

TECHNICAL MEMORANDUM 001
POTENTIAL CITY PLANNING COMMISSION MODIFICATIONS
RESIDENTIAL TOWER MECHANICAL VOIDS TEXT AMENDMENT
CEQR No. 19DCP110Y
ULURP No. N 190230 ZRY
April 9, 2019

A. INTRODUCTION

The purpose of this memorandum is to assess whether proposed modifications by the City Planning Commission (CPC) to the Residential Tower Mechanical Voids Text Amendment as certified by the CPC would result in new or different impacts not disclosed Negative Declaration for the proposal, issued January 28, 2019. As described below, the modifications would not result in such effects.

The Department of City Planning (DCP) proposes a zoning text amendment application (N 190230 ZRY) to discourage the use of excessively tall mechanical floors in high-density residential tower districts. The proposal would require that mechanical floors, typically excluded from zoning floor area calculations, would be counted toward the overall permitted floor area on the zoning lot if they are taller than new specified limits or overly concentrated in portions of the building. The proposed floor area requirements would apply to 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. The provision would also apply to non-residential portions of a mixed-use building if the building contains a limited amount of non-residential floor area.

The Environmental Assessment Statement (EAS) for the Proposed Action was accepted as complete on January 25, 2019, by DCP, acting on behalf of CPC as lead agency. A Negative Declaration was issued on January 28, 2019. A public hearing on the proposal was held on February 27, 2019, pursuant to Uniform Land Use Review Procedure (ULURP).

In response to testimony heard at the public hearing, modifications to the Proposed Action were proposed by the CPC. The Commission proposes to modify the proposed zoning text amendment to increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area. This change will allow appropriate flexibility to meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. This technical memorandum examines whether the Potential CPC Modifications would result in any new or different significant adverse environmental impacts not already identified in the EAS. As set forth below, this technical memorandum concludes that the Potential Modifications by the CPC would not alter the conclusions of the EAS and Negative Declaration issued January 28, 2019 and would not result in any significant adverse impacts.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS

The Potential CPC Modifications would increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area, and provide clarification for the measurement of mechanical floor height. These changes will allow appropriate flexibility to meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. The modifications are described

in detail below. The zoning text amendment associated with the Potential CPC Modifications is contained in **Appendix 1**.

During the public hearing, the Commission heard that mechanical equipment needed for energy conservation practices may require more than 25 feet in height and that the engineering industry already competes for mechanical space within buildings. The Commission notes that practitioners do not support the overuse of mechanical space solely to artificially raise building heights, nor do they take issue with the proposed clustering threshold. However, the Commission recognizes the industry's concerns regarding the 25-foot threshold as too constraining for mechanical needs. The Commission also heard suggestions from practitioners and associations that a 30- to 35-foot threshold would allow reasonable flexibility for mechanical needs both today and in the future. The Commission believes that it is important that this text amendment not hinder a resilient or energy efficient building, and recognizes the need to maintain flexibility so that changes to NYC Energy or Building Code requirements are not impeded by this text amendment.

The Commission therefore proposes to modify the proposed zoning text amendment to increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area. This change will allow appropriate flexibility to meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. The Commission notes that the zoning text amendment does not prohibit the use of mechanical space beyond 30 feet if necessitated by unique building circumstances. Mechanical space of any height is still permitted, though it will be counted as floor area when exceeding the threshold. The preceding considerations account for this modification from 25 to 30 feet.

The Commission received written testimony and heard from some industry representatives who called for exempting structural support features, such as beams, braces, and trusses, that can be located within mechanical spaces. The Commission notes that these features can vary widely from building to building, and that exempting them could incentivize the use of larger support structures solely to inflate building heights. The Commission also notes that a typical floor height is measured from the top of a floor slab to the top of the floor slab above, whereas the mechanical space height in the proposed text amendment will be measured from the top of a floor slab to the bottom of a floor slab above. This allows for a clear 30-foot (formerly 25-foot) threshold that does not include portions of the floor slab above, which could reduce the amount of space available for mechanical equipment. The Commission therefore believes that the proposed mechanical space height measurement is appropriate and allows for optimal space to incorporate mechanical equipment and support structures without the need to create additional exemptions. Further, in response to suggestions from the Department of Buildings and practitioners, DCP has recommended a series of technical clarifications to the text amendment so that it more clearly meets the stated intent. The Commission agrees these modifications are appropriate.

C. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL CPC MODIFICATIONS

The Potential CPC Modifications are not expected to alter the conclusions of the EAS issued January 25, 2019 and Negative Declaration issued January 28, 2019, associated with the Proposed Action. As discussed above, the Potential CPC Modifications would modify the proposed zoning text amendment to increase the 25-foot threshold to 30 feet before counting mechanical space toward floor area and provide clarification for the measurement of mechanical floor height. These changes will allow appropriate flexibility to

meet energy efficient and resiliency standards without requiring a building to equally offset important occupiable space. The resulting development that may be expected to occur because of these Potential CPC Modifications would not substantively differ from what was analyzed in the analysis framework of the EAS.

The Potential CPC Modifications would allow mechanical spaces up to 30 feet in height before counting towards floor area calculations. Therefore, development expected to occur in the With-Action scenario may be expected to include mechanical spaces up to 30-feet in height. This change may allow marginal changes in height up to five feet from what was analyzed in the EAS. The Potential CPC Modifications would also clarify the method for measuring mechanical floor height. While the threshold for applicability has been modified and the measurement methodology has been clarified, the results of the Potential CPC Modification would not substantively differ from what was analyzed in the EAS.

In addition, the EAS included an assessment of the consistency of the Proposed Action with the Waterfront Revitalization Program (WRP). The Potential CPC Modifications are not anticipated to alter the conclusions of the EAS, and would not affect the project's determination of consistency with the policies and standards of the WRP.

As described above, the Potential CPC Modifications would not alter the conclusions of the EAS and Negative Declaration.