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To,
Chief Engineer (Development Plan)
Municipal Corporation of Greater Mumbai
5th Floor, Municipal Head Office,
Mahalakshmi Marg, Fort, Mumbai, 400001



23 July 2025

Subject: Suggestions/Objection to Proposed Modification: Regulation 33(27) "Iconic Buildings" under DCPR 2034

Dear Sir,

This letter is submitted in response to the public notice dated 24 June 2025 issued by the Municipal Corporation of Greater Mumbai, inviting objections and suggestions to the proposed inclusion of Regulation 33(27) in the DCPR 2034. Having gone through the proposed modification, we would like to place on record our following suggestions and objections:

1. Definition of Iconic Buildings/Premise: Iconic Buildings or spaces can be broadly termed as the buildings or spaces which are having some unique or distinctive characteristics, may be due to their shape, size, aesthetics, look, concept, theme, urban design, architectural design, structural design, etc.

Ambiguity and Subjectivity in Defining Iconic Buildings

- 1.1 The definition of "Iconic Buildings/Spaces" is vague, subjective, and open to arbitrary interpretation. Prioritizing shape, size, and aesthetics without clear criteria leaves room for subjective or commercially driven interpretations.
- 1.2 Iconicity must be redefined to include urban contribution, contextual integration, cultural and historical relevance, sustainability, and public value. Without contextual guidelines, the proposal risks introducing built forms that may conflict with established heritage, urban form, or community identity.
- 1.3 A comprehensive intent note is necessary to clarify the regulation's objective. A publicly accessible list of existing buildings deemed 'iconic' by the State Government must be published, with clear justification, to prevent misuse and ensure transparency.

2. Eligibility Criteria: a) For Project Proponent/Owner/Developer: i) Minimum 1 million Sqm of BUA completed in all respect in the past, OR minimum turnover of Rs 5000 Crore per year in one of the last preceding three Financial Years of the Project Proponent Company, except in case of proposal of



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Government/Semi-Government/BMC. However, if the proposal is submitted by the renowned Architect who has previously executed a project of world renowned "Iconic Building" right from designing to execution, then the committee may relax above mentioned selection criteria of the project proponent. b) For Site: i. Minimum access of 18 m width. ii. The adequate area of open space at an appropriate place shall be provided for Public Plaza to facilitate people visiting the place.

Need for Transparent, Inclusive, and Context-Sensitive Evaluation Framework

- 2.1 Clear benchmarks for built-up area, minimum green cover, public open space, and infrastructure impact are missing. Using undefined terms like "adequate" space leaves room for inconsistent application. Standardized metrics must be included for fair and objective evaluation.
- 2.2 The terms "renowned Architect" and "world-renowned Iconic Building" are undefined. Clear criteria and a qualified, independent panel must be established to assess architectural merit, contextual relevance, and innovation.
- 2.3 Mandatory processes like public consultation, environmental, heritage, and social impact assessments are missing. These are essential for projects of this scale and impact.
- 2.4 Limiting eligibility to developers with ₹5000 Cr turnover or 1 million sqm BUA prioritizes financial capacity over design quality and public value, discouraging inclusive or context-sensitive proposals.
- 2.5 The 18m site access requirement is poorly defined. It must ensure continuous, unobstructed, and build-free access via a DP road, along with a clear explanation for why this width is considered essential.

3. FSI: 1) The permissible FSI shall be as per the provisions contained in DCPR 2034. However, the Government on recommendation of the committee with reasons recorded in writing may grant additional FSI on payment of premiums at the rate of 50% of land rate as per ASR of the year in which such FSI is granted, Premium so recovered shall be shared between BMC and the State Govt with ratio of 2/3 & 1/3 respectively. ii) The project proponent shall submit details of Elevational Architectural/special Features for the proposed "Iconic Buildings". If any such features, which is not to be utilized for habitable purpose, is required to be counted in FSI as per prevailing DCPR 2034 provisions, the project proponent may request the Committee for allowing such features free of FSI. The Committee shall scrutinize / examine the same and recommend it to Govt, for allowing such features free of FSI without charging premium, notwithstanding anything contained in the Reg 31(1) or any other provisions of these Regulations.

Discretionary FSI Provisions Undermine Statutory Planning Norms

- 3.1 The provision allowing discretionary FSI beyond DCPR 2034 weakens the statutory planning framework and creates a dangerous precedent. Without defined limits or criteria, this opens the door to arbitrary approvals and undermines citywide planning norms.



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- 3.2 Granting additional FSI solely on the basis of a building being labeled “iconic” lacks a clear public interest justification. Iconicity should be defined by cultural significance and urban contribution, not scale alone.
- 3.3 Exempting architectural or ornamental features from FSI without defined limits or clear typology is highly susceptible to misuse. This creates a loophole for adding excessive bulk under the guise of aesthetics, effectively granting free FSI outside the regulatory framework.

4. **SELECTION CRITERIA:** The Project Proponent shall submit the proposal to the Scrutiny Committee handed by the Municipal Commissioner for scrutiny of the proposal. The Committee shall consist of the following members: i. Municipal Commissioner: Chairman, ii. Renowned personality from Global Architectural field: Member, iii. Renowned famous personality in Visual Art: Member, iv. Leading personality from Indian Business Industry Member, v. Director of Town Planning, Maharashtra, Pune Member, vi. Chief Engineer (Development Plan), BMC Member Secretary

Need for Transparent, Inclusive, and Expert-Led Evaluation Process

- 4.1 The Committee lacks critical expertise in environmental planning, landscape architecture, disaster risk, ecology, and heritage conservation. For projects of such scale and potential impact, inclusion of environmental specialists, conservation architects, urban historians, and citizen representatives (ALMs, NGOs, local community members) is essential, especially for proposals in heritage precincts or ecologically sensitive zones.
- 4.2 The Committee must include independent professionals from academic and practice-based backgrounds in urban planning, architecture, and environmental policy, not just eminent personalities from unrelated industries. This ensures rigorous, non-partisan evaluation of long-term urban impact.
- 4.3 There is no mention of design competitions, public review, or consultation processes. All proposals should undergo social and environmental impact assessments and be subject to public feedback. Mandate a public hearing and display of project details (FSI, height, public access plan, open space plan, etc.) on the BMC website before any approvals.

5. **SCOPE AND POWERS OF THE COMMITTEE:** i) The Committee shall scrutinize the proposal chronologically and on ascertaining the iconic character of the building, the same shall be recommended and forwarded to Government for in principle approval ii) Non-official members shall be appointed by the Municipal Commissioner for the period of 3 years and may be extended further. The honorarium and other allowances shall be decided by the Municipal Commissioner. iii) The Committee may suggest improvements/changes/modifications in the proposal. iv) For the selection of the project, the committee shall formulate SOPs v) The Committee shall meet once in 4 months or



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with lesser period, if required and shall recommend not more than 5 proposals in a year. Government shall declare selected iconic Building proposal on 26th January/1st May 15th August of each year.

Need for Transparent Governance and Structured Evaluation Framework

- 5.1 The Committee holds broad discretionary powers with limited checks and lacks permanent expert members, which may lead to inconsistent or opaque decisions. Transparent processes, clear evaluation criteria, and public oversight mechanisms must be put in place.
- 5.2 Non-official members are appointed and compensated at the discretion of the Municipal Commissioner, raising concerns about independence. A more accountable and structured appointment process is needed.
- 5.3 The regulation does not mandate public disclosure of decisions, rationale for approvals, or invite public inputs. These must be integrated to ensure transparency in the selection of projects with long-term urban impact.

6. GENERAL CONDITIONS: 1) No residential building shall qualify and at least 40% of the building should have access for public through booking/tickets or free. i) The proposal for Iconic Building shall be fresh proposal i.e. no ongoing project shall qualify. iii) The proposal for Iconic Building shall be on an independent plot. iv) The decision of the State Government after due consideration recommendation of the Committee regarding acceptance or rejection of the proposal as Iconic character is final & binding. v) It is the responsibility of the Project Proponent/Occupants/Owner to maintain the building/premises in good condition during the lifetime. vi) Such buildings or premises or part may be made accessible for watching/viewing by the general public/tourists on restricted hours/days, etc. with or without charges, as decided by the Municipal Commissioner. vii) The said building may be required to be kept open/ decorated illuminated daily or on special/auspicious days as per the recommendation of the Committee or as decided by Municipal Commissioner in consultation with the Developer/Owner. viii) Other statutory requirements like MoEF, CRZ, Civil Aviation, Archeology, Heritage, etc. shall be complied with by the project proponent as applicable. ix) Planning Authority for all proposals in BMC limit shall be Brihanmumbai Municipal Corporation.

Inadequate Safeguards for Heritage, Urban Integration, and Environmental Performance

- 6.1 The 40% public access requirement is vague and allows ticketed, commercial uses, which may exclude large sections of the public. For projects receiving exceptional regulatory relaxations, public access should be at least 75% and priorities free, non-commercial civic functions.
- 6.2 The regulation ignores compatibility with heritage precincts, listed structures, skyline coherence, and the surrounding urban fabric. All proposals must require review and NOCs from the Mumbai Heritage Conservation Committee and ensure context-sensitive design.



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6.3 There are no sustainability benchmarks such as Net-Zero goals, LEED Platinum certification, universal accessibility, or climate responsiveness. These must be mandated to future-proof such high-impact projects and align with global environmental standards.

6.4 Terms like "iconic" and allowances for exemptions (FSI, height, etc.) remain open-ended. All relaxations must be linked to measurable, design-based criteria to prevent arbitrary approvals.

NAGAR submits these suggestions and objections in the best public interest. We thank you for the opportunity and urge that these concerns be duly considered. We look forward to a transparent, inclusive dialogue that ensures balanced and context-sensitive development for the benefit of all stakeholders and the city at large.

About NAGAR:

NAGAR is a not-for-profit organization established in 2000, born out of the passion of several citizens with a goal to improve life in the city of Mumbai. NAGAR's former constituents are CitiSpace, CLEAN-Air, CLEAN-Sweep. NAGAR continues to work in the areas of preservation of public open spaces, solid waste management, improvement in air quality, preservation of water bodies, beaches, mangroves, built and natural heritage features, efficient road space management, and water conservation. The organization is committed to advocating for better enforcement of existing laws, recommending policy changes for improved governance on civic matters, and contributing to urban renewal efforts.

Yours sincerely,

Nayana Kathpalia
Trustee

On behalf of Trustees

Atul Kumar D M Sukthankar Dinesh Ahir Kunti Oza
Meher Razaat Nayana Kathpalia Neera Punj Parul Kumtha