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THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
211 EAST 43RD STREET, SUITE 1404  
NEW YORK, NY 10017

## **VIA E-MAIL**

February 15, 2019

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

### **Resolution in support of Department of City Planning's Proposed Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY)**

At the February 13, 2019 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

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

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

**WHEREAS**, 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;

**WHEREAS**, to discourage use of extremely tall mechanical floors that elevate upper-story residential units above the surrounding context the DCP has proposed Zoning Text Amendment (N 190230 ZRY) for residential buildings in high-density districts;

**WHEREAS**, with regard to residential buildings the proposed amendment states:

- Mechanical floors, typically excluded from floor area calculation, would be counted toward the overall permitted floor area on the zoning lot if they are taller than 25 feet or overly concentrated in portions of the building
- Mechanical floors distributed within 75 feet of each other would be counted cumulatively toward overall permitted floor area, regardless of the height of each floor;

**WHEREAS**, the proposed amendment also includes floor area requirements for 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;

**WHEREAS**, the proposed amendment would require non-residential portions of mixed use buildings that occupy less than 25 % of the building to be subject to the same 25 foot/75 foot rule as residential buildings while non-residential space that occupies more than 25% of residential floor space, are not subject to the proposed amendment;

**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 spaces, amenities, and other building areas not used for accessory building mechanicals that have vast floor-to-floor heights;

**WHEREAS**, the proposed amendment omits the Special Midtown District;

**THEREFORE, BE IT RESOLVED** that Manhattan Community Board Six supports DCP's proposed zoning text amendment for distribution of mechanical space in residential towers;

**BE IT FURTHER RESOLVED** that Manhattan Community Board Six supports additional amendments to the Zoning Resolution to close other known zoning loopholes used to the same effect as mechanical voids. These include outdoor spaces under buildings (terraces), stilt buildings, and accessory or other building uses with vast floor-to-floor heights;

**BE IT FURTHER RESOLVED** that Manhattan Community Board Six supports further amendments to the Zoning Resolution to expand the geographic areas covered by the proposed amendment, and any future amendments to close zoning loopholes, to cover the Special Midtown District.

**VOTE: 32 in Favor 0 Opposed 1 Abstention 0 Not Entitled**

Best regards,



Jesús Pérez  
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President  
Hon. Keith Powers, Council Member  
Hon. Carlina Rivera, Council Member  
Hon. Ben Kallos, Council Member  
Bob Tuttle, City Planner, New York City Department of City Planning  
Scott Williamson, City Planner, New York City Department of City Planning  
Sandro Sherrod, Chair, CB6 Land Use & Waterfront Committee