



**NYC PLANNING**  
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

**ZONING DIVISION**

Marisa Lago, *Director*  
Department of City Planning

January 28, 2019

Re: N 190230 ZRY - Proposed Residential Tower Mechanical Voids Text Amendment

Dear New Yorker:

On January 28, 2019, the Department of City Planning referred out the Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY), beginning the public review process.

The proposed zoning text amendment for residential buildings in high-density tower districts would discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The proposed change would apply to residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts.

Please refer to the attached application for a more detailed description of the proposed amendment. Additional information on the proposal, as well as digital copies of the proposed zoning text are available on the Department of City Planning's website.

The application for the zoning text amendment (N 190230 ZRY) is subject to your review. If you have any comments or recommendations on this application, please send them by March 8, 2019 to:

City Planning Commission  
Calendar Information Office  
120 Broadway, 31<sup>st</sup> floor  
New York, N.Y. 10271

Sincerely,



Frank Ruchala Jr.  
Deputy Director, Zoning Division

Beth Lebowitz, *Director, Zoning Division*  
Frank Ruchala Jr., *Deputy Director, Zoning Division*  
Nicole Vargas, *Zoning Information Desk Administrator*  
120 Broadway – 31<sup>st</sup> Floor, New York, N.Y. 10271-0001  
Tel (212) 720-3325 - Fax (212) 720-3244

## ENCLOSURE

C: Ryan Singer, DCP  
Borough Presidents of the Bronx, Manhattan and Queens  
Borough Boards of Manhattan and Queens  
Bronx Community Boards: 4  
Manhattan Community Boards: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11  
Queens Community Boards: 2 and 12  
Department of Buildings  
City Council, Land Use Division

Beth Lebowitz, *Director, Zoning Division*  
Frank Ruchala Jr., *Deputy Director, Zoning Division*  
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120 Broadway – 31<sup>st</sup> Floor, New York, N.Y. 10271-0001  
Tel (212) 720-3325 - Fax (212) 720-3244



# Land Use Review Application

Department of City Planning

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271

N190230 ZRY

City Planning will assign and stamp reference numbers here

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

### 1. APPLICANT AND APPLICANT'S REPRESENTATIVES

**Department of City Planning**

**Frank Ruchala**

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*  
**120 Broadway, 31st Floor**

APPLICANT'S PRIMARY REPRESENTATIVE  
**NYC Department of City Planning, Zoning Division**

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

**New York**                      **NY**                      **10271**  
CITY                                      STATE                                      ZIP

**120 Broadway, 31<sup>st</sup> Floor**  
STREET ADDRESS

AREA CODE    TELEPHONE #                      FAX#

**New York**                      **NY**                      **10271**  
CITY                                      STATE                                      ZIP

**212-720-3263**  
AREA CODE    TELEPHONE #                      FAX#

\* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)  
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)                      TELEPHONE #                      FAX #

### 2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

STREET ADDRESS

**Residential Tower Mechanical Voids Text Amendment**  
PROJECT NAME (IF ANY)

**R9, R10 and commercial district equivalents, Citywide**  
DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)                      ZONING SECTIONAL MAP NO(S).

TAX BLOCK AND LOT NUMBER                      BOROUGH                      COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO  YES  IF YES, IDENTIFY

### 3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

### 4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

\* No supplemental form required

- CHANGE IN CITY MAP.....MM                      \$ \_\_\_\_\_
- ZONING MAP AMENDMENT.....ZM                      \$ \_\_\_\_\_
- ZONING TEXT AMENDMENT..... ZR                      \$ \_\_\_\_\_
- ZONING SPECIAL PERMIT.....ZS                      \$ \_\_\_\_\_
- ZONING AUTHORIZATION.....ZA                      \$ \_\_\_\_\_
- ZONING CERTIFICATION.....ZC                      \$ \_\_\_\_\_
- PUBLIC FACILITY, SEL./ACQ.....PF                      \$ \_\_\_\_\_
- DISPOSITION OF REAL PROP.....PP                      \$ \_\_\_\_\_
- URBAN DEVELOP+T ACTION.....HA                      \$ \_\_\_\_\_
- URBAN RENEWAL PROJECT.....\*                      \$ \_\_\_\_\_
- HOUSING PLAN & PROJECT.....\*                      \$ \_\_\_\_\_
- FRANCHISE.....\*                      \$ \_\_\_\_\_
- REVOCABLE CONSENT.....\*                      \$ \_\_\_\_\_
- CONCESSION.....\*                      \$ \_\_\_\_\_
- LANDFILL.....\*                      \$ \_\_\_\_\_
- OTHER (Describe)                      \$ \_\_\_\_\_

- MODIFICATION                      \$ \_\_\_\_\_
  - FOLLOW-UP                      \$ \_\_\_\_\_
  - RENEWAL                      \$ \_\_\_\_\_
  - OTHER                      \$ \_\_\_\_\_
- APPLICATION NO. \_\_\_\_\_
- APPLICATION NO. \_\_\_\_\_
- SPECIFY \_\_\_\_\_
- TOTAL FEE (For all actions)                      \$ \_\_\_\_\_**

Make Check or Money Order payable to Department of City Planning.  
If fee exemption is claimed check box below and explain  
 **DCP is the Applicant**

Has pre-application meeting been held?  NO  YES

If yes                      \_\_\_\_\_                      \_\_\_\_\_  
DCP Office/Representative                      Date of meeting

5. ENVIRONMENTAL REVIEW CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing) LEAD AGENCY NYC Department of City Planning CEQR NUMBER 19DCP110Y

TYPE OF CEQR ACTION:

TYPE II Type II category: Date determination was made: TYPE I Has EAS been filed? Yes No UNLISTED If yes, Date EAS filed:

Has CEQR determination been made? Yes No

If yes, what was determination? Negative Declaration CND Positive Declaration Date determination made: 1/25/2019 (Attach Copy)

If Positive Declaration, has PDEIS been filed?

Has Notice of Completion (NOC) for DEIS been issued? If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? If yes, date issued:

6. COASTAL ZONE MANAGEMENT IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE

8. RELATED ACTIONS BY OTHER AGENCIES LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO. DESCRIPTION/ DISPOSITION/STATUS CAL. NO. DATE

9. FUTURE ACTIONS REQUIRED LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10. APPLICANT (Attach authorizing resolution(s), if applicable) Frank Ruchala NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF APPLICANT DATE 1/25/19 NYC Department of City Planning APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable) NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

ADMINISTRATIVE CODE ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

# City Map Change . . . . . MM

APPLICATION NO

**Proposed City Map Change**

(Check appropriate boxes)

- 1. ESTABLISH NEW..... STREET     PARK     PUBLIC PLACE     GRADE
- 2. ELIMINATE EXISTING.....  STREET     PARK     PUBLIC PLACE     GRADE
- 3. CHANGE EXISTING STREET.....  WIDTH     ALIGNMENT     GRADE
- 4. EASEMENT  
     Delineate New.....      Remove Existing.....      Modify Existing.....
- 5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY .....

# Zoning Map Change . . . . . ZM

APPLICATION NO

**Proposed Zoning Map Change(s)**

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	EXISTING	TO:	PROPOSED
CHANGE #2	FROM:	EXISTING	TO:	PROPOSED
CHANGE #3	FROM:	EXISTING	TO:	PROPOSED
CHANGE #4	FROM:	EXISTING	TO:	PROPOSED
CHANGE #5	FROM:	EXISTING	TO:	PROPOSED

# Zoning Text Amendment . . . . . ZR

N190230 ZRY

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

**Affected Zoning Resolution (ZR) Sections**

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
<u>23-10</u>	<u>Open Space and Floor Area Regulations</u>
<u>23-16</u>	<u>Special Floor Area and Lot Coverage Provisions for Certain Areas</u>
<u>24-112</u>	<u>Special floor area ratio provisions for certain areas</u>
<u>35-352</u>	<u>Special floor area regulations for certain districts</u>
<u>96-21</u>	<u>Special Regulations for 42<sup>nd</sup> Street Perimeter Area</u>
<u>98-221</u>	<u>Additional regulations for Subdistrict A</u>

# Residential Tower Mechanical Voids Text Amendment

## Introduction

The Department of City Planning (DCP) proposes a city-wide Zoning Text Amendment for residential buildings in high-density districts to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The proposal would require that mechanical floors, typically excluded from floor area calculations, would be counted toward the overall permitted floor area on the zoning lot if they are taller than new specified limits or overly concentrated in portions of the building. The proposed floor area requirements would apply to residential towers in non-contextual R9 and R10 Residence Districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations or that are primarily residential in character. The provision would also apply to non-residential portions of a mixed-use building if the building contains a limited amount of non-residential floor area.

## Background

The New York City Zoning Resolution allows floor space containing mechanical equipment to be excluded from zoning floor area calculations. 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 the zoning.

DCP 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, DCP 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 an explicit limit on height for portions of buildings that meet certain lot coverage requirements. In these tower districts, generally concentrated in Manhattan, DCP assessed over 80 new residential buildings and found that 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 typical scenarios, DCP identified seven buildings that were characterized by either a single, extremely tall mechanical space, or multiple mechanical floors stacked closely together. The height of these mechanical spaces varied significantly but ranged between 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.

## Description of Proposed Action

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

The amendment would require that floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether singly or in combination) be counted as floor area. Taller

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

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

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

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



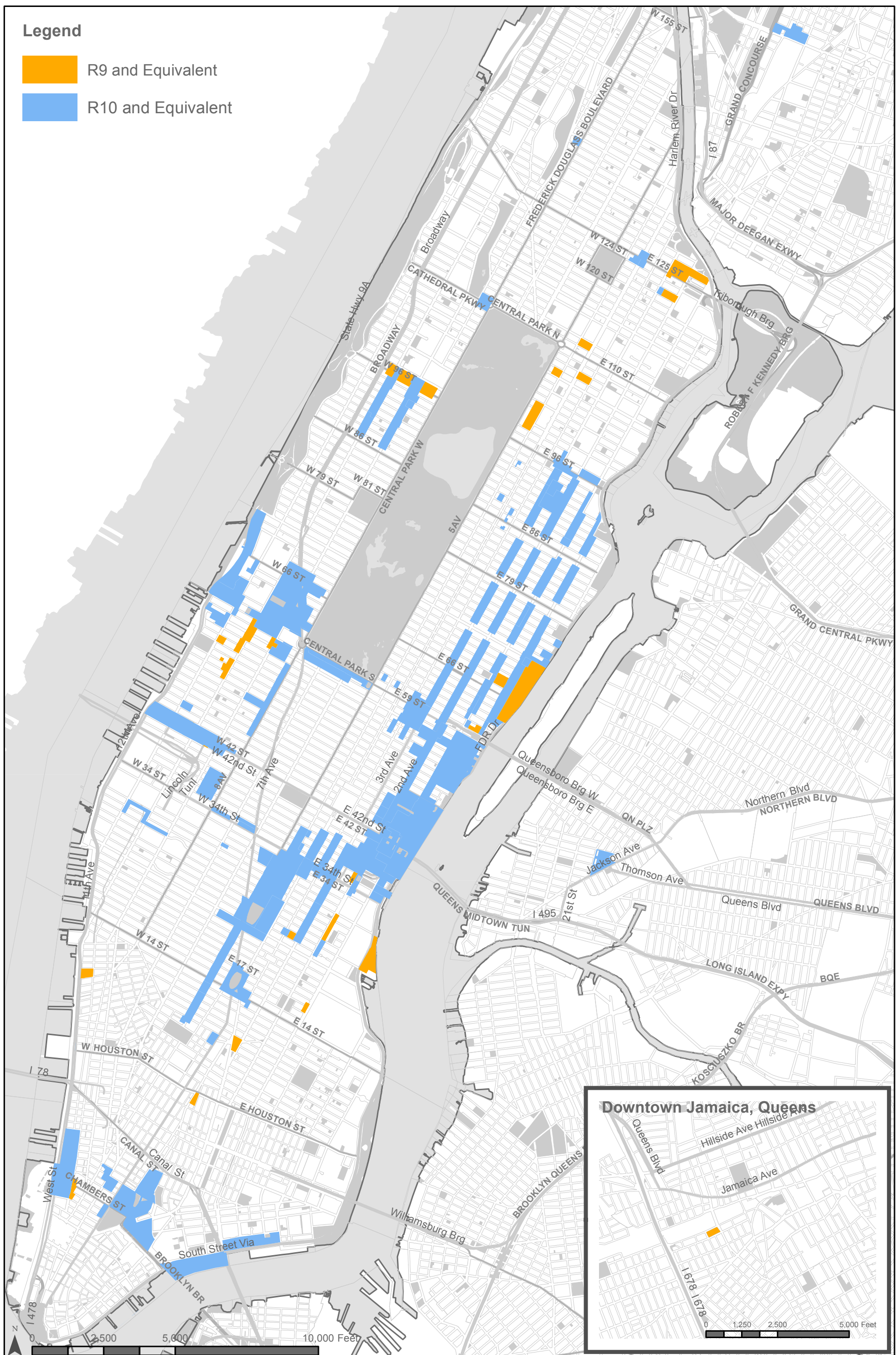
Borough	Special District/Area	Notes
MN	Lincoln Square	C4-7 Districts
MN	Union Square	C6-4 Districts
MN	West Chelsea	Subdistirct A
MN	Clinton	R9 District and equivalent Commercial Districts that do not have special height restrictions, as well as C6-4 Districts in the 42nd Street Perimeter Area
QN	Long 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.

The applicable areas are shown on Map 1 in the Appendix to this document.

# Residential Tower Mechanical Voids Text Amendment

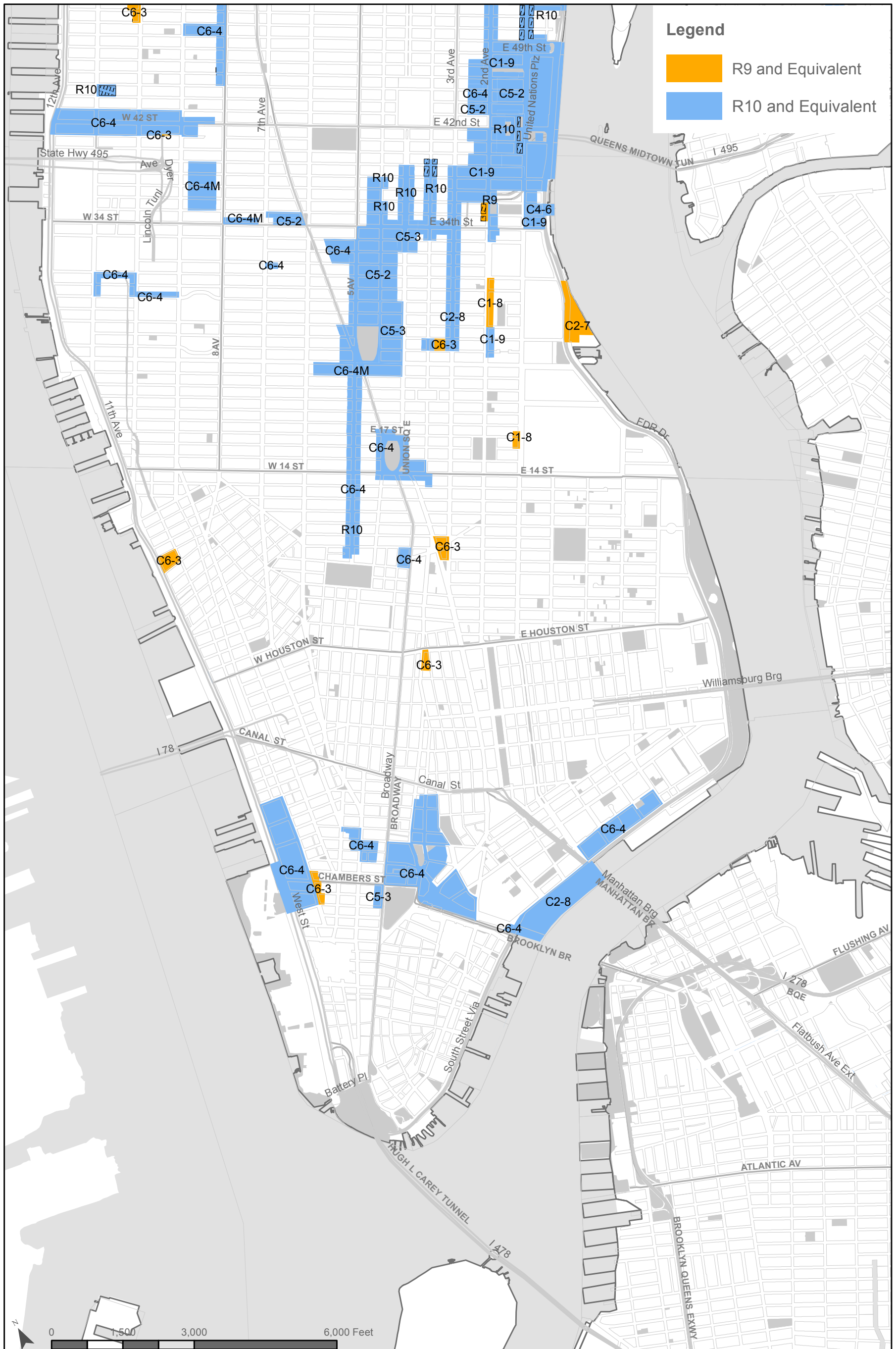
## Legend

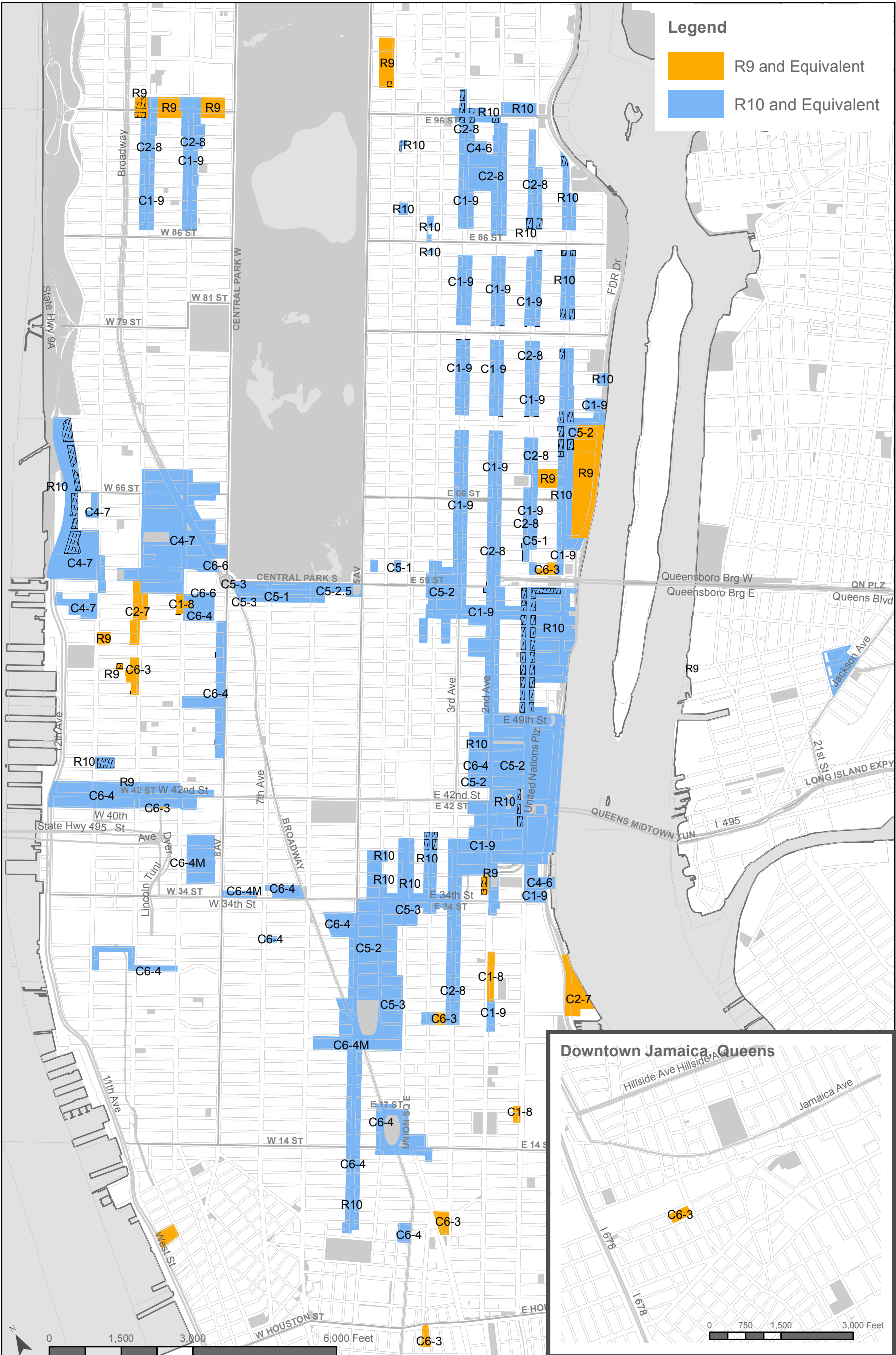
- R9 and Equivalent
- R10 and Equivalent



Residential Tower Mechanical Voids Text Amendment

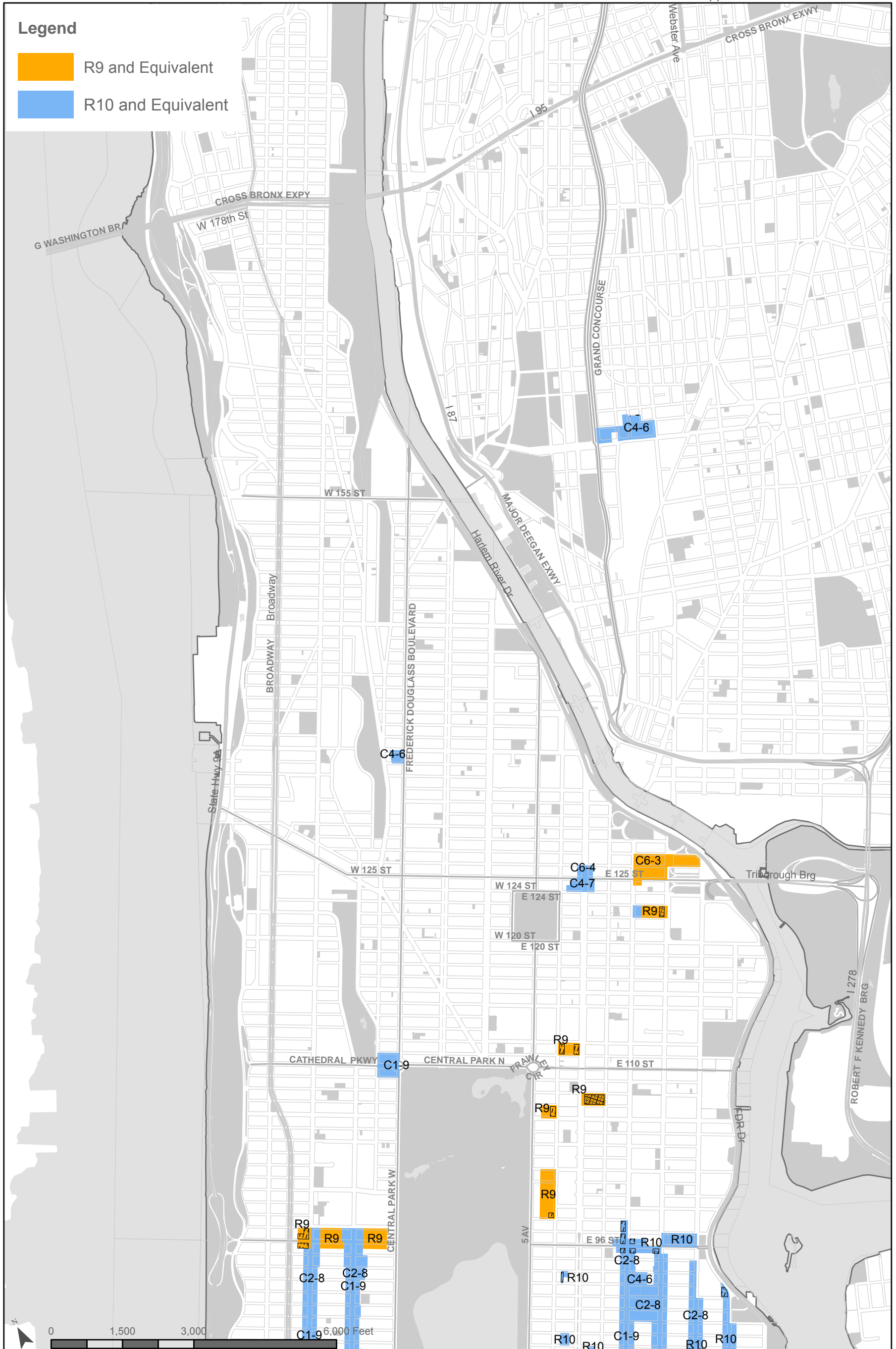
Lower Manhattan





Residential Tower Mechanical Voids Text Amendment

Upper Manhattan and the Bronx



# Residential Tower Mechanical Voids

## Text Amendment

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.

\* \* \*

\* \* \*

## **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

**NEGATIVE DECLARATION (Use of this form is optional)**

**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 1/25/2019
SIGNATURE 	

Project Name: Residential Tower Mechanical Voids Text Amendment

CEQR #: 19DCP110Y

SEQRA Classification: Type I

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TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE 1/28/2019
SIGNATURE 