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## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Land Use**

**Re: Residential Tower Mechanical Voids Text Amendment. Department of City Planning's proposed amendment.**

**Full Board Vote: 38 In Favor 1 Against 0 Abstentions 0 Present**

*Committee: 10-0-0-0. Non-Committee Board Members: 6-0-0-0.*

Community Boards throughout the city are aware that the NYC Zoning Resolution is inadequate to address the phenomenon of “supertalls” and their proliferation, which are jarringly out-of-context with the existing neighborhoods. Regardless of their location, these buildings will inevitably inflict some degree of unacceptable shadow conditions on nearby parks, playgrounds and open space as well as create intolerable environmental conditions, including wind tunnel effects at the bases of these buildings, inhibiting pedestrian friendly retail uses and preventing trees from thriving in (?) dark and windswept corridors.

These residential “supertall” buildings are ultra-luxury apartments, catering to the elite and ultra-wealthy that may never actually live there. In order to achieve maximum height, the apartment floor to ceiling heights are taller than conventional pre-war apartment buildings, even those pre-war buildings that line Central Park West and portions of Broadway or West End Avenue and Riverside Drive. Unlike their predecessors, they also contain far fewer units and do not count towards alleviating the City's housing shortage.

Our Community Board Land Use Committee studied the various means incorporated into the “supertalls” to construct buildings that heights not contemplated in any previous editions of the Zoning Resolution and not anticipated by its drafters. Some of the most egregious interpretations now in play include:

- Large voids (the current maximum void at 36 West 66<sup>th</sup> Street is 161 feet), which contain no floor area for zoning purposes;
- Apartment ceiling heights up to 20 feet;
- Zoning Lot Mergers which enable a developer to stack the bulk of a building's volume in a tower covering only a fraction of the lot area.

This resolution is in response to the Department of City Planning Text Amendment for Residential Tower Mechanical Voids distributed for comment on January 28, 2019. While this text amendment is commendable, it is inadequate to fully and effectively address the problem and the accompanying diagrams show weaknesses in the suggested vertical distance in the placement of the mechanical voids that do little to reduce overall height and are likely unnecessary to support mechanical equipment at such interval frequency. This resolution includes nine essential areas that need reconsideration to alleviate misuse or misinterpretation of excessive mechanical voids used principally to increase building height as follows:

**A. Height of each mechanical Void:**

While the DCP did report on their survey of mechanical spaces in existing buildings, mostly pre-war, they did find anomalies in a few special buildings with taller equipment rooms. The majority of the mechanical equipment and boiler rooms appears to be closer to fifteen feet (15'-0"). In lieu of the proposed twenty-five foot height (25'-0") "mechanical" void or inaccessible space ("void") only up to twenty feet (20'-0") should be exempt from zoning floor area. Those buildings that require a taller mechanical floor could be required to need a Special Permit.

*Land Use Committee: 8-1-0-0. Non-Committee Board Members: 5-2-0-0.*

**B. Vertical Frequency of Void Placement:**

In lieu of zoning floor area free voids every seventy-five feet (75'-0") of building height, CB7 suggests that this be limited to no more than a total of forty (40'-0") vertical feet of void exempt from allowable floor area count, however distributed within a building.

*Land Use Committee: 10-0-0-0. Non-Committee Board Members: 8-0-0-0.*

**C. Maximum Void Floor Area**

The City Planning proposal provides that zoning floor area is increased for every 25 feet (or rounded off fraction) of void over and above the initial twenty-five feet (25'-0"). Thus, a one hundred twenty-five foot (125'-0") void, over and above the initial twenty-five feet (25'-0") would consume floor area equal to five times the area of the void.

This formula needs to be modified to include floor area added for every fifteen feet (15'-0") of vertical height of a void in excess of twenty feet (20'-0"). For a one hundred twenty-five foot (125'-0") void above the initial twenty feet (20'-0"), nine times the area of the void would be counted as zoning floor area.

*Land Use Committee: 10-0-0-0. Non-Committee Board Members: 6-0-1-0.*

**D. Floor Area of the Void**

As the current proposal will endeavor to measure zoning floor area by the area of the void, this would permit a developer to reduce floor area by creating a "skinny" or lollipop stick void. This stratagem would reduce the amount of floor area attributed to the void. This also needs to be revised so that the calculation of floor area of the voids is an average of the floor area of all floors in the building, excluding any base, thereby eliminating any advantage to creating a skinny void space.

*Land Use Committee: 10-0-0-0. Non-Committee Board Members: 8-0-0-0.*

**E. Unenclosed Voids**

The current Residential Mechanical Void text amendment does not address voids that are not enclosed. An unenclosed void, on stilts of unlimited height would not be counted as floor area. All voids, whether they are enclosed or unenclosed should be counted as floor area.

*Land Use Committee: 10-0-0-0. Non-Committee Board Members: 7-0-0-0.*

**F. Maximum Residential Ceiling Heights**

The current Residential Mechanical Void text amendment does not address dwelling unit ceiling heights.

Given that the excessive floor to ceiling height is a component of overall building height, any floor to ceiling heights in excess of fifteen feet (15'-0") in dwelling units count against allowable floor area in the ratio calculated by dividing 15 feet by the floor-to-ceiling height in excess of 15 feet. (For example, if a ceiling height is 18 feet, an additional 20% (3/15<sup>th</sup>) would be added to zoning floor area.)

*Committee: 8-2-0-0. Non-Committee Board Members: 5-2-0-0.*

**G. Regulation of Excessively Tall Lobbies & Unassigned Amenity Space**

The current Residential Mechanical Void text amendment neither addresses nor penalizes lobbies and amenities of unlimited height.

As lobbies and amenity space are now including a variety of indoor sports facilities (basketball, climbing walls etc.) or vanity spaces, the text amendment should stipulate the minimum requirements and any other limitations as to sub-divisions or insertion of mezzanines that would otherwise add floor area at a later date.

*Committee: 10-0-0-0. Non-Committee Board Members: 7-0-0-0.*

**H. Impact on Increased Height as a Result of Zoning Lot Mergers**

The current Residential Mechanical Void text amendment does not address other features contributing to super-tall building heights. In particular, the proposed amendment does not address the additional permissible height generated by zoning lot mergers.

Limitations and minimal requirements to justify the additional height of buildings generated by zoning lot mergers needs to be part of the public review process and presented before the affected Community Board.

*Committee: 10-0-0-0. Non-Committee Board Members: 7-0-0-0.*

**I. Other Residential & Mixed Use Residential Buildings**

The current Residential Mechanical Void text amendment does not include hotels and other types of residential facilities including but not limited to mixed use buildings which are less than 25% commercial. The proposal would have no application in Community Board 5 which does not contain any of the zoning classifications affected by the proposal. As a consequence, the proposal does not protect against additional "too-talls" in the 57th street area which will cast long shadows onto Central Park.

The limitation the use of voids to increase building heights in these variant types of residential buildings should apply to all commercial and mixed use buildings, and should apply to all zoning classifications in all community districts.

*Committee: 10-0-0-0. Non-Committee Board Members: 6-0-0-0.*

Based upon the foregoing, THEREFORE, BE IT RESOLVED THAT, that Community Board 7/Manhattan **approves** the Residential Mechanical Void text amendment contained in the DCP document dated January 28, 2019, **subject to the comments and specific recommendations identified above.**

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Land Use**

**Re: Moratorium on Too-Tall Buildings.**

**Full Board Vote: 31 In Favor 2 Against 6 Abstentions 0 Present**

*Committee: 10-0-0-0. Non-Committee Board Members: 6-0-0-0.*

On January 28, 2019, the NYC Department of City Planning (DCP) announced a proposed text Amendment for “Residential Tower Mechanical Voids.” This focuses on one aspect of the Supertall phenomenon, and only one of many “loopholes.” Community Board 7/Manhattan finds that the proposed amendment is commendable but incomplete as it does not fully and effectively address the problem.

Community Board 7, requests that the DCP revise and expedite any proposed amendments to the Zoning Resolution based on feedback from Community Boards in Manhattan and elsewhere in the City that share a common concern, that the current DCP proposal is inadequate to mitigate against negative effects created by these buildings.

If, however, City Planning is unable or unwilling to address these issues promptly, we call upon the New York City Council to impose a moratorium on the issuance of building permits for projects involving any of the following:

1. Unoccupied interior spaces, whether enclosed or unenclosed, including mechanical spaces exceeding, in total, 20 feet in height (voids);
2. Ceiling heights in excess of average height (10-15) feet as a typical floor to ceiling height);
3. Zoning lot mergers resulting in projects with building heights more than 10% higher than would be permissible absent the merger.

The moratorium should last for either two years, subject to renewal, and subject to an application to the Board of Standards and Appeals for a Special Permit; or until DCP’s revised requisite zoning text amendment(s) are approved and go into effect.

The City Council has in the past imposed moratoria where substantial interests of New Yorkers are in conflict with the perceived interests of landowners, even where the landowners are proposing projects not otherwise prohibited by the Zoning Resolution. Such moratoria have been enacted to prevent the creation of adult establishments, the conversion of transient and SRO hotels.

Absent prompt action by DCP or a City Council enacted moratorium, the New York City may witness over the next few years the construction of dozens of buildings with heights which are out of context with existing adjacent buildings, which will inflict unacceptable shadow conditions on nearby parks, playgrounds and open space, waste energy resources, create wind tunnels at their bases, inhibiting pedestrian friendly retail uses and will prevent trees from thriving in dark and windswept corridors. We are now aware that these Supertalls also impact fire and life safety requirements due to the large cavernous unoccupied spaces that are difficult to easily access or protect by conventional sprinkler and other early warning smoke detection devices currently in use.

## RESOLUTION

**Date:** March 5, 2019

**Committee of Origin:** Land Use

**Re:** 100 West 72<sup>nd</sup> Street d/b/a Renzo Gracie Upper West Side (Columbus Avenue.) Application Cal. No. 2018-200-BZ to the Board of Standards and Appeal, a special permits application for a Physical Culture Establishment in the sub-cellar.

**Full Board Vote:** 39 In Favor 0 Against 0 Abstentions 0 Present

*Committee: 8-0-0-0. Non-Committee Board Members: 6-0-0-0*

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request to the Board of Standards and Appeals for a special permit for a Physical Culture Establishment in the sub-cellar at 100 West 72<sup>nd</sup> Street.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 475 West 61<sup>st</sup> Street** (Riverside Boulevard.)

**Full Board Vote: 39 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0. Non-Committee Board Members: 1-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application to the SLA for a two-year liquor license by GC Riverside LLC, d/b/a To be Determined.

**RESOLUTION**

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 200 West 95<sup>th</sup> Street (a/k/a 718 Amsterdam Avenue.)**

**Full Board Vote: 39 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application to the SLA for a two-year liquor license by Cabrera Argudo Corp., d/b/a Rancho Taquileria.

**RESOLUTION**

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 949 Columbus Avenue (West 106<sup>th</sup> Street.)**

**Full Board Vote: 39 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application to the SLA for a two-year liquor license by The Calaveras Group, d/b/a To be Determined.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 161 West 72<sup>nd</sup> Street** (Amsterdam Avenue.)

**Full Board Vote: 39 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 6-0-0-1. Non-Committee Board Members: 1-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the new application to the SLA for a two-year liquor license by Miznon UWS LLC, d/b/a Miznon.

Unless the back terrace floor plan is submitted to the Community Board 7 Office and the following stipulations are included in the Method of Operations: no music is allowed on the back terrace, and the back terrace is to close daily at 10pm.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 239 West 105<sup>th</sup> Street (Amsterdam Avenue.)**

**Full Board Vote: 37 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

The applicant did not attend the meeting;

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** new application to the SLA for a two-year liquor license by Miss Ye Food Service Inc, d/b/a Szechuan Garden.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: Renewal Unenclosed Sidewalk Cafés:**

**Full Board Vote: 38 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 6-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following Renewal Unenclosed Sidewalk Café Applications:

- **2178 Broadway** (West 77<sup>th</sup> Street.) Renewal application #1418144-DCA to the Department of Consumer Affairs by Serafina 77 West, LLC, d/b/a Serafina Upper West, for a four-year consent to operate an unenclosed sidewalk café with 38 tables and 76 seats.
- **476 Amsterdam Avenue** (West 83<sup>rd</sup> Street.) Renewal application #1218332-DCA to the Department of Consumer Affairs by Upper West Rest, Corp., d/b/a Fred's, for a four-year consent to operate an unenclosed sidewalk café with 22 tables and 44 seats.
- **509 Amsterdam Avenue** (West 84<sup>th</sup> – 85<sup>th</sup> Streets.) Renewal application #1416762-DCA to the Department of Consumer Affairs by New York Beer Co, LLC, d/b/a Jacob's Pickle, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 2483 Broadway (West 92<sup>nd</sup> – 93<sup>rd</sup> Street.)**

**Full Board Vote: 31 In Favor 6 Against 1 Abstention 0 Present**

*Committee: 7-0-0-0. Non-Committee Board Members: 0-1-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application #0916146-DCA to the Department of Consumer Affairs by Hussien Environment, Inc., d/b/a Cleopatra's Needle, for a four-year consent to operate an enclosed sidewalk café with 9 tables and 16 seats.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Business & Consumer Issues**

**Re: 994 Columbus Avenue (West 109<sup>th</sup> Street.)**

**Full Board Vote: 38 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 7-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application #682-2019-ASWC to the Department of Consumer Affairs by UWS 994 Corp., d/b/a Isola on Columbus, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 22 seats.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Strategy & Budget**

**Re: Statement on the NYC Preliminary Budget for Fiscal Year 2020.**

**Full Board Vote: 37 In Favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **adopts** the letter and responses to the NYC Preliminary Budget for Fiscal Year 2020. *The letter and responses were sent by email.*

## RESOLUTION

**Date:** March 5, 2019

**Committee of Origin:** Transportation

**Re:** 72 West 109<sup>th</sup> Street, aka 981 Columbus Avenue.

**Full Board Vote:** 35 In Favor 0 Against 0 Abstentions 0 Present

*Committee: 9-0-0-0. Non-Committee Board Members: 3-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the renewal application #B02228 to NYC Taxi and Limousine Commission by Special Radio Dispatch Corp. for a renewal of their For Hire Base Station License.



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## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Preservation**

**Re: 262 Central Park West Apt #4C/D (West 86<sup>th</sup> – 87<sup>th</sup> Streets.) Application #19-3469 to the Landmarks Preservation Commission to replace windows.**

**Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 5-0-0-0.*

This resolution is premised on the following facts:

The application concerns ten windows on the fourth floor of the apartment building known as “The White House” occupying the full block between West 86-87 Streets on Central Park West. The windows that are the subject of the requested Certificate of Appropriateness face Central Park West, and are situated above the main entrance to the building in the center of one of three primary facades. Windows in the same apartment on the secondary façade facing the rear yard have been approved at LPC Staff level.

The existing condition in the applicant’s apartment and throughout most the primary facades is aluminum 1:1 double-hung windows. There are a handful of modern tilt-and-turn windows on the primary façade as well.

The original window configuration, based on research include historic photos and other primary sources, called for divided light double-hung windows throughout the primary facades. The primary original configuration was 6:6 double-hung windows, with smaller openings employing 4:4 double-hung windows.

No original divided light windows remain on any of the primary facades of this building, with all such divided light windows having been removed pre-designation in favor of the aluminum 1:1 windows now found on the facades. CB7 previously approved the installation of replacement aluminum 1:1 windows on the main façade in a different apartment based on a different application in 2016.

The existing windows were installed within the openings created by the original wood brick molds, which are now in significant disrepair. The original brick molds featured curved decorative patterns. The existing condition covers those brick molds with a flat aluminum panel to form a box around the original.

The proposal is to replace the windows with new aluminum 1:1 double-hung windows with internal dimensions that are as close as possible to the dimensions of the existing windows. The replacement windows would match the dark brown color of the existing windows throughout the primary façade, and will be installed in between the existing brick molds.

Since the brick molds are deteriorated, panels that are curved to emulate the decorative pattern of the original brick mold will be installed to cover the brick mold, replacing the flat box effect of the current configuration.

There is no master plan for the replacement of windows on the primary facades of this building. The absence of such a master plan for a contributing building to the Upper West Side/Central Park West Historic District presents the possibility of inconsistent replacement windows creating an uneven or hodge-podge effect on the façade in the future.

A requirement insisting upon original divided-light wood windows would inevitably lead to a prolonged period in which the appearance of the primary façade would similarly create an uneven and hodge-podge appearance on this important façade. This conclusion is based on the specifics of this application, and in no way reflects a precedent for future replacement window applications.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the application as presented as reasonably appropriate to the historic character of the Historic District, with a **strong recommendation** that the management of the apartment building develop a master plan for future window replacement.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Preservation**

**Re: 327 Central Park West (West 93<sup>rd</sup> Street.) Application # LPC-19-35760 to the Landmarks Preservation Commission to alter masonry openings at the penthouse.**

**Full Board Vote: 34 In Favor 3 Against 0 Abstentions 0 Present**

*Committee: 4-1-0-0.*

This resolution is premised on the following facts:

The application concerns the penthouse on the roof of an apartment building constructed ca. 1929 by architect Nathan Korn.

The existing penthouse is constructed of common yellow brick with various window openings that do not align with the primary facades below. The penthouse has a modestly decorated terra cotta cornice detail, in comparison with the substantial and highly decorated cornice at the top of the primary facades facing Central Park West and West 93 Street.

The application involves adding no new bulk or footprint to the façade. Rather the application seeks to create new window openings, with a regular pattern at the rooftop level that continues not to align or relate to the columns of windows and other façade elements of the primary facades below.

On the south penthouse façade, the proposal calls for windows that wrap around from the east and west facades, creating a cantilevered effect on a small scale at this corner of the penthouse.

The head heights of all new windows will be at the same level as the existing windows. Only the alignment and relative sizes of certain windows will be changed. Current window openings that will be eliminated will be infilled with the same yellow brick salvaged from the creation of new penthouse window openings.

None of the existing windows on the rooftop penthouse are original, having been the subject of at least one pre-designation modification.

While the penthouse and proposed new windows are not visible from the street directly in front of the subject building, the existing and new fenestration patterns would be visible from locations on Central Park West and on West 93 Street nearby the building as well as minimally visible from a distance from certain angles within Central Park itself.

The proposed new window configurations for the penthouse are reasonably appropriate to the character of rooftop elements found on apartment buildings of this era within the Historic District.

NOW, THEREFORE, Community Board 7/Manhattan resolves to **approve** the application for new window configuration at the rooftop penthouse level as reasonably appropriate to the character of the Historic District.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Parks & Environment**

**Re: Broadway Mall Association public art exhibition.**

**Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 5-0-0-0. Non-Committee Board Members: 3-0-0-0.*

The following facts and concerns were taken into account in arriving at our conclusions:

Community Board 7/Manhattan welcomes public art exhibits in the park areas in its District. Six of the twelve proposed sculptures by sculptor Nicolas Holiber will be placed at locations on the Broadway Malls within CB7's District. They will be in place for approximately six months, starting in May 2019. The installation and maintenance of the sculptures will be privately financed.

The sculptures will be sited to avoid pedestrian conflict, and they are not expected to present any issue of public safety. Their weight will be appropriately supported. CB7 expects that the sculptures will be an attractive and educational amenity for visitors to the Broadway Malls in the coming months.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the installation of the sculptures by Nicolas Holiber at the designated locations on the Broadway Malls for six months starting in May 2019.

## RESOLUTION

**Date: March 5, 2019**

**Committee of Origin: Health & Human Services**

**Re: Nurse/patient staffing ratios at Mt. Sinai/St. Luke's.**

**Full Board Vote: 34 In Favor 0 Against 1 Abstentions 0 Present**

Community Board 7/Manhattan is aware that there is a danger of an impending strike of the nurses at Mt. Sinai West and Mt. Sinai: St. Luke's Hospitals, which we understand would have a devastating impact on our community.

In the current contract negotiations between Mt. Sinai West and Mt. Sinai/St. Luke's and the New York State Nurses Association (NYSNA), the two sides have not agreed on staff levels per unit (the number of RNs per patient). It has been reported by representatives of the nurses that both hospitals have not complied with the previous contract guidelines.

Moreover, academic and specialty nurse associations recommend nurse/patient safe staffing ratios. For example, 1 RN per 3 patients in the emergency room is considered a safe ratio. However RNs in these hospitals report ratios of 1 RN to 7 patients in the emergency room. This differential, if confirmed is alarming.

The relationship of nurse/patient ratios to health outcomes has been documented in medical research found in the following reputable journals:

- American Journal of Infection Control: "There is a significant association between patient to nurse ratio and urinary tract infection in and surgical site infection."
- New England Journal of Medicine: "Staffing of RNs below target levels was associated with increased mortality, which reinforces the need to match staffing with patients' needs in nursing care."
- Archive of Internal Medicine: "A national study of the quality of care for patients hospitalized for heart attack, congestive heart failure and pneumonia found that patients are more likely to receive high quality care in hospitals with higher registered nurse staffing ratios."
- Journal of the AMA: Patients in hospitals with 1:8 nurse to patient ratios have a 31% greater risk of dying than patients in hospitals with 1:4 nurse to patient ratio.

We resolve that Community Board 7/Manhattan urges NYSNA and Mt. Sinai West and Mt. Sinai: St. Luke's Hospitals to negotiate in good faith in order to agree in their collective bargaining agreements upon safe RN to patient ratios in each unit of their hospitals that will result in better patient outcomes.

Furthermore, we implore the leadership of the hospitals and the union to make every effort to prevent a strike.