

Residential Tower Mechanical Voids

Text Amendment

Revised Environmental Assessment Statement*

CEQR No. 19DCP110Y

ULURP No. N190230 ZRY

* Following certification of the related land use application (ULURP No. N190230 ZRY) on January 28, 2019, the City Planning Commission (CPC) proposed modifications to the proposed zoning text amendment. This Revised EAS supersedes the EAS issued January 25, 2019 and assesses the change to the application, provided in Appendix D. As described herein, the change would not alter the conclusions of the previous environmental review.



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

PROJECT NAME Residential Tower Mechanical Voids Text Amendment

1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
19DCP110Y

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
N190230 ZRY

OTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA)

2a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON

Olga Abinader, Acting Director of Environmental Assessment and Review Division

ADDRESS 120 Broadway, 31st Floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212-720-3493

EMAIL

oabinad@planning.nyc.gov

2b. Applicant Information

NAME OF APPLICANT

New York City Department of City Planning

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Frank Ruchala Jr., Deputy Director of Zoning Division

ADDRESS 120 Broadway, 31st Floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212-720-3436

EMAIL

fruchal@planning.nyc.gov

3. Action Classification and Type

SEQRA Classification

UNLISTED TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

4. Project Description

The New York City Department of City Planning (DCP) proposes a zoning text amendment pursuant to Zoning Resolution (ZR) Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) and related sections, to modify floor area regulations for residential tower developments located within non-contextual R9 and R10 Residence Districts, 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 proposed zoning text amendment (the "Proposed Action") would count mechanical floors in such buildings as zoning floor area when they are taller than 25 feet in height or when they are located within 75 feet in height of each other. Currently, mechanical space does not count towards zoning floor area of a building as permitted by zoning. The Proposed Action is intended to discourage the use of excessive mechanical floors to artificially increase building height by limiting the height and frequency of such spaces incorporated into a building's design.

Project Location

BOROUGH Manhattan, Bronx, and Queens

COMMUNITY DISTRICT(S)
Manhattan Community District 1, 2, 3, 4, 5, 6, 7, 8, 10, and 11; Bronx Community District 4; and Queens Community District 2 and 12

STREET ADDRESS N/A

TAX BLOCK(S) AND LOT(S) N/A

ZIP CODE N/A

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS N/A

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY (see Project Description) Various

ZONING SECTIONAL MAP NUMBER
Various (see Project Description)

5. Required Actions or Approvals (check all that apply)

City Planning Commission: YES

NO

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

- | | | |
|---|--|--|
| <input type="checkbox"/> ZONING MAP AMENDMENT | <input type="checkbox"/> ZONING AUTHORIZATION | <input type="checkbox"/> UDAAP |
| <input type="checkbox"/> ZONING TEXT AMENDMENT | <input type="checkbox"/> ACQUISITION—REAL PROPERTY | <input type="checkbox"/> REVOCABLE CONSENT |
| <input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY | <input type="checkbox"/> DISPOSITION—REAL PROPERTY | <input type="checkbox"/> FRANCHISE |
| <input type="checkbox"/> HOUSING PLAN & PROJECT | <input type="checkbox"/> OTHER, explain: | |
| <input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE: | | |

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

- VARIANCE (use)
 VARIANCE (bulk)
 SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> LEGISLATION | <input type="checkbox"/> FUNDING OF CONSTRUCTION, specify: |
| <input type="checkbox"/> RULEMAKING | <input type="checkbox"/> POLICY OR PLAN, specify: |
| <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES | <input type="checkbox"/> FUNDING OF PROGRAMS, specify: |
| <input type="checkbox"/> 384(b)(4) APPROVAL | <input type="checkbox"/> PERMITS, specify: |
| <input type="checkbox"/> OTHER, explain: | |

Other City Approvals Not Subject to CEQR (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) | <input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL |
| <input type="checkbox"/> OTHER, explain: | |

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

6. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.

Graphics: The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.

- | | | |
|---|---|--|
| <input type="checkbox"/> SITE LOCATION MAP | <input type="checkbox"/> ZONING MAP | <input type="checkbox"/> SANBORN OR OTHER LAND USE MAP |
| <input type="checkbox"/> TAX MAP | <input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S) | |
| <input type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP | | |

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): N/A Waterbody area (sq. ft.) and type: N/A
 Roads, buildings, and other paved surfaces (sq. ft.): N/A Other, describe (sq. ft.): N/A

7. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A
 NUMBER OF BUILDINGS: N/A GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
 HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? YES NO

If "yes," specify: The total square feet owned or controlled by the applicant:

The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2029

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A (Generic Action)

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY? N/A

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

9. Predominant Land Use in the Vicinity of the Project (check all that apply)

- RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	SEE PROJECT DESCRIPTION	SEE PROJECT DESCRIPTION	SEE PROJECT DESCRIPTION	SEE PROJECT DESCRIPTION
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," describe:				
POPULATION				
Residents	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:				
Briefly explain how the number of residents				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
was calculated:				
Businesses	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	SEE PROJECT DESCRIPTION	SEE PROJECT DESCRIPTION	SEE PROJECT DESCRIPTION	SEE PROJECT DESCRIPTION
Maximum amount of floor area that can be developed				
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.


- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
enhance, or otherwise protect it?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input type="checkbox"/>


	YES	NO
percent?		
<ul style="list-style-type: none"> o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 .		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a separately sewerred area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008 ; § 24-	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
20. APPLICANT'S CERTIFICATION		
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.		
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.		
APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Frank Ruchala Jr. Deputy Director of Zoning Division		April 9, 2019
PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.		

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

<p>1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.</p>		<p>Potentially Significant Adverse Impact</p>	
<p>IMPACT CATEGORY</p>		<p>YES</p>	<p>NO</p>
Land Use, Zoning, and Public Policy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?</p> <p>If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.</p>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. Check determination to be issued by the lead agency:</p> <p><input type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).</p> <p><input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.</p> <p><input checked="" type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i>. The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.</p>			
<p>4. LEAD AGENCY'S CERTIFICATION</p>			
<p>TITLE Acting Director, Environmental Assessment and Review Division</p>		<p>LEAD AGENCY New York City Department of City Planning, on Behalf of the City Planning Commission</p>	
<p>NAME Olga Abinader</p>		<p>DATE April 9, 2019</p>	
<p>SIGNATURE </p>			

REVISED NEGATIVE DECLARATION - supersedes the Negative Declaration issued January 28, 2019

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning, acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.


Land Use, Zoning and Public Policy

1. This EAS includes a Land Use, Zoning and Public Policy assessment which analyzes the potential significance of the proposed text amendment on land use, zoning and public policy in the study area. The Proposed Zoning Text Amendment would limit the use of zoning floor area deductions for excessive structural voids in high-density tower districts. The Proposed Action is intended to discourage the use of excessive mechanical or structural floors to increase building height by limiting the height and frequency of such spaces incorporated into a building's design. The Proposed Action would not otherwise affect land use, zoning or public policy in the affected area. This EAS includes a consistency assessment with the Waterfront Revitalization Program (WRP). The analysis concludes that the proposed actions would not result in significant adverse impacts on land use, zoning or public policy.

Urban Design and Visual Resources

2. This EAS includes an Urban Design and Visual Resources assessment which analyzes the potential significance of the Proposed Action on urban design. The Proposed Action would not alter the permitted height, bulk, setback or arrangement of the existing zoning districts. Rather, the proposed text amendment would limit the use of excessively tall mechanical floors to elevate upper-story residential units above the surrounding context. Thus, the Proposed Action is intended to reinforce and improve existing neighborhood character and urban design. Therefore, there would be no significant adverse impacts on urban design and visual resources.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE Acting Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE April 9, 2019
SIGNATURE 	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE April 9, 2019
SIGNATURE	

* Following certification of the related land use application (ULURP No. N 190230 ZRY) on January 28, 2019, the City Planning Commission (CPC) proposed modifications to the proposed zoning text amendment. This Revised Negative Declaration supersedes the Negative Declaration issued January 28, 2019 and reflects the Revised EAS dated April 9, 2019 which assesses the proposed CPC Modification to the application. As described in the Revised EAS, the change would not alter the conclusions of the previous EAS.

Residential Tower Mechanical Voids Text Amendment EAS Attachment A: Project Description

I. INTRODUCTION

The New York City Department of City Planning (DCP) proposes a zoning text amendment pursuant to Zoning Resolution (ZR) Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) and related sections, to modify floor area regulations for residential tower developments located within non-contextual R9 and R10 Residence Districts, 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 proposed zoning text amendment (the “Proposed Action”) would count residential mechanical floors in such buildings as zoning floor area when they are taller than 25 feet in height or when they are located within 75 feet in height of each other. Currently, mechanical space is excluded from zoning floor area calculations. The Proposed Action is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context.

II. 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, some developments have been built or proposed that use tall, inflated mechanical or structural 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 taking up a total 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 building, Mayor De Blasio requested that DCP examine the issue of excessive mechanical voids that are used in ways not anticipated or intended by zoning.

The Department subsequently 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 excessive mechanical voids to be limited to a narrow set of circumstances in the city.

In R6 through R8 non-contextual zoning districts and their equivalent Commercial Districts, the Department assessed over 700 buildings and found no examples of excessive mechanical spaces. DCP attributes this primarily to the existing regulations that generally limit the overall height of buildings 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 a limit on height for portions of buildings that meet certain lot coverage requirements. In these tower districts, generally concentrated in Manhattan, the Department assessed over 80 new residential

buildings and found that most towers exhibit consistent configurations of mechanical floors. This 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 below ground.

In contrast to these more typical scenarios, the Department identified seven buildings, either completed or currently undergoing construction, 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 approximately 80 feet to 190 feet in the aggregate. In districts where the tower-on-a-base regulations are applicable, like the Upper East Side building described above, these spaces were often located right above the 150-foot mark, which suggests that they are intended to elevate as many units as possible while also complying with the ‘bulk packing’ rule of these regulations, which require 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 raise more residential units higher in the air, which often also has the detrimental side effect of “deadening” the streetscape with inactive space close to the ground.

III. PROPOSED ACTION

Proposed Text Amendment

The Applicant, the Department of City Planning, is proposing a zoning text amendment to Zoning Resolution Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) and related sections, for residential towers in R9 and R10 non-contextual zoning districts, their equivalent Commercial Districts, and certain Special Districts to discourage the use of excessively tall mechanical spaces that disengage substantial amounts of building spaces from their surroundings. The proposed text 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 proposed new text amendment (see Appendix A) would require that, in certain buildings where the text applies, floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether individually 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 (e.g., $132/25 = 5.28$, 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 count as floor area. This change is intended to address situations where non-mechanical floors are interspersed among mechanical

floors in response to the proposed new 25-foot height threshold, while still allowing buildings to provide mechanical space necessary in 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 (e.g. $80' / 25' = 3.2$ rounded to the closest whole number equals 3).

The proposed 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.

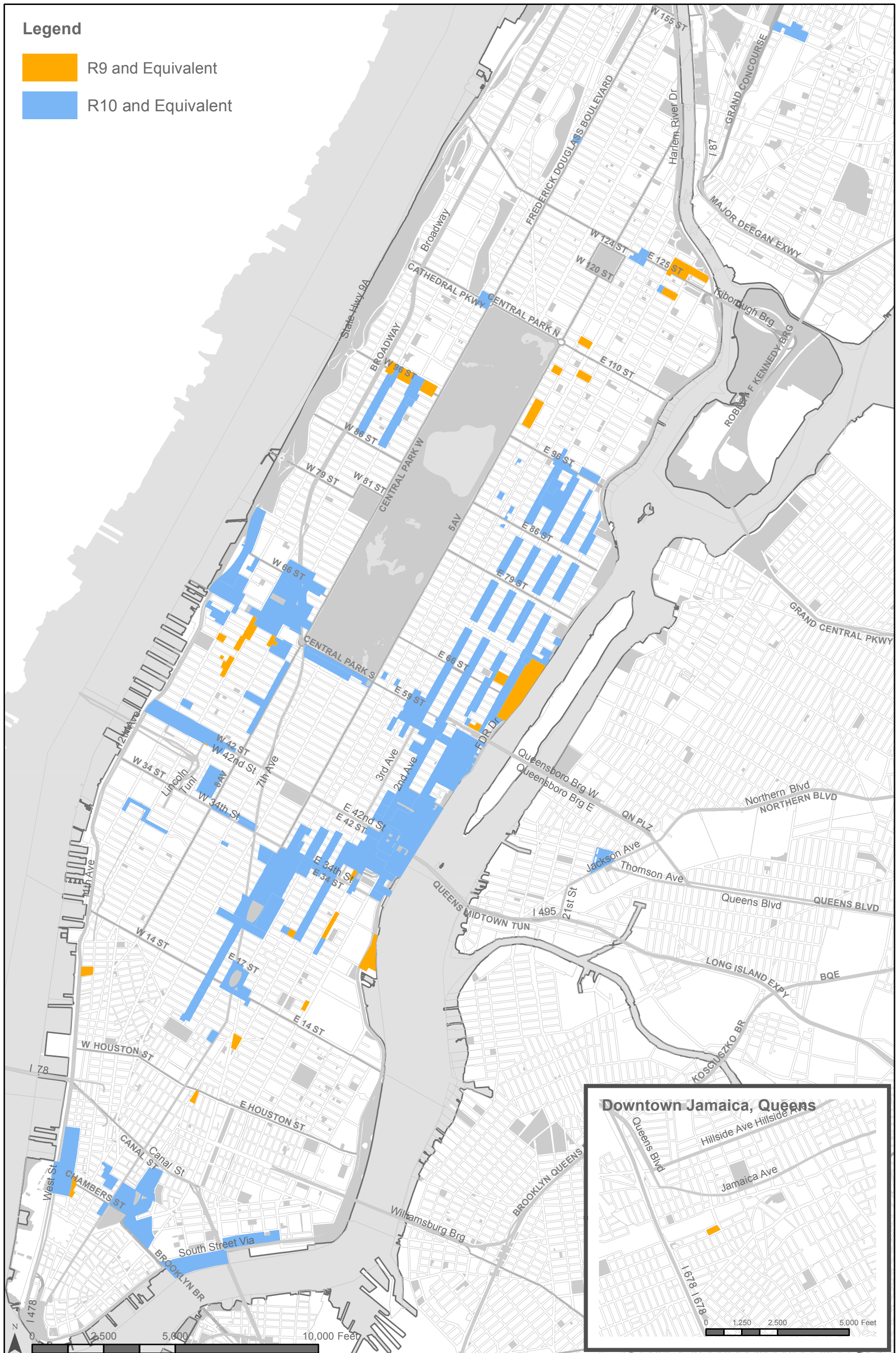
Geographic Applicability of the Proposed Action

The proposed text amendment 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 and height and setback regulations, as well as sections of the Special Clinton District and the Special West Chelsea District that impose special tower regulations. The applicable areas are shown on Map 1, and the applicable Special Purpose Districts are shown in Table 1.

Table 1: Applicability of the Proposed Action on Special Purpose Districts and Other Areas

Borough	Special District/Area	Notes
MN	Lincoln Square	C4-7 Districts
MN	Union Square	C6-4 Districts
MN	West Chelsea	Subdistrict A
MN	Clinton	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
QN	Long Island City	Court Square Subdistrict
QN	Downtown Jamaica	"No Building Height Limit" area as shown on Map 5 of Appendix A in Article XI, Chapter 5.

Map 1: Residential Tower Mechanical Voids Text Amendment



IV. PURPOSE AND NEED FOR PROPOSED ACTION

The Proposed Action is intended to i) limit the use of tall, inflated mechanical or structural floors to elevate upper-story residential units above the surrounding context; ii) encourage residential buildings that activate and engage with their surroundings; iii) recognize the need for reasonably sized and distributed mechanical spaces in residential buildings; and iv) continue to support flexibility for excellence in design.

Currently, the Zoning Resolution allows floor space containing mechanical equipment to be excluded from zoning floor area calculations. Due to this exclusion and a lack of height limits for such spaces, some developments have been designed to utilize mechanical or structural floors to inflate building height to improve the views from their upper residential units. The Proposed Action is intended to discourage the use of excessively tall mechanical floors in such ways not intended by zoning.

V. ANALYSIS FRAMEWORK

Analysis Year

CEQR requires analysis of the project's effects on its environmental setting. Since typically proposed projects, if approved, would be completed and become operational at a future date, the action's environmental setting is not the current environment but the environment as it would exist at project completion and operation, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "build year," which is the year when the proposed project would be substantially operational.

For generic actions, where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. In these cases, a ten-year build year is generally considered reasonable as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation. Therefore, an analysis year of 2029 has been identified for this environmental review.

Analysis Approach

Consistent with 2014 CEQR Technical Manual guidelines, the Proposed Action is analyzed in this Environmental Assessment Statement as a "generic action" because there are no known developments that are projected and, due to the proposal's broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the 2014 CEQR Technical Manual, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually these actions either affect the entire city or an area so large that site-specific description or analysis is not appropriate. As described in the 2014 CEQR Technical Manual, generic analyses are conducted using the following methodology:

- Identify Typical Cases: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a Range of Conditions: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

As this is a generic action with no specific development sites identified, quantifying the effect of the proposal on development with any sense of certainty is difficult. It should also be noted that this generic proposal is not in-and-of-itself expected to induce development where it would not have occurred in the future absent its approval.

Owing to the generic nature of this action, there are no known or projected development sites identified, as would traditionally be done in connection with a Reasonable Worst-Case Development Scenario under the guidance of the 2014 CEQR Technical Manual. To present a conservative environmental analysis of the likely effects of the Proposed Action, three generic prototypical developments (“prototypes” or “prototypical sites”) that illustrate how the proposed text amendment may affect future development have been identified. The three prototypes represent a variety of possible development outcomes, and are loosely based on real-life case studies identified by the Department.

The three prototypes illustrate possible mechanical voids, based on tower-on-a-base or standard tower regulations as defined by the New York City Zoning Resolution, that may be constructed with and without the proposed text amendment. As shown for each prototype described below, the With-Action scenario identifies the type of reduced mechanical voids that may occur as a result of the Proposed Action. The future No-Action scenario identifies *excessive* mechanical voids that could occur in the future absent the Proposed Action scenario. The incremental difference between the two scenarios serves as the basis for analysis. The analysis illustrates any environmental effects that may result from the Proposed Action.

Prototype 1: Tower-on-a-base Development in a C2-8 District, on 100'x175' Lot on a Wide Street

As illustrated in Figure 1, this prototype affords the opportunity to understand the effects of the Proposed Action on a typical residential tower-on-a-base development, commonly found along avenues in non-contextual R9 and R10 Districts and their equivalent districts in C1 and C2 districts. In districts where the tower-on-a-base regulations are applicable, mechanical voids would generally be located above 150 feet to comply with the ‘bulk packing’ rule of these regulations, which require 55 percent of the floor area to be located below 150 feet. The No-Action Scenario reflects the stacking of these mechanical voids, with a total gross floor area of 235,500 sq. ft., a zoning floor area of 210,000 sq. ft., and a height of 480 ft.

In the With-Action Scenario, the Proposed Action would require that mechanical floors (whether individually or in combination) taller than 25 feet in height be counted as floor area in residential towers. Taller floors, or stacked floors taller than 25 feet, would be counted as floor area based on the new 25 foot height threshold. The mechanical void would be reduced significantly, decreasing the gross floor area from 235,500 sq. ft. to 220,500 sq. ft., lowering the height from 480 ft. to 344 ft., while maintaining the zoning floor area at 210,000 sq. ft.

Prototype 2: Standard Tower in a C5-1, on a 37,500 sq. ft. Irregular Lot on Wide and Narrow Streets

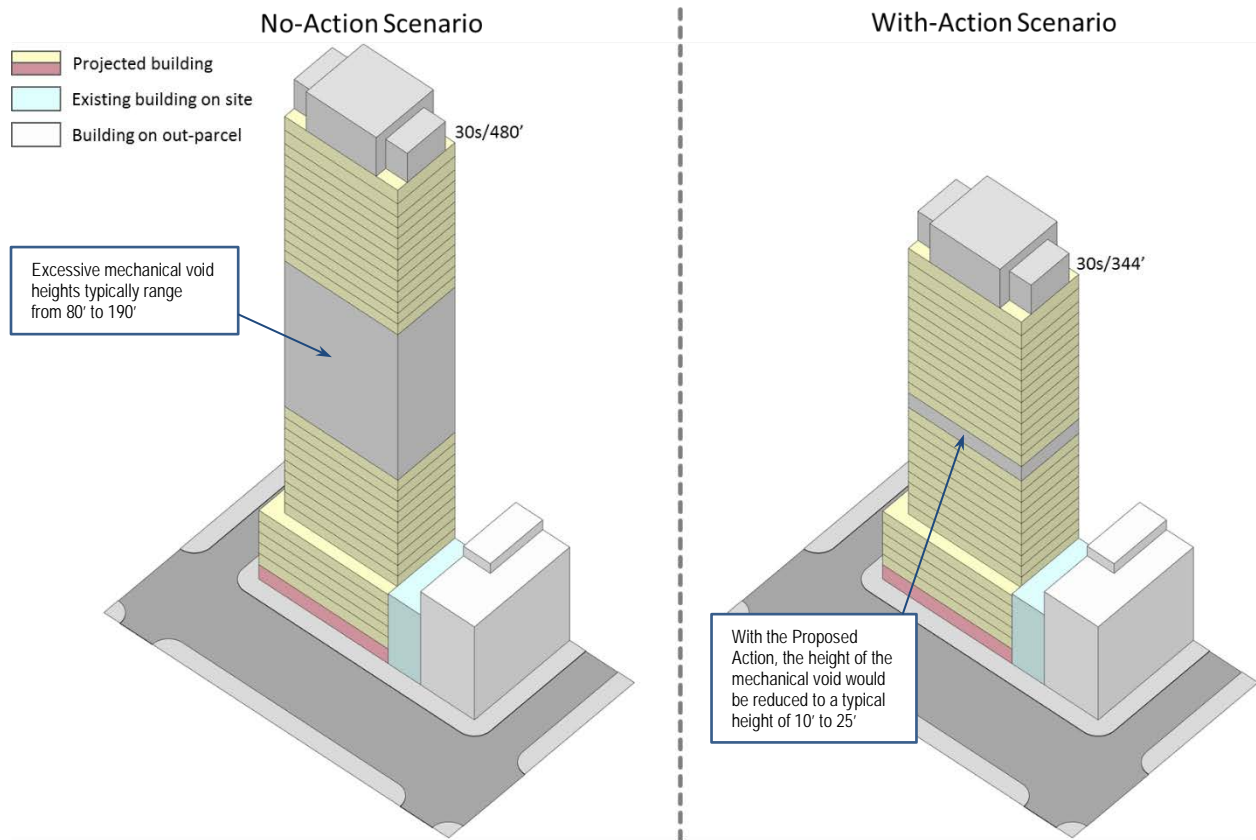
As shown in Figure 2, this prototype affords the opportunity to understand the effects of the Proposed Action on a typical residential standard tower, commonly found in a C4, C5 and C6 districts that are R9 or R10 equivalence. In districts where the standard tower regulations apply, mechanical voids would typically be located lower in the building to raise more residential units higher in the air. The No-Action Scenario reflects the stacking of these mechanical voids, with a total gross floor area of 487,500 sq. ft., a zoning floor area of 450,000 sq. ft., and a height of 907 ft. In the With-Action Scenario, the mechanical void on the lower floors would be reduced significantly, decreasing the gross floor area from 487,500 sq. ft. to

472,500 sq. ft., lowering the height from 907 ft. to 777 ft., while maintaining the zoning floor area at 450,000 sq. ft.

Prototype 3: Modified Standard Tower Development in a Special District, on a 23,107 sq. ft. Irregular Lot on a Wide and Narrow Street

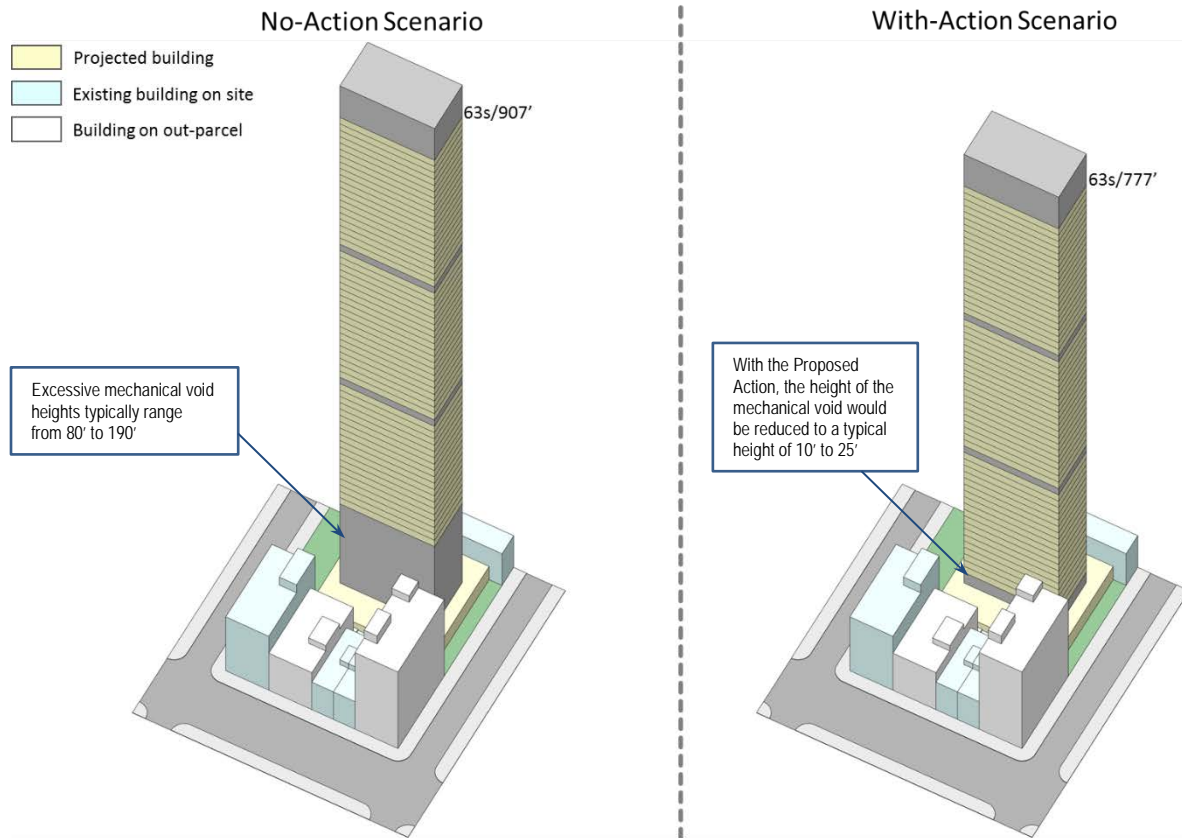
As represented in Figure 3, this prototype affords the opportunity to understand the effects of the Proposed Action on a modified residential standard tower development found in one of the Special Districts that would be affected by the Proposed Action. The No-Action Scenario reflects a development that contains mechanical voids on the lower portion of the buildings. This scenario would provide a total gross floor area of 378,935 sq. ft., a zoning floor area of 346,605 sq. ft., and height of 652 ft. In the With-Action Scenario, the mechanical voids situated on the lower floors would be reduced significantly, decreasing the gross floor area from 378,935 sq. ft. to 363,935 sq. ft., lowering the height from 652 ft. to 592 ft., while maintaining the zoning floor area at 346,605 sq. ft.

FIGURE 1:
Prototype 1 - Tower-on-a-base Development in a C2-8 District on 100'x175' Lot on a Wide Street



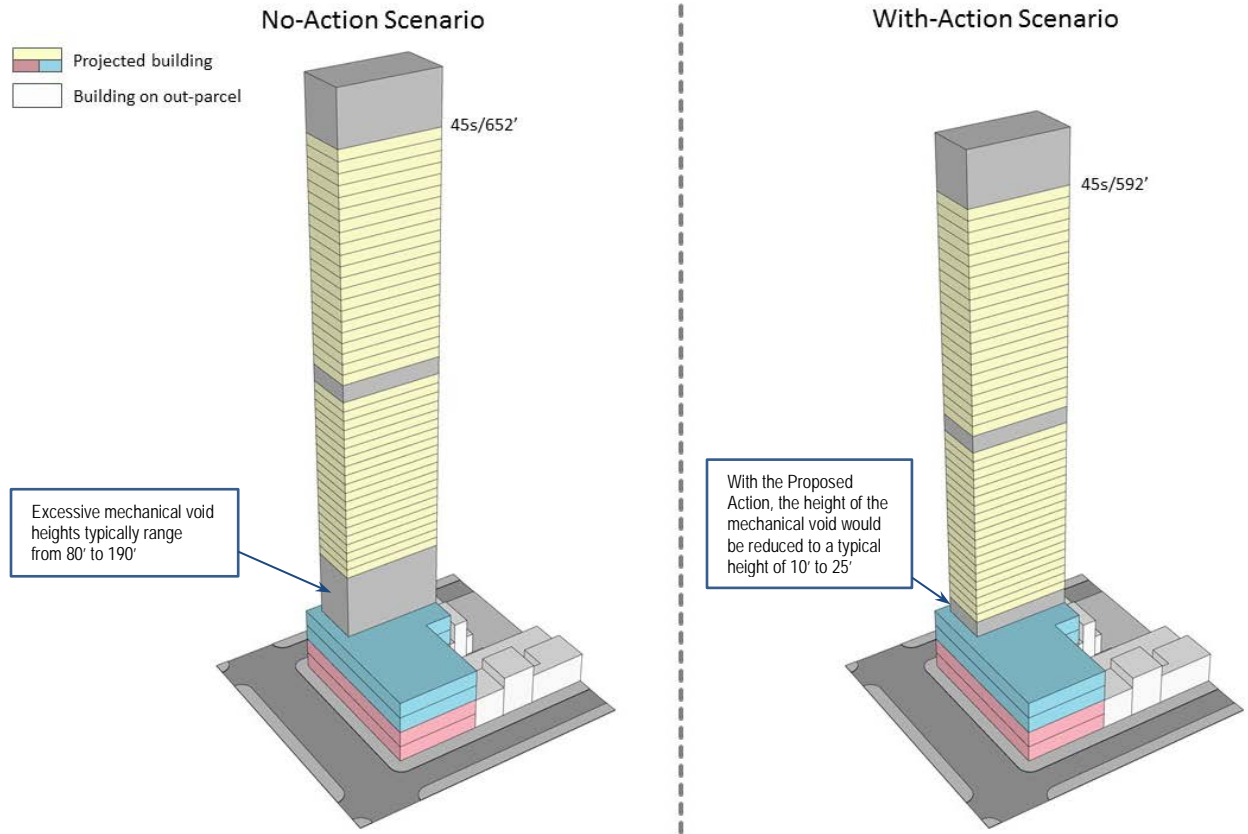
	No Action	With Action
Lot Area (square feet)	17,500 sq. ft.	17,500 sq. ft.
Permitted FAR	10.0/12.0 with Inclusionary Housing	10.0/ 12.0 with Inclusionary Housing
Permitted Maximum Zoning Floor Area w/ Inclusionary Housing Bonus	210,000 sq. ft.	210,000 sq. ft.
Number of Stories/Overall Height/Height with Bulkhead	30s/480'/520'	30s/344'/384'
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (@ 5% deduction)	235,500 sq. ft.	220,500 sq. ft.
Total Number of Units (@ 1,000 sf. ft. / unit)	221 units	221 units

FIGURE 2:
Prototype 2 - Standard Tower in a C5-1 a 37,500 sq. ft. Lot on Wide and Narrow Streets



	No Action	With Action
Lot Area (square feet)	37,500 sq. ft.	37,500 sq. ft.
Permitted FAR	10.0/12.0 with Inclusionary Housing	10.0/ 12.0 with Inclusionary Housing
Permitted Maximum Zoning Floor Area w/ Inclusionary Housing Bonus	450,000 sq. ft.	450,000 sq. ft.
Number of Stories/Overall Height/Height with Bulkhead	63s/907'/967'	63s/777'/837'
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (@ 5% deduction)	487,500 sq. ft.	472,500 sq. ft.
Total Number of Units (@ 1,000 sf. ft. / unit)	473 units	473 units

FIGURE 3:
Prototype 3 - Modified Standard Tower Development in the 42nd Street Perimeter Area in the Special Clinton District on a 23,107 sq. ft. Lot on a Wide and Narrow Street



	No Action	With Action
Lot Area (square feet)	23,107 sq. ft.	23,107 sq. ft.
Permitted FAR	12.0/ 15.0 with New Theater Use Bonus	12.0/ 15.0 with New Theater Use Bonus
Permitted Maximum Zoning Floor Area w/ Inclusionary Housing Bonus	346,605 sq. ft.	346,605 sq. ft.
Number of Stories/Overall Height/Height with Bulkhead	45s/652'/712'	45s/592'/652'
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (@ 5% deduction)	378,935 sq. ft.	363,935 sq. ft.
Total Number of Units (@ 1,000 sf. ft. / unit)	287 units	287 units

Residential Tower Mechanical Voids Text Amendment EAS

Attachment B: Technical Assessments

I. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the 2014 City Environmental Quality Review (CEQR) Technical Manual. For each technical area, thresholds are defined, which, if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary assessments were conducted for all aspects of the Proposed Action to determine whether detailed analyses of any technical areas would be appropriate.

Part II of the EAS Form identifies those technical areas that warrant additional assessments. The technical areas that warranted a “Yes” answer in Part II of the EAS form were land use, zoning, and public policy; historic and cultural resources; urban design and visual resources; natural resources; air quality; and neighborhood character. As such, additional assessment for each of the analysis areas is provided in this attachment. All remaining technical areas detailed in the CEQR Technical Manual were not deemed to require supplemental assessment, as they do not trigger initial CEQR thresholds and are unlikely to result in significant adverse impacts.

II. LAND USE, ZONING, AND PUBLIC POLICY

Under 2014 CEQR Technical Manual guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a Proposed Action and determines whether the Proposed Action is compatible with those conditions or may affect them. Similarly, the analysis considers the Proposed Action’s compliance with, and effect on, the area’s zoning and other applicable public policies.

The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. Rather it is intended to discourage the use of excessive mechanical or structural floors to increase building height by limiting the height and frequency of such spaces incorporated into a building’s design. Accordingly, the assessment presented is not site-specific, but instead, to the extent practicable, considers the types of developments that could occur as a result of the Proposed Action.

Land Use

The Proposed Action would not result in a change in the prevailing land use in the city, in general, and specifically in any of the areas where high-rise buildings are permitted. As described in *Attachment A: Project Description*, the Proposed Action is a zoning text amendment for residential towers. It is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The amendment also looks to recognize the need for reasonably sized and distributed mechanical spaces in residential towers, as well as overall flexibility to support design excellence in these areas. Given that the Proposed Action would not result in any changes to land use, it is not anticipated that there would be any potential for significance adverse impacts and no further analysis is required.

Zoning

The Proposed Action would amend special floor area regulations in R9 and R10 Residence Districts and their equivalent Commercial Districts, and in Special Purpose Districts that rely on the underlying tower regulations for floor area as well as height and setback regulations or portions of Special Purpose Districts adjacent to CBDs that are primarily residential in nature and where towers are permitted. These Special Purpose Districts include Lincoln Square; Union Square; West Chelsea; Clinton; Long Island City; and Downtown Jamaica.

The Proposed Action would require that floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether individually 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. 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.

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 there are no height limits for these spaces. This would ensure that mechanical spaces and these types of spaces are treated similarly.

As described above, the Proposed Action would not make any changes to allowed building height, lot coverage, open space or any other bulk requirement. The text amendment, which would count mechanical spaces in residential towers as zoning floor area, could result in buildings with less gross floor area and height, with the amount of achievable zoning floor area and net usable floor area unaffected. It is not anticipated that there would be any potential for significance adverse impacts on zoning as a result of the Proposed Action and no further analysis is required.

Public Policy

The Proposed Action, which would amend special floor area regulations for residential towers, would not be inconsistent with any public policies. As described above, it is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context.

Waterfront Revitalization Program

The Proposed Action could potentially affect properties located within the City's Coastal Zone and, therefore, it is subject to review for consistency with the policies of the Waterfront Revitalization Program (WRP). The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront while minimizing the conflicts among those objectives. The WRP Consistency Assessment Form lists the WRP policies and indicates whether the proposed project would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form (attached in Appendix A).

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The Proposed Action would apply to residential towers in non-contextual high-density districts where residential towers are permitted, including R9 and R10 Residence Districts, and their equivalent Commercial Districts that are mapped outside of central business districts, along with certain Special Purpose Districts. The restriction would also apply to mixed-use buildings that contain a small amount of non-residential floor area. The provisions would limit the use of zoning floor area deductions for excessive structural voids in high-density tower districts without inhibiting current or future towers from effectively incorporating necessary mechanical space - including electrical equipment, ventilation shafts, heating/cooling systems and other equipment. The Proposed Action would limit the height and frequency of such excessive structural voids, incorporated into a building tower's design that serve no practical or functional purpose for the building, while ensuring sufficient volumes of spaces would continue to be available to house mechanical equipment or structural components without counting towards "floor area" for zoning purposes. The Proposed Action would not make any changes to allowed building height, lot coverage, open space or any other bulk requirement, including the permitted amount or bulk of residential or commercial development in Coastal Zone areas. Therefore, the Proposed Action would be consistent with this policy.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

The Proposed Action will not inhibit buildings from being designed to address current or future flood risks, including the ability integrate adaptive measure into the planning and design of flood prone residential and mixed-use developments. The proposal to modify residential tower provisions to count mechanical or structural voids that are taller than 25 feet as "floor area" would ensure sufficient mechanical space continues to remain available without counting as such "floor area" to house any needed mechanical equipment, including equipment proposed to be relocated from below grade or below projected flood

elevations as a future adaptive measure. Therefore, the Proposed Action would be consistent with these policies.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and historic and working waterfront.

The Proposed Action would restrict some towers, including those possibly located within the Coastal Zone, from exploiting the mechanical space exemption from "floor area" through the creation of excessive structural voids that serve no functional mechanical-related function. This would result in reducing some building heights without reducing the permitted amount of residential or commercial floor space. Therefore, the Proposed Action would be consistent with this policy.

III. HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archeological value. This includes properties that have been designated or are under consideration for designation as New York City Landmarks (NYCL) or Scenic Landmarks, or are eligible for such designation; properties within New York City Historic Districts; properties listed on the State and/or National Register of Historic Places (S/NR-listed); and National Historic Landmarks. An assessment of architectural and/or archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or projects that require in-ground disturbance, unless such disturbance occurs in an area that has been previously excavated.

According to the *CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by proposed actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the affected area, as well as an approximately 400-foot radius around the affected area. Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance, as compared to No-Action conditions. The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. While it may affect areas of archaeological sensitivity, no new in-ground disturbance is anticipated in the With-Action condition beyond what would be expected to occur in the No-Action condition. Therefore, no further archaeological analysis is warranted.

Architectural resources usually need to be assessed for actions that would result in new construction, demolition, or significant physical alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including excavating vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure of the features that make the structure significant depend on sunlight.

As mentioned above, the Proposed Action would affect specific zoning districts on a citywide basis. These districts include R9 and R10 Residence Districts and their equivalent Commercial Districts, and in certain Special Purpose Districts. While some of these districts may be situated in historic districts, or adjacent to historic resources, the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action. There would be no incremental change in the potential for properties that are NYCLs or in New York City Historic Districts, or non-designated eligible

sites, to be directly impacted between the Future No- Action and With-Action conditions. The Proposed Action would not result in any physical direct impacts on architectural resources.

In addition, privately owned properties that are NYCLs or in New York City Historic Districts would also be protected under the New York City Landmarks Law that requires New York City Landmarks Preservation Commission (LPC) review and approval before any alteration or demolition can occur. Since the Proposed Action is not in-and-of-itself expected to induce new construction activities where these would not have occurred absent the Proposed Action, the Proposed Action would not result in any significant adverse construction-related impacts to non- designated eligible sites. In addition, any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a new construction site would be subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, ensuring that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources.

The Proposed Action would not result in any significant adverse visual or contextual (indirect) impacts to architectural resources. The text amendment, which would count mechanical spaces in residential towers as zoning floor area, could result in buildings with less gross floor area and height. Therefore, it would not result in incremental shadows being cast on sunlight-sensitive features of historic resources. No significant adverse impact on historic resources is anticipated.

IV. URBAN DESIGN AND VISUAL RESOURCES

As defined in the CEQR Technical Manual, urban design and visual resources are the totality of components that may affect a pedestrian's experience of public space. The urban design characteristics of the neighborhood encompass the various components of buildings and streets in the area, including building bulk, use, and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance and functionality of the built environment. An area's visual resources are its unique or important public view corridors, and can include views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings and natural resources. For CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a proposed action would (a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use, or arrangement than exists in an area; (b) change block form, de-map an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or (c) would result in above-ground development in an area that includes significant visual resources.

The Proposed Action would not alter the permitted height, bulk, setback or arrangement of the existing zoning districts. As shown by the three prototypical analysis sites, described in *Attachment A: Project Description*, the developments in the With-Action condition would be shorter than development in the No-Action condition. In addition, the developments would be similar in bulk and height to buildings in the surrounding area, as they will continue to comply with the zoning regulations applicable to the site. New development under the Proposed Action would not alter an entrenched, consistent urban context, obstruct a natural or built visual corridor or be inconsistent with the existing character and building forms typically seen in the area. Rather, the proposed text amendment would limit the use of excessively tall mechanical floors to elevate upper-story residential units above the surrounding context. It is intended to

reinforce and improve existing neighborhood character and urban design. Therefore, there would be no significant adverse impacts on urban design and visual resources.

V. NATURAL RESOURCES

Under CEQR, a natural resource is defined as the City's biodiversity (plants, wildlife and other organisms); any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Such resources include ground water, soils and geologic features; numerous types of natural and human-created aquatic and terrestrial habitats (including wetlands, dunes, beaches, grasslands, woodlands, landscaped areas, gardens, parks, and built structures); as well as any areas used by wildlife. According to the *CEQR Technical Manual*, a natural resources assessment may be appropriate if a natural resource is present on or near the site of a project, and the project would, either directly or indirectly, cause a disturbance of that resource.

The Proposed Action would not result in significant adverse impacts to natural resources. The Proposed Action itself is not expected to induce development on sites where natural resources exist and where development would not have otherwise been possible. In addition, in many areas where natural resources exist, there are regulations that ensure their protection. These regulations include New York State Department of Environmental Conservation tidal and freshwater wetland regulations, the New York State Coastal Zone Management Program, and special zoning designations including Special Natural Area zoning. The Proposed Action would not eliminate and/or change the existing protections. As such, the Proposed Action would not result in significant adverse impacts to natural resources and a detailed analysis is not warranted. No effects to natural resources, incremental development, new soil disturbance or effects to groundwater are anticipated, and the Jamaica Bay Watershed Form is not necessary for this generic proposal.

VI. AIR QUALITY

According to the CEQR Technical Manual, air quality impacts can be either direct or indirect. Direct impacts result from emissions generated by stationary sources from a prototype, such as emissions from on-site fuel combustion for heat and hot water systems ("stationary sources"). Indirect impacts are caused by off-site emissions associated with a project, such as emissions from on-road vehicle trips ("mobile sources") generated by the Proposed Action. The Proposed Action would not result in any significant adverse air quality impacts related to mobile or stationary sources.

Mobile Sources

As stated in the CEQR Technical Manual, a project—whether site-specific or generic—may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants, or add new users near mobile sources. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible, and therefore would not increase or cause a redistribution of traffic, create other mobile sources, or add new users near mobile sources. As such, the Proposed Action would not result in significant adverse air quality impacts due to mobile sources.

Stationary Sources

The Proposed Action is a “Generic Action,” and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of the likely effects of the Proposed Action, three representative development prototypes have been identified, as described in the Analytical Framework above. The screening analysis was performed for the three prototypes to assess air quality impacts associated with emissions from their heat and hot water systems. The methodology described in the 2014 CEQR Technical Manual was used for the analysis.

Generally, the screening methodology determines the threshold distance between a development site and the nearest building of similar or greater height beyond which the action would not have a significant adverse impact. Buildings of lower heights are not deemed to be under impact from a taller building. The screening procedures consider the type of fuel to be used, the maximum development size, the type of development, and the heat and hot water systems exhaust stack height to evaluate whether a significant adverse impact may occur. Based on the aforementioned parameters, if the distance between a development site and the nearest building of similar or greater height is less than the threshold distance as per in the 2014 CEQR Technical Manual figures, the potential for significant adverse air quality impacts is identified, and a detailed analysis involving a refined dispersion model is needed. Otherwise, if the prototype passes the screening analysis, no further analysis would be required.

For the screening analyses, it was assumed that No. 2 fuel oil would be used in all prototypes heat and hot water systems for conservative analysis. Screening nomographs were prepared as shown in Figures 4 – 6 below. The primary pollutants of concern are SO₂, NO₂ and PM_{2.5}. Exhaust stacks were assumed to be located 3 feet above the roof (as per the 2014 CEQR Technical Manual guidelines) and placed on the highest tier for buildings with different tier configurations.

FIGURE 4:
Prototype 1 Heat and Hot Water System Air Quality Screening Graph

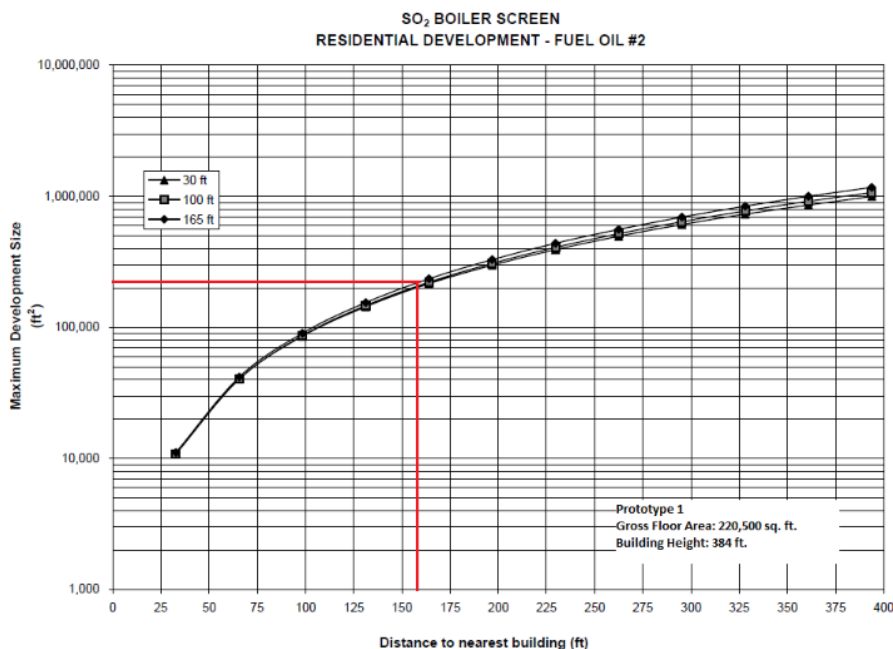


FIGURE 5:
Prototype 2 Heat and Hot Water System Air Quality Screening Graph

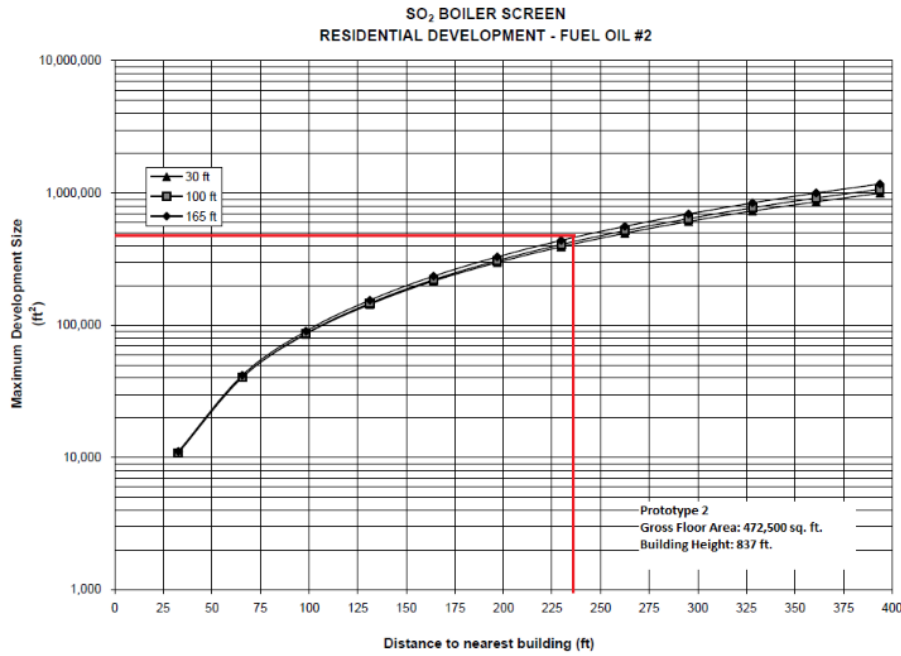
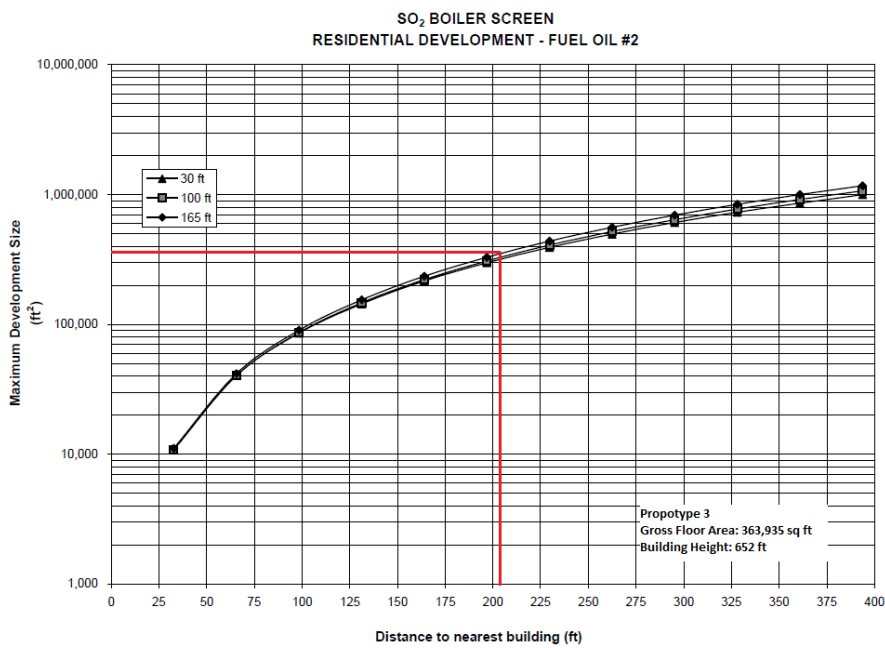


FIGURE 6:
Prototype 3 Heat and Hot Water System Air Quality Screening Graph



Figures 4 – 6 depicts screening analyses conducted for the three prototypes. The screening analyses show that the threshold distances for Prototype 1, Prototype 2, and Prototype 3 are 158 feet, 238 feet, and 205 feet respectively. Any buildings of similar or greater heights located within the threshold distances require detailed air quality impact analysis; any buildings of similar or greater heights located beyond the threshold distances will experience no potential significant adverse air quality impact from developments represented by the three prototypes.

Since R9 and R10 Residential District, their equivalent Commercial Districts, and Special Purpose Districts that rely on the underlying tower regulations are already highly developed, there are not many suitable sites that will have new developments affected by the proposed zoning text amendment. While the three prototypes studied are not tied to a specific geography, it is reasonable to believe that they represent the future potential developments in the affected zoning districts. Further investigation based on the prototypes and currently available sites for residential tower development indicates that, buildings abiding to the proposed zoning text amendment, i.e. buildings without excessively tall voids would still retain heights that exceed heights of their surrounding buildings - buildings of similar heights or taller than the prototypes are not anticipated to be in the vicinity closer than the threshold distances derived from the screening analyses. As such, the screening analysis results are sufficient to represent the air quality impact of the proposed action; no further detailed analyses are warranted. The proposed action will not lead to potential significant adverse air quality impact caused by residential towers with restricted void heights.

VII. NEIGHBORHOOD CHARACTER

The CEQR Technical Manual defines neighborhood character as an amalgam of the various elements that give neighborhoods their distinct personality. These elements can include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation and/or noise but not all of these elements contribute to neighborhood character in all cases. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

The Proposed Action would not adversely affect any component of the affected area's neighborhood character. The proposal would not induce development that would conflict with the surrounding activities, nor would it significantly impact land use patterns. Rather, it is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. By limiting the size and frequency of excessive mechanical voids, the Proposed Action encourages the development of buildings that engage their surroundings and complement the surrounding neighborhood with active uses on lower floors.

Moreover, the Proposed Action is not expected to result in any significant adverse impacts on the technical areas related to neighborhood character, including land use, urban design and visual resources, or historic and cultural resources. Therefore, the Proposed Action would not result in a significant adverse impact on neighborhood character.

APPENDIX A

Proposed Zoning Text Amendment

Residential Tower Voids

Text Amendment

December 11, 2018

Draft 1

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

* * *

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

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 enclosed floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any enclosed 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 25 feet within any given 75-foot vertical segment of a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the finished floor to the height of the structural ceiling. In addition, within a given 75-foot segment, each #story# of floor space, or each increment of 25 feet, rounded to the nearest integer divisible by 25, whichever results in a higher number, shall be counted separately in the #floor area# calculation.

* * *

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#.

* * *

END

APPENDIX B

Waterfront Revitalization Program Consistency Assessment Form

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: _____

Name of Applicant Representative: _____

Address: _____

Telephone: _____ Email: _____

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

2. Purpose of activity

C. PROJECT LOCATION

Borough: _____ Tax Block/Lot(s): _____

Street Address: _____

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission

Yes No

- | | | |
|---|--|--|
| <input type="checkbox"/> City Map Amendment | <input type="checkbox"/> Zoning Certification | <input type="checkbox"/> Concession |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Authorizations | <input type="checkbox"/> UDAAP |
| <input type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Acquisition – Real Property | <input type="checkbox"/> Revocable Consent |
| <input type="checkbox"/> Site Selection – Public Facility | <input type="checkbox"/> Disposition – Real Property | <input type="checkbox"/> Franchise |
| <input type="checkbox"/> Housing Plan & Project | <input type="checkbox"/> Other, explain: _____ | |
| <input type="checkbox"/> Special Permit | | |
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Board of Standards and Appeals

Yes No

- Variance (use)
- Variance (bulk)
- Special Permit
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Other City Approvals

- | | |
|--|---|
| <input type="checkbox"/> Legislation | <input type="checkbox"/> Funding for Construction, specify: _____ |
| <input type="checkbox"/> Rulemaking | <input type="checkbox"/> Policy or Plan, specify: _____ |
| <input type="checkbox"/> Construction of Public Facilities | <input type="checkbox"/> Funding of Program, specify: _____ |
| <input type="checkbox"/> 384 (b) (4) Approval | <input type="checkbox"/> Permits, specify: _____ |
| <input type="checkbox"/> Other, explain: _____ | |

State Actions/Approvals/Funding

- State permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Federal Actions/Approvals/Funding

- Federal permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Is this being reviewed in conjunction with a [Joint Application for Permits?](#) Yes No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? Yes No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? Yes No
3. Is the project located on publicly owned land or receiving public assistance? Yes No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) Yes No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) Yes No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F). Yes No
 - Significant Maritime and Industrial Area (SMIA) (2.1)
 - Special Natural Waterfront Area (SNWA) (4.1)
 - Priority Maritime Activity Zone (PMAZ) (3.5)
 - Recognized Ecological Complex (REC) (4.4)
 - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Frank Ruchala Jr

Address: 120 Broadway, 31st Floor

Telephone: 212-720-3436

Email: fruchala@planning.nyc.gov

Applicant/Agent's Signature: frank ruchala jr

Digitally signed by frank ruchala jr
Date: 2019.04.09 11:45:04 -04'00'

Date: 4/9/19

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning

Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State

Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

APPENDIX C

Historic and Cultural Resources

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 19DCP110Y
Project: RESIDENTIAL TOWER VOIDS TEXT AMENDMENT
Address: 120 BROADWAY, **BBL:** 1000477501
Date Received: 12/13/2018

Comments:

The LPC is in receipt of the EAS for the above referenced Generic Citywide Action dated 12/13/18. LPC understands that this action in-and-of-itself is not intended to induce development where it would not have occurred absent the Proposed Action. The language in section III. "Historic and Cultural Resources" in the Technical Assessments Section of the EAS appears acceptable.



12/14/2018

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 33873_FSO_GS_12142018.doc

APPENDIX D

Technical Memorandum 001

TECHNICAL MEMORANDUM 001
POTENTIAL CITY PLANNING COMMISSION MODIFICATIONS
RESIDENTIAL TOWER MECHANICAL VOIDS TEXT AMENDMENT
CEQR No. 19DCP110Y
ULURP No. N 190230 ZRY
April 9, 2019

A. INTRODUCTION

The purpose of this memorandum is to assess whether proposed modifications by the City Planning Commission (CPC) to the Residential Tower Mechanical Voids Text Amendment as certified by the CPC would result in new or different impacts not disclosed Negative Declaration for the proposal, issued January 28, 2019. As described below, the modifications would not result in such effects.

The Department of City Planning (DCP) proposes a zoning text amendment application (N 190230 ZRY) 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.

The Environmental Assessment Statement (EAS) for the Proposed Action was accepted as complete on January 25, 2019, by DCP, acting on behalf of CPC as lead agency. A Negative Declaration was issued on January 28, 2019. A public hearing on the proposal was held on February 27, 2019, pursuant to Uniform Land Use Review Procedure (ULURP).

In response to testimony heard at the public hearing, modifications to the Proposed Action were proposed by the CPC. The Commission proposes to modify 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. This technical memorandum examines whether the Potential CPC Modifications would result in any new or different significant adverse environmental impacts not already identified in the EAS. As set forth below, this technical memorandum concludes that the Potential Modifications by the CPC would not alter the conclusions of the EAS and Negative Declaration issued January 28, 2019 and would not result in any significant adverse impacts.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS

The Potential CPC Modifications would increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area, and provide clarification for the measurement of mechanical floor height. These changes will allow appropriate flexibility to meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. The modifications are described

in detail below. The zoning text amendment associated with the Potential CPC Modifications is contained in **Appendix 1**.

During the public hearing, 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 proposes to modify 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 these modifications are appropriate.

C. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL CPC MODIFICATIONS

The Potential CPC Modifications are not expected to alter the conclusions of the EAS issued January 25, 2019 and Negative Declaration issued January 28, 2019, associated with the Proposed Action. As discussed above, the Potential CPC Modifications would modify the proposed zoning text amendment to increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area and provide clarification for the measurement of mechanical floor height. These changes will allow appropriate flexibility to

meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. The resulting development that may be expected to occur because of these Potential CPC Modifications would not substantively differ from what was analyzed in the analysis framework of the EAS.

The Potential CPC Modifications would allow mechanical spaces up to 30 feet in height before counting towards floor area calculations. Therefore, development expected to occur in the With-Action scenario may be expected to include mechanical spaces up to 30-feet in height. This change may allow marginal changes in height up to five feet from what was analyzed in the EAS. The Potential CPC Modifications would also clarify the method for measuring mechanical floor height. While the threshold for applicability has been modified and the measurement methodology has been clarified, the results of the Potential CPC Modification would not substantively differ from what was analyzed in the EAS.

In addition, the EAS included an assessment of the consistency of the Proposed Action with the Waterfront Revitalization Program (WRP). The Potential CPC Modifications are not anticipated to alter the conclusions of the EAS, and would not affect the project's determination of consistency with the policies and standards of the WRP.

As described above, the Potential CPC Modifications would not alter the conclusions of the EAS and Negative Declaration.

APPENDIX 1

Proposed Zoning Text Amendment

Potential CPC Modifications

Residential Tower Mechanical Voids Text Amendment

CITY WIDE

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 count toward residential floor area.

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

* * *

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

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.

Chapter 4
Bulk Regulations for Community Facilities in Residence Districts

* * *

24-10
FLOOR AREA AND LOT COVERAGE REGULATIONS

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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#.

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Article III
Commercial District Regulations

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

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35-35
Special Floor Area Ratio Provisions for Certain Areas

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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#.

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Article IX
Special Purpose Districts

* * *

Chapter 6
Special Clinton District

* * *

96-20
PERIMETER AREA

* * *

**96-21
Special Regulations for 42nd Street Perimeter Area**

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(b) #Floor area# regulations

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(2) #Floor area# regulations in Subarea 2

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(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#.

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**Chapter 8
Special West Chelsea District**

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**98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS**

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

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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#.

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END