



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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**JEAN-DANIEL NOLAND**  
Chair

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District Manager

January 4, 2008

Hon. Amanda M. Burden, Director  
New York City Department of City Planning  
22 Reade Street  
New York, NY 10007-1216

**Re: ULURP No. 0800080 ZRY - AIA Text Amendments**

Dear Director Burden:

We welcome the opportunity to comment on the proposed AIA Text Amendments to the New York City Zoning Resolution. The amendments have been proposed by the New York Chapter of the American Institute of Architects, and are intended to address issues encountered by architects, especially when working on the development of small, irregular infill sites. While we agree in principle with the stated goals of removing or updating old and outmoded provisions and making the Zoning Resolution work better for a largely built-up, mature city, we have comments on some of the provisions as they relate to our district.

Our comments are organized according to the Project Description in the ULURP application. We support Proposal 1, conditionally support Proposals 2 and 5, oppose Proposal 4 and have no comment on Proposals 3, 6 and 7.

**Proposal 1 – Lot Coverage on Small Corner Lots for Quality Housing Buildings**

Currently the Zoning Resolution allows 80% coverage on corner lots for residential buildings developed or enlarged pursuant to the Quality Housing Program in R6 through R10 districts and their commercial equivalents.<sup>1</sup> The proposed amendment would allow 100% lot coverage on lots 5,000 square feet or less. (There are no side yard or rear yard requirements for corner lots in the applicable districts.) The proposed amendment would allow lower buildings (since allowable development could be distributed over more of the lot) and greater street wall continuity. We support this proposal without additional comment.

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<sup>1</sup> The Quality Housing Program, the rules for which are in Section 28 of the Zoning Resolution, encourages development consistent with the character of established neighborhoods. It does not apply in the Special Clinton District, the Special Hudson Yards District or the Special West Chelsea District, which means that it applies in CD4 only in Chelsea east of Tenth Avenue.

## **Proposal 2 – Number of Permitted Dwelling Units for Undersized Lots**

In all residence districts, undersized lots less than 18 feet wide or 1,700 square feet are limited to a single-family or two-family residence. The proposed amendment would allow multi-family buildings on undersized lots, but structures with three or more dwelling units would be restricted to the building envelope of an R8B district (60-foot maximum base height, 75-foot maximum building height) or the height and setback regulations of the applicable district, whichever is more restrictive.

We are concerned about the profusion of tall, thin buildings being constructed on infill lots of the type specifically addressed by this set of proposed amendments, and have written to you requesting text amendments making ZR 23-692, the “Sliver Law,” applicable throughout our three special districts.

We support the potential creation of additional housing units by the proposed amendment but we are concerned that a 75 foot high building would protrude awkwardly in the middle of a row of smaller buildings. We support the amendment with the additional condition that the maximum height is limited to 60 feet or the height of the taller of the adjacent buildings, but not to exceed 75 feet.

## **Proposal 3 – Dormers in Rear Setback Areas for Quality Housing Buildings**

Currently dormers are allowed within front setback areas in R6 through R10 districts. The proposed amendment would allow rear dormers in the same manner. We have no comment on this proposal.

## **Proposal 4 – Adjustments to Maximum Base Heights for Quality Housing Buildings**

The Zoning Resolution allows a fixed range of base heights in contextual districts and for buildings developed pursuant to the Quality Housing Program. The proposed amendment would allow maximum base heights to be increased by up to 25% to match adjacent buildings whose street walls exceed the maximum permitted base height.

As you know from our work on the recent Hudson Yards and West Chelsea rezonings we have given a great deal of thought to building design guidelines, including street wall continuity. In general, although we welcome creativity and variety, we favor contextual building, of which one part is the street wall. We are concerned, however, that the proposed amendment could compound previous errors by permitting inappropriately high base height, to spread to adjacent buildings. We believe that some variation in base heights is preferable to the risk of creating uniformity at an inappropriate height, for this reason we oppose the proposed amendment.

## **Proposal 5: Permitted Obstructions to Height and Setback Regulations**

Rooftop structures (including elevator or stair bulkheads, water tanks or cooling towers) that exceed height limits are regulated by a formula that limits their surface area facing a street to four times the width of the building. The proposed amendment would allow larger rooftop obstructions under two alternatives if the obstructions are at least 20 feet from a wide street and at least 25 feet from a narrow street. In fact, this provision already applies in the Special Hudson Yards District and the Special West Chelsea District; the amendment would make it applicable throughout the City. The amendment would also permit rooftop obstructions to contain “accessory” mechanical equipment of any kind (heating equipment for example) provided it is contained within the allowable envelope. In addition, the remainder of the roof could be occupied by green roof planting beds, solar energy panels or “other sustainable technologies” up to a height of four feet.

Our reactions to this proposal are mixed. We are sensitive to anything that increases the bulk of buildings beyond what is permitted, especially on low buildings, but we are enthusiastic supporters of sustainable technology that has a significant impact on a building’s energy or water use or on its environmental emissions. We suggest the following modifications to the proposed amendment.

- The Department of City Planning should have serious discussions with knowledgeable professionals about the size of the proposed increase in permitted rooftop obstructions. We need to understand what is truly needed or desirable for the community with current and projected conditions as opposed to what simply is desirable on the part of the building owner or developer. For example, increased cooling capacity because of a warming climate or savings in energy consumption by the positioning of heating and cooling equipment together could be acceptable, while emptying a basement in order to increase interior space that could be leased or sold at the cost to the community of increased bulk on the roof would not.
- Any mechanical installation on the top of a building should serve the building itself. Increases in permitted mechanical bulk should not be useable by the building owner for revenue-producing installations.

We believe that sustainable technology should be encouraged and that since we do not know what will be available in the future or how much space it might require there must be flexibility. However, we have concerns about how the undefined term “other sustainable technologies” might be interpreted and about the visual consequences for the community. We recommend the following:

- Any equipment installed under a sustainability exemption must make a meaningful contribution to the sustainability of the building. For example, an energy generation or conservation installation must reduce the building’s external energy requirements by X% or a water conservation or recovery system must reduce the building’s water usage by Y%. The specific guidelines should be established and updated regularly by an entity composed of individuals or groups with the requisite professional expertise,

and these guidelines should be referenced by the Zoning Resolution. We would expect that the numbers represented here by “X” and “Y” will increase over time with advances in technology.

- The guidelines developed in the previous paragraph should be administered by the Department of Buildings. However, we would prohibit the professional certification of applications including such equipment, requiring examination by an examiner.
- Because of our concerns about clutter and increases in bulk being visible from the street we believe that sustainable technology equipment should be permitted to cover the rest of the roof up to a height of two feet without setback, but between two feet and four feet in height it must be set back six feet from both wide and narrow streets for buildings less than 120 feet in height.

**Proposal 6: Waiver of Side Yards in Some Low-Density Non-contextual Districts by BSA Special Permit**

None of the applicable low-density districts are mapped in CD4 – or anywhere in Manhattan. We have no comment on this proposal.

**Proposal 7: Clarification of the Applicability of Residential Tower Regulations in Certain Commercial Districts.**

This amendment reorganizes the sections of the tower regulations in Section 23-65 so that cross references in other sections work correctly. In summary, the text will make clear that “tower-on-a-base” applies in C1 and C2 zones, and not in C4, C5 and C6 zones. We have no comment on this proposal.

Again, we appreciate the opportunity to comment on the proposed amendments and look forward to reviewing them in their revised form.

Sincerely,



Jean-Daniel Noland  
Chair



Anna Hayes Levin, Chair  
Clinton/Hell’s Kitchen Land Use



J. Lee Compton, Co- Chair  
Chelsea Preservation and Planning

Lynn Kotler, Co-Chair  
Chelsea Preservation and Planning