

CHAIR

CHRISTY MACLEAR

PRESIDENT

ELIZABETH GOLDSTEIN

BOARD OF DIRECTORS

GABRIEL CALATRAVA

SANTIAGO CALATRAVA

LISA SMITH CASHIN

VIN CIPOLLA

ELIZABETH DILLER

MICHAEL P. DONOVAN

FREDERICK ISEMAN

AMIT KHURANA

JILL N. LERNER

CHRIS MCCARTIN

RICHARD OLCOTT

BARBARA KOZ PALEY

CHARLES A. PLATT

CARL L. REISNER

DAVID F. SOLOMON

YEONLEE TENG

DIRECTORS EMERITI

KENT L. BARWICK

DAVID M. CHILDS

JOAN K. DAVIDSON

PHILIP K. HOWARD

CHARLES A. PLATT

JANET C. ROSS

WHITNEY NORTH SEYMOUR, JR.

JERRY I. SPEYER

STEPHEN C. SWID

HELEN S. TUCKER

## MAS Comments on Residential Tower Mechanical Voids Text Amendment for the New York City Council, CEQR No. 10DCP110Y

April 16, 2019

The Municipal Art Society of New York believes the Residential Tower Mechanical Void Text Amendment (Text Amendment) to the City's Zoning Resolution (ZR) proposed by the Department of City Planning (DCP) is a step in the right direction toward regulating excessive void space in residential buildings in high-density tower districts. However, the proposal does not go far enough to close zoning loopholes and comprehensively regulate mechanical and structural voids. We recommend modifications to the current proposal to broaden its physical and geographical scope and maximize its potential effectiveness.

In 2017, MAS released an update to its *Accidental Skyline* report, which examined the proliferation of supertalls throughout the city and the mechanisms developers use to build them. The report recommended that the City amend the ZR to regulate mechanical and structural voids to close the loopholes that contribute to excessively tall, out-of-scale buildings. The report points out that developers flout zoning regulations by inserting oversized voids disguised as accessory mechanical space that is not counted as floor area and not included in zoning calculations. As is often the case, these empty spaces boost occupiable height, giving residents impressive views and increased property values.

In some cases mechanical and structural voids have added 100 or more feet to the overall height of buildings. The most egregious example is the 161-foot mechanical void proposed for the 775-foot skyscraper at 50 West 66th Street by Extell Development. The void would be 20 percent of the building's height. Another Extell building, Central Park Tower, at 217 West 57<sup>th</sup> Street, includes 350 feet of total void space that is not counted in zoning calculations. As proposed, the top 12 floors of the 32-story building at 249 East 62<sup>nd</sup> Street will sit atop a 150-foot stilted pedestal that would not be counted as floor area under zoning.

### Recommendations

MAS would support the Text Amendment proposal if the following recommendations were included:

- Restrictions apply to unenclosed structural voids (including stilts, terraces, and outdoor spaces) in addition to mechanical voids;
- The geographical scope of the provisions of the Text Amendment is extended city-wide;
- Provisions of the Text Amendment apply to commercial buildings, as well as residential buildings;
- An oversight committee or task force comprising representatives from DCP and DOB is formed to ensure that the new regulations are enforced; and
- For each mechanical floor, DOB will assess, based on volumetric plans submitted by each applicant, whether a percentage of space occupied by mechanical equipment is justified. A percentage of overall space (or threshold) will be established by DCP and met by each applicant. We urge DCP to define the percentages/thresholds in coordination with DOB and input from construction industry and engineering sources before the next iteration of the Text Amendment in fall 2019;

We appreciate the effort the City has made to amend the ZR to regulate mechanical voids. It is a good first step in a much larger discussion involving decision-makers, the public, and stakeholders to arrive at realistic solutions ensuring that the Text Amendment is truly effective.