

The Poetics of FSI

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It is clear from the present state of our cities that the system of blanket FSI (floor space index, referred to in some cities as the floor area ratio) and building by-laws, often standardized for an entire city, have failed to create a coherent urban form. These rules result in an all pervasive building pattern - regardless of whether they are single room tenements or luxury apartments, offices, hospitals, or even schools.

And what is incredible is that these stipulations are imposed somewhat evenly across the city, be it new green field sites or existing historic city centres. In short, the implication of this approach is that entire cities will be recast in the same image lookalikes in terms of their urban form. And this will continue to obliterate any sense of cities being viewed as a group of precincts, neighbourhoods and communities with their differing urban forms, expressive of the particular climatic conditions, economic situations and lifestyles.

In addition, the idea of blanket rules applicable for the entire city or large portions of it, by definition cannot be responsive to the topography and natural environment. Even virgin landscape, swallowed by our expanding cities, is being inundated by the highrise typology. And so, if the buildings on the waterfronts, hills and hinterland were to be essentially of the same form, height, mass, the natural features and terrain will inevitably be destroyed. This is obvious in Malabar Hill, Bombay, where similar densities could have been achieved, in the form of low-rise terraced apartments. This would have conserved and perhaps enhanced the natural

topography while encouraging a building pattern which would be affordable to a wider spectrum of income groups.

Or take for example, the new Cuffe Parade development which is on reclaimed land, but does not take advantage of its location along the water's edge. Here, the presence of the sea is non-existent when one enters the canyon-like streetscapes of highrise buildings that characterise this area.

However, highrise buildings should not be discouraged per se - for besides orienting one in the city, they could be seen to symbolise its economic strength. And their location could enhance the skyline as well as be an expressive form of the urban imagery. But our present by-laws and blanket FSI ensure that they are unnecessarily, and yet relentlessly, repeated through the urbanscape, thereby bringing their worst qualities to the fore.

Instead, to achieve a desirable mix of urban form, suppose we were to use a global FSI concept, where an entire area is considered instead of an individual site. Then, we could calculate the total FSI available to us in a district or even in an entire city and redistribute it. This would allow us to put more pressure (by designating a higher FSI) on areas where the infrastructure of roads, trains, buses and other services could cope with the densities created by highrise buildings, and then put less pressure on land that forms natural features worth preserving for ecological necessity, or visual appeal.

This could possibly eliminate the kind of situations that one finds, today,

of our urban landscape being ploughed through by faceless and hostile high-rise buildings which are in any case unaffordable to a majority of our urban population. It is to safeguard against such irreversible damage that one could, for example, permit highrise buildings only in specific zones, reserving most waterfronts and hills for other typologies.

In order to achieve this, a city could be divided into zones based on a combination of topographical as well as land-use criteria. Thus land-use, categories should be discussed in the context of their location in acity, namely residential or commercial areas along the waterfront, commercial areas and mixed-use areas at transport intersections, residential areas on hills, etc.

In Malabar Hill, Bombay, similar densities could have been achieved in the form of low-rise terraced apartments. This would have conserved and perhaps enhanced the natural topography

Categorising the structure of a city into these areas will enable each area to have its own particular by-laws and building policies, which would be a crucial deviation from the blanket by-law system which assumes, and makes inevitable, that all precincts take on the same physical character.

Whereas by evolving by-laws specific to an area, the urban form could be fine-tuned to respond to the particular topography, perceived needs and opportunities that the area offers. In fact, the only by-laws that should be invariable are those that relate to hygiene, public health (ventilation) and

HC quashes state's move to raise FSI in suburbs

Govt Had Proposed To Raise FSI To 1.33 From 1 in 2008; Decision May Lead To Hardening Of Property Prices In Suburbs



What does increase in FSI mean?

Additional FSI would have meant permission to developers to build more and resulted in more residential properties coming up in suburbs.

What was the state's proposal?

The government wanted to set the additional FSI premium and use that fund for infrastructure development.

Who challenged it and why?

A PIL filed by Anil Manu and Arun Galbraud challenged the decision, claiming that the extra FSI would trigger vertical growth and rampant construction would put pressure on civic infra.

State to overrule HC on extra FSI

Will Regularize Premiums, Boost Builders' Profits

Nauzer K Bharucha | TNN

Mumbai: In a major relief for builders, the state government will come out with an ordinance next week, empowering the BMC to grant a builder 33% extra floor space index (FSI) in the suburbs, and exempting a building's lift and staircase areas from FSI, in exchange for a premium.

Developers will be charged a premium based on a percentage of the ready reckoner rate. The government

CM Ashok Chavan said new projects coming up on a minimum area of 100 acres can avail the benefit provided they use non-polluting sources like solar and wind power

SIDDHI SONTAKARNI

The State Government on Tuesday announced an additional incentive of 0.5 Floor Space Index (FSI) for all upcoming housing developments spread over 100 acres on the city's outskirts provided they generate their own power using renewable sources of energy.

Announcing the incentive, Chief Minister Ashok Chavan said townships coming up on a minimum area of 100 acres will get the benefit of an additional 0.5 FSI without developers having to pay any extra premium. The developers, in turn, must ensure that the new townships do not draw electricity from the grid. Electricity generated should be from non-polluting sources like solar and wind power.

The government's move may work wonders for a city that is already reeling under daily load shedding in some parts. This is largely because of the disparity between the State Government's capacity to

generate electricity and the actual demand for it. Currently, the state is producing around 9,700 MW as against the demand of around 13,900 MW.

The government's recent stimulus may benefit large township projects coming up in the outskirts of the city like Thane, Navi Mumbai, Kalyan, as also in other cities like Pune and Nashik. Presently, all townships get 0.5 FSI, and the extra FSI will bring up the total FSI to 1. This means developers will now be able to construct structures with an area equal to that of the plot.

The policy has been drafted and approved by the State Cabinet, and will come into effect from April 1. Confirming the decision, T Benjamin, principal secretary in the department of urban development, said the policy has been drafted to deal with the severe electricity shortage in the city.

"This is the right time to motivate developers to make their township self-sufficient in power generation. Power deficit

level of development charge (DTC) (in case a premium) by the development authority" because the notification was beyond the purview of the Act.

FSI of 1.31 is already allowed in South Mumbai. The proposal to increase the FSI in suburbs was first issued by the state finance minister in the 2008-09 budget speech. Then he had said that by the sale of extra FSI at a premium, the state can earn substantial revenue some of which could be used to increase development fund for townships.

According to the notification, some of the money earned would be used for infrastructure development.

In its order, the court has said that changing provisions to raise funds "is clearly beyond the permissible scope" of MRTP Act, which only allows authority to levy a "regulatory fee". State's advocate general Ravi Kadam had argued that additional FSI would bring the same prices to suburbs down.

In an related motion, Ashwini Limaye, assistant director, strategic planning at the state branch of Justice FJ Bhelhe and Anand Sawad on Thursday said that under the Maharashtra Regional and Town Planning (MRTP) Act, 1966, the government cannot charge any additional fee, or premium, and hold the notification as illegal. "MRTP Act does not provide for levy and col-

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STATUS QUO

next week," an official from the state urban development department told TOI.

Ever since the court order, it is learnt that around 600 building files submitted to the municipal commissioner for clearance have been stuck. "The court quashed the BMC rule that made it mandatory for builders to pay a premium if they sought exemption from FSI for common areas in a building, like lifts and staircases. As a result, the civic chief has not cleared a single proposal since he is no longer empowered to collect this premium," said an official. The BMC was earning roughly Rs 200 crore a year by charging this premium.

"The ordinance will be issued

Extra FSI to townships that generate own power



CM said townships coming up on a minimum area of 100 acres will get additional 0.5 FSI. Developers won't have to pay extra premium

such concessions. Mantralaya sources said the government would now amend the Mumbai Regional Town Planning Act (MRTP) and issue the ordinance to give it sufficient legal teeth.

'EXPECT FURTHER DIP IN TDR RATES'

- ▶ State govt increased base FSI in suburbs from 1 to 1.33 in 2008, levying a premium for utilizing the addl 0.33 FSI. This adversely affected TDR market
- ▶ A petition filed in the Bombay high court challenged the govt's decision. It said a construction boom would severely burden civic infrastructure
- ▶ The HC ruled in June that the BMC was not authorized to charge such a premium. After the order, the BMC stopped clearing new building proposals
- ▶ Govt will now amend MRTP act to nullify HC ruling, empowering BMC to give builders 33% extra FSI in suburbs and exempt lift and staircase areas from FSI, in return for a premium. Developers say TDR prices will fall even further

claims this money will be utilized to augment the city's infrastructure.

The ordinance will nullify a Bombay high court order last June, which said that the BMC had no authority under law to charge a premium from builders asking for

maximum FSI to 2," said Mr Limaye. Before the premium FSI was announced, the maximum FSI was 2, including 1 from TDR.

But the difference after this ruling is that to achieve an FSI of 2, the correct developer has to buy TDR, as premium FSI is no more available, resulting in increase in demand for TDR and thus likely increase in the TDR prices. Eventually, it means an increase in cost of projects and real estate prices," added Mr Limaye.

He added that while the premium FSI was decided by the government and thus known and fixed, the TDR sale and purchase is a market phenomenon and the prices are variable depending on location of TDR generation and TDR deployment. "Thus, there is a degree of uncertainty in pricing. Owners/developers were buying TDR anyway for their dependency on TDR to know increased," he said.

The decision bench quashed the notification observing that the state government had not been able to show any provision in the Maharashtra Regional Town Planning (MRTP) Act specifically authorising the levy of premium for additional FSI.

FSI is part of the development plan and changing FSI would result in the entire plan being chalked out afresh, which was not possible, petitioner's lawyer V P Singh argued.

The development plan is prepared for town planning based on the technicalities and intensive of urban planning. Earning revenue by selling FSI defeats the objective of the development plan, he had submitted.

The state government, however, defended its decision saying that increasing FSI would reduce the cost of land for the commoner as additional FSI would be cheaper than buying transferable development rights (TDR).

The TDR policy allows builders additional FSI as constraint in their suburbs when they surrender their plot to the government for slum rehabilitation, road widening or playgrounds. But the TDR can be used for construction only to the north of the plot that has been surrendered.

The municipal corporation, affirmed the state government's case and alleged that the petitioner had filed the PIL at the behest of card of builders who hold about 40% of the share TDR. Increase in FSI in the suburbs would reduce the prices of the share TDR and in turn, reduce the prices of flats, hence negating state housing projects.

But the MRTP Act does not expressly stating any power on the state government or planning authority to make a provision for imposing a fee, whether regulatory or compensatory premium for additional FSI, said the court while striking down the notification.

safety (fire laws, etc.). All other laws which have an impact on the urban form should be evolved precinctwise.

This would mean that the FSI designated for a precinct should be coupled with by laws that encourage particular building typologies suitable for that precinct by identifying the characteristics of a precinct, the by-laws should re-enforce these -be, they the size of plot, the height of the buildings in relation to width of the street, the manner in which they are situated around a lake or a hilly terrain.

Ironically, it is precisely these qualities that our blanket FSI and by-laws have destroyed. Once the overall form of a precinct is determined down to the building envelope, the quality and style of architecture will easily respond to reinforce a particular urban gesture. This would be a crucial shift from the present phenomena where architects in their concern and responses, are extremely specific to the site they are building on.

In the present blanket FSI system, the realisable built-up area on a property is more or less the same, irrespective of its location in the city. Therefore, to ensure equitable monetary realisation for property owners, in areas where lower FSI has been designated, a system of transferable development rights (TDR) could be applied, as is beginning to happen in Bombay. Then, the portion of FSI reduced on a site can

be transferred or sold by the property owner in designated areas. To make this instrument truly equitable, the FSI should be indexed depending on its location. For example, if FSI is transferred from the city centre to the periphery of an urban area, a multiplier index will have to be applied in order to ensure that TDR values are equally realised irrespective of the location to which they are transferred.

These dynamic by-laws and shifts in attitude would infuse qualitative factors to compliment the abstract number-crunching exercises that characterise most urban planning in the country.

Similarly, urban arts commissions and conservation groups should widen their emphasis from the present obsession with architectural style to issues of urban form. For, in order to create the urban form of new city centres or to conserve precincts and districts within the city, it is not solely the style of architecture that needs attention, but the overall urban form.

And it is here that planning instruments such as FSI designations, setback laws and arbitrary road widening schemes would have to be reoriented in order to bring about any qualitative change in our emerging city forms. It is time our planners began addressing issues which would go beyond merely exploiting FSI and begin to understand its potential and poetics.