



# BUILDINGS 2022-005 BULLETIN

## ZONING

ISSUANCE DATE  
March 10, 2022



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**PURPOSE:** This Bulletin clarifies cellular monopoles as Use Group 6D “telephone exchanges or other communications equipment structures” under the New York City Zoning Resolution.

**SUBJECT(S):** Cellular antenna; Cell phone antenna; Wireless technology; Small cell technology; monopoles; Use Group 6D; Telephone exchanges or other communications equipment structures.

### RELATED BULLETINS & ZONING SECTIONS:

ZR 12-10, ZR 32-15(D), ZR 42-12, TPPN 5 of 1998, ZR 22-21, ZR 32-31, ZR 42-31, ZR 73-11, ZR 73-14, ZR 74-89, BB 2021-011

## I. BACKGROUND

The Board of Standards and Appeals (BSA) has issued a decision (Cal. No. 2019-281-A) (BSA Decision) that cellular monopoles are properly classified as Use Group 6D (UG 6D) under ZR 32-15(D) “telephone exchanges or other communications equipment structures” and are not to be classified as non-accessory radio towers that would require a special permit pursuant to ZR 22-21, ZR 32-31, or ZR 42-31.

Effective immediately, examiners must review cellular monopoles as Use Group 6D “telephone exchanges or other communications equipment structures,” which does not require BSA Special Permit or approval in most commercial districts and in manufacturing districts. Pursuant to ZR 32-15(D), the height of such structures is limited. Part II(B) of this Bulletin sets forth how this height limitation is to be calculated.

Where a cellular monopole or an antenna that does not comply with Buildings Bulletin 2021-011 is located in a residence zoning district, an applicant may apply for a BSA Special Permit for a “telephone exchange or other communications equipment structure” pursuant to ZR 73-14. As part of such application, the proposed structure must comply with the underlying bulk regulations of the respective district, and the more restrictive bulk limitations when located in an R3, R4, or R5 district, as well as any additional restrictions imposed by the Board, pursuant to ZR 73-11.

In addition, CPC Special Permits may be obtained to permit modification of the height and setback regulations through ZR 74-89 in certain districts on sites that are 40,000 sf or greater.

## II. CLARIFICATION OF CELLULAR MONOPOLES UNDER ZR 32-15(D) “TELEPHONE EXCHANGES OR OTHER COMMUNICATIONS EQUIPMENT STRUCTURES”

### A. Cellular Monopoles and Other Structures Supporting Cellular Antennas

Cellular monopoles and other structures that serve no purpose other than to specifically support cellular antennas, where the structure, antennas, and related equipment do not meet the criteria of Technical Policy and Procedure Notice (TPPN) 5 of 1998 as interpreted by Buildings Bulletin 2021-011, are subject to the Zoning Resolution and may be permitted as-of-right as UG 6D “telephone exchanges or other communications equipment structures.” Such monopoles are permitted as-of-right in most commercial and manufacturing districts subject to the zoning bulk regulations identified in ZR 32-15(D) as clarified under Part II B below.

**B. Height Limitation of Cellular Monopoles Under Use Group 6D “Other Communications Equipment Structures”**

1. ZR 32-15(D) states:

*“Telephone exchanges or other communications equipment structures. In all districts the height above curb level of such structures not existing on December 15, 1961, shall not exceed that attributable to commercial buildings of equivalent lot coverage [emphasis added], having an average floor to floor height of 14 feet above the lobby floor which may be as much as 25 feet in height. For the purpose of making this height computation, the gross area of all floors of the building including accessory mechanical equipment space except the cellar shall be included as floor area. Such height computation for the structure shall not preclude the ability to utilize unused floor area anywhere on the zoning lot or by special permit, subject to the normal provisions of the Resolution.”*

Since the BSA Decision concludes that cellular monopoles are classified as UG 6D telephone exchanges or other communication equipment structures, and pursuant to ZR 32-15(D), the maximum height of telephone exchanges or other communications equipment structures is limited, in part, to “that attributable to commercial *buildings* [emphasis added] of equivalent lot coverage”, the cellular monopole must be compared to the dimensions of a “building” of commercial use.

2. Calculating the Height Allowable for Cellular Monopoles

Per ZR 32-15(D), the communications equipment structure is to be compared with a “commercial building of equivalent lot coverage” when calculating the maximum height of the structure. The Zoning Resolution does not impose lot coverage on commercial buildings. However, since Section ZR 32-15D specifically calls for a comparison to a “commercial building of equivalent lot coverage,” the height of the structure must be determined through such a comparison.

The comparison is to utilize a hypothetical commercial building with maximum lot coverage on the first story. All remaining floors above the first story are to consist of floor areas that are fully maximized, reflecting any required yards, and front set back in conformity with zoning regulations applicable to the subject zoning lot, including sky exposure plane.

In calculating the height limitation of a cellular monopole, the lot coverage, any required yards, applicable height and setback regulation, including sky exposure plane, and the applicable and available Floor Area Ratio for the corresponding use and district, and the floor-to-floor height as described in ZR 32-15(D) (25 feet for the lobby floor, 14 feet for the remaining floors), is to be included. The hypothetical commercial building may include accessory parking up to 23 feet in height as the first story, and in accordance with ZR 12-10 definition of “floor area,” such accessory parking need not be counted as floor area. See Figures 1a, 1b, 2a, and 2b for illustrative samples and calculations of “commercial building of equivalent lot coverage” of a typical commercial building that complies with yards and front setback requirements and includes the allowance for a lowest level accessory parking with a height up to 23 feet.

Any existing building(s) on the zoning lot does not affect the determination of the hypothetical commercial building for the purposes of calculating the “commercial building of equivalent lot coverage.” Cellular monopoles and other structures as described in Part II(A) and meeting the conditions of this Bulletin do not accrue actual floor area of the zoning lot. The maximum height of the proposed cellular monopole must not exceed the hypothetical commercial building height, as measured from the curb level or base plane, as applicable. The placement of such monopole is subject to applicable yard, and height and setback regulations.

3. Required Drawings

Drawings with dimensions of any such hypothetical building occupying maximum lot coverage that is used to calculate the maximum height allowable for a cellular monopole must be included as part

of the construction documents to demonstrate the maximum height allowable for the cellular monopole.

4. Illustrative Sample and Calculations

SAMPLE 1. Comparable “commercial building of equivalent lot coverage” in R-5 district with commercial overlay, lot size of 40’ x 100’:

R5 District with Commercial Overlay (narrow street)						
Floor Number	Rear Yard	Front Setback	Lot Size	Floor Area	FAR	Floor Height
1st Floor	N/A	N/A	40’ x 100’	0	0	23’
2nd Floor	20’	20’	40’ x 60’	2,400 SF	0.6	25’
3rd Floor	20’	20’	40’ x 40’	1,600 SF	0.4	14’
<b>Total</b>				<b>4,000 SF</b>	<b>1.0</b>	<b>62’</b>
<b>Maximum Zoning Permitted</b>				<b>4,000 SF</b>	<b>1.0</b>	

**LEGEND:**  
 - - - - - LOT LINE  
 SKY  
 - - - - - EXPOSURE PLANE

**ABBREVIATIONS:**  
 R.Y. = REAR YARD  
 F.S. = FRONT SETBACK  
 F.W. = FRONT WALL  
 N.S. = NARROW STREET

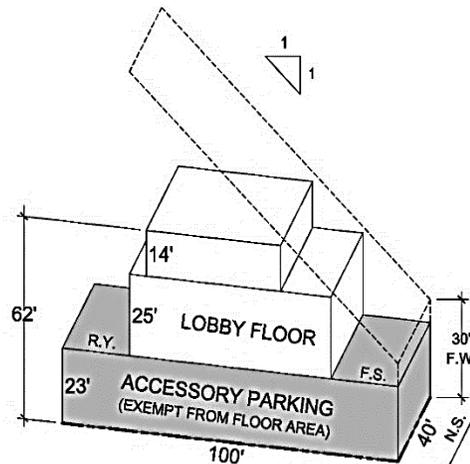


Figure 1a.

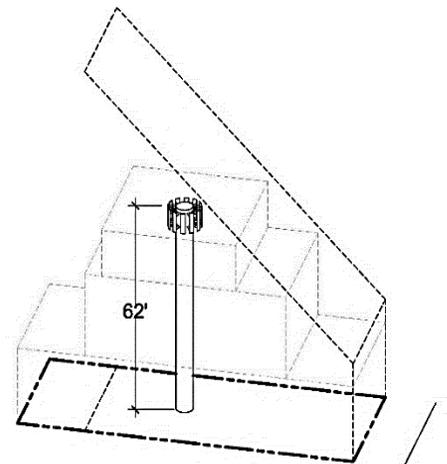


Figure 1b.

SAMPLE 2. Comparable “commercial building of equivalent lot coverage” in C4-2 district, lot size of 40’ x 100’:

C4-2 District (narrow street)						
Floor Number	Rear Yard	Front Setback	Lot Size	Floor Area	FAR	Floor Height
1st Floor	N/A	N/A	40’ x 100’	0	0	23’
2nd Floor	20’	N/A	40’ x 80’	3,200 SF	0.8	25’
3rd Floor	20’	20’	40’ x 60’	2,400 SF	0.6	14’
4th Floor	20’	20’	40’ x 60’	2,400 SF	0.6	14’
5th Floor	20’	20’	40’ x 60’	2,400 SF	0.6	14’
6th Floor	20’	20’	40’ x 60’	2,400 SF	0.6	14’
7th Floor	20’	20’	40’ x 20’	800 SF	0.2	14’
<b>Total</b>				<b>13,600 SF</b>	<b>3.4</b>	<b>118’</b>
<b>Maximum Zoning Permitted</b>				<b>13,600 SF</b>	<b>3.4</b>	

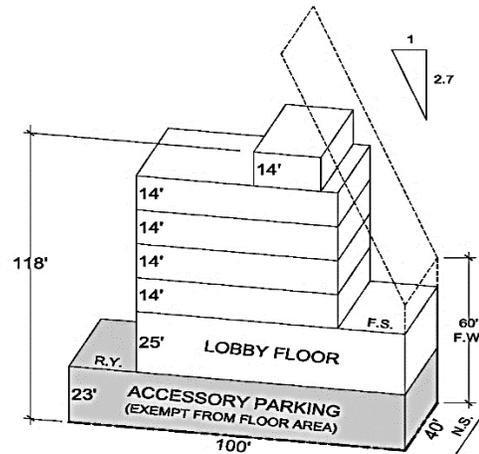
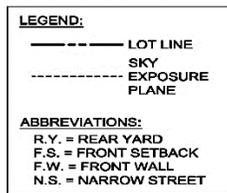


Figure 2a.

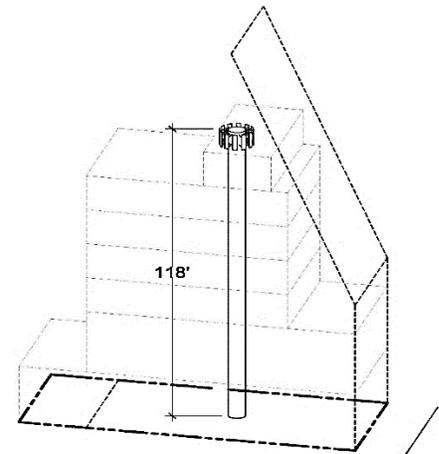


Figure 2b.

**C. Permitted Obstruction in Required Yards and Open Space**

Cellular equipment that is related to the functioning of the antennas that are mounted on the communications equipment structure are not considered permitted obstructions in required yards or rear yard equivalents, or open space, and therefore, whether as a stand-alone equipment, housed in an equipment building, or is supported on a platform or concrete pad, they may not be placed in such areas.

Where fences are provided to address safety concerns related to equipment access, they must comply with applicable Code and zoning requirements. Where related cellular equipment is housed in a building as defined in ZR 12-10, such building is considered floor area for zoning purposes.

**D. Modification of Existing Cellular Monopoles**

1. Where an existing cellular monopole structure is classified as a “communications equipment structure” and was erected as-of-right through DOB permits, the existing condition may remain. Accordingly, repair or replacement of antennas or equipment in kind may be performed. See Part VII(A) of BB 2021-011 for guidance. Any modification beyond repair and replacement as described in BB 2021-011 is permitted only if the resulting structure complies with the conditions of this Bulletin, or when filed under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”) pursuant to Part VII(B) of BB 2021-011.
2. Where an existing cellular monopole structure is classified as a “communications equipment structure” and BSA previously granted a special permit as a “communications equipment structure” or a “non-accessory radio or television towers,” any replacement or upgrade of the internal system or ordinary repair within the existing equipment need not obtain approval from BSA for such scope of work provided that such equipment replacement, repair, or upgrade does not constitute a substantial change per Part VII(B) of BB 2021-011. Other modifications beyond the scope of a previously obtained BSA Special Permit require BSA approval, or where applicable, BSA Letter of No Objection.