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COMMUNITY BOARD NO. 2, MANHATTAN

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February 26, 2019

Marisa Lago, *Chair*
City Planning Commission
22 Reade Street
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on February 21, 2019, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

1. *Discussion and resolution of the Residential Tower Mechanical Voids Text Amendment recently certified by City Planning Commission and presented by Sylvia Li of Dept. of City Planning.

Whereas:

1. Many of the new, tall buildings in New York City use empty “mechanical voids” in their design that are exempt from zoning floor area. These empty spaces can add hundreds of feet to the height of a building in order to create super-high apartments with better views stacked on top of light- and air-stealing, empty enclosed spaces.
2. The City has released a proposed zoning text amendment whose purpose is to limit how much of these mechanical voids would be exempt from restrictions on building size.
3. The proposed changes would apply to residential towers in residential areas and would limit any one mechanical floor to no more than 25’ in height, after which additional height would count towards building size limits.
4. Each mechanical floor would have to be separated from the next mechanical floor by 75’ or it, too, would count toward zoning floor area.
5. For mixed-use buildings, non-residential mechanical space would be subject to the same 25’/75’ limit, if non-residential uses occupy less than 25%.
6. A cluster of mechanical floors that totals 80’ would count as three floors of zoning floor area, even when each floor is less than 25’ and non-contiguous.
7. The City has made it clear that they will not apply these rules to unenclosed spaces, so if the void has no walls or is on stilts, the new restrictions won’t

apply. Thus, developers can sidestep the text amendment by removing the walls from these structural voids.

8. It also does not appear that there would be anything to prevent a developer from making every few floors (separated by 75') a 25'-high mechanical floor and increasing the size and height of the building to get around limits that way.
9. A more effective way to achieve the stated goals and overall spirit of the measure would be to determine a maximum allowable percentage of overall building height that could be devoted to mechanical space.
10. The text amendment would apply to residential towers in non-contextual R9 and R10 residence districts and their commercial districts where residential towers are permitted.
11. Lower Fifth Avenue is zoned entirely R10, and while much of that street is in the historic district, the upper blocks within CB2 are not. Thus, only zoning limits the size and height of new development there.
12. The City should impose absolute height limits on new buildings in residential areas to ensure that they remain in context with their surroundings (as "contextual zoning" already does).

Therefore, CB2 recommends denial of this text amendment unless:

- 1. The text amendment is rewritten to apply to all void spaces—enclosed or not.**
- 2. The City requires that non-FAR mechanical space be filled only with equipment necessary for the functioning of the building, and disallows any accompanying empty space as exempt from the FAR calculation.**
- 3. The City creates a process for determining whether an interval of as little as 75' between voids is appropriate to most buildings.**
- 4. The City establishes and enforces a limit on the percentage of allowable non-FAR mechanical space in residential buildings, and prohibits any other amount of empty space.**

Vote: Unanimous, with 34 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth Chair
Community Board #2, Manhattan



Anita Brandt, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

Frederica Sigel

Frederica Sigel, Co-Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

CB/jt

c: Hon. Jerrold Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
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Hon. Margaret Chin, Councilmember
Hon. Carlina, Rivera, Councilmember
Sylvia Li, Dept. of City Planning