



April 10, 2019, Calendar No. 11

N 190230 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Article II, Chapter 3 and related provisions of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area.

This application (N 190230 ZRY) for a zoning text amendment was filed by the Department of City Planning (DCP) on January 25, 2019 to discourage the use of excessively tall mechanical floors in high-density residential tower districts. The proposal would require that mechanical floors, typically excluded from zoning floor area calculations, would be counted toward the overall permitted floor area on the zoning lot if they are taller than new specified limits or overly concentrated in portions of the building. The proposed floor area requirements would apply to residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character. The provision would also apply to non-residential portions of a mixed-use building if the building contains a limited amount of non-residential floor area.

BACKGROUND

The New York City Zoning Resolution allows floor space containing mechanical equipment to be excluded from zoning floor area calculations, reflecting the recognition that these spaces perform important and necessary functions within buildings. The Resolution does not specifically identify a limit to the height of such spaces. In recent years, some developments have been built or proposed that use mechanical or structural floors that are taller than is usually necessary to meet functional needs, to elevate upper-story residential units above the surrounding context so as to improve the views from these units. These spaces have been commonly described as “mechanical voids.”

Following requests from communities and elected officials, DCP conducted a citywide analysis of recent construction to better understand the mechanical needs of residential buildings and to assess when excessive mechanical spaces were being used to inflate their overall height. DCP assessed the residential buildings constructed in R6 through R10 districts and their Commercial District equivalents over the past 10 years and generally found excessively tall mechanical voids to be limited to a narrow set of circumstances.

In R6 through R8 non-contextual zoning districts and their equivalent Commercial Districts, DCP assessed over 700 buildings and found no examples of excessive mechanical spaces. DCP attributes this primarily to existing regulations that generally limit overall building height and impose additional restrictions as buildings become taller through the use of sky exposure planes.

In R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts, residential buildings can penetrate the sky exposure plane through the optional tower regulations, which do not impose an explicit height limit on portions of buildings that meet certain lot coverage requirements. In these tower districts, generally concentrated in Manhattan, DCP assessed over 80 new residential buildings and found that the mechanical floors of most towers exhibit consistent configurations. These typically included one mechanical floor in the lower section of the building located between the non-residential and residential portions of the building. In addition, taller towers tended to have additional mechanical floors midway through the building, or regularly located every 10 to 20 stories. In both instances, these mechanical floors range in height from 10 to approximately 25 feet. Larger mechanical spaces were generally reserved for the uppermost floors of the building in a mechanical penthouse, or in the cellar.

In contrast to these typical scenarios, DCP identified seven buildings characterized by either a single, extremely tall mechanical space, or multiple mechanical floors stacked closely together. The height of these mechanical spaces varied significantly but ranged between approximately 80 feet to 190 feet in the aggregate. In districts where tower-on-a-base regulations apply, these

spaces were often located right above the 150-foot mark, which suggests that they were intended to elevate as many units as possible while also complying with the ‘bulk packing’ rule of these regulations, which requires 55 percent of the floor area to be located below 150 feet. In other districts, these spaces were typically located lower in the building to elevate more residential units, which often also has the detrimental side effect of “deadening” the streetscape with inactive space.

Based on the results of this analysis, DCP is proposing a zoning text amendment for residential towers in R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character, to discourage the use of artificially tall mechanical spaces that disengage a building from its surrounding context. The amendment seeks to strike a balance between allowing functionally sized and reasonably distributed mechanical spaces in residential towers while providing enough flexibility to support changing technology and design expressions in these areas.

The amendment would require that floors occupied predominantly by mechanical spaces (those that occupy 50 percent or more of a floor) and are taller than 25 feet (whether singly or in combination) be counted as floor area. Taller floors, or stacked floors taller than 25 feet, would be counted as floor area based on the new 25-foot height threshold. A contiguous mechanical floor that is 132 feet tall, for example, would now count as five floors of floor area ($132/25 = 5.28$, rounded to the closest whole number equals 5). The 25-foot height is based on mechanical floors found in recently-constructed residential towers and is meant to allow the mechanical needs of residential buildings to continue to be met without artificially increasing the height of residential buildings. The provision would only apply to floors located below residential floor area. The provision would not apply to mechanical penthouses at the top of buildings where large amounts of mechanical space are typically located or to below-grade mechanical space.

Additionally, any mechanical spaces (those that occupy 50 percent or more of a floor) and are located within 75 feet of one another that, in the aggregate, add up to more than 25 feet in height would similarly count as floor area. This would address situations where non-mechanical floors are interspersed among mechanical floors in response to the new 25-foot height threshold, while still allowing sufficient mechanical space for different portions of a building. For example, a cluster of four fully mechanical floors in the lower section of a tower with a total combined height of 80 feet, even with non-mechanical floors splitting the mechanical floors into separate segments, would count as three floors of floor area, even when each floor is less than 25 feet tall and they are not contiguous. ($80/25 = 3.2$ rounded to the closest whole number equals 3).

The new regulation would also apply to the non-residential portions of a mixed-use building if the non-residential uses occupy less than 25 percent of the building. This would ensure that tall mechanical floors would not be attributed to non-residential uses occupying a limited portion of the building, solely to avoid the proposed regulation. The 25-foot height threshold would not apply to the non-residential portion of buildings with more than 25 percent of their floor area allocated to non-residential use, as the uses in such mixed buildings (for example, offices and community facilities) commonly have different mechanical needs than residential buildings. Finally, the regulations would also apply to floors occupied predominantly by spaces (those that occupy 50 percent or more of a floor) and are unused or inaccessible within a building. The Zoning Resolution already considers these types of spaces as floor area, but it does not provide explicit limits to the height that can be considered part of a single story within these spaces. This change would ensure that mechanical spaces and these types of unused or inaccessible spaces are treated similarly.

The proposal would apply to towers in R9 and R10 Residence Districts and their equivalent Commercial Districts. The proposal would also apply to Special Purpose Districts that rely on underlying tower regulations for floor area as well as height and setback regulations, and sections of the Special Clinton District and the Special West Chelsea District that impose special tower regulations. These Special Districts are:

- Special West Chelsea District: Subdistrict A
- Special Clinton District: R9 District and equivalent Commercial Districts that do not have special height restrictions, as well as C6-4 Districts in the 42nd Street Perimeter Area
- Special Lincoln Square District: C4-7 Districts
- Special Union Square District: C6-4 Districts
- Special Downtown Jamaica District: “No Building Height Limit” area as shown on Map 5 of Appendix A in Article XI, Chapter 5
- Special Long Island City District: Court Square Subdistrict

ENVIRONMENTAL REVIEW

This application (N 190230 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 19DCP110Y. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on January 28, 2019. On April 9, 2019, a Revised Environmental Assessment Statement (EAS) was issued which describes and analyzes proposed City Planning Commission modifications to the Proposed Action. The Revised EAS concludes that the proposed CPC modifications would not result in any new or different significant adverse environmental impacts and would not alter the conclusions of the EAS. A Revised Negative Declaration was issued on April 9, 2019. The Revised Negative Declaration reflects the modifications assessed in the Revised EAS and supersedes the Negative Declaration issued January 28, 2019.

PUBLIC REVIEW

This application (N 190230 ZRY) was duly referred on January 28, 2018, to 13 Community Boards (one in the Bronx, 10 in Manhattan, and two in Queens), to Manhattan and Queens Borough Boards, and to the Bronx, Manhattan and Queens Borough Presidents for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

All 13 Community Boards adopted resolutions regarding the proposed zoning text amendment, many of which included comments on the proposal and recommendations for modifications. The complete resolutions received from all Community Boards are attached to this report.

Bronx

On March 6, 2019, Community Board 4 voted to recommend approval.

Manhattan

On February 26, 2019, Community Board 1 voted 37 in favor, 1 opposed and 0 abstention on a resolution to recommend approval with conditions.

On February 26, 2019, Community Board 2 voted unanimously on a resolution to disapprove with conditions.

On February 27, 2019, Community Board 3 voted on a resolution to recommend approval, with recommendations.

On March 7, 2019, Community Board 4 voted 37 in favor, 0 opposed and 1 abstention on a resolution to recommend disapproval with conditions.

On February 15, 2019, Community Board 5 voted 26 in favor, 0 opposed and 1 abstention on a resolution to recommend disapproval with conditions.

On February 15, 2019, Community Board 6 voted 32 in favor, 0 opposed and 1 abstention on a resolution to recommend approval with recommendations.

On March 5, 2019, Community Board 7 voted 38 in favor, 1 opposed and 0 abstention on a resolution to recommend approval with conditions.

On February 22, 2019, Community Board 8 voted 39 in favor, 0 opposed and 1 abstention on a resolution to recommend approval with recommendations.

On February 21, 2019, Community Board 10 voted 25 in favor, 0 opposed and 0 abstention on a resolution to recommend approval.

On February 21, 2019, Community Board 11 voted 31 in favor, 0 opposed and 1 abstention on a resolution to recommend approval.

While this application was not referred out to Community Board 12, the Board passed a resolution on the matter on February 28, 2019 and voted 38 in favor, 0 opposed and 0 abstention to recommend approval.

Queens

On March 8, 2015, Community Board 2 voted 29 in favor, 0 opposed and 0 abstentions to recommend approval.

On March 20, 2019, Community Board 12 voted 35 in favor, 0 opposed and 0 abstentions on a resolution to recommend approval.

Most Community Boards expressed support for the proposed approach to limiting mechanical voids but maintained that more could be done to restrict their size and frequency within buildings. Around one-third of Community Boards voted to approve with conditions or

recommendations that encouraged a stricter mechanical space height limit of 12 to 15 feet (versus 25 feet) and a more restrictive clustering interval of 100 to 200 feet (versus 75 feet). Some Community Boards called for additional restrictions to establish a percentage limit on the total amount of mechanical space permitted in a building. Three Community Boards indicated that the regulation should apply more broadly, to all zoning districts, mixed-use buildings, and commercial buildings. About half of the Community Boards indicated that the regulation should also apply to unenclosed voids (including, stilts, outdoor spaces, and terraces). Seven Community Boards, including those that denied with conditions, called for an expansion of the geographic scope of the regulation to include Central Business Districts and other Special Purpose Districts. Overall, these Boards were supportive of the proposal but wanted more limitations on mechanical spaces as part of a broader concern for building heights, as evidenced by discussion by some members about limiting floor to ceiling heights and amenity spaces.

Borough Board Review

This application (N 190230 ZRY) was referred to the Manhattan and Queens Borough Boards. The Manhattan Borough Board held a public hearing on February 21, 2019, to discuss the proposal but did not adopt a resolution. The Queens Borough Board did not adopt a resolution.

Borough President Review

This application (N 190230 ZRY) was referred to the Bronx, Manhattan, and Queens Borough Presidents. This application was considered by the Manhattan Borough President, who issued a letter dated March 8, 2019, recommending approval of the application with conditions to:

- Increase the clustering threshold to 90 feet from 75 feet.
- Remove the rounding provision for calculating the floor area for mechanical spaces that exceed the 25-foot threshold.
- Expand the applicability of the application to unenclosed voids.
- Expand the geographic scope to include the block bounded by West 56th Street, south side of West 58th Street, Fifth Avenue, and Sixth Avenue.

The Bronx and Queens Borough Presidents did not issue recommendations.

City Planning Commission Public Hearing

On February 27, 2019 (Calendar No. 1), the City Planning Commission scheduled a public hearing on this application (N 190230 ZRY) for March 13, 2019. The hearing was duly held on March 13, 2019 (Calendar No. 40). There were 23 speakers in favor of the application and 18 speakers in opposition.

Speakers in favor included the Manhattan Borough President; the Manhattan District 5 Council Member; a representative of the Manhattan District 6 Council Member; a representative of the State Assembly Member for District 67; representatives from Manhattan Community Board 5 and 7; Manhattan neighborhood associations; landmark and cultural groups; community groups; Manhattan preservation groups; and Manhattan residents.

Speakers in opposition included industry practitioners such as engineers and architects; attorneys from land use law firms; representatives of industry associations; representatives of an Upper West Side Jewish congregation; and a Manhattan preservation group.

Both speakers in favor and those opposed expressed the sentiment that the overuse of mechanical space to create excessive voids of 80 to 190 feet is egregious and inappropriate. All speakers agreed that the issue of excessive voids could and should be addressed. Elected officials, Community Board representatives, neighborhood associations, and community groups supported the goal of this application but expressed that it could go further in limiting mechanical space, expanding applicability across the city, implementing an overall percentage cap on mechanical space, and including unenclosed voids. Many speakers expressed concern that the application would still provide opportunities for excessive mechanical voids and offered recommendations to reduce the 25-foot threshold to 12 feet, and to increase the clustering threshold from 75 feet to between 100 and 200 feet. A few stated that, based on the study data DCP provided, most mechanical spaces in existing buildings averaged 12 feet in height. Some community members stated that there was not

enough justification for the 25 feet of mechanical height per 75 feet of building height provision in the application and therefore felt that the proposed regulations would not be restrictive enough to address the issue.

Industry professionals, including architects and engineers, said that they did not support excessive mechanical voids used solely to raise the height of buildings but many of them expressed concern that the proposed thresholds do not align with industry best practices. Experts stated that the 25-foot threshold would be too limiting for efficient mechanical equipment needs and that oftentimes mechanical space needs compete with occupiable space needs. They stated that the 25-foot threshold would further strain the ability to ensure adequate space for mechanical equipment. One speaker from the Department of Buildings Mechanical Code Committee indicated that the NYC Energy Code requirements are moving toward greater building efficiency and energy conservation. He noted that for efficient use of heating and cooling systems, a building's heat recovery system requires large heat exchangers that transfer heat and moisture from the exhaust to the supply air. He and other speakers indicated that the ductwork and piping required for these systems could exceed 25 feet in height. Engineers who spoke also noted that traditionally mechanical spaces would only be located in the cellar or on the roof of buildings, but that industry practices are moving toward locating mechanical equipment throughout the building for better flood resiliency and energy efficiency. Speakers noted that high-efficiency boiler plants, fire protection water tanks, and stormwater recovery tanks are all examples of mechanical equipment that could require space taller than 25 feet. The majority of professionals, when asked, estimated that 30 to 35 feet would be a more reasonable threshold.

Some individuals who spoke in opposition indicated that the 30-day referral period was too short and that the Commission should take more time to engage with industry experts before moving forward with the text amendment. Further, representatives from an industry association expressed concern over the lack of a grace period or grandfathering provision for existing, ongoing projects. Representatives indicated that this proposal should take into consideration projects that would be affected in the midst of their development, having based their plans and investments on the

mechanical space and floor area provisions in the Zoning Resolution today. A supplemental written testimony from this association stated that existing developments with mechanical voids have consistently complied with the Zoning Resolution as affirmed by Department of Buildings (DOB) interpretations and the Board of Standards and Appeals (BSA) decisions. The testimony also referenced a letter from DCP to BSA, confirming that the Zoning Resolution does not explicitly regulate the heights of mechanical space, in response to a specific building proposal before the BSA in 2017. The association further stated that ongoing and proposed development projects have appropriately relied on this precedent and should not be disrupted by this proposal.

The City Planning Commission received over 100 written comments and testimonies echoing support, concerns, and comments in line with those raised at the public hearing.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 18-161.

This action was determined to be consistent with the policies of the WRP.

CONSIDERATION

The City Planning Commission believes that this application for a zoning text amendment (N 190230 ZRY), as modified herein, is appropriate.

DCP's proposal is to limit the practice of constructing artificially tall mechanical spaces that disengage residential buildings from their surrounding context while also maintaining the flexibility needed to support reasonably sized and distributed mechanical spaces. The Commission

agrees these are worthy goals and notes that even many who have raised concerns about the proposal have been supportive of its overall intent and approach. DCP undertook a yearlong study to review and analyze existing building conditions to inform this application. Therefore, the Commission finds that the proposal addresses community concerns while also recognizing the importance of design flexibility and architectural expression.

A primary issue raised by the Community Boards and members of the public, and echoed in written testimony, was that the proposed regulation does not fully address concerns that buildings may use mechanical spaces to be taller. Many called for stricter provisions and an overall cap on the percentage of mechanical space allowed in a building. The Commission notes that mechanical space is essential to the functionality of a building and requires flexibility based on a building's size and use. To implement a more restrictive or prohibitive rule to control the dimension or quantity of mechanical space would unduly hinder a building's capacity to operate and support occupants. The Commission finds that the approach to discourage excessive voids by providing a height and clustering threshold above which mechanical space will count as floor area is an appropriate mechanism to limit the nonproductive use of voids while allowing the flexibility to address mechanical needs. The Commission notes that this provision is not an outright prohibition on excessively tall mechanical space, rather it is an effective disincentive.

Many community groups and neighborhood associations called for a reduction of the 25-foot threshold of mechanical space excluded from floor area to 12 to 15 feet and an increase in the permitted 75-foot clustering interval to 90 to 200 feet. The Commission recognizes that the 25/75-foot thresholds were recommended by DCP based on industry expert consultations and extensive review of over 700 buildings permitted or constructed within the past 10 years. Overall, this study found that the thresholds offer reasonable flexibility while still addressing the excessive mechanical voids concern. The Commission also notes that the tallest voids, found in seven proposed or existing buildings in Manhattan, have heights ranging from 80 to 190 feet. The Commission recognizes that testimony by several engineers and an architectural association confirmed that it is highly unlikely that a residential building would need mechanical space that is

more than around 30 to 35 feet tall. Therefore, the Commission does not find harm in limiting the opportunity to exempt artificially tall mechanical spaces. DCP also reviewed City-led affordable housing projects as an example of reasonable mechanical space clustering, finding that a 90-foot interval was used for building efficiency purposes rather than for increased building heights. The Commission therefore believes that the 75-foot interval clustering threshold would provide sufficient flexibility and is appropriate.

The Commission also heard testimony submitted by industry practitioners (including architects and engineers, industry associations, and a cultural and design organization) that indicated that the proposed 25-foot threshold was too restrictive. Practitioners noted that industry best practices for future energy conservation, resiliency, and sustainability require flexible mechanical space. The Commission heard that mechanical equipment needed for energy conservation practices may require more than 25 feet in height and that the engineering industry already competes for mechanical space within buildings. The Commission notes that practitioners do not support the overuse of mechanical space solely to artificially raise building heights, nor do they take issue with the proposed clustering threshold. However, the Commission recognizes the industry's concerns regarding the 25-foot threshold as too constraining for mechanical needs. The Commission also heard suggestions from practitioners and associations that a 30- to 35-foot threshold would allow reasonable flexibility for mechanical needs both today and in the future. The Commission believes that it is important that this text amendment not hinder a resilient or energy efficient building, and recognizes the need to maintain flexibility so that changes to NYC Energy or Building Code requirements are not impeded by this text amendment.

The Commission therefore modifies the proposed zoning text amendment to increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area. This change will allow appropriate flexibility to meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. The Commission notes that the zoning text amendment does not prohibit the use of mechanical space beyond 30 feet if necessitated by unique building circumstances. Mechanical space of any height is still permitted, though it will be counted

as floor area when exceeding the threshold. The preceding considerations account for this modification from 25 to 30 feet.

The Commission received written testimony and heard from some industry representatives who called for exempting structural support features, such as beams, braces, and trusses, that can be located within mechanical spaces. The Commission notes that these features can vary widely from building to building, and that exempting them could incentivize the use of larger support structures solely to inflate building heights. The Commission also notes that a typical floor height is measured from the top of a floor slab to the top of the floor slab above, whereas the mechanical space height in the proposed text amendment will be measured from the top of a floor slab to the bottom of a floor slab above. This allows for a clear 30-foot (formerly 25-foot) threshold that does not include portions of the floor slab above, which could reduce the amount of space available for mechanical equipment. The Commission therefore believes that the proposed mechanical space height measurement is appropriate and allows for optimal space to incorporate mechanical equipment and support structures without the need to create additional exemptions. Further, in response to suggestions from the Department of Buildings and practitioners, DCP has recommended a series of technical clarifications to the text amendment so that it more clearly meets the stated intent. The Commission agrees that these modifications are appropriate.

Some industry representatives expressed concern over the proposed formula for calculating the mechanical space in excess of the 30-foot threshold counted towards floor area. Representatives stated that the proposed text is too strict when counting mechanical space toward floor area by not allowing the first 30 feet to be excluded. The Commission believes that the formula as modified – to include the first 30 feet when a mechanical space exceeds the threshold, divided by 30 feet and rounded to the nearest integer – provides an appropriate disincentive to discourage any excessive contiguous set of mechanical floors. For example, if the mechanical space were 60 feet tall (30 feet above the threshold), which would be considered excessive based on DCP’s study, the total number of floors to be counted as floor area is two under the proposed formula ($60 \text{ feet} / 30 = 2$ floors). However, if the first 30 feet were excluded from the total contiguous space of 60 feet, the

total number of floors to be counted would be one ($60 \text{ feet} - 30 \text{ feet} / 30 = 1$). The Commission believes that excluding the first 30 feet would run counter to the goals of this proposal by reducing the disincentive to use artificially tall mechanical spaces. The Commission therefore supports the current proposal to count the first 30 feet when a mechanical floor exceeds the threshold.

Some industry practitioners and organizations expressed concern over the 30-day public referral period, deeming it too short to thoughtfully consider the details of this proposal. The Commission notes that all 13 Community Boards received presentations on the proposal and submitted resolutions. In addition, the Commission received over 100 written comments and testimony following the public hearing. The Commission notes that the development of this proposal involved significant public engagement with community groups and elected officials to understand the extent of the mechanical voids issue beginning in late 2017. DCP staff also met with industry associations and experts to understand the technical needs for mechanical spaces throughout the yearlong study period to inform the proposal. In addition to public outreach, the mechanical voids issue garnered significant attention through press coverage from late 2017 to the present. DCP also received over 200 letters during the year regarding mechanical voids and the proposed text amendment. The extensive public awareness and participation throughout the yearlong process made for an engaged referral period and therefore, the Commission believes that the 30-day referral period was appropriate.

In written testimony, a representative from an industry association called for a grace period or grandfathering provision to accommodate pre-development and ongoing projects that may contain mechanical spaces exceeding the proposed threshold. The testimony argues that these projects have relied on existing zoning regulations, DOB interpretations, and BSA decisions. The testimony also references a 2017 DCP letter to BSA. While previous interpretations did not prohibit the seven examples of excessive mechanical voids found in DCP's study, the Commission, upon analysis, finds this practice to serve no purpose other than to artificially elevate residential units above surrounding context in a way that is inconsistent with the intended purpose of excluding necessary mechanical space from floor area calculations. The Commission believes that the proposed zoning

text amendment addresses this practice in an appropriate way. Due to the extended period of engagement prior to the referral period as discussed above, land owners and practitioners have been aware of and informed that changes to the Zoning Resolution regarding mechanical space were imminent. The Commission therefore believes that a grace period or grandfathering provision is not necessary for this proposal.

The public also raised concerns about the proposal's geographic scope. Testimony and Community Board resolutions indicated that the text amendment should apply to residential and mixed-use buildings in currently excluded Special Purpose Districts, namely those that are considered central business districts. Other testimony and resolutions went further, recommending that the proposed regulation apply to non-residential buildings and other lower-density residential zoning districts. The Commission notes that DCP is evaluating residential buildings in central business districts throughout the city. The Commission further notes that the earlier study and consultations with industry experts confirmed that non-residential buildings include uses that vary widely, which requires a differing range of mechanical equipment needs that affect the size of mechanical floors in mixed-use buildings where residential uses are not the most prevalent use. Therefore, the Commission believes that this proposal is not appropriately applied to non-residential buildings. DCP's study focused on medium- to high-density residential zoning districts and their commercial equivalents, including R6 to R10 districts. The study found no use of excessive mechanical voids in R6 through R8 districts due to applicable existing bulk controls in the Zoning Resolution, including the sky exposure plane and lot coverage requirements. The Commission recognizes that, due to existing bulk limitations in R6 through R8 zoning districts, the construction of excessive mechanical spaces is highly unlikely, obviating a need to extend the proposal to these districts.

During the public review process, requests were submitted for the proposed regulation to include unenclosed voids. Mechanical spaces are captured by the basic definition of "floor area" and are then subject to a specific exclusion from floor area in the current Zoning Resolution, based on their mechanical function. The proposed text amendment effectively limits the terms of the specific exclusion for mechanical spaces. Unenclosed spaces – volumes that are not part of a building –

are not considered floor area under any circumstances. An effort to count unenclosed spaces as “floor area” would represent a fundamental shift in the concept of floor area, which is one of the most basic and consequential definitions in the Zoning Resolution. Unenclosed spaces exist in myriad shapes and configurations, serving a range of purposes including providing light, air, and open space. Unenclosed spaces have been used over the past century to enhance building design, as occurs in the Manhattan Municipal Building loggia, the landmarked Citicorp and Sony buildings, the recent buildings at the Domino site in Brooklyn, and many others. The Commission notes that changes intended to address concerns about tall unenclosed spaces would draw in a wide range of other, important considerations, and are beyond the scope of the proposed action.

Community Boards and community groups expressed concerns, outside the purview of this proposal, regarding tall building heights as a result of large floor-to-ceiling heights in residential units and amenity spaces, and through zoning lot mergers. The Commission notes that this proposal is not about building height; rather it addresses the recent practice of constructing artificially tall mechanical spaces in a manner that was never intended by the Zoning Resolution. The Commission agrees that mechanical voids are an appropriate issue to address through the Zoning Resolution by counting them as floor area over a specified threshold. However, residential units and amenity spaces are already regulated by floor area in the Zoning Resolution. The Commission does not believe it appropriate to regulate the heights of occupiable spaces within buildings that are already counted as floor area.

The Commission has carefully considered the recommendations and comments received during the public review of the application for the zoning text amendment (N 190230 ZRY), and believes that the proposed zoning text, as modified, is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant adverse impact on the environment; and be it further

RESOLVED that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

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23-10 OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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Special #open space# and #floor area# provisions are set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for standard tower and tower-on-a-base #buildings# in R9 and R10 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for Which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

* * *

23-16

Special Floor Area and Lot Coverage Provisions for Certain Areas

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

- (a) For standard tower and tower-on-a-base #buildings# in R9 and R10 Districts
 - (1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.
 - (2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:
 - (i) occupies the predominant portion of a #story#;
 - (ii) is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential floor area#; and

- (iii) exceeds an aggregate height of 30 feet in #stories# located within 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 30 feet, and rounding to the nearest whole integer.

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Chapter 4

Bulk Regulations for Community Facilities in Residence Districts

* * *

24-10

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

24-112

Special floor area ratio provisions for certain areas

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

- (a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall be 5.10; ~~and~~
- (b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and
- (c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower

Regulations), inclusive, the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-35 Special Floor Area Ratio Provisions for Certain Areas

* * *

35-352 Special floor area regulations for certain districts

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a residential equivalent of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

ARTICLE IX SPECIAL PURPOSE DISTRICTS

* * *

Chapter 6 Special Clinton District

* * *

96-20 PERIMETER AREA

* * *

96-21 Special Regulations for 42nd Street Perimeter Area

* * *

(b) #Floor area# regulations

* * *

(2) #Floor area# regulations in Subarea 2

* * *

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

Chapter 8

Special West Chelsea District

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

* * *

98-221

Additional regulations for Subdistrict A

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Special Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

The above resolution (N 190230 ZRY), duly adopted by the City Planning Commission on April 10, 2019 (Calendar No. 11), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,
MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT,
ANNA HAYES LEVIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

ORLANDO MARIN, *Commissioner*, VOTING NO

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	1 Opposed	0 Abstained	1 Recused

RE: Proposed Residential Tower Mechanical Voids Text Amendment
N 190230 ZRY

WHEREAS: The New York City Zoning Resolution currently allows floor space containing mechanical equipment to be excluded from zoning floor area calculations. The zoning does not specifically identify a limit to the height of such spaces. As a result, some developments have been built or proposed that use tall, inflated mechanical or structural floors to elevate upper-story residential units to improve their views. These spaces have been commonly described as “mechanical voids;” and

WHEREAS: DCP has conducted a city-wide analysis to better understand the mechanical needs of residential buildings and to assess when excessive mechanical spaces were being used to inflate their overall height, specifically within R6 through R10 districts and their commercial equivalents over the past 10 years; and

WHEREAS: DCP found that in R9 and R10 non-contextual zoning districts and their commercial district equivalents, residential buildings can penetrate the sky exposure plan through the optional tower regulations, which do not impose an explicit limit on height for portions of buildings that meet certain lot coverage requirements. DCP identified buildings that were characterized by either a single, extremely tall mechanical space, or multiple mechanical floors stacked closely together. The height of these mechanical spaces varied significantly but ranged between 80 feet to 190 feet in the aggregate; and

WHEREAS: Based on the results of the analysis, DCP is proposing a text amendment for residential towers in R9 and R10 non-contextual zoning districts and their equivalent commercial districts to discourage the use of excessively tall enclosed mechanical spaces that disengage substantial amounts of building spaces from their surroundings; and

WHEREAS: The amendment would require that enclosed floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether singly or in combination) be counted as floor area. The provision would only apply to floors located below residential floor area to not impact mechanical penthouses found at the top of buildings where large amounts of mechanical space is typically located; and

WHEREAS: Additionally, any enclosed floors occupied predominantly by mechanical space located within 75 feet of one another that, in the aggregate, add up to more than 25 feet in height, would similarly count as floor area; and

WHEREAS: The new regulation would also be applicable to the non-residential portions of a mixed-use building if the non-residential uses occupy less than 25 percent of the building; and

WHEREAS: Finally, the regulations would also be made applicable to floors occupied predominantly by spaces that are unused or inaccessible within a building; and

WHEREAS: The proposal would apply to towers in R9 and R10 residential districts and their equivalent commercial districts. The proposal would also apply to certain Special Purpose Districts that rely on the underlying tower regulations for floor area as well as height and setback regulations; and

WHEREAS: DCP has stated that they will continue to study the issue of mechanical voids throughout NYC, including within central business districts like Lower Manhattan and Midtown, and announce their proposal for these areas in summer 2019; and

WHEREAS: Community District 1 (CD1) has been experiencing unprecedented residential growth in the last two decades, characterized by the conversion and new construction of very tall residential and mixed-use towers, particularly in the Financial District. While the Financial District's zoning is designed to allow for high density and tall buildings, we are concerned about an over saturation of super-tall buildings in a way that blocks light and air and continues to over burden our community infrastructure; and

WHEREAS: CD1 is home to some of the tallest towers in all of New York City. Certain areas of CD1 are historic and/or have contextual regulations with height limits and are therefore not applicable to this type of amendment, but we are highly concerned about areas like the Financial District where there are no height limits and where we have seen many new towers constructed, some with large mechanical voids; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 (CB1) supports the spirit of this proposed zoning text amendment, which we view to be a corrective measure to close an existing loophole that allows for the use of excessive mechanical voids to inflate tower heights. We support the proposed Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY) with the following conditions:

1. In order to avoid leaving an unintentional loophole in the zoning, the proposed zoning text amendment must be amended so that it also applies to unenclosed mechanical voids
2. DCP must finalize the second phase of this proposal as soon as possible so that it also applies to central business district areas like the Financial District and other areas within CD1 where existing zoning regulations allow for excessive mechanical voids.

Carter Booth, *Chair*
Dan Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

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

CB/jt

c: Hon. Jerrold Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velasquez, Congresswoman
Hon. Brad Hoylman, State Senator
Hon. Brian Kavanagh, State Senator
Hon. Deborah Glick, Assemblymember
Hon. Yuh-Line Niou, Assemblymember
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Corey Johnson, City Council Speaker
Hon. Margaret Chin, Councilmember
Hon. Carlina, Rivera, Councilmember
Sylvia Li, Dept. of City Planning



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org - info@cb3manhattan.org

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

February 27, 2019

Marisa Lago, Director
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

At its February 2019 monthly meeting, Community Board 3 passed the following resolution:

**TITLE: Resolution in Support of Department of City Planning's Proposed Residential Tower
Mechanical Voids Text Amendment (N 190230 ZRY)**

WHEREAS, in recent years, some buildings have been completed using tall, inflated mechanical or structural floors to elevate upper story units above the surrounding context and improve their views;

WHEREAS, the NYC Zoning Resolution presently allows floor space containing mechanical equipment to be excluded from floor area calculation and does not specifically identify a limit to the height of such spaces;

WHEREAS, the Department of City Planning (DCP) conducted a city wide analysis of recent construction to better understand the mechanical needs of residential buildings and assess when excessive mechanical spaces were being used to inflate building height in R6 through R10 districts and their equivalent Commercial Districts;

WHEREAS, to discourage use of extremely tall mechanical floors that elevate upper-story residential units above the surrounding context the DCP has proposed Zoning Text Amendment (N 190230 ZRY) for residential buildings in high-density districts;

WHEREAS, with regard to residential buildings the proposed amendment states:

- Mechanical floors, typically excluded from floor area calculation, would be counted toward the overall permitted floor area on the zoning lot if they are taller than 25 feet or overly concentrated in portions of the building;
- Mechanical floors distributed within 75 feet of each other would be counted cumulatively toward overall permitted floor area, regardless of the height of each floor;

WHEREAS, the proposed amendment also includes floor area requirements for residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts, as well as

Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character;

WHEREAS, the proposed amendment would require non-residential portions of mixed use buildings that occupy less than 25% of the building to be subject to the same 25 foot/75 foot rule as residential buildings while non-residential space that occupies more than 25% of residential floor space, are not subject to the proposed amendment;

WHEREAS, the proposed amendment, while effective for curtailing the use of mechanical voids to add to building height, will be ineffective for voids consisting of outdoor spaces, amenities, and other building areas not used for accessory building mechanicals that have vast floor-to-floor heights;

THEREFORE, BE IT RESOLVED that Manhattan Community Board 3 supports DCP's proposed zoning text amendment for distribution of mechanical space in residential towers;

BE IT FURTHER RESOLVED that Manhattan Community Board 3 supports additional amendments to the Zoning Resolution to close other known zoning loopholes used to the same effect as mechanical voids. These include outdoor spaces under buildings (terraces), stilt buildings, and accessory or other building uses with floor-to-floor heights in excess of 25 feet in residential buildings;

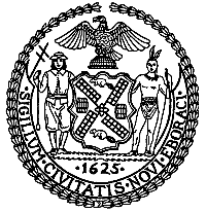
BE IT FURTHER RESOLVED that Manhattan Community Board 3 supports further amendments to the Zoning Resolution to expand the geographic areas covered by the proposed amendment, and any future amendments to close zoning loopholes.

Sincerely,

A handwritten signature in cursive script, reading "Alysha Lewis-Coleman".

Alysha Lewis-Coleman, Chair
Community Board 3

CC: Matthew Pietrus, Department of City Planning
Bob Tuttle, Department of City Planning
Office of Councilmember Margaret Chin
Office of Councilmember Carlina Rivera
Office of Manhattan Borough President Gale brewery
Office of NYS Assemblymember Yuh-line Niou
Office of NYS Assemblymember Harvey Epstein
Office of NYS Assemblymember Deborah Glick
Office of NYS Senator Brian Kavanagh
Office of NYS Senator Brad Hoylman



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036

tel: 212-736-4536 fax: 212-947-9512

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Burt Lazarin
Chair

Jesse R. Bodine
District Manager

March 7, 2019

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Re: Proposed Residential Tower Mechanical Voids Text Amendment

Dear Chair Lago,

On January 28, 2019, the Department of City Planning (DCP) referred out the Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY), beginning the public review process. At Manhattan Community Board 4's (MCB4) Clinton/Hell's Kitchen Land Use Committee meeting on February 13, 2019 and the Chelsea Land Use Committee meeting on February 21, 2019, members reviewed and discussed this proposed text amendment.

By a vote of 37 in favor, 0 opposed, 1 abstaining, and 1 present but not eligible to vote, the Board voted to deny this zoning text amendment unless the following conditions are met:

- Inclusion of the west side of Eighth Avenue from West 42nd and West 45th Streets in the proposed text amendment
- Inclusion of the Special Hudson Yards Subdistricts D1, D2, and D3 in the proposed text amendment
- Inclusion of certain R8 Districts within Manhattan Community District 4 that are outside of a Special Zoning District in the proposed text amendment
- Exclusion of Special Garment Center District Subarea-A2 with a C6-4M zoning from the proposed text amendment
- DCP to immediately undertake the Phase II text amendment proposal to restrict excessive mechanical voids within commercial districts

- DCP to further study and refine the definition of excessive height within mechanical spaces

Background

The New York City Zoning Resolution allows floor space containing mechanical equipment to be excluded from zoning floor area calculations. The Resolution does not specifically identify a limit to the height of such spaces. In recent years, developments have been built or proposed that use tall, inflated mechanical floors to elevate upper-story residential units above the surrounding context and improve their views. These spaces have been commonly described as “mechanical voids.”

Renderings of a proposed residential tower on the Upper East Side released in 2018 showed four mechanical floors creating an additional height of approximately 150 feet in the middle of the building and raising its overall height to over 500 feet, far above other buildings in the surrounding area built under the same regulations. In response to this type of building form, Mayor De Blasio requested that DCP examine the issue of excessive mechanical voids that are used in ways not anticipated or intended by the zoning.

Proposed Text Amendment

DCP proposes a city-wide Zoning Text Amendment for residential buildings in high-density districts to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. Mechanical floors are normally excluded from the FAR calculations. However, if the mechanical floor heights are taller than the new specified height limit or clustered in a portion of the building, these mechanical floors would now be counted as floor area. The proposed text amendments are as follows:

- **Floor Height of Mechanical Space**
Floors occupied predominantly by mechanical spaces that are taller than 25 feet in height (whether singly or in combination) will be counted as floor area. Taller floors, or stacked floors taller than 25 feet, would be counted as floor area based on the new 25-foot height threshold as well.
- **Clustering of Mechanical Space**
Floors occupied predominantly by mechanical space located within 75 feet of one another that, in the aggregate, add up to more than 25 feet in height would similarly count as floor area. This amendment would address situations where non-mechanical floors are interspersed among mechanical floors in response to the new 25-foot height threshold, while still allowing buildings to provide needed mechanical space for different portions of a building.

- **Height of Mechanical Space in Predominantly Residential Mixed-Use Buildings**
If the non-residential uses occupy less than 25 percent of a mixed-use building, the non-residential portions of the building that are taller than 25 feet in height will be counted as floor area.
- **Floor Height of Unused or Inaccessible Space**
Floors occupied predominantly by spaces that are unused or inaccessible within a building that are taller than 25 feet in height will be counted as floor area.

The proposed floor area requirements would apply to residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character. The provision would also apply to non-residential portions of a mixed-use building if the building contains a limited amount of non-residential floor area.

MCB4 Response

Over the past two decades, the City has undergone massive rezonings with attendant development and redevelopment of entire neighborhoods. Change is the nature of our City, wholesale change of entire districts and neighborhoods at such a pace, that is has been difficult for many New Yorkers to manage. New zoning regulations have caused a major change in various neighborhoods in Manhattan Community District 4 (MCD4).

MCD4 has the densest mapped zoning in the City of New York¹. While the City becomes denser, MCB4 is dedicated to insuring a balance between technological advances in engineering and architecture, alongside building neighborhood context. MCB4 recognizes the need for density to achieve important public policy goals, such as increasing the supply of housing, both market rate and affordable. However, such policy goals cannot be at the expense of additional height, completely out of scale with the existing neighborhood and the existing zoning and built environment.

MCB4 acknowledges that the proposed text amendments will address a specific unintended type of development; however, the proposed text amendment does not address the overall issue of total building height. The broader development community continues to take advantage of various zoning loopholes, which have resulted in various types of unregulated development:

- building ‘stilts’ or building floors with less than four covering walls,
- oversized mechanical floors built on the lower floors which result in quality of life disturbances,
- the installation of oversized mezzanines,
- excessive building floor to ceiling heights.

¹ The Special Hudson Yards District has mapped FAR ranging between 13 and 33 FAR

These matters must be addressed in future zoning text amendment regarding mechanical voids.

MCB4 requests the following matters be addressed in the proposed Zoning Text Amendments:

West Side of Eighth Avenue from West 42nd and West 45th Streets

This area has a C6-4 zoning, which is an R10 equivalent that allows for residential developments to a maximum of 12 FAR. This area is 150 feet west of Eighth Avenue between the above referenced blocks. DCP has excluded from their proposed text amendment a portion of the Special Clinton District that overlaps with the Special Midtown District. **MCB4 proposes that the proposed text amendment be applied in this district for developments where non-residential uses occupy less than 25 percent of the building.**

Special Hudson Yards Subdistricts Mapped with Commercial Zoning but Producing Predominantly Residential Buildings

Subdistricts D1 and D2 within the Special Hudson Yards District are currently redeveloped as predominantly residential buildings, with the zoning allowing a total FAR of up to 15 and 13 FAR respectively. These subdistricts have an underlying C2-8 zoning, which are R10 equivalents and allow for residential developments to a maximum of 12 FAR.

Subdistrict D3 within the Special Hudson Yards District is also currently redeveloped as predominantly residential buildings, with the zoning allowing a total FAR of up to 12 FAR. This subdistrict has an underlying C6-3 zoning, which is an R9 equivalent that allows for residential developments to a maximum of 7.5 FAR.

Given the zoning equivalencies, MCB4 requests that the proposed void restrictions also be applied to Special Hudson Yards Subdistricts D1, D2, and D3.

Given the R9 & R10 zoning equivalency, MCB4 proposes that the proposed text amendment be applied in this district for developments where non-residential uses occupy less than 25 percent of the building.

R8 Districts

DCP conducted a survey of new residential buildings across the City and concluded that the most egregious examples of excessive mechanical voids are in non-contextual R9 and R10 districts. It was recognized that no such excessive voids are being built in other residential zones with lesser density. Furthermore, certain Special Zoning Districts with height and setback restrictions would take precedence over bulk restrictions.

MCB4 notes that, although the use of unregulated mechanical voids in R8 districts has not yet occurred, it is not prevented. The proposed text amendment will not regulate mechanical voids in

R8 districts. MCB4 requests the inclusion of certain R8 Districts², the majority are in Chelsea, and not in a Special Zoning District.

MCB4 proposes that the proposed text amendment be applied to R8 zoning districts.

Unnecessary Application within the Special Garment Center District, Subdistrict A2

DCP has included a portion of the Special Garment Center District within its proposed text amendment. This area is bounded 100 feet west of Eighth Avenue and 100 feet east of Ninth Avenue, between West 35th and West 39th Streets. This area has a C6-4M zoning.

MCB4 proposes that this area not be included, as there is already an existing 250 feet height restriction within the zoning resolution.

Study of Commercial Districts

DCP has excluded most Special Districts within its analysis, under the assumption that Special Districts, especially those considered Central Business Districts, consist of commercial buildings that encompass a larger and more complex need for mechanical voids, which are not studied within this analysis.

While MCB4 understands the reasoning for this exclusion, MCB4 urges DCP to immediately undertake the next text amendment proposal phase to restrict excessive mechanical voids within Hudson Yards, West Chelsea, Garment Center³, and Clinton Special Districts. Many of MCB4 residential neighborhoods are adjacent to such districts and the quality of life of our residents is directly impacted by developments in central business districts.

Definition of Excessive Height

DCP is proposing a formula using a 25-foot finished ceiling height, which comes from current experience of the average ceiling height of most buildings being 12-feet, and simply doubling that number.

MCB4 encourages DCP to provide a more technical reasoning and definition of necessary height for mechanical floors and provide empirical evidence to support its claims. There are standards about boiler clearance, water tank dimensions, and efficient space for exhaust, yet none of these formulas are used to justify an exact amount of space necessary for mechanical areas.

Discussions during the committee meetings also turned to the fact that new technologies have dramatically reduced the size of mechanical equipment and are providing efficiencies creating a lesser need for mechanical space in buildings.

² See attachment

³ The portion of the SGCD along Eighth Avenue from West 35th to West 39th Streets not covered the height limits in Subdistrict A2

DOB Internal Guidance Memo

MCB4 requests the Department of Buildings (DOB), subsequent to the final adoption of the proposed text amendment by the City Council to issue an Internal Guidance document for both DOB plan examiners and the professional and development community. This action will prevent misinterpretations and provide a clear path for development of mechanical spaces in the City.

MCB4 applauds the efforts of DCP to restrict excessive and unnecessary mechanical voids in buildings solely developed to provide additional height and revenue for developers at the expense of neighborhood context and public policy goals. However, MCB4 requests a more finely tuned approach to regulate such mechanical spaces and ensure no further unintended consequences.

Sincerely,



Burt Lazarin
Chair
Manhattan Community Board 4



Jean-Daniel Noland
Chair
Clinton/Hell's Kitchen Land Use Committee



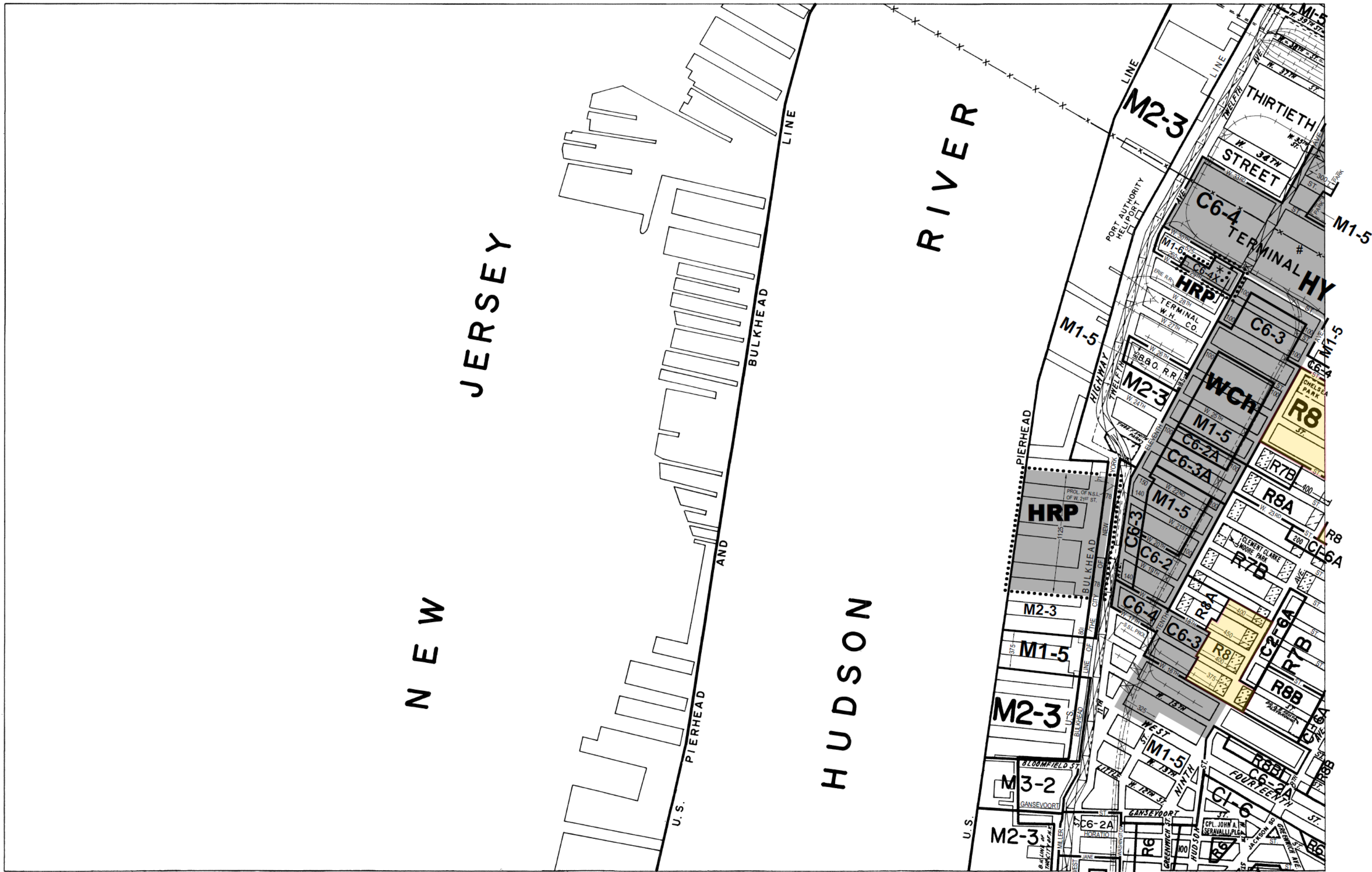
Betty Mackintosh
Co-Chair
Chelsea Land Use Committee



Lee Compton
Co-Chair
Chelsea Land Use Committee

Enclosure

Cc: Hon. Jerry Nadler, U.S Congress
Hon. Corey Johnson, Speaker, New York City Council
Hon. Gale Brewer, Manhattan Borough President
Hon. Helen Rosenthal, City Council
Hon. Brad Hoylman, New York State Senator
Hon. Linda Rosenthal, New York State Assembly
Hon. Richard Gottfried, New York State Assembly
Thomas Fariello, Acting Commissioner, DOB
Martin Rebholz, Borough Commissioner, DOB
Patrick Wehle, Assistant Commissioner, DOB



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

*06-28-2018 C 180150 ZMM
06-28-2018 C 180127 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

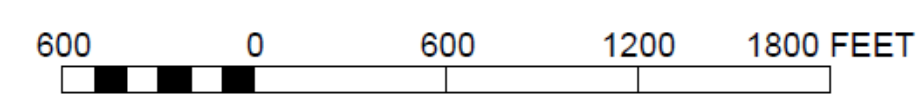
For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

	8a	8c
	8b	8d
	12a	12c

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N



NOTE: STREETS FOR THE STREET MAP CHANGE C 040508MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

06-26-2014 C 140181 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

	5d	6b
8a	8c	9a
8b	8d	9b

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NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

08-08-2018 C 170380 ZMM

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

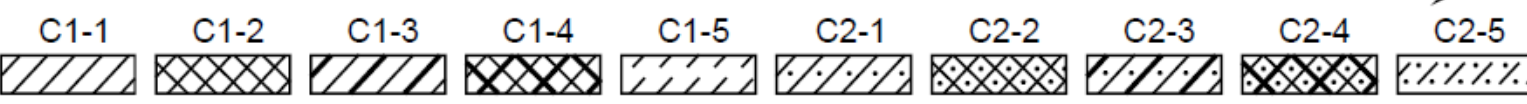
For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

8a	8c	9a
8b	8d	9b
12a	12c	13a

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NOTE: STREETS FOR THE STREET MAP CHANGE C 040508 MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

February 15, 2019

Hon. Marisa Lago
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Application by Department of City Planning to modify residential tower floor area provisions in ZR 23-16

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, January 17, 2019, the following resolution passed with a vote of 26 in favor; 0 opposed; 1 abstaining, 1 present but not entitled:

WHEREAS, The Department of City Planning has proposed a Zoning Text Amendment to ZR 23-16 to address the issue of excessively large, contiguous or clustered, residential mechanical voids in towers; and

WHEREAS, The proposed amendment would limit the use of artificially tall residential mechanical voids; and

WHEREAS, We recognize the need for reasonably sized and distributed mechanical spaces in residential buildings, and continue to support design flexibility; and

WHEREAS, The proposed amendment would count mechanical voids that exceed the height of 25 feet as “zoning floor area” (*EXAMPLE: If a mechanical void is 132 feet in height, that space would count as 5 floors of “zoning floor area” ($132' / 25' = 5.28$, rounded to 5); and*

WHEREAS, If any mechanical floors are located within 75' of each other they would all count as “zoning floor area,” regardless of the height of each floor (*EXAMPLE: A cluster of mechanical floors which total 80 feet would count as 3 floors of “zoning floor area,” even when each floor is less than 25 feet and noncontiguous ($80' / 25' = 3.2$ rounded to 3); and*

WHEREAS, Mechanical penthouses above the highest residential floor would not be subject to this regulation; and

WHEREAS, For mixed-use buildings, non-residential mechanical spaces would also be subject to the same “25-foot/75-foot rule,” if non-residential floor space occupies less than 25% of a building; and

WHEREAS, For mixed-use buildings with substantial amount of non-residential floor space (i.e. more than 25%), non-residential mechanical voids would not be subject to this proposal; and

WHEREAS, Residential tower developments located within non-contextual Commercial Districts and Special Districts and their R10 and R9 equivalent rely on the underlying FAR as there is no height regulation; and

WHEREAS, The proposal would also include portions of Special Districts that impose special tower regulations; and

WHEREAS, In their survey, DCP found that 4 of the 7 buildings built with mechanical voids in the past 10 years are located in CB5; and

WHEREAS, For the past 10 years, Community Board Five has alerted the Department of City Planning, the City Planning Commission, the NY City Council and the Mayor to the grave impacts of supertall towers on our district, including One 57 (1,005'), 432 Park (1,396'), 220 Central Park South ((953'), 111 57th Street aka Steinway Tower (1,428'), Nordstrom Tower (1550'), 53W53 (950'); and

WHEREAS, Our advocacy has been derided as futile, ignored and dismissed, while supertalls have grown along Central Park South, creating a wall of towers that cast shadows reaching as far as East 72nd Street; and

WHEREAS, Contrary to what was asserted by the Department of City Planning at a meeting of our Land Use, Housing and Zoning Committee on February 6th, 2019, the Midtown Special District sky plane exposure requirements will not protect CB5 from supertall buildings or buildings with mechanical or structural voids; and

WHEREAS, CB5 is gravely concerned that DCP declared to us that their role is not to plan the city; and

WHEREAS, As of February 2019, there are four identified extremely soft sites in the southern vicinity of Central Park between 5th and 6th Avenues that would be allowed to proceed with development of supertall towers with mechanical voids absent being immediately added to the map covered by the proposed amendment; they include:

- 1 - 10-18 West 57th Street (Developer Solow)
- 2 - 31 West 57th Street (Developer LeFrak and Vornado)
- 3 - Park Lane Hotel (Developer Witkof)
- 4 – 41-43 West 57th Street (Developer Sedesco); and

WHEREAS, The week following the certification by DCP of their zoning text amendment, according to DOB, five demolition permits were filed for buildings on West 57th Street between 5th and 6th Avenues, showing the extreme vulnerability of our blocks to redevelopment, as well as the extreme urgency for protection to apply to our district; and

WHEREAS, CB5 was Ground Zero for the toxic trend of using structural voids to increase building heights; and

WHEREAS, Megatowers along Central Park and other areas of our district are casting massive shadows onto our parks and open spaces rendering them less usable in winter months; and

WHEREAS, Community Board Five commends the proposal as a good first step, but feels that the amendment is lacking the specific elements to effectively address the issue of mechanical voids around the city and in our district; and

WHEREAS, Community Board Five has concerns that the ratio of 25' to every 75' for mechanical voids is excessive and should be reduced to be less than 25' (closer to its average of 12' to 15') and more than 75' from each other (closer to its average of 100' to 150'); and

WHEREAS, The zoning text amendment would not apply to significant portions of CB5 which are at heightened risk of mechanical voids artificially increasing the height of developments; and

WHEREAS, The amendment doesn't address the issue that future developers will just use this as a guideline to include more mechanical space than originally planned to increase the height of upper floors for purely inflated real estate value, while creating a skyline of floating towers; and

WHEREAS, The amendment does not address other types of structural voids, such as open space, terraces and patios located within the core of a tower; and

WHEREAS, In its current form, the zoning text amendment is a codification of a loophole rather than an elimination of the loophole; therefore, be it

RESOLVED, Community Board 5 **recommends denial UNLESS** the following modifications are made to the proposed Zoning Text Amendment to ZR 23-16:

- (1) Reduce the maximum allowed floor height for mechanical floors to be less than 25' (closer to its average of 12' to 15') and to have a separation more than 75' from each other (closer to its average of 100' to 150');
- (2) Revise the Zoning Map to include all eligible R9-R10 Zoning Lot Districts in CB5;
- (3) Revise the amendment so that this will apply to any mixed-use building that has any residential units;
- (4) Revise the amendment to apply to all structural voids and not only mechanical voids; and be it further

RESOLVED, Community Board Five demands that the Department of City Planning immediately include Community Board Five in the current iteration of the Zoning Text Amendment so that all residential and mixed-use development sites are addressed simultaneously by this proposed zoning amendment.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Acting Chair, Land Use, Housing & Zoning Committee

Cc: Hon. Bill de Blasio
Deputy Mayor Alecia Glen
Speaker Corey Johnson
Borough President Gale A Brewer
Hon. Brad Hoylman
Hon. Liz Krueger
Hon. Richard Gottfried
Hon. Carolyn Maloney
Hon. Carlina Rivera
Hon. Keith Powers

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Wally Rubin, District Manager

February 15, 2019

Hon. Marisa Lago
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: A call for Zoning Resolution amendments addressing the rise of supertall buildings and a moratorium on supertalls until the City properly addresses their negative impacts

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, February 14, 2019, the following resolution passed with a vote of 26 in favor; 0 opposed; 1 abstaining, 1 present but not entitled:

WHEREAS, A boom in luxury development has heralded the rapid rise of supertall buildings that have changed the city's skyline; and

WHEREAS, These buildings, at least 600 feet in height and often significantly taller than that, raise a number of important concerns;

WHEREAS, They are typically out of context with the surrounding neighborhood, irreversibly altering the scale and streetscape of the area; and

WHEREAS, In 2014, Community Board Five, created the Central Park Sunshine Task Force to assess the negative impacts of these supertall buildings; and

WHEREAS, The Central Park Sunshine Task Force produced a report identifying a significant number of issues and concerns brought about by these supertall structures, including:

- 1 - Their shadow impact to public open space, including parks and playgrounds
- 2 - Their impact on historic resources and our aging infrastructure
- 3 - Their impact on fire and construction safety; and

WHEREAS, Community Board Five passed a resolution in May 2015 recommending the introduction of amendments to the Zoning Resolution addressing these concerns, as well as new CEQR evaluations and mitigations; and

WHEREAS, In 2019 our calls for the Department of City Planning to make these amendments to the zoning text on an expedited basis still go unheeded; and

WHEREAS, In 2015, we recommended that a moratorium be adopted on any new supertalls until the zoning text and CEQR manual address these negative impacts; and

WHEREAS, 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; and

WHEREAS, Such moratoria have been enacted to prevent the creation of adult establishments, the conversion of SRO hotels, and the conversion of transient hotels; and

WHEREAS, Absent prompt action by City Planning or a moratorium, New York City may witness the construction over the next few years of dozens of buildings with heights and massing which are incompatible with existing nearby buildings, which will inflict unacceptable shadow conditions on nearby parks, open spaces and playgrounds, and have many other environmental impacts; therefore be it

RESOLVED, Community Board Five joins Community Board Seven in **recommending** that a **moratorium** be adopted by the New York City Council on the issuance of building permits for projects involving any of the following:

1- unoccupied structural spaces, whether enclosed or unenclosed, including mechanical spaces exceeding, in total, 30 feet in height ("voids");

2 - ceiling heights in excess of average height (ie. 10 to 12 feet)

3 - zoning lot mergers resulting in projects with building heights more than 10% higher than would be permissible absent the merger, or 10% denser in areas that don't have a height restriction; and be it further

RESOLVED, The moratorium should last 24 months, subject to renewal, and subject to an application to the Board of Standards and Appeals for a special permit or variance.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Acting Chair, Land Use, Housing and Zoning Committee

MOLLY HOLLISTER
CHAIR

CLAUDE L. WINFIELD, FIRST VICE CHAIR
AHSA BADI, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER
BEATRICE DISMAN, ASST. TREASURER
KATHY THOMPSON, SECRETARY
AMELIA ACOSTA, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

VIA E-MAIL

February 15, 2019

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Resolution in support of Department of City Planning's Proposed Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY)

At the February 13, 2019 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, in recent years, some buildings have been completed using tall, inflated mechanical or structural floors to elevate upper story units above the surrounding context and improve their views;

WHEREAS, the NYC Zoning Resolution presently allows floor space containing mechanical equipment to be excluded from floor area calculation and does not specifically identify a limit to the height of such spaces;

WHEREAS, the Department of City Planning (DCP) conducted a city wide analysis of recent construction to better understand the mechanical needs of residential buildings and assess when excessive mechanical spaces were being used to inflate building height in R6 through R10 districts and their equivalent Commercial Districts;

WHEREAS, to discourage use of extremely tall mechanical floors that elevate upper-story residential units above the surrounding context the DCP has proposed Zoning Text Amendment (N 190230 ZRY) for residential buildings in high-density districts;

WHEREAS, with regard to residential buildings the proposed amendment states:

- Mechanical floors, typically excluded from floor area calculation, would be counted toward the overall permitted floor area on the zoning lot if they are taller than 25 feet or overly concentrated in portions of the building
- Mechanical floors distributed within 75 feet of each other would be counted cumulatively toward overall permitted floor area, regardless of the height of each floor;

WHEREAS, the proposed amendment also includes floor area requirements for residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character;

WHEREAS, the proposed amendment would require non-residential portions of mixed use buildings that occupy less than 25 % of the building to be subject to the same 25 foot/75 foot rule as residential buildings while non-residential space that occupies more than 25% of residential floor space, are not subject to the proposed amendment;

WHEREAS, the proposed amendment, while effective for curtailing the use of mechanical voids to add to building height, will be ineffective for voids consisting of outdoor spaces, amenities, and other building areas not used for accessory building mechanicals that have vast floor-to-floor heights;

WHEREAS, the proposed amendment omits the Special Midtown District;

THEREFORE, BE IT RESOLVED that Manhattan Community Board Six supports DCP's proposed zoning text amendment for distribution of mechanical space in residential towers;

BE IT FURTHER RESOLVED that Manhattan Community Board Six supports additional amendments to the Zoning Resolution to close other known zoning loopholes used to the same effect as mechanical voids. These include outdoor spaces under buildings (terraces), stilt buildings, and accessory or other building uses with vast floor-to-floor heights;

BE IT FURTHER RESOLVED that Manhattan Community Board Six supports further amendments to the Zoning Resolution to expand the geographic areas covered by the proposed amendment, and any future amendments to close zoning loopholes, to cover the Special Midtown District.

VOTE: 32 in Favor 0 Opposed 1 Abstention 0 Not Entitled

Best regards,

A handwritten signature in blue ink, appearing to read 'Jesús', with a stylized flourish at the end.

Jesús Pérez
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President
Hon. Keith Powers, Council Member
Hon. Carlina Rivera, Council Member
Hon. Ben Kallos, Council Member
Bob Tuttle, City Planner, New York City Department of City Planning
Scott Williamson, City Planner, New York City Department of City Planning
Sandro Sherrod, Chair, CB6 Land Use & Waterfront Committee

COMMUNITY BOARD 7 Manhattan

March 7, 2019

Honorable Marisa Lago
Chair
NYC Planning Commission
120 Broadway
New York, NY 10271

Re: Residential Tower Mechanical Voids Text Amendment

Dear Chair Lago,

On Tuesday, March 5th, Community Board 7/Manhattan passed a resolution on the Residential Tower Mechanical Voids Text Amendment and a second resolution requesting a moratorium on all excessively tall buildings to take effect immediately until the issues have been resolved.

We look forward to working with the Planning Commission on this important issue.

Respectfully submitted,



Roberta Semer, Chair

Hon. Bill De Blasio, Mayor
Hon. Corey Johnson, Speaker, New York City Council
Hon. Scott Stringer, Comptroller
Hon. Gale Brewer, Manhattan Borough President
Hon. Jerrold Nadler, Congressman, District 10
Hon. Helen Rosenthal, Council Member, District 6
Hon. Mark Levine, Council Member, District 7
Hon. Ben Kallos, Council Member, District 5
Hon. Linda Rosenthal, Assemblymember, District 67
Hon. Dick Gottfried, Assemblymember, District 75
Hon. Daniel O'Donnell, Assemblymember, District 69
Hon. Brad Hoylman, State Senator, District 27
Hon. Robert Jackson, State Senator, District 31
Hon. Jose Serrano, State Senator, District 15
Hon. Brian Benjamin, State Senator, District 30
Manhattan Community Boards

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 66th 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% (3/15th) 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.

Alida Camp
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan**

February 22, 2019

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

RE: Application by Department of City Planning to modify residential tower floor area provisions in ZR 23-16 relating to Mechanical Voids in Residential Towers (N 190230 ZRY)

Dear Chair Lago,

At the Land Use and Full Board meeting of Community Board 8 Manhattan held on February 20, 2019, the board **approved** the following resolution by a vote of 39 in favor, 0 opposed, 1 abstentions, and 1 not voting for cause.

WHEREAS, in recent years, several buildings have been completed using tall, inflated mechanical or structural floors to elevate upper story units above the surrounding context and improve their views; and

WHEREAS, the NYC Zoning Resolution presently allows floor space containing mechanical equipment to be excluded from the floor area calculation and does not specifically identify a limit to the height of such spaces; and

WHEREAS, at the urging of local elected officials, Community Boards, and advocacy organizations, the Department of City Planning (DCP) conducted a city-wide analysis of recent construction to better understand the mechanical needs of residential buildings and assess when excessive mechanical spaces were being used to inflate building height in R6 through R10 districts and their equivalent Commercial Districts; and

WHEREAS, the Department of City Planning has proposed a Zoning Text Amendment to ZR 23-16 to address the issue of excessively tall, contiguous, or clustered residential mechanical voids in towers; and

WHEREAS, the proposed amendment would limit the use of residential mechanical voids; and

WHEREAS, CB8 recognizes the need for proportionately and contextually sized and distributed mechanical spaces in residential buildings; and

WHEREAS, the proposed amendment would count mechanical voids that exceed the height of 25 feet as “zoning floor area”; and

WHEREAS, if any mechanical floors are located within 75’ of each other, they would all count as “zoning floor area”; and

WHEREAS, the mechanical penthouse above the highest residential floor would not be subject to this regulation; and

WHEREAS, for mixed-use buildings, non-residential mechanical spaces would also be subject to the same “25-foot/75-foot rule” if non-residential floor space occupies less than 25% of the building; and

WHEREAS, for mixed-use buildings with a substantial amount of non-residential floor space (i.e. more than 25%), the non-residential mechanical voids would not be subject to this proposal; and

WHEREAS, the proposed amendment, while effective for curtailing the use of mechanical voids to add to building height, will be ineffective for voids consisting of outdoor and unenclosed spaces, amenities, and other building areas not used for accessory building mechanicals that have inappropriate floor-to-floor heights

WHEREAS, CB8 has concerns that the ratio of 25' to every 75' for mechanical voids is excessive and should be reduced to be less than 25' (closer to the average of 12-15 feet) and more than 75' from each other (closer to the average of 100-150 feet); and

WHEREAS, the proposed amendment does not address other types of structural voids, such as open space, terraces, and patios located within the core of the tower, and

WHEREAS, the proposed amendment does not address the use of stilts or unenclosed voids to elevate residential floors; and

WHEREAS, the proposed amendment does not address the issue of gerrymandered zoning lot mergers that have allowed developers to side-step the Zoning Resolution's provisions; and

WHEREAS, the proposed amendment does not address the issue of oversized floor-to-floor heights in residential floor area, which is another way developers have increased the height of their buildings dramatically; and

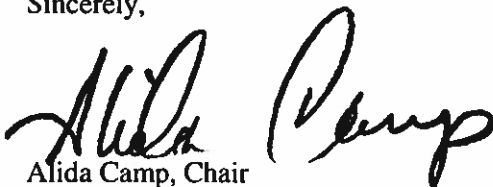
WHEREAS, Community Board 8 believes that contextual height limits would eliminate or minimize the use of loopholes in our neighborhood;

THEREFORE, BE IT RESOLVED THAT Community Board 8 **approved** DCP's proposed zoning text amendment N 190230 ZRY as phase one of the process of closing the zoning loopholes that have allowed developers to inflate the height of new buildings; and,

BE IT FURTHER RESOLVED THAT Community Board 8 supports additional amendments to the Zoning Resolution to close other known zoning loopholes used to the same effect as mechanical voids, including outdoor spaces under and within buildings (terraces), stilt buildings, gerrymandered zoning lot mergers, and accessory or other building uses with vast floor-to-floor heights; and

BE IT FURTHER RESOLVED THAT Community Board 8 supports further amendments to the Zoning Resolution to expand the geographic areas covered by the proposed amendment, and to also include mechanical voids in mixed-use buildings with a substantial amount of non-residential floor area, and any future amendments to close zoning loopholes, and that such amendments cover both residential and commercial districts.

Sincerely,



Alida Camp, Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor—New York, NY 10027

T: 212-749-3105 F: 212-662-4215

CICELY HARRIS
Chairperson

SHATIC MITCHELL
District Manager

March, 11th 2019

Marisa Lago, Director
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

**Resolution in support of Department of City Planning's Proposed Residential Tower
Mechanical Voids Text Amendment (N 190230 ZRY)**

WHEREAS, DCP is proposing a zoning text amendment for residential towers in R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts to discourage the use of excessively tall mechanical spaces that disengage substantial amounts of building spaces from their surroundings. The amendment also seeks to recognize the need for reasonably sized and distributed mechanical spaces in residential towers, as well as the virtue of providing overall flexibility to support design excellence in these areas.

WHEREAS, the Department of City Planning (DCP) conducted a city wide analysis of recent construction to better understand the mechanical needs of residential buildings and assess when excessive mechanical spaces were being used to inflate building height in R6 through R10 districts and their equivalent Commercial Districts;

WHEREAS, to discourage use of extremely tall mechanical floors that elevate upper-story residential units above the surrounding context the DCP has proposed Zoning Text Amendment (N 190230 ZRY) for residential buildings in high-density districts;

WHEREAS, with regard to residential buildings the proposed amendment states:

- Mechanical floors, typically excluded from floor area calculation, would be counted toward the overall permitted floor area on the zoning lot if they are taller than 25 feet or overly concentrated in portions of the building
- Mechanical floors distributed within 75 feet of each other would be counted cumulatively toward overall permitted floor area, regardless of the height of each floor;

WHEREAS the city's zoning text currently makes an allowance for spaces used to house mechanical equipment such as boiler, elevator machinery, and other such equipment to not count against the total floor area (FAR) that is permitted to be built on a lot;

WHEREAS, developers have frequently abused this allowance for mechanicals to build outsized floors of exceptional height and volume beyond that required to house the mechanicals.

WHEREAS, the proposed amendment would require non-residential portions of mixed use buildings that occupy less than 25% of the building to be subject to the same 25 foot/75 foot rule as residential buildings while non-residential space that occupies more than 25% of residential floor space, are not subject to the proposed amendment;

WHEREAS, Manhattan Community Board 10 (CB10) which presently has two areas being considered in the Department of City Planning's (DCP) proposed voids amendment. The two areas in our District are located at 110th Street and Frederick Douglass Circle and another on Frederick Douglass Boulevard between 134th and 135th Streets.

WHEREAS we are aware that in the future new development will demand more height and density that we will have to address. We are concerned that future developers will use this loophole to include more mechanical space that originally planned to increase the height of upper floors for purely inflate real estate value, while creating a skyline of huge towers. Historically Central Harlem has been known for low density and heights. There are now indications that this is slowly changing with new developments that are coming before the board's land use committee.

WHEREAS CB10 believes that occupation of light and air ought to be reserved for productive space used for commercial, manufacturing, community facility, or residential use

WHEREAS, the proposed amendment, while effective for curtailing the use of mechanical voids to add to building height, will be ineffective for voids consisting of outdoor spaces, amenities, and other building areas not used for accessory building mechanicals that have vast floor-to-floor heights;

THEREFORE, BE IT RESOLVED that Manhattan Community Board 10 supports DCP's proposed zoning text amendment for distribution of mechanical space in residential towers. On March 6th 2019 at our General Board Meeting CB10 voted 25 yes 0 no 0 abstentions.



Cicely Harris
Chair
Manhattan Community Board 10



Stanley Gleaton
Chair
Land Use Committee



COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN
1664 PARK AVENUE
NEW YORK, NY 10035
TEL: 212-831-8929
FAX: 212-369-3571
www.cb11m.org

Nilsa Orama
Chair

Angel D. Mescaín
District Manager

February 21, 2019

Marisa Lago
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on Land Use Application No. N 190230 ZRY

Dear Director Lago,

On February 19, 2019, Community Board 11 (CB11) voted on land use application, N 190230 ZRY, submitted by the New York City Department of City Planning ("the applicant") with respect to a proposed zoning text amendment which would discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The proposed change would apply to residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts. This proposal was presented by the Department of City Planning to our Land Use, Landmarks & Planning Committee on February 6, 2019.

Project Description

DCP is proposing a zoning text amendment for residential towers in R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts to discourage the use of excessively tall mechanical spaces that disengage substantial amounts of building spaces from their surroundings. The amendment also seeks to recognize the need for reasonably sized and distributed mechanical spaces in residential towers, as well as the virtue of providing overall flexibility to support design excellence in these areas.

The amendment would require that floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether singly or in combination) be counted as floor area. Taller floors, or stacked floors taller than 25 feet, would be counted as floor area based on the new 25-foot height threshold. A contiguous mechanical floor that is 132 feet in height, for example, would now count as five floors of floor area ($132/25 = 5.28$, rounded to the closest whole number equals 5). The 25-foot height is based on mechanical floors found in recently constructed residential towers and is meant to allow the mechanical needs of residential buildings to continue to be met without increasing the height of residential buildings to a significant degree. The provision would only apply to floors located below residential floor area to not impact mechanical penthouses found at the top of buildings where large amounts of mechanical space is typically located.

Additionally, any floors occupied predominantly by mechanical space located within 75 feet of one another that, in the aggregate, add up to more than 25 feet in height would similarly count as floor area.

This would address situations where non-mechanical floors are interspersed among mechanical floors in response to the new 25-foot height threshold, while still allowing buildings to provide needed mechanical space for different portions of a building. For example, a cluster of four fully mechanical floors in the lower section of the tower which total 80 feet in height, even with non-mechanical floors splitting the mechanical floors into separate segments, would count as three floors of floor area, even when each floor is less than 25 feet tall and they are not contiguous. ($80' / 25' = 3.2$ rounded to the closest whole number equals 3).

The new regulation would also be applicable to the non-residential portions of a mixed-use building if the non-residential uses occupy less than 25 percent of the building. This would ensure that tall mechanical floors could not be assigned as mechanical space to non-residential uses in the building, and therefore not be subject to the rule. The 25-foot height threshold would not apply to the non-residential portion of buildings with more than 25 percent of their floor area allocated to non-residential use as the uses in mixed buildings like this (offices, community facilities, etc.) commonly have different mechanical needs than residential buildings. Finally, the regulations would also be made applicable to floors occupied predominantly by spaces that are unused or inaccessible within a building. The Zoning Resolution already considers these types of spaces as floor area, but it does not provide explicit limits to the height that can be considered part of a single story within these spaces. This change would ensure that mechanical spaces and these types of spaces are treated similarly.

The proposal would apply to towers in R9 and R10 Residence Districts and their equivalent Commercial Districts. The proposal would also apply to Special Purpose Districts that rely on the underlying tower regulations for floor area as well as height and setback regulations, as well as sections of the Special Clinton District and the Special West Chelsea District that impose special tower regulations.

Community Board Recommendation

Community Board 11 (CB11) recommends approval of Land Use Application N 190230 ZRY for proposed Residential Tower Mechanical Voids Text Amendment as presented by the Department of City Planning.

Full Board Vote: 31 in favor; 0 opposed, 1 abstained

If you have any questions regarding our recommendation, please contact Angel Mescaín, District Manager, at 212-831-8929 or amescain @cb11m.org.

Sincerely,



Nilsa Orama
Chair
Community Board 11

cc: Hon. Gale A. Brewer, Manhattan Borough President (via email)
Hon. Diana Ayala, New York City Council (via email)
Hon. Bill Perkins, New York City Council (via email)
Hon. Ben Kallos, New York City Council (via email)

Hon. Keith Powers, New York City Council (via email)
Hon. Jose M. Serrano, New York State Senate (via email)
Hon. Brian Benjamin, New York State Senate (via email)
Hon. Robert Rodriguez, New York State Assembly (via email)
Hon. Inez Dickens, New York State Assembly (via email)
Calvin Brown, NYC Department of City Planning (via email)
Steven Villanueva, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)



Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166th St. 6th Floor, New York, NY 10032

Phone: (212) 568-8500, Fax: (212) 740-8197

Website: www.nyc.gov/mcb12

Richard R. Lewis, Chairperson
Ebenezer Smith, District Manager

February 28, 2019

Hon. Melisa Lago, Chair
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

**Re: Resolution supporting The Residential Tower Void Mechanical Void Zoning Amendment
proposed by The Department of City Planning.**

Dear Chair Lago:

Please be advised that Community Board 12, Manhattan, passed a resolution with 38 votes in favor, 0 opposed, 0 abstentions, 0 not voting, at its Tuesday, February 26, 2019, General Meeting, supporting the Department of City Planning's proposed Residential Tower Mechanical Void Zoning Text Amendment.

Whereas: The Department of City Planning ("DCP") is proposing a zoning text amendment ("Land Use Review Application N190230 ZRY" or the "Text Amendment") in high-density zoning districts to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The proposed change would apply to residential towers in non-contextual R9 and R10 zoning districts and their equivalent commercial zoning districts and to Special Purpose Districts that rely on the underlying tower zoning regulations for floor area, height and set-back as well as to sections of the Special Clinton District and the Special West Chelsea District. The public review process for the Text Amendment began on January 28, 2019; comments are due no later than March 8, 2019; and

Whereas: The New York City Zoning Resolution (the "ZR") allows floor space containing mechanical equipment to be excluded from zoning floor area ratio ("FAR") calculations. The ZR does not specifically identify a height limit for mechanical spaces. In recent years some developments have been built or proposed that use tall, inflated mechanical or structural floors to elevate the upper-story residential units above the neighboring buildings to

improve views. These spaces are commonly referred to as mechanical voids ("Mechanical Voids"); and

Whereas: In 2018, renderings of a residential tower proposed for the Upper East Side showed four mechanical floors taking up a total of approximately 150 feet (roughly 15 stories) in the middle of the building and raising its overall height to over 500 feet, significantly taller than neighboring buildings built under the same zoning regulations. In response to this proposal, Mayor de Blasio requested that DCP examine the issue of Mechanical Voids of excessive height that are used in ways not anticipated nor intended by the ZR; and

Whereas: DCP conducted a citywide analysis of recent construction to better understand the mechanical needs of residential buildings and to assess when excessive Mechanical Voids were being used to inflate their overall height. Based on the results of the analysis, DCP is proposing the Text Amendment to discourage the use of excessively tall mechanical spaces that architecturally and contextually disconnect substantial portions of building spaces from their surroundings, while also seeking to recognize the need for reasonably sized and distributed mechanical spaces in residential towers, and to support flexibility and excellence of design; and

Whereas: The Text Amendment would require floors occupied predominantly by mechanical space that are taller than 25 feet in height, singly or in combination, be counted as floor area. The 25-foot height is based on mechanical floors found in recently constructed residential towers and is meant to allow the mechanical needs of residential buildings to be accommodated without increasing building height to a significant degree. The Text Amendment would also require any floors occupied by mechanical spaces located within 75 feet of another that, in aggregate, add up to more than 25 feet in height also count as floor area. The Text Amendment would be applicable to non-residential portions of a mixed-use building if the non-residential uses occupy less than 25 percent of the building. The Text Amendment would not apply to commercial and community facility buildings, which typically have different mechanical needs than residential buildings, or to mixed-use buildings where the non-residential uses occupy more than 25 percent of the building; and

Whereas: Currently there are no R10 zoning districts in Washington Heights and Inwood and only one R9 zoning district, which is included in the Inwood Special Zoning District and subject to restrictions. It nonetheless is in the interest of Community Board 12-Manhattan ("CB12M") to opine on the Text Amendment because it is possible that R9 and R10 zoning districts may be introduced to the community district at some future date and because CB12M wishes to support best practices in city planning and urban design; and

Whereas: DCP presented the Text Amendment to CB12M's Executive Committee at its February 19, 2019 meeting, which was attended by representatives of Manhattan Borough President Gale Brewer. Now, therefore, be it

Resolved: Community Board 12-Manhattan supports the Department of City Planning's proposed Residential Tower Mechanical Void Zoning Text Amendment.

Sincerely


Richard R. Lewis
Chairperson

cc:	Hon. Bill de Blasio, Mayor	Hon. Al Taylor, Assembly Member
	Hon. Gale Brewer, Manhattan Borough President	Hon. Carmen De La Rosa, Assembly Member
	Hon. Jumaane Williams, Public Advocate	Hon. Ydanis Rodríguez, Council Member
	Hon. Scott Stringer, Comptroller	Hon. Mark Levine, Council Member
	Hon. Adriano Espaillat, Congressman	Orlando Rodríguez, Esq., Senior Urban Planner MBPO
	Hon. Robert Jackson, State Senator	Hon. Kenneth J. Knuckles, Esq., Vice Chair
	Hon. Brian Benjamin, State Senator	

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Fax # (212) 720-3488

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: N190230ZRY

Docket Description:

The Department of City Planning (DCP) proposes a city-wide Zoning Text Amendment for residential buildings in high-density tower districts to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The proposed change would apply to residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts.

COMMUNITY BOARD NO: Citywide

BOROUGH: Manhattan

RECOMMENDATION

- ☐ APPROVE
- ☒ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

Pat Brewer

BOROUGH PRESIDENT

March 8 2019

DATE



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

March 8, 2019

**Recommendation on Non-ULURP Application No. N 190230 ZRY
Residential Mechanical Voids Zoning Text Amendment
By the New York City Department of City Planning**

PROPOSED ACTIONS

The New York City Department of City Planning (“DCP” or the “Applicant”) is seeking an amendment to the Zoning Resolution (ZR) to change regulations regarding the location and height of mechanical space in residential towers pursuant to ZR § 23-16, § 24-112, and § 35-35. The proposed zoning text aims to discourage the creation of mechanical and unused or inaccessible floors that are over 25 feet in height as well as the clustering of such floors within a tower. The proposed text would apply to residential buildings and mixed-use buildings in R9 and R10 districts and their commercial equivalents as well as certain Special Purpose Districts. However, the text will not apply to the Special Lower Manhattan, Special Hudson Yards, and Special Midtown Districts—all of which are considered central business districts. The Applicant has committed to addressing those districts in a follow-up action that will be announced in the summer of 2019.

In evaluating the proposed zoning text amendment, this office must consider if the proposed language meets the underlying purpose of the Zoning Resolution to promote the general health, safety and welfare of the city and whether the proposed development or developments it would facilitate would be appropriate to the neighborhood and borough.

BACKGROUND

In 2017, the City began to see proposed developments that were drastically out of character with their surrounding neighborhoods. These buildings, which were extensively covered in the press, represented a significant departure from the spirit of the local zoning—particularly regarding building height. Some of the first examples of such developments include 432 Park Avenue and 220 Central Park South. In various instances, mechanisms were used to augment the height of buildings beyond what was intended in the zoning. One of the main purposes of achieving a greater height seemed to be the elevation of residential units, which, with higher, unobstructed views, could be sold for more money. Several of these developments were located in zoning districts that are governed by tower regulations. Tower regulations do not impose height limits; rather they use bulk, height, and setback controls to ensure predictable development. Many of the mechanisms used to make buildings taller involved the inclusion of spaces in the building that did not count as floor area and therefore evaded the zoning controls in these districts.

On August 16, 2018, the City Council’s Manhattan Delegation and the Manhattan Borough President sent a letter to the Applicant to request that they address the issue of “zoning

loopholes.” Some of the mechanisms that have been used by developers to augment building heights include:

- *Mechanical Voids*
Under the Zoning Resolution, mechanical spaces are not counted as floor area. This rule has been exploited in several ways. Developers have proposed a greater number of mechanical floors in new developments and they have also included mechanical floors that are excessively taller than what is customarily seen in residential and commercial construction. In other instances, mechanical floors have been clustered in the lower portion of a building.
- *Structural Voids*
This example is sometimes referred to as “stilts”—essentially raising a building or the upper floors of a building to achieve greater height without expending floor area. Terraces, which are also excluded from floor area calculations, have been proposed in the middle floors of towers at heights that are excessively taller than typical terraces.
- *Gerrymandered Zoning Lots*
Some developers have shaped zoning lots by assembling a larger zoning lot (by merging with portions of other lots) in order to obtain maximum floor area and build a taller building. In other instances, developers have “carved out” small, undevelopable portions of zoning lots in order to evade zoning restrictions that aim to encourage contextual developments.
- *Floor-to-Floor Heights*
There are currently no maximum floor to floor heights in the City of New York. As such, where residential developments once contained 10 to 12 foot floor-to-floor heights, new and proposed developments include floor-to-floor heights that are 20 feet and beyond.

The table below lists some of the developments that have submitted plans or published renderings that have proposed or still propose to use zoning loopholes:

Buildings that Have Proposed to Use Zoning Loopholes

Address	Status	Proposed Zoning Loopholes	Height (in feet) ¹	Stories ¹
520 Park Avenue	TCO Issued	• Mechanical voids in first 7 floors	725	51
432 Park Avenue	TCO Issued	• Contains 19 floors of mechanical and structural voids	1,396	84
220 Central Park South	TCO Issued	• Mechanical voids in floors 3 through 7	1,031	65
217 West 57 th Street	In Construction	• Structural voids 350 feet in height	1,548	88
15 East 30 th Street	In Construction	• Mechanical voids totaling 132 feet	843	56

¹ Height and number of stories were obtained from DOB filings and news articles.

50 West 65 th Street	In Construction	• Mechanical void totaling 160 feet	775	69
200 Amsterdam Avenue	In Construction	• Gerrymandered zoning lot made up of bits and pieces of tax lots	668	51
249 East 62nd Street	In Construction	• Mechanical voids totaling 150 feet • Structural void that is classified as outdoor space	540	28
111 West 57 th Street	In Construction	• Enclosed void at ground level; approximately 58 feet • Excessive floor-to-floor heights	1,400	82
180 East 88 th Street	In Construction	• Zoning lot carve-out to avoid zoning restrictions • Enclosed void - 150 feet	524	31
262 Fifth Avenue	In Construction	• Enclosed void - top story is over 70 feet in height	1,043	54
1059 Third Avenue	In Construction	• Excessive floor-to-floor heights of up to 16 feet	466	30
430 East 58 th Street	In Construction	• Excessive floor-to-floor heights • Mechanical voids	850	67
394 Third Avenue	In Construction	• Zoning lot carve-out to evade zoning restrictions	191	19
249 Cherry Street	Proposed	• Structural void - approximately 100 feet and located in the lower portion of building	1,008	77
80 South Street	Proposed	• Structural voids	1,436	Not available

PROPOSED ZONING TEXT AMENDMENT

The proposed zoning text amendment would make the following changes to mechanical floor space requirements in residential buildings in R9 and R10 districts and their commercial equivalents as well as the Special Clinton, Special Lincoln Square, Special Union Square, and Special West Chelsea Districts:

- Any enclosed floor space that is occupied by mechanical equipment or is or becomes unused or inaccessible will be counted as floor area if such floor space is over 25 feet in height.
 - The portion of the floor space that is dedicated to mechanical equipment or is inaccessible must occupy a majority of that floor in order for this provision to apply.
 - The total height of each floor will be divided by 25 and the resultant number will be counted as floor area. For example, a 135 foot floor would count as 5 floors of floor area ($135 \div 25 = 5.4$; rounded down to 5).
- When any given 75-foot segment of a building contains more than one enclosed floor space that is occupied by mechanical equipment or is or becomes unused or inaccessible, all such floors will be counted as floor area.

- The floor area will be calculated based on the number of all such floors or their collective height divided by 25, whichever figure is higher.

These proposed restrictions would apply to new construction as well as building enlargements. Furthermore, the following exemptions are outlined in the proposed text:

- For mixed-use buildings in which commercial floor area encompasses less than 25 percent of the total floor area, the restrictions will apply to only the residential portion of the building.
- Floor height and clustering restrictions would only apply to floors that are below any residential floor area. This provision is intended to accommodate mechanical penthouses, which often house large mechanical equipment with ventilation needs.

COMMUNITY BOARD RESOLUTIONS

The Application was referred to ten of Manhattan's Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11. Of those ten Community Boards, nine passed resolutions regarding the application. Manhattan Community Board 10 did not receive a presentation from the Applicant and as such did not pass a resolution on the matter. Additionally, although the Application was not referred to Manhattan Community Board 12, that board passed a resolution on the matter.

Seven Manhattan Community Boards voted in favor of the Application, while three voted against it. Of the Boards that passed resolutions, a majority—eight Boards—included conditions or comments regardless of whether they voted to recommend approval or disapproval of the proposed text amendment. Below are some of the conditions that Community Boards have set forth:

- Expand the application of the proposed zoning text to limit the use of unenclosed spaces, which include terraces and outdoor spaces and have also been called structural voids and stilts (requested by seven Community Boards).
- Expand the application of the proposed zoning text to include a broader geography. Although this request varied depending on the Board, it generally pointed the Applicant to districts that did not meet the proposed geographic criteria but were nonetheless likely to see out-of-context development that could employ tactics like mechanical voids to achieve a greater height (requested by five Community Boards).
- Expand the application of the proposed zoning text to include amenity spaces and accessory uses (requested by four Community Boards).
- Make changes to the 25 foot and 75 foot thresholds to make the provisions more restrictive (requested by three Community Boards).

BOROUGH BOARD HEARING

On February 21, 2019, the Manhattan Borough Board held a public hearing on the proposed text amendment. In addition to Community Board members, the hearing was attended by local preservation groups.

Much of the discussion was in relation to the Applicant's decision to allow mechanical and unused or inaccessible floors to be up to 25 feet in height and setting a clustering threshold of 75 feet. Many of those present at the hearing noted that the "formula", as currently proposed, was not restrictive enough. In response, the Applicant recognized that during its study of residential development, it found that mechanical floors were at a minimum 9 stories—or roughly 90 feet—apart. Nonetheless, they noted that they did not want to preclude a development's ability to locate "evenly distributed" mechanical spaces in a manner that would allow mechanical equipment to be closer to the residential units that they serve. There were also comments regarding the geographic application of the proposed text—particularly on soft sites that are expected to soon see large scale development.

Given the 30 day referral period for the Application, the Borough Board did not vote on the Application.

BOROUGH PRESIDENT'S COMMENTS

The issue of zoning loopholes, which includes mechanical voids, continues to be of great concern. My office has been working with elected officials for over a year to push for changes to the Zoning Resolution that ensure development that is in keeping with the spirit of the zoning and the context of our neighborhoods. In response to our request, DCP assessed over 700 buildings in order to draft its amendment to the Zoning Resolution.²

While I am thankful that the Department of City Planning was responsive to my concerns and the concerns of others and has undertaken its study in an effort to provide a solution to the problem of mechanical voids, I am concerned that the current proposal does not go far enough.

Formula

The Application notes that an analysis of more than 80 buildings in higher density districts found that "taller towers tended to have additional mechanical floors midway through the buildings, or regularly located every 10 to 20 stories". Given this finding, I believe the 75 foot threshold, which is roughly equivalent to 7 stories, does not adequately address our concerns.

I also believe that the formula should not allow any rounding when calculating the floor area of excessively tall mechanical floors. In the example provided in this recommendation, a mechanical floor 35 feet in height would be 5.4 times taller than the 25 foot threshold proposed by the Applicant but would nonetheless count as only 5 floors of floor area. Plenty of zoning

² The Applicant studied over 700 buildings in R6 through R8 non-contextual zoning district and their equivalent commercial districts. Of those 700 buildings, 80 were in R9 and R10 non-contextual districts and their commercial equivalents.

districts in Manhattan allow floor area ratios that have decimals. There is no valid reason why this figure should be rounded.

Unenclosed Floor Area

Other spaces, such as terraces, are not counted as floor area. However, the proposed text will only apply to “enclosed” floor area. As a loophole mechanism, there is very little difference between mechanical floors and terraces that have excessive heights. The language should be modified to similarly include terraces and other unenclosed floor spaces in the overall calculation of floor area.

Geographic Applicability

I am also concerned about certain areas of Manhattan in which the proposed text amendment will not apply but which nonetheless contain soft sites that will soon see new development. In particular, the blocks bounded by West 56th Street, the southern portion of West 58th Street, and Fifth and Sixth Avenues is concerning. West 57th Street, which has been nicknamed “Billionaire’s Row”, has seen several out-of-character buildings that employ zoning loopholes. Furthermore, in the first week of February 2019, just two weeks after the Application was certified, developers filed for demolition on two sites within this area³. While I recognize that this area, which is located within the Special Midtown District, may be included in the follow-up action that the Applicant will submit to encompass the City’s Central Business Districts, this block is facing an imminent threat and may see exactly the kind of development that this Application intends to prevent if no action is taken at this juncture.

Enforcement of New Provisions

I believe strongly that if the proposed zoning text is to be effective, stronger, and more transparent, inter-agency coordination is essential. A task force comprised of the Department of City Planning and the Department of Buildings (DOB) should be formed in order to ensure that the text is applied effectively as soon as it is adopted by the City Council. Plan reviewers at the DOB need to be aware of these new restrictions and need to receive training on how to identify excessively tall mechanical and unused or inaccessible floors. This agency framework would also be crucial in determining which developments are vested and should be tasked with inspecting construction sites and certifying those developments that will be grandfathered.

Public Review Process

DCP commenced a study in 2018 with the goal of delivering a proposal before the end of 2018. However, the Application was not certified and made publicly available until January 28, 2019, when, thankfully, a forthcoming follow-up action was also announced. All ten Community Boards in Manhattan, along with my office, were given a 30 day review period. This timeline did not allow for an extensive public review process or a Borough Board resolution. Additionally, while I am pleased that DCP made its study available, including that study in the original application materials would have allowed for a more robust public debate. It should also be noted that due to the timeline, one Community Board was not able to discuss the application at its Land Use Committee meeting.

³ DOB job numbers 123673355, 123659585, 123659594, 123659576, 123675656, and 123675665

I understand the need and agree with the Applicant's decision to prioritize and address the issue of mechanical voids in a timely manner. However, I expect that with its follow-up action, the Applicant will allow ample time for a robust public review process, as we often must live with zoning text changes for 50 years or more.

BOROUGH PRESIDENT'S RECOMMENDATION

I therefore recommend approval of the application with conditions. The Applicant must amend the proposed zoning text (i.e. submit an "A-text") so that it does the following:

- Raise the clustering threshold from 75 feet to 90 feet;
- Eliminate the rounding provision for calculating the floor area of mechanical or inaccessible floors that exceed 25 feet;
- Expand the application to include unenclosed spaces; and
- Expand the application to include the block bounded by West 56th Street, the southern side of West 58th Street, Fifth Avenue, and Sixth Avenue.

Finally, a DCP and DOB task force should be established to:

- Ensure that the DOB is prepared to enforce the new requirements with new building and building enlargement applications; and
- Certify any buildings that are vested and are therefore grandfathered from any new zoning provisions.

I also fully expect that the Applicant will proceed with changes that will address other zoning loopholes, including excessive floor-to-floor heights and gerrymandered zoning lots and that they will expand the areas to which those provisions will apply. The point of addressing loopholes is to ensure that there are no openings left for developers to exploit.



Gale A. Brewer

Manhattan Borough President



Melinda Katz
Queens Borough President

Community Board No. 2

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Denise Keehan-Smith
Chairwoman

Debra Markell Kleinert
District Manager

March 8, 2019

Ms. Marisa Lago
Director
Department of City Planning
City Planning Commission
Calendar Information Office
120 Broadway, 31st Floor
New York, NY 10271

RE: **Residential Tower Mechanical Voids Text Amendment**
CEQR NO 19DCP 110Y
ULURP NO N190230 ZRY
SEQRA Classification: Type 1

Dear Ms. Lago:

On March 7, 2019, Community Board 2 held a public hearing to review the Residential Tower Mechanical Voids Text Amendment Application Number N190230 ZRY. At that meeting with a quorum present, a motion was made and seconded to approve the application.

The motion carried with 29 in favor of the motion; none opposed and no abstentions.

Please contact CB2 if you have any questions.

Sincerely,

Debra Markell Kleinert
District Manager

DMK/mag

cc: Honorable Alexandria Ocasio-Cortez, US Congress
Honorable Carolyn B. Maloney, US Congress
Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate

Honorable Brian Barnwell, NYS Assembly
Honorable Michael DenDekker, NYS Assembly
Honorable Catherine T. Nolan, NYS Assembly
Honorable Robert Holden, NYC Council Member
Honorable Jimmy Van Bramer NYC Council Member
Honorable Daniel Dromm, NYC Council Member
Honorable Melinda Katz, Queens Borough President of the Borough of Queens
Honorable Melva Miller, Deputy Borough President
Irving Poy, Queens Borough President's Office
John Perricone, Queens Borough President's Office
John Young, NYC Department of City Planning
Alexis Wheeler, NYC Department of City Planning
Coralie Ayres, NYC Department of City Planning
Denise Keehan-Smith, Chairwoman, Community Board 2
Lisa Deller, Chair, Land Use Committee CB 2

DCP Residential Tower Mechanical Voids Text Amendment N190230 ZRY



Community Board 12

The City of New York

Borough of Queens

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Melinda Katz
BOROUGH PRESIDENT

Vicky Morales Casella
DIRECTOR OF COMMUNITY BOARDS

Rene Hill
CHAIRPERSON

Yvonne Reddick
DISTRICT MANAGER

March 22, 2019

City Planning Commission
22 Reade Street
New York, NY 10007

Community Board 12 Queens members met on Wednesday, March 20, 2019 at the Robert Ross Johnson Family Life Center located at 172-17 Linden Blvd., St. Albans, NY 11433, and held a Public Hearing on Residential Tower Mechanical Voids Text Amendment.

There were 35 members present at the meeting, and all 35 members voted. The vote was as follows: 35 Approved 0 Opposed 0 Abstained.

Thank you.

Yvonne Reddick
District Manager
Community Board 12, Q



The City of New York
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HONORABLE RUBEN DIAZ, JR.
Bronx Borough President

MS. KATHLEEN SAUNDERS
Board Chair

MR. PAUL A. PHILPS
District Manager

March 6, 2019

Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Dear Chair Lago:

Please be advised that on February 26, 2019 at its regularly scheduled General Board Meeting, Bronx Community Board Four voted in the affirmative to issue a letter of support for the Department of City Planning proposed Residential Tower Mechanical Voids Text which would eliminate a zoning loophole that allows towers within high-density non-contextual residential zoning districts (R9 & R10) and the commercial district equivalents to be considered with tall mechanical spaces in order to achieve greater height than would otherwise be permitted.

This proposed text amendment would only apply to a limited number of sites within Community District Four, nonetheless it provides additional predictability for development in these areas.

Thank you for your time and consideration.

Regards,

Paul A. Philps
District Manager
Community Board Four

Cc: Jackson Strong, Housing & Land Use Committee Chair
Ms. Kathleen Saunders, Board Chairperson