



COMMUNITY BOARD ELEVEN

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Nilsa Orama
Chair

Angel D. Mescaín
District Manager

February 21, 2019

Marisa Lago
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on Land Use Application No. N 190230 ZRY

Dear Director Lago,

On February 19, 2019, Community Board 11 (CB11) voted on land use application, N 190230 ZRY, submitted by the New York City Department of City Planning (“the applicant”) with respect to the proposed *Residential Mechanical Voids Zoning Text Amendment* which 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. This proposal was presented by the Department of City Planning to our Land Use, Landmarks & Planning Committee on February 6, 2019.

Project Description

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.

Community Board Recommendation

Community Board 11 (CB11) recommends approval of Land Use Application N 190230 ZRY for proposed Residential Tower Mechanical Voids Text Amendment as presented by the Department of City Planning.

Full Board Vote: 31 in favor; 0 opposed, 1 abstained

If you have any questions regarding our recommendation, please contact Angel Mescaín, District Manager, at 212-831-8929 or amescain @cb11m.org.

Sincerely,



Nilsa Orama
Chair
Community Board 11

cc: Hon. Gale A. Brewer, Manhattan Borough President (via email)
Hon. Diana Ayala, New York City Council (via email)
Hon. Bill Perkins, New York City Council (via email)
Hon. Ben Kallos, New York City Council (via email)

Hon. Keith Powers, New York City Council (via email)
Hon. Jose M. Serrano, New York State Senate (via email)
Hon. Brian Benjamin, New York State Senate (via email)
Hon. Robert Rodriguez, New York State Assembly (via email)
Hon. Inez Dickens, New York State Assembly (via email)
Calvin Brown, NYC Department of City Planning (via email)
Steven Villanueva, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)