



Community Board 12 - Manhattan Washington Heights & Inwood

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Richard R. Lewis, Chairperson
Ebenezer Smith, District Manager

February 28, 2019

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

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

Dear Chair Lago:

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

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

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

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

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

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

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

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

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

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

Sincerely



Richard R. Lewis
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Gale Brewer, Manhattan Borough President
Hon. Jumaane Williams, Public Advocate
Hon. Scott Stringer, Comptroller
Hon. Adriano Espaillat, Congressman
Hon. Robert Jackson, State Senator
Hon. Brian Benjamin, State Senator

Hon. Al Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodríguez, Council Member
Hon. Mark Levine, Council Member
Orlando Rodríguez, Esq., Senior Urban Planner MBPO
Hon. Kenneth J. Knuckles, Esq., Vice Chair

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