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The City of New York
Community Board 8 Manhattan

February 22, 2019

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

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

Dear Chair Lago,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

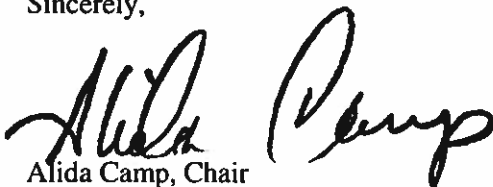
WHEREAS, Community Board 8 believes that contextual height limits would eliminate or minimize the use of loopholes in our neighborhood;

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

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

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

Sincerely,



Alida Camp, Chair

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