-rata TDR loading as per (a) above of DCR 1991.
- c) Further, Maximum building potential on the plot shall be as mentioned in the TDR policy dated 16 Nov 2016 specified in 5.4.1 (iii) as follows
"The basic FSI + TDR + Additional FSI on payment of premium if any + Road widening FSI of the very said plot if any".

(2) Service Industrial Zone (I-1), General Industrial Zone (I-2), Special Industrial Zone (I-3)

| Basic/Normal FSI | Maximum Permissible TDR Loading | Additional FSI on payment of premium | Total Maximum limit of building potential in terms of FSI |
|---|---|---|---|
| Island City/ Suburb/Extended Suburb | Island City Suburb/Extends Suburb | Island City/ Suburb/Extended Suburb | Island City Suburb/Extended Suburb Basic +TDR+ additional FSI on payment of premium |
| 1.00 | 0.50 | 0.50 | 2.00* |

Note : Utilization of TDR in I Zone for uses permissible only in I Zone except for the hazardous activities , as per Table No. C of Regulation No.34.3 will be allowed.