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Gale A. Brewer, Borough President

December 17, 2019

**Testimony of Manhattan Borough President Gale A. Brewer
BSA Cal. No: 2019-94-A - 36 West 66th Street (AKA 50 West 66th Street).**

Good morning Chair Perlmutter and Commissioners. My name is Lizette Chaparro and I am an Urban Planner for Manhattan Borough President Gale Brewer and I am here to deliver a statement on her behalf regarding 36 West 66th Street.

When the developer filed plans for this 775 foot building, a primary issue became the abuse of the mechanical floor deductions that he was claiming. Neighbors, advocates, and elected officials pointed out that the floors were excessively tall and had no practical or safety justification. In fact, the DOB issued a notice of its intent to revoke the building's permit based on concerns regarding FDNY access to these excessively tall mechanical floors. The DOB's concerns were addressed by the developer, who was allowed to proceed with construction. And eventually, the question of whether the mechanical floors were impermissibly tall was dismissed by this Board. However, at the September 17, 2019 hearing, this Board decided to re-open the issue of the mechanical floors—this time, to argue whether the *lateral* use of these floors is justified.

Now this Board is faced with a more nuanced question: whether or not the deducted floor area is truly being used for mechanical purposes. I believe that the analysis presented here today demonstrates that this is not the case. The four mechanical floors have, on average, 23 percent of their floor area dedicated to mechanical uses. This figure takes into account not only the mechanical equipment but also the necessary clearances that each piece of equipment requires for operational and safety reasons. The Developer simply cannot be allowed to deduct these entire floors from its FAR calculation when such a significant portion is not utilized. What we are seeing, once again, is the use of a loophole that serves to boost the building's height beyond what is allowed by our city's zoning and building code regulations.

These “mechanical floors” are not being occupied by their purported use. They are *more than half* filler space that will go unused. To permit this development to move forward as proposed sets a dangerous message to other developers who will surely seek similarly unjustified mechanical deductions for their buildings. I urge you to require that the floor area on these mechanical floors be counted deducted from the allowed building FAR only if they are fully utilized for mechanical space.

Thank you for your time and consideration.