

# MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

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February 15, 2019

Hon. Marisa Lago  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Application by Department of City Planning to modify residential tower floor area provisions in ZR 23-16**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, January 17, 2019, the following resolution passed with a vote of 26 in favor; 0 opposed; 1 abstaining, 1 present but not entitled:

WHEREAS, The Department of City Planning has proposed a Zoning Text Amendment to ZR 23-16 to address the issue of excessively large, contiguous or clustered, residential mechanical voids in towers; and

WHEREAS, The proposed amendment would limit the use of artificially tall residential mechanical voids; and

WHEREAS, We recognize the need for reasonably sized and distributed mechanical spaces in residential buildings, and continue to support design flexibility; and

WHEREAS, The proposed amendment would count mechanical voids that exceed the height of 25 feet as “zoning floor area” (*EXAMPLE: If a mechanical void is 132 feet in height, that space would count as 5 floors of “zoning floor area” ( $132' / 25' = 5.28$ , rounded to 5);* and

WHEREAS, If any mechanical floors are located within 75' of each other they would all count as “zoning floor area,” regardless of the height of each floor (*EXAMPLE: A cluster of mechanical floors which total 80 feet would count as 3 floors of “zoning floor area,” even when each floor is less than 25 feet and noncontiguous ( $80' / 25' = 3.2$  rounded to 3);* and

WHEREAS, Mechanical penthouses above the highest residential floor would not be subject to this regulation; and

WHEREAS, For mixed-use buildings, non-residential mechanical spaces would also be subject to the same “25-foot/75-foot rule,” if non-residential floor space occupies less than 25% of a building; and

WHEREAS, For mixed-use buildings with substantial amount of non-residential floor space (i.e. more than 25%), non-residential mechanical voids would not be subject to this proposal; and

WHEREAS, Residential tower developments located within non-contextual Commercial Districts and Special Districts and their R10 and R9 equivalent rely on the underlying FAR as there is no height regulation; and

WHEREAS, The proposal would also include portions of Special Districts that impose special tower regulations; and

WHEREAS, In their survey, DCP found that 4 of the 7 buildings built with mechanical voids in the past 10 years are located in CB5; and

WHEREAS, For the past 10 years, Community Board Five has alerted the Department of City Planning, the City Planning Commission, the NY City Council and the Mayor to the grave impacts of supertall towers on our district, including One 57 (1,005'), 432 Park (1,396'), 220 Central Park South ((953'), 111 57<sup>th</sup> Street aka Steinway Tower (1,428'), Nordstrom Tower (1550'), 53W53 (950'); and

WHEREAS, Our advocacy has been derided as futile, ignored and dismissed, while supertalls have grown along Central Park South, creating a wall of towers that cast shadows reaching as far as East 72<sup>nd</sup> Street; and

WHEREAS, Contrary to what was asserted by the Department of City Planning at a meeting of our Land Use, Housing and Zoning Committee on February 6<sup>th</sup>, 2019, the Midtown Special District sky plane exposure requirements will not protect CB5 from supertall buildings or buildings with mechanical or structural voids; and

WHEREAS, CB5 is gravely concerned that DCP declared to us that their role is not to plan the city; and

WHEREAS, As of February 2019, there are four identified extremely soft sites in the southern vicinity of Central Park between 5<sup>th</sup> and 6<sup>th</sup> Avenues that would be allowed to proceed with development of supertall towers with mechanical voids absent being immediately added to the map covered by the proposed amendment; they include:

- 1 - 10-18 West 57<sup>th</sup> Street (Developer Solow)
- 2 - 31 West 57<sup>th</sup> Street (Developer LeFrak and Vornado)
- 3 - Park Lane Hotel (Developer Witkof)
- 4 – 41-43 West 57<sup>th</sup> Street (Developer Sedesco); and

WHEREAS, The week following the certification by DCP of their zoning text amendment, according to DOB, five demolition permits were filed for buildings on West 57<sup>th</sup> Street between 5<sup>th</sup> and 6<sup>th</sup> Avenues, showing the extreme vulnerability of our blocks to redevelopment, as well as the extreme urgency for protection to apply to our district; and

WHEREAS, CB5 was Ground Zero for the toxic trend of using structural voids to increase building heights; and

WHEREAS, Megatowers along Central Park and other areas of our district are casting massive shadows onto our parks and open spaces rendering them less usable in winter months; and

WHEREAS, Community Board Five commends the proposal as a good first step, but feels that the amendment is lacking the specific elements to effectively address the issue of mechanical voids around the city and in our district; and

WHEREAS, Community Board Five has concerns that the ratio of 25' to every 75' for mechanical voids is excessive and should be reduced to be less than 25' (closer to its average of 12' to 15') and more than 75' from each other (closer to its average of 100' to 150'); and

WHEREAS, The zoning text amendment would not apply to significant portions of CB5 which are at heightened risk of mechanical voids artificially increasing the height of developments; and

WHEREAS, The amendment doesn't address the issue that future developers will just use this as a guideline to include more mechanical space than originally planned to increase the height of upper floors for purely inflated real estate value, while creating a skyline of floating towers; and

WHEREAS, The amendment does not address other types of structural voids, such as open space, terraces and patios located within the core of a tower; and

WHEREAS, In its current form, the zoning text amendment is a codification of a loophole rather than an elimination of the loophole; therefore, be it

**RESOLVED**, Community Board 5 **recommends denial UNLESS** the following modifications are made to the proposed Zoning Text Amendment to ZR 23-16:

- (1) Reduce the maximum allowed floor height for mechanical floors to be less than 25' (closer to its average of 12' to 15') and to have a separation more than 75' from each other (closer to its average of 100' to 150');
- (2) Revise the Zoning Map to include all eligible R9-R10 Zoning Lot Districts in CB5;
- (3) Revise the amendment so that this will apply to any mixed-use building that has any residential units;
- (4) Revise the amendment to apply to all structural voids and not only mechanical voids; and be it further

**RESOLVED**, Community Board Five demands that the Department of City Planning immediately include Community Board Five in the current iteration of the Zoning Text Amendment so that all residential and mixed-use development sites are addressed simultaneously by this proposed zoning amendment.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair



Layla Law-Gisiko  
Acting Chair, Land Use, Housing & Zoning Committee

Cc: Hon. Bill de Blasio  
Deputy Mayor Alecia Glen  
Speaker Corey Johnson  
Borough President Gale A Brewer  
Hon. Brad Hoylman  
Hon. Liz Krueger  
Hon. Richard Gottfried  
Hon. Carolyn Maloney  
Hon. Carlina Rivera  
Hon. Keith Powers