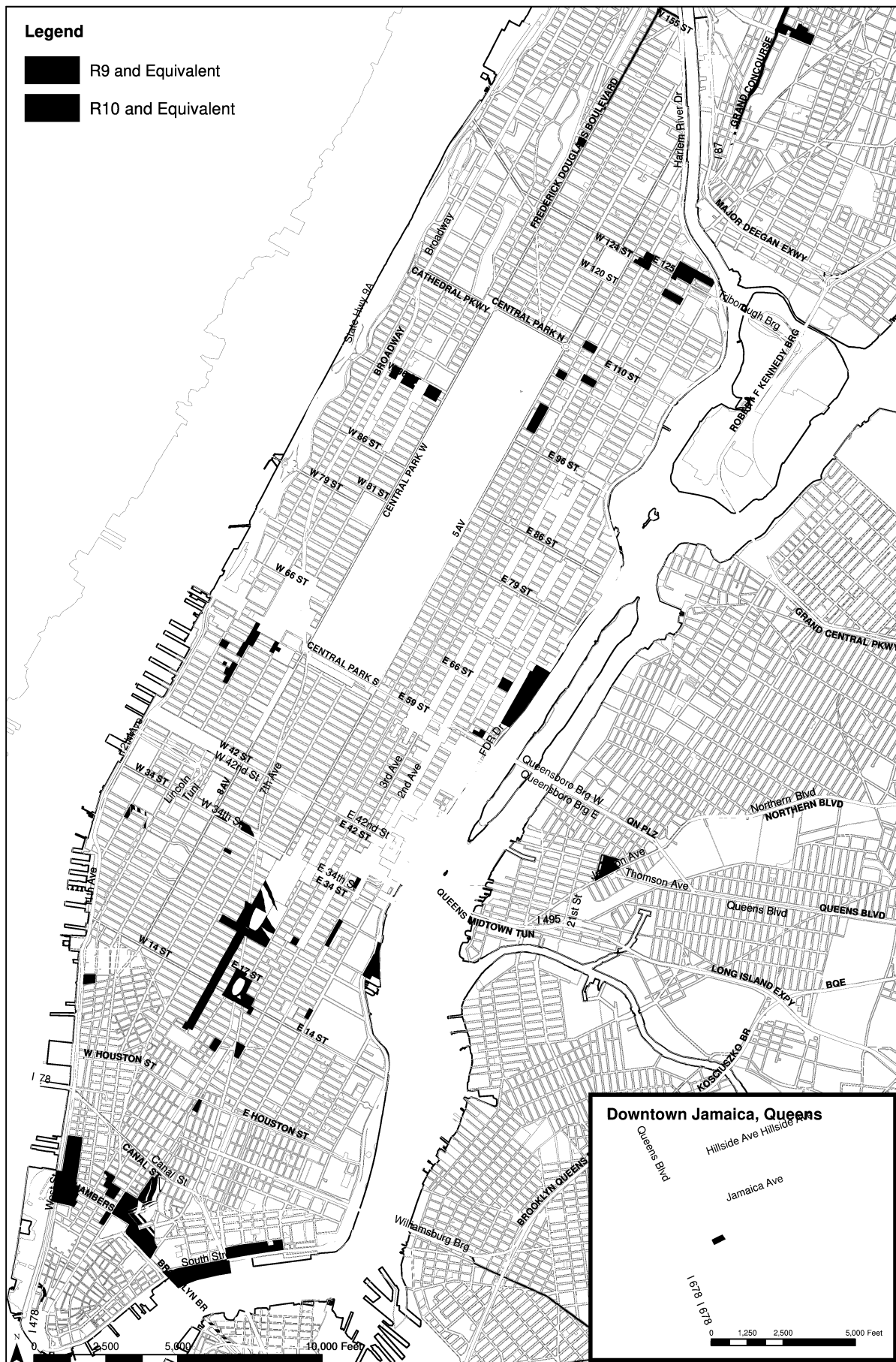


### Legend

- R9 and Equivalent  
■ R10 and Equivalent



#### IV. PURPOSE AND NEED FOR PROPOSED ACTION

The Proposed Action is intended to i) limit the use of tall, inflated mechanical or structural floors to elevate upper-story residential units above the surrounding context; ii) encourage residential buildings that activate and engage with their surroundings; iii) recognize the need for reasonably sized and distributed mechanical spaces in residential buildings; and iv) continue to support flexibility for excellence in design.

Currently, the Zoning Resolution allows floor space containing mechanical equipment to be excluded from zoning floor area calculations. Due to this exclusion and a lack of height limits for such spaces, some developments have been designed to utilize mechanical or structural floors to inflate building height to improve the views from their upper residential units. The Proposed Action is intended to discourage the use of excessively tall mechanical floors in such ways not intended by zoning.

#### V. ANALYSIS FRAMEWORK

##### Analysis Year

CEQR requires analysis of the project's effects on its environmental setting. Since typically proposed projects, if approved, would be completed and become operational at a future date, the action's environmental setting is not the current environment but the environment as it would exist at project completion and operation, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "build year," which is the year when the proposed project would be substantially operational.

For generic actions, where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. In these cases, a ten-year build year is generally considered reasonable as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation. Therefore, an analysis year of 2029 has been identified for this environmental review.

##### Analysis Approach

Consistent with 2014 CEQR Technical Manual guidelines, the Proposed Action is analyzed in this Environmental Assessment Statement as a "generic action" because there are no known developments that are projected and, due to the proposal's broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the 2014 CEQR Technical Manual, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually these actions either affect the entire city or an area so large that site-specific description or analysis is not appropriate. As described in the 2014 CEQR Technical Manual, generic analyses are conducted using the following methodology:

- Identify Typical Cases: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a Range of Conditions: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

As this is a generic action with no specific development sites identified, quantifying the effect of the proposal on development with any sense of certainty is difficult. It should also be noted that this generic proposal is not in-and-of-itself expected to induce development where it would not have occurred in the future absent its approval.

Owing to the generic nature of this action, there are no known or projected development sites identified, as would traditionally be done in connection with a Reasonable Worst-Case Development Scenario under the guidance of the 2014 CEQR Technical Manual. To present a conservative environmental analysis of the likely effects of the Proposed Action, three generic prototypical developments ("prototypes" or "prototypical sites") that illustrate how the proposed text amendment may affect future development have been identified. The three prototypes represent a variety of possible development outcomes, and are loosely based on real-life case studies identified by the Department.

The three prototypes illustrate possible mechanical voids, based on tower-on-a-base or standard tower regulations as defined by the New York City Zoning Resolution, that may be constructed with and without the proposed text amendment. As shown for each prototype described below, the With-Action scenario identifies the type of reduced mechanical voids that may occur as a result of the Proposed Action. The future No-Action scenario identifies *excessive* mechanical voids that could occur in the future absent the Proposed Action scenario. The incremental difference between the two scenarios serves as the basis for analysis. The analysis illustrates any environmental effects that may result from the Proposed Action.

***Prototype 1: Tower-on-a-base Development in a C2-8 District, on 100'x175' Lot on a Wide Street***

As illustrated in Figure 1, this prototype affords the opportunity to understand the effects of the Proposed Action on a typical residential tower-on-a-base development, commonly found along avenues in non-contextual R9 and R10 Districts and their equivalent districts in C1 and C2 districts. In districts where the tower-on-a-base regulations are applicable, mechanical voids would generally be located above 150 feet to comply with the 'bulk packing' rule of these regulations, which require 55 percent of the floor area to be located below 150 feet. The No-Action Scenario reflects the stacking of these mechanical voids, with a total gross floor area of 235,500 sq. ft., a zoning floor area of 210,000 sq. ft., and a height of 480 ft.

In the With-Action Scenario, the Proposed Action would require that mechanical floors (whether individually or in combination) taller than 25 feet in height be counted as floor area in residential towers. Taller floors, or stacked floors taller than 25 feet, would be counted as floor area based on the new 25 foot height threshold. The mechanical void would be reduced significantly, decreasing the gross floor area from 235,500 sq. ft. to 220,500 sq. ft., lowering the height from 480 ft. to 344 ft., while maintaining the zoning floor area at 210,000 sq. ft.

***Prototype 2: Standard Tower in a C5-1, on a 37,500 sq. ft. Irregular Lot on Wide and Narrow Streets***

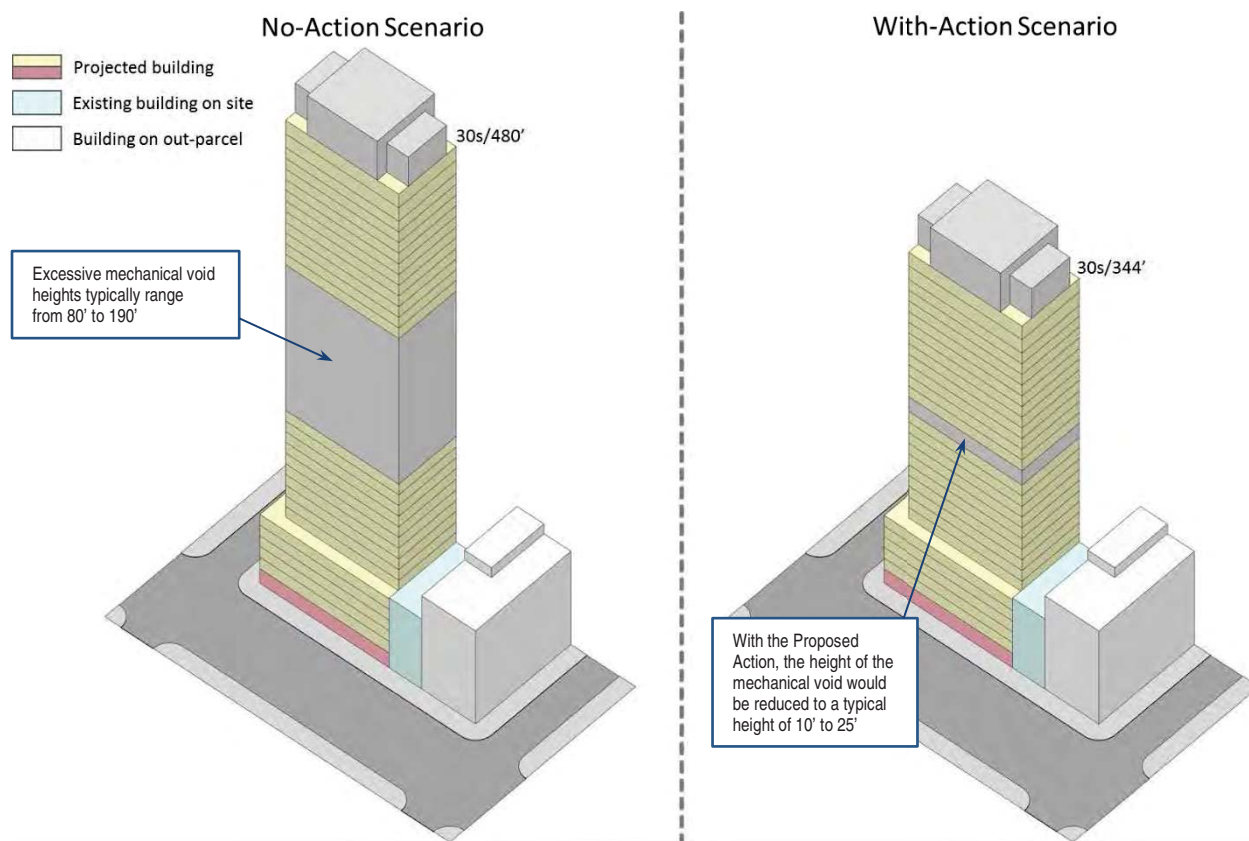
As shown in Figure 2, this prototype affords the opportunity to understand the effects of the Proposed Action on a typical residential standard tower, commonly found in a C4, C5 and C6 districts that are R9 or R10 equivalence. In districts where the standard tower regulations apply, mechanical voids would typically be located lower in the building to raise more residential units higher in the air. The No-Action Scenario reflects the stacking of these mechanical voids, with a total gross floor area of 487,500 sq. ft., a zoning floor area of 450,000 sq. ft., and a height of 907 ft. In the With-Action Scenario, the mechanical void on the lower floors would be reduced significantly, decreasing the gross floor area from 487,500 sq. ft. to

472,500 sq. ft., lowering the height from 907 ft. to 777 ft., while maintaining the zoning floor area at 450,000 sq. ft.

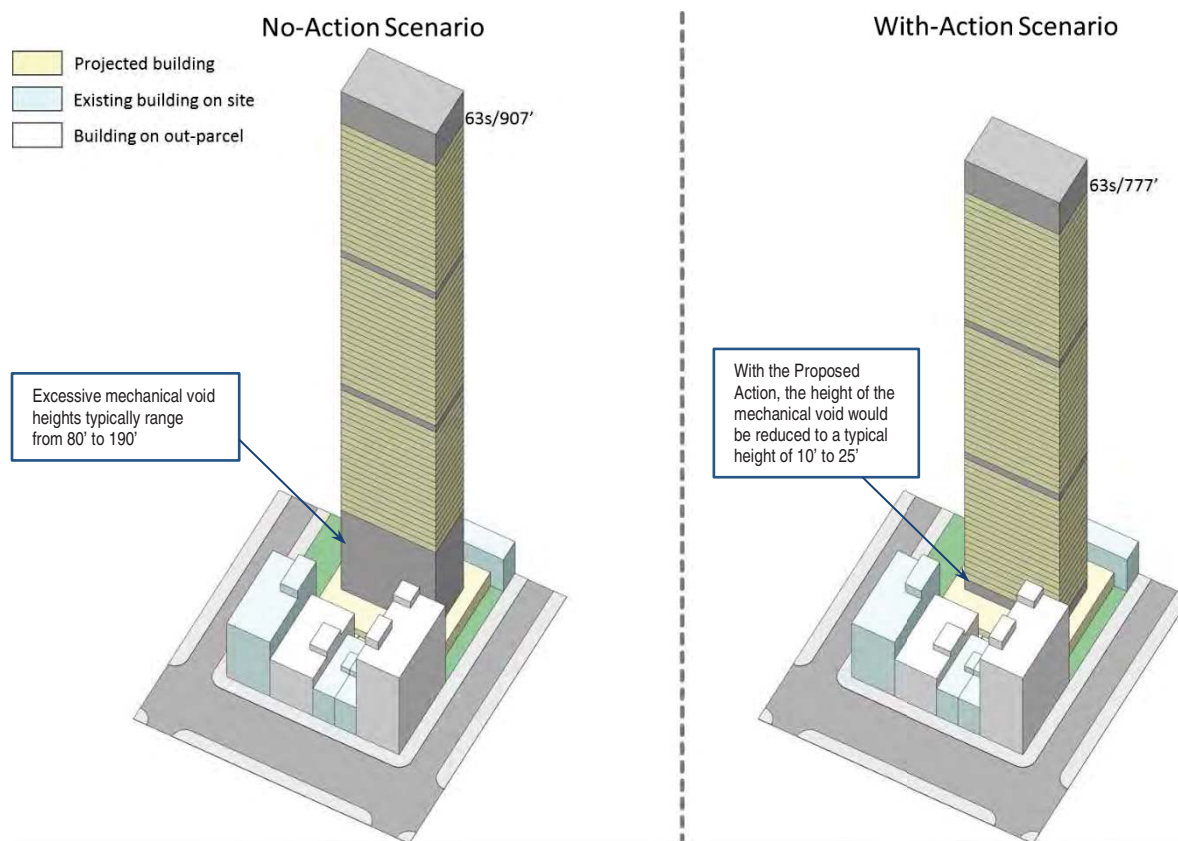
***Prototype 3: Modified Standard Tower Development in a Special District, on a 23,107 sq. ft. Irregular Lot on a Wide and Narrow Street***

As represented in Figure 3, this prototype affords the opportunity to understand the effects of the Proposed Action on a modified residential standard tower development found in one of the Special Districts that would be affected by the Proposed Action. The No-Action Scenario reflects a development that contains mechanical voids on the lower portion of the buildings. This scenario would provide a total gross floor area of 378,935 sq. ft., a zoning floor area of 346,605 sq. ft., and height of 652 ft. In the With-Action Scenario, the mechanical voids situated on the lower floors would be reduced significantly, decreasing the gross floor area from 378,935 sq. ft. to 363,935 sq. ft., lowering the height from 652 ft. to 592 ft., while maintaining the zoning floor area at 346,605 sq. ft.



**FIGURE 1:****Prototype 1 - Tower-on-a-base Development in a C2-8 District on 100'x175' Lot on a Wide Street**

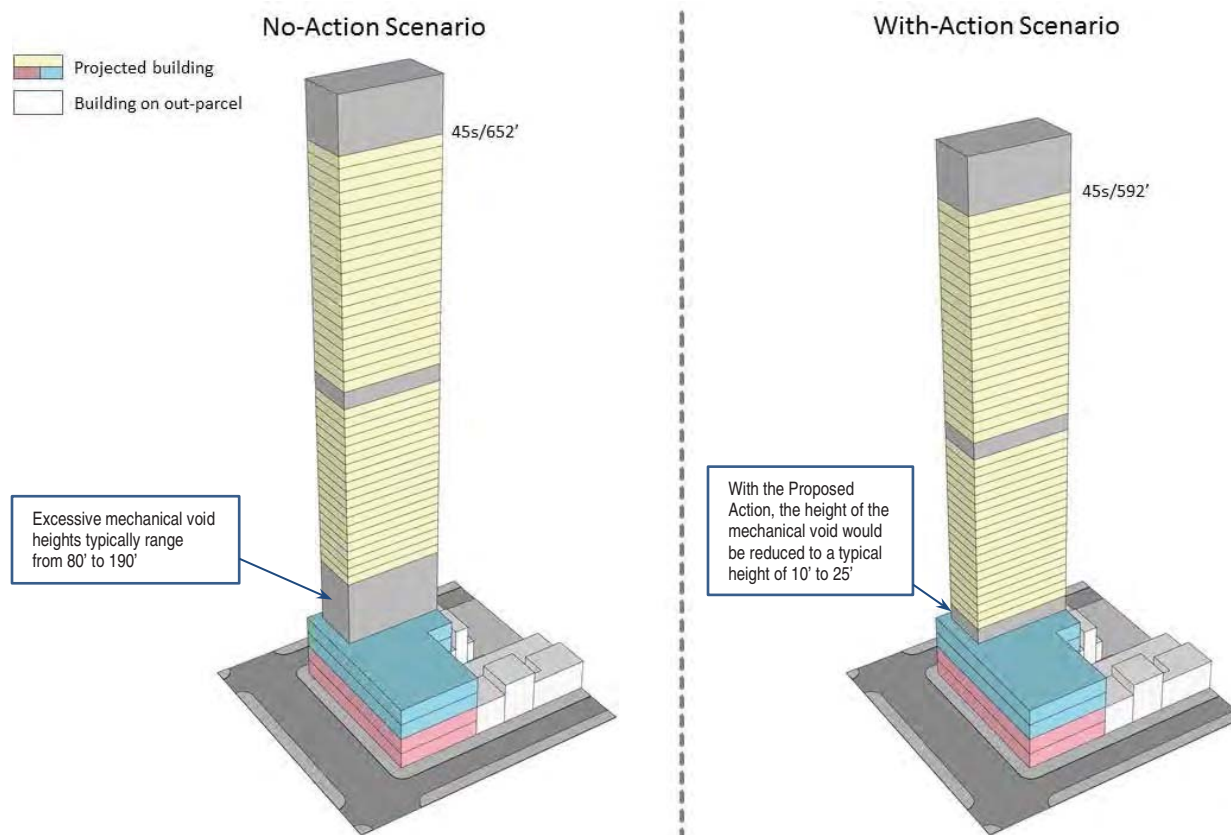
	No Action	With Action
<b>Lot Area (square feet)</b>	17,500 sq. ft.	17,500 sq. ft.
<b>Permitted FAR</b>	10.0/12.0 with Inclusionary Housing	10.0/ 12.0 with Inclusionary Housing
<b>Permitted Maximum Zoning Floor Area w/ Inclusionary Housing Bonus</b>	210,000 sq. ft.	210,000 sq. ft.
<b>Number of Stories/Overall Height/Height with Bulkhead</b>	30s/480'/520'	30s/344'/384'
<b>Difference in Buildable Floor Area (percent increase over No Action)</b>		0 %
<b>Gross Floor Area (@ 5% deduction)</b>	235,500 sq. ft.	220,500 sq. ft.
<b>Total Number of Units (@ 1,000 sf. ft. / unit)</b>	221 units	221 units

**FIGURE 2:****Prototype 2 - Standard Tower in a C5-1 a 37,500 sq. ft. Lot on Wide and Narrow Streets**

	No Action	With Action
<b>Lot Area (square feet)</b>	37,500 sq. ft.	37,500 sq. ft.
<b>Permitted FAR</b>	10.0/12.0 with Inclusionary Housing	10.0/ 12.0 with Inclusionary Housing
<b>Permitted Maximum Zoning Floor Area w/ Inclusionary Housing Bonus</b>	450,000 sq. ft.	450,000 sq. ft.
<b>Number of Stories/Overall Height/Height with Bulkhead</b>	63s/907'/967'	63s/777'/837'
<b>Difference in Buildable Floor Area (percent increase over No Action)</b>		0 %
<b>Gross Floor Area (@ 5% deduction)</b>	487,500 sq. ft.	472,500 sq. ft.
<b>Total Number of Units (@ 1,000 sf. ft. / unit)</b>	473 units	473 units

**FIGURE 3:**

**Prototype 3 - Modified Standard Tower Development in the 42nd Street Perimeter Area in the Special Clinton District on a 23,107 sq. ft. Lot on a Wide and Narrow Street**



	No Action	With Action
<b>Lot Area (square feet)</b>	23,107 sq. ft.	23,107 sq. ft.
<b>Permitted FAR</b>	12.0/ 15.0 with New Theater Use Bonus	12.0/ 15.0 with New Theater Use Bonus
<b>Permitted Maximum Zoning Floor Area w/ Inclusionary Housing Bonus</b>	346,605 sq. ft.	346,605 sq. ft.
<b>Number of Stories/Overall Height/Height with Bulkhead</b>	45s/652'/712'	45s/592'/652'
<b>Difference in Buildable Floor Area (percent increase over No Action)</b>		0 %
<b>Gross Floor Area (@ 5% deduction)</b>	378,935 sq. ft.	363,935 sq. ft.
<b>Total Number of Units (@ 1,000 sf. ft. / unit)</b>	287 units	287 units

## Residential Tower Mechanical Voids Text Amendment EAS

### Attachment B: Technical Assessments

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#### I. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the 2014 City Environmental Quality Review (CEQR) Technical Manual. For each technical area, thresholds are defined, which, if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary assessments were conducted for all aspects of the Proposed Action to determine whether detailed analyses of any technical areas would be appropriate.

Part II of the EAS Form identifies those technical areas that warrant additional assessments. The technical areas that warranted a “Yes” answer in Part II of the EAS form were land use, zoning, and public policy; historic and cultural resources; urban design and visual resources; natural resources; air quality; and neighborhood character. As such, additional assessment for each of the analysis areas is provided in this attachment. All remaining technical areas detailed in the CEQR Technical Manual were not deemed to require supplemental assessment, as they do not trigger initial CEQR thresholds and are unlikely to result in significant adverse impacts.

#### II. LAND USE, ZONING, AND PUBLIC POLICY

Under 2014 CEQR Technical Manual guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a Proposed Action and determines whether the Proposed Action is compatible with those conditions or may affect them. Similarly, the analysis considers the Proposed Action’s compliance with, and effect on, the area’s zoning and other applicable public policies.

The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. Rather it is intended to discourage the use of excessive mechanical or structural floors to increase building height by limiting the height and frequency of such spaces incorporated into a building’s design. Accordingly, the assessment presented is not site-specific, but instead, to the extent practicable, considers the types of developments that could occur as a result of the Proposed Action.

##### Land Use

The Proposed Action would not result in a change in the prevailing land use in the city, in general, and specifically in any of the areas where high-rise buildings are permitted. As described in *Attachment A: Project Description*, the Proposed Action is a zoning text amendment for residential towers. It is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. The amendment also looks to recognize the need for reasonably sized and distributed mechanical spaces in residential towers, as well as overall flexibility to support design excellence in these areas. Given that the Proposed Action would not result in any changes to land use, it is not anticipated that there would be any potential for significance adverse impacts and no further analysis is required.

## Zoning

The Proposed Action would amend special floor area regulations in R9 and R10 Residence Districts and their equivalent Commercial Districts, and in Special Purpose Districts that rely on the underlying tower regulations for floor area as well as height and setback regulations or portions of Special Purpose Districts adjacent to CBDs that are primarily residential in nature and where towers are permitted. These Special Purpose Districts include Lincoln Square; Union Square; West Chelsea; Clinton; Long Island City; and Downtown Jamaica.

The Proposed Action would require that floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether individually or in combination) be counted as floor area. Taller floors, or stacked floors taller than 25 feet, would be counted as floor area based on the new 25-foot height threshold. The provision would only apply to floors located below residential floor area to not impact mechanical penthouses found at the top of buildings where large amounts of mechanical space is typically located.

Additionally, any floors occupied predominantly by mechanical space located within 75 feet of one another that, in the aggregate, add up to more than 25 feet in height would similarly count as floor area. This would address situations where non-mechanical floors are interspersed among mechanical floors in response to the new 25-foot height threshold, while still allowing buildings to provide needed mechanical space for different portions of a building.

The new regulation would also be applicable to the non-residential portions of a mixed-use building if the non-residential uses occupy less than 25 percent of the building. This would ensure that tall mechanical floors could not be assigned as mechanical space to non-residential uses in the building, and therefore not be subject to the rule. The 25-foot height threshold would not apply to the non-residential portion of buildings with more than 25 percent of their floor area allocated to non-residential use as the uses in mixed buildings like this (offices, community facilities, etc.) commonly have different mechanical needs than residential buildings.

Finally, the regulations would also be made applicable to floors occupied predominantly by spaces that are unused or inaccessible within a building. The Zoning Resolution already considers these types of spaces as floor area, but there are no height limits for these spaces. This would ensure that mechanical spaces and these types of spaces are treated similarly.

As described above, the Proposed Action would not make any changes to allowed building height, lot coverage, open space or any other bulk requirement. The text amendment, which would count mechanical spaces in residential towers as zoning floor area, could result in buildings with less gross floor area and height, with the amount of achievable zoning floor area and net usable floor area unaffected. It is not anticipated that there would be any potential for significance adverse impacts on zoning as a result of the Proposed Action and no further analysis is required.



## Public Policy

The Proposed Action, which would amend special floor area regulations for residential towers, would not be inconsistent with any public policies. As described above, it is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context.

### Waterfront Revitalization Program

The Proposed Action could potentially affect properties located within the City's Coastal Zone and, therefore, it is subject to review for consistency with the policies of the Waterfront Revitalization Program (WRP). The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront while minimizing the conflicts among those objectives. The WRP Consistency Assessment Form lists the WRP policies and indicates whether the proposed project would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form (attached in Appendix A).

#### ***Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.***

The Proposed Action would apply to residential towers in non-contextual high-density districts where residential towers are permitted, including R9 and R10 Residence Districts, and their equivalent Commercial Districts that are mapped outside of central business districts, along with certain Special Purpose Districts. The restriction would also apply to mixed-use buildings that contain a small amount of non-residential floor area. The provisions would limit the use of zoning floor area deductions for excessive structural voids in high-density tower districts without inhibiting current or future towers from effectively incorporating necessary mechanical space - including electrical equipment, ventilation shafts, heating/cooling systems and other equipment. The Proposed Action would limit the height and frequency of such excessive structural voids, incorporated into a building tower's design that serve no practical or functional purpose for the building, while ensuring sufficient volumes of spaces would continue to be available to house mechanical equipment or structural components without counting towards "floor area" for zoning purposes. The Proposed Action would not make any changes to allowed building height, lot coverage, open space or any other bulk requirement, including the permitted amount or bulk of residential or commercial development in Coastal Zone areas. Therefore, the Proposed Action would be consistent with this policy.

#### ***Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.***

#### ***Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.***

The Proposed Action will not inhibit buildings from being designed to address current or future flood risks, including the ability integrate adaptive measure into the planning and design of flood prone residential and mixed-use developments. The proposal to modify residential tower provisions to count mechanical or structural voids that are taller than 25 feet as "floor area" would ensure sufficient mechanical space continues to remain available without counting as such "floor area" to house any needed mechanical equipment, including equipment proposed to be relocated from below grade or below projected flood



elevations as a future adaptive measure. Therefore, the Proposed Action would be consistent with these policies.

***Policy 9.1: Protect and improve visual quality associated with New York City's urban context and historic and working waterfront.***

The Proposed Action would restrict some towers, including those possibly located within the Coastal Zone, from exploiting the mechanical space exemption from "floor area" through the creation of excessive structural voids that serve no functional mechanical-related function. This would result in reducing some building heights without reducing the permitted amount of residential or commercial floor space. Therefore, the Proposed Action would be consistent with this policy.

### III. HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archeological value. This includes properties that have been designated or are under consideration for designation as New York City Landmarks (NYCL) or Scenic Landmarks, or are eligible for such designation; properties within New York City Historic Districts; properties listed on the State and/or National Register of Historic Places (S/NR-listed); and National Historic Landmarks. An assessment of architectural and/or archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or projects that require in-ground disturbance, unless such disturbance occurs in an area that has been previously excavated.

According to the *CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by proposed actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the affected area, as well as an approximately 400-foot radius around the affected area. Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance, as compared to No-Action conditions. The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. While it may affect areas of archaeological sensitivity, no new in-ground disturbance is anticipated in the With-Action condition beyond what would be expected to occur in the No-Action condition. Therefore, no further archaeological analysis is warranted.

Architectural resources usually need to be assessed for actions that would result in new construction, demolition, or significant physical alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including excavating vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure of the features that make the structure significant depend on sunlight.

As mentioned above, the Proposed Action would affect specific zoning districts on a citywide basis. These districts include R9 and R10 Residence Districts and their equivalent Commercial Districts, and in certain Special Purpose Districts. While some of these districts may be situated in historic districts, or adjacent to historic resources, the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action. There would be no incremental change in the potential for properties that are NYCLs or in New York City Historic Districts, or non-designated eligible

sites, to be directly impacted between the Future No- Action and With-Action conditions. The Proposed Action would not result in any physical direct impacts on architectural resources.

In addition, privately owned properties that are NYCLs or in New York City Historic Districts would also be protected under the New York City Landmarks Law that requires New York City Landmarks Preservation Commission (LPC) review and approval before any alteration or demolition can occur. Since the Proposed Action is not in-and-of-itself expected to induce new construction activities where these would not have occurred absent the Proposed Action, the Proposed Action would not result in any significant adverse construction-related impacts to non- designated eligible sites. In addition, any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a new construction site would be subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, ensuring that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources.

The Proposed Action would not result in any significant adverse visual or contextual (indirect) impacts to architectural resources. The text amendment, which would count mechanical spaces in residential towers as zoning floor area, could result in buildings with less gross floor area and height. Therefore, it would not result in incremental shadows being cast on sunlight-sensitive features of historic resources. No significant adverse impact on historic resources is anticipated.

#### IV. URBAN DESIGN AND VISUAL RESOURCES

As defined in the CEQR Technical Manual, urban design and visual resources are the totality of components that may affect a pedestrian's experience of public space. The urban design characteristics of the neighborhood encompass the various components of buildings and streets in the area, including building bulk, use, and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance and functionality of the built environment. An area's visual resources are its unique or important public view corridors, and can include views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings and natural resources. For CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a proposed action would (a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use, or arrangement than exists in an area; (b) change block form, de-map an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or (c) would result in above-ground development in an area that includes significant visual resources.

The Proposed Action would not alter the permitted height, bulk, setback or arrangement of the existing zoning districts. As shown by the three prototypical analysis sites, described in *Attachment A: Project Description*, the developments in the With-Action condition would be shorter than development in the No-Action condition. In addition, the developments would be similar in bulk and height to buildings in the surrounding area, as they will continue to comply with the zoning regulations applicable to the site. New development under the Proposed Action would not alter an entrenched, consistent urban context, obstruct a natural or built visual corridor or be inconsistent with the existing character and building forms typically seen in the area. Rather, the proposed text amendment would limit the use of excessively tall mechanical floors to elevate upper-story residential units above the surrounding context. It is intended to

reinforce and improve existing neighborhood character and urban design. Therefore, there would be no significant adverse impacts on urban design and visual resources.

## V. NATURAL RESOURCES

Under CEQR, a natural resource is defined as the City's biodiversity (plants, wildlife and other organisms); any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Such resources include ground water, soils and geologic features; numerous types of natural and human-created aquatic and terrestrial habitats (including wetlands, dunes, beaches, grasslands, woodlands, landscaped areas, gardens, parks, and built structures); as well as any areas used by wildlife. According to the *CEQR Technical Manual*, a natural resources assessment may be appropriate if a natural resource is present on or near the site of a project, and the project would, either directly or indirectly, cause a disturbance of that resource.

The Proposed Action would not result in significant adverse impacts to natural resources. The Proposed Action itself is not expected to induce development on sites where natural resources exist and where development would not have otherwise been possible. In addition, in many areas where natural resources exist, there are regulations that ensure their protection. These regulations include New York State Department of Environmental Conservation tidal and freshwater wetland regulations, the New York State Coastal Zone Management Program, and special zoning designations including Special Natural Area zoning. The Proposed Action would not eliminate and/or change the existing protections. As such, the Proposed Action would not result in significant adverse impacts to natural resources and a detailed analysis is not warranted. No effects to natural resources, incremental development, new soil disturbance or effects to groundwater are anticipated, and the Jamaica Bay Watershed Form is not necessary for this generic proposal.

## VI. AIR QUALITY

According to the CEQR Technical Manual, air quality impacts can be either direct or indirect. Direct impacts result from emissions generated by stationary sources from a prototype, such as emissions from on-site fuel combustion for heat and hot water systems ("stationary sources"). Indirect impacts are caused by off-site emissions associated with a project, such as emissions from on-road vehicle trips ("mobile sources") generated by the Proposed Action. The Proposed Action would not result in any significant adverse air quality impacts related to mobile or stationary sources.

### Mobile Sources

As stated in the CEQR Technical Manual, a project—whether site-specific or generic—may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants, or add new users near mobile sources. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible, and therefore would not increase or cause a redistribution of traffic, create other mobile sources, or add new users near mobile sources. As such, the Proposed Action would not result in significant adverse air quality impacts due to mobile sources.

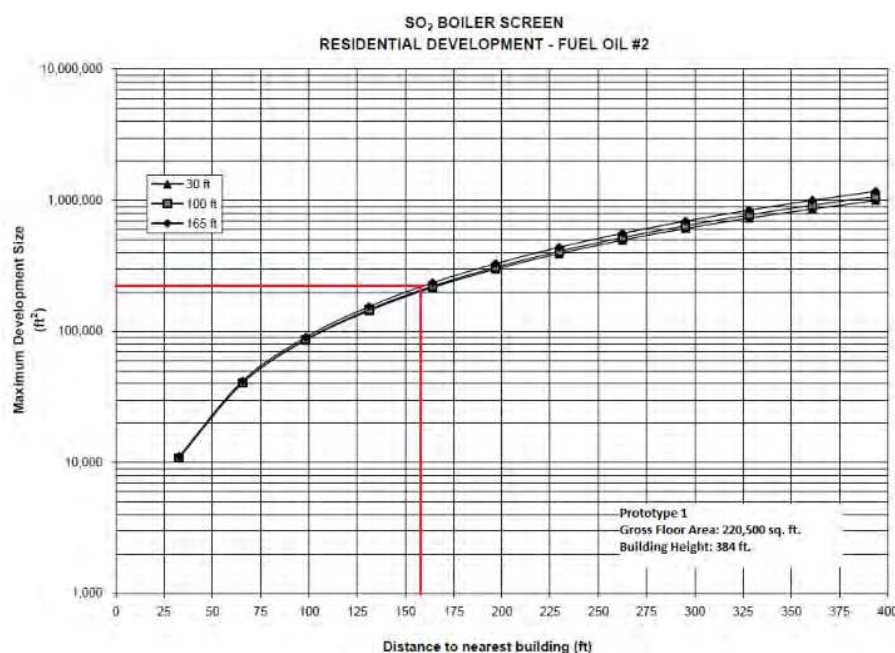
## Stationary Sources

The Proposed Action is a “Generic Action,” and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of the likely effects of the Proposed Action, three representative development prototypes have been identified, as described in the Analytical Framework above. The screening analysis was performed for the three prototypes to assess air quality impacts associated with emissions from their heat and hot water systems. The methodology described in the 2014 CEQR Technical Manual was used for the analysis.

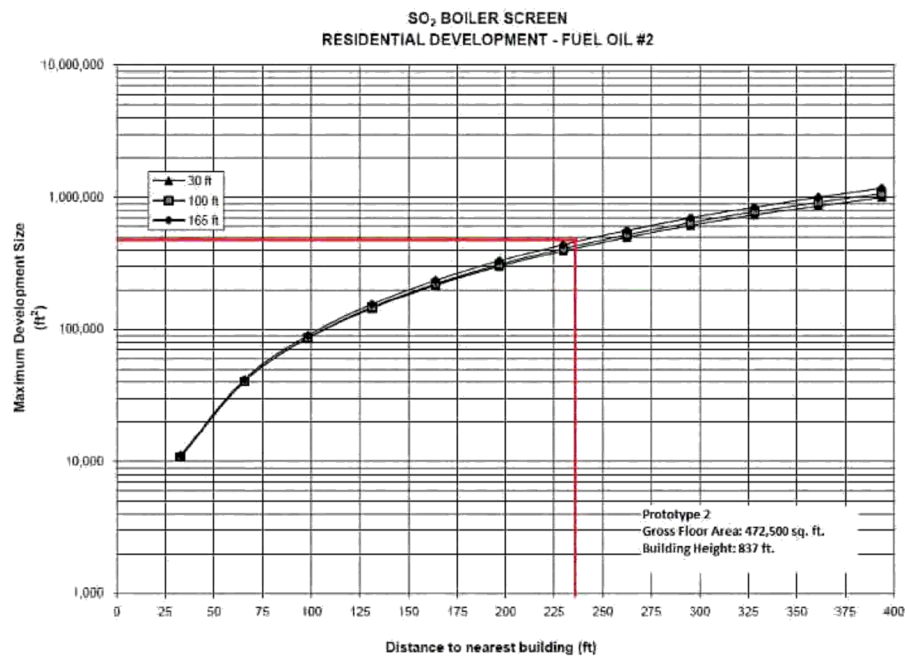
Generally, the screening methodology determines the threshold distance between a development site and the nearest building of similar or greater height beyond which the action would not have a significant adverse impact. Buildings of lower heights are not deemed to be under impact from a taller building. The screening procedures consider the type of fuel to be used, the maximum development size, the type of development, and the heat and hot water systems exhaust stack height to evaluate whether a significant adverse impact may occur. Based on the aforementioned parameters, if the distance between a development site and the nearest building of similar or greater height is less than the threshold distance as per in the 2014 CEQR Technical Manual figures, the potential for significant adverse air quality impacts is identified, and a detailed analysis involving a refined dispersion model is needed. Otherwise, if the prototype passes the screening analysis, no further analysis would be required.

For the screening analyses, it was assumed that No. 2 fuel oil would be used in all prototypes heat and hot water systems for conservative analysis. Screening nomographs were prepared as shown in Figures 4 – 6 below. The primary pollutants of concern are SO<sub>2</sub>, NO<sub>2</sub> and PM<sub>2.5</sub>. Exhaust stacks were assumed to be located 3 feet above the roof (as per the 2014 CEQR Technical Manual guidelines) and placed on the highest tier for buildings with different tier configurations.

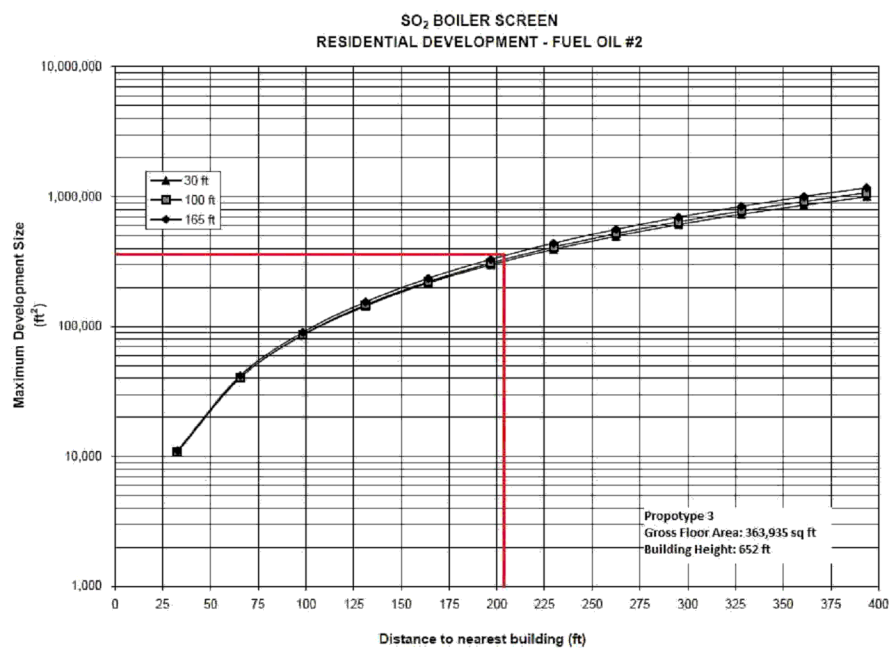
**FIGURE 4:**  
**Prototype 1 Heat and Hot Water System Air Quality Screening Graph**



**FIGURE 5:**  
**Prototype 2 Heat and Hot Water System Air Quality Screening Graph**



**FIGURE 6:**  
**Prototype 3 Heat and Hot Water System Air Quality Screening Graph**



Figures 4 – 6 depicts screening analyses conducted for the three prototypes. The screening analyses show that the threshold distances for Prototype 1, Prototype 2, and Prototype 3 are 158 feet, 238 feet, and 205 feet respectively. Any buildings of similar or greater heights located within the threshold distances require detailed air quality impact analysis; any buildings of similar or greater heights located beyond the threshold distances will experience no potential significant adverse air quality impact from developments represented by the three prototypes.

Since R9 and R10 Residential District, their equivalent Commercial Districts, and Special Purpose Districts that rely on the underlying tower regulations are already highly developed, there are not many suitable sites that will have new developments affected by the proposed zoning text amendment. While the three prototypes studied are not tied to a specific geography, it is reasonable to believe that they represent the future potential developments in the affected zoning districts. Further investigation based on the prototypes and currently available sites for residential tower development indicates that, buildings abiding to the proposed zoning text amendment, i.e. buildings without excessively tall voids would still retain heights that exceed heights of their surrounding buildings - buildings of similar heights or taller than the prototypes are not anticipated to be in the vicinity closer than the threshold distances derived from the screening analyses. As such, the screening analysis results are sufficient to represent the air quality impact of the proposed action; no further detailed analyses are warranted. The proposed action will not lead to potential significant adverse air quality impact caused by residential towers with restricted void heights.

## VII. NEIGHBORHOOD CHARACTER

The CEQR Technical Manual defines neighborhood character as an amalgam of the various elements that give neighborhoods their distinct personality. These elements can include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation and/or noise but not all of these elements contribute to neighborhood character in all cases. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

The Proposed Action would not adversely affect any component of the affected area's neighborhood character. The proposal would not induce development that would conflict with the surrounding activities, nor would it significantly impact land use patterns. Rather, it is intended to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context. By limiting the size and frequency of excessive mechanical voids, the Proposed Action encourages the development of buildings that engage their surroundings and complement the surrounding neighborhood with active uses on lower floors.

Moreover, the Proposed Action is not expected to result in any significant adverse impacts on the technical areas related to neighborhood character, including land use, urban design and visual resources, or historic and cultural resources. Therefore, the Proposed Action would not result in a significant adverse impact on neighborhood character.



**APPENDIX A**

**Proposed Zoning Text Amendment**

# Residential Tower Voids

## Text Amendment

December 11, 2018

Draft 1

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## Article II

### Residence District Regulations

## Chapter 3

### Residential Bulk Regulations in Residence Districts

\* \* \*

## 23-10

### OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

Special #open space# and #floor area# provisions are set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for standard tower and tower-on-a-base #buildings# in R9 and R10 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for Which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

\* \* \*

**23-16****Special Floor Area and Lot Coverage Provisions for Certain Areas**

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

- (a) For standard tower and tower-on-a-base #buildings# in R9 and R10 Districts
- (1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.
- (2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, any enclosed floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any enclosed floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:
- (i) occupies the predominant portion of a #story#;
- (ii) is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential floor area#; and
- (iii) exceeds an aggregate height of 25 feet within any given 75-foot vertical segment of a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the finished floor to the height of the structural ceiling. In addition, within a given 75-foot segment, each #story# of floor space, or each increment of 25 feet, rounded to the nearest integer divisible by 25, whichever results in a higher number, shall be counted separately in the #floor area# calculation.

\* \* \*

## Chapter 4

### Bulk Regulations for Community Facilities in Residence Districts

\* \* \*

## 24-10

### FLOOR AREA AND LOT COVERAGE REGULATIONS

\* \* \*

## 24-112

### Special floor area ratio provisions for certain areas

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

- (a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall be 5.10; ~~and~~
- (b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and
- (c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:
  - (1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
  - (2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

## Article III

### Commercial District Regulations

#### Chapter 5

#### Bulk Regulations for Mixed Buildings in Commercial Districts

\* \* \*

#### 35-35

#### Special Floor Area Ratio Provisions for Certain Areas

\* \* \*

#### 35-352

#### Special floor area regulations for certain districts

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a residential equivalent of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

## Article IX

### Special Purpose Districts

\* \* \*

#### Chapter 6

#### Special Clinton District

\* \* \*

**96-20****PERIMETER AREA**

\* \* \*

**96-21****Special Regulations for 42nd Street Perimeter Area**

\* \* \*

(b) #Floor area# regulations

\* \* \*

(2) #Floor area# regulations in Subarea 2

\* \* \*

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

**Chapter 8****Special West Chelsea District**

\* \* \*



**98-20****FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*

**98-22****Maximum Floor Area Ratio and Lot Coverage in Subareas**

\* \* \*

**98-221****Additional regulations for Subdistrict A**

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Special Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

END

**APPENDIX B**

**Waterfront Revitalization Program Consistency Assessment Form**

FOR INTERNAL USE ONLY

Date Received: \_\_\_\_\_

WRP No. \_\_\_\_\_

DOS No. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

### A. APPLICANT INFORMATION

Name of Applicant: New York City Department of City Planning

Name of Applicant Representative: Frank Ruchala, Deputy Director of Zoning Division

Address: 36 West 66th Street, Manhattan

Telephone: 212-720-3436 Email: \_\_\_\_\_

Project site owner (if different than above): \_\_\_\_\_

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

#### 1. Brief description of activity

The New York City Department of City Planning (DCP) proposes a zoning text amendment pursuant to Zoning Resolution (ZR) Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) and related sections, to modify floor area regulations for residential tower developments located within non-contextual R9 and R10 Residence Districts, 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 proposed zoning text amendment (the "Proposed Action") would count mechanical floors in such buildings as zoning floor area when they are taller than 25 feet in height or when they are located within 75 feet in height of each other. Currently, mechanical space does not count towards zoning floor area of a building as permitted by zoning. The Proposed Action is intended to discourage the use of excessive mechanical floors to artificially increase building height by limiting the height and frequency of such spaces incorporated into a building's design.

#### 2. Purpose of activity

Excessive structural voids can stand immediately adjacent to neighboring buildings and create vast blank facades where active uses would ordinarily be found. The use of voids has also led to the creation of buildings substantially taller than what was originally intended by underlying zoning. By limiting the size and frequency of voids, the proposed action encourages the development of buildings that engage their surroundings and complement the surrounding neighborhood with active uses on lower floors.

**C. PROJECT LOCATION**Borough: Citywide Tax Block/Lot(s): \_\_\_\_\_

Street Address: \_\_\_\_\_

Name of water body (if located on the waterfront): N/A**D. REQUIRED ACTIONS OR APPROVALS**

Check all that apply.

**City Actions/Approvals/Funding****City Planning Commission**☒ Yes ☐ No☐ City Map Amendment☐ Zoning Map Amendment☒ Zoning Text Amendment☐ Site Selection – Public Facility☐ Housing Plan & Project☐ Special Permit(if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: \_\_\_\_\_☐ Zoning Certification☐ Zoning Authorizations☐ Acquisition – Real Property☐ Disposition – Real Property☐ Other, explain: \_\_\_\_\_☐ Concession☐ UDAAP☐ Revocable Consent☐ Franchise**Board of Standards and Appeals**☐ Yes ☒ No☐ Variance (use)☐ Variance (bulk)☐ Special Permit(if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: \_\_\_\_\_**Other City Approvals**☐ Legislation☐ Rulemaking☐ Construction of Public Facilities☐ 384 (b) (4) Approval☐ Other, explain: \_\_\_\_\_☐ Funding for Construction, specify: \_\_\_\_\_☐ Policy or Plan, specify: \_\_\_\_\_☐ Funding of Program, specify: \_\_\_\_\_☐ Permits, specify: \_\_\_\_\_**State Actions/Approvals/Funding**☐ State permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_☐ Funding for Construction, specify: \_\_\_\_\_☐ Funding of a Program, specify: \_\_\_\_\_☐ Other, explain: \_\_\_\_\_**Federal Actions/Approvals/Funding**☐ Federal permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_☐ Funding for Construction, specify: \_\_\_\_\_☐ Funding of a Program, specify: \_\_\_\_\_☐ Other, explain: \_\_\_\_\_Is this being reviewed in conjunction with a [Joint Application for Permits?](#)☐ Yes☒ No

**E. LOCATION QUESTIONS**

1. Does the project require a waterfront site? ☐ Yes ☒ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☒ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☒ No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) ☒ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) ☒ Yes ☐ No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
  - ☐ Significant Maritime and Industrial Area (SMIA) (2.1)
  - ☐ Special Natural Waterfront Area (SNWA) (4.1)
  - ☐ Priority Maritime Activity Zone (PMAZ) (3.5)
  - ☐ Recognized Ecological Complex (REC) (4.4)
  - ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

**F. WRP POLICY ASSESSMENT**

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
<b>I</b>	<b>Support and facilitate commercial and residential redevelopment in areas well-suited to such development.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
<b>2</b>	<b>Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	<b>Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	<b>Protect and restore the quality and function of ecological systems within the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	Promote	Hinder	N/A
<b>5 Protect and improve water quality in the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1 Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3 Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4 Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5 Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6 Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i> ) into the planning and design of projects in the city's Coastal Zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4 Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7 Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.1 Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2 Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3 Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8 Provide public access to, from, and along New York City's coastal waters.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1 Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3 Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Promote	Hinder	N/A
8.5 Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.6 Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9 Protect scenic resources that contribute to the visual quality of the New York City coastal area.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2 Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10 Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1 Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2 Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Frank Ruchala Jr

Address: 120 Broadway, 31st Floor

Telephone: 212-720-3436

Email: fruchala@planning.nyc.gov

Applicant/Agent's Signature: frank ruchala jr

Digitally signed by frank ruchala jr  
Date: 2019.04.09 11:45:04 -04'00'

Date: 4/9/19

## Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

### New York City Department of City Planning

Waterfront and Open Space Division

120 Broadway, 31<sup>st</sup> Floor

New York, New York 10271

212-720-3696

[wrp@planning.nyc.gov](mailto:wrp@planning.nyc.gov)

[www.nyc.gov/wrp](http://www.nyc.gov/wrp)

### New York State Department of State

Office of Planning and Development

Suite 1010

One Commerce Place, 99 Washington Avenue

Albany, New York 12231-0001

518-474-6000

[www.dos.ny.gov/opd/programs/consistency](http://www.dos.ny.gov/opd/programs/consistency)

## Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at [www.nyc.gov/wrp](http://www.nyc.gov/wrp)

**APPENDIX C**

**Historic and Cultural Resources**

## **ENVIRONMENTAL REVIEW**

**Project number:** DEPARTMENT OF CITY PLANNING / 19DCP110Y

**Project:** RESIDENTIAL TOWER VOIDS TEXT AMENDMENT

**Address:** 120 BROADWAY, **BBL:** 1000477501

**Date Received:** 12/13/2018

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**Comments:**

The LPC is in receipt of the EAS for the above referenced Generic Citywide Action dated 12/13/18. LPC understands that this action in-and-of-itself is not intended to induce development where it would not have occurred absent the Proposed Action. The language in section III. "Historic and Cultural Resources" in the Technical Assessments Section of the EAS appears acceptable.



12/14/2018

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SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 33873\_FSO\_GS\_12142018.doc

**APPENDIX D**

**Technical Memorandum 001**

**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.

**APPENDIX 1**

**Proposed Zoning Text Amendment**

**Potential CPC Modifications**

*Residential Tower Mechanical Voids Text Amendment***CITY WIDE****N 190230 ZRY**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Article II, Chapter 3 and related provisions of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to count toward residential floor area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

**Article II****Residence District Regulations****Chapter 3****Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-10****OPEN SPACE AND FLOOR AREA REGULATIONS**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

Special #open space# and #floor area# provisions are set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for standard tower and tower-on-a-base #buildings# in R9 and R10 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for Which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

\* \* \*

**23-16****Special Floor Area and Lot Coverage Provisions for Certain Areas**

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

- (a) For standard tower and tower-on-a-base #buildings# in R9 and R10 Districts
- (1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.
- (2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:
- (i) occupies the predominant portion of a #story#;
- (ii) is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential floor area#; and
- (iii) exceeds an aggregate height of 30 feet in #stories# located within 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by 30 feet, and rounding to the nearest whole integer.

\* \* \*

**Chapter 4****Bulk Regulations for Community Facilities in Residence Districts**

\* \* \*

**24-10****FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*

**24-112****Special floor area ratio provisions for certain areas**

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

- (a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall be 5.10; ~~and~~
- (b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0; and
- (c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:
  - (1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
  - (2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

**Article III****Commercial District Regulations**

**Chapter 5****Bulk Regulations for Mixed Buildings in Commercial Districts**

\* \* \*

**35-35****Special Floor Area Ratio Provisions for Certain Areas**

\* \* \*

**35-352****Special floor area regulations for certain districts**

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a residential equivalent of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

**Article IX****Special Purpose Districts**

\* \* \*

**Chapter 6****Special Clinton District**

\* \* \*

**96-20****PERIMETER AREA**

\* \* \*

**96-21****Special Regulations for 42nd Street Perimeter Area**

\* \* \*

(b) #Floor area# regulations

\* \* \*

(2) #Floor area# regulations in Subarea 2

\* \* \*

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

(i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and

(ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

**Chapter 8****Special West Chelsea District**

\* \* \*

**98-20****FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*



**98-22****Maximum Floor Area Ratio and Lot Coverage in Subareas**

\* \* \*

**98-221****Additional regulations for Subdistrict A**

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Special Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

\* \* \*

END



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!  
Certificate of Appropriateness Committee  
Before the City Planning Commission  
Residential Tower Mechanical Voids Text Amendment  
March 12, 2019**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Certificate of Appropriateness Committee wishes to comment on the Department of City Planning's proposed Residential Tower Mechanical Voids Text Amendment. The proposed text is the result of Mayor de Blasio asking the Department of City Planning (DCP) to examine excessive voids used to raise residential tower heights in predominantly residential areas.

The LANDMARK WEST! Certificate of Appropriateness Committee is grateful that the Department of City Planning has heeded the community outcry and chosen to examine the problem of excessive voids used to raise residential tower heights in predominantly residential areas. Our Committee sees the draft text amendment to be a good faith effort in beginning to address one of a long list of zoning loopholes that developers manipulate, often at great physical and fiscal cost to the surrounding community that these developments seek to dominate for their private gain.

Unfortunately, even in this case, after a year of study, the text will only address this abuse in certain R9 and R10 districts. For systemic change, the Department of City Planning should recognize this as a first step in a long marathon back toward sensible planning.

Since 1961, mechanical spaces have been exempt from a building's floor area in the Zoning Resolution, it was just a matter of time before the fiscal return from constructing these spaces exceeded the cost of building them. That time began in 2012. In 2019, the City is still playing a game of catch-up, and as things currently stand, the community is losing—badly. The necessary approval of this imperfect zoning text gets the public on the board before we lose anymore ground—or in this case, sky.

Concerns of the Committee, with the proposed text include the mathematics applied.

- 12-14' in height would be more than adequate for over 98% of the buildings included in your study, and a more appropriate height for a typical mechanical floor versus the currently proposed 25'.
- 200' intervals (or approximately 20 floors) would be a more appropriate height of rise before a repeatable mechanical floor. This would mimic a 20-story residential building with rooftop mechanicals.

At the proposed 75'-interval, given that current luxury floors trend to 16'-5" each, a 25-foot high mechanical space would appear every five floors, which is unnecessary. Even with this reality, using 200' intervals would mean it is approximately one mechanical floor for every 12 floors of rise, a solution that begins to address the excessive bulk, which is part of the public's concern.

The CPC's examination of 796 buildings over a ten year window turned up a mere "handful" of properties with mechanical floors in excess of 12', and just one building with a 90' FAR interval. What is the motivation for setting the bar so low (25', and 75' respectively) overly accommodate these outliers?

These simple edits can yield a meaningful text amendment, which will have citywide reach beyond West 66<sup>th</sup> Street. Without them, everyone's efforts today, and over the past year of review are really only to curb one building where the DOB has already issued a Notice Intent to Revoke. It is the Committee's hope that this can be the first in a series of text amendments that expands to include amendments for addressing gerrymandered and sculpted zoning lots, residential buildings with internal structural voids such as atria, stilts, and exaggerated terraces and patios.

Of course, establishing height limits or three-dimensional FAR measurement would undermine many of these loopholes more simply. In the absence of these obvious solutions, the LANDMARK WEST! Certificate of Appropriateness Committee suggests the City Planning Commission vote to APPROVE this Zoning Text Amendment with modifications.

**CITY PLANNING COMMISSION**

December 20, 1993/Calendar No. 3

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N 940127 (A) ZRM

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections.

Applications for amendments (N 940127 ZRM and N 940128 ZRM) to the Zoning Resolution were filed by the Department of City Planning on September 16, 1993 to amend the Special Lincoln Square District ("Special District"), located in the southern portion of Community District Seven between Central Park West, Amsterdam Avenue, and West 60th and West 68th Streets. The proposed text amendments would add additional urban design controls, modify commercial use regulations, mandate subway improvements in certain locations, amend mandatory arcade requirements, and permit public parking and curb cuts through different regulatory requirements.

The two alternative proposed text amendments are identical except for the proposed controls on arcades. Except where noted, all text changes relate to both text amendments. Application N 940127 ZRM proposes to retain the arcade as a mandated urban design requirement, with a reduced bonus from seven square feet per square foot of arcade to three square feet per square foot of arcade, and eliminate the requirement for an arcade on the north side of West 61st Street. Application N 940128 ZRM proposes to eliminate the arcade as a mandated urban design requirement and the bonus generated by the provision of such arcade.

On November 15, 1993, an alternative modification to both original applications was filed, (N 940127 (A) ZRM and N 940128 (A) ZRM) which proposes to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, with the penthouse provision.

On November 23, 1993, a second set of alternative modifications to the applications were filed (N 940127 (B) ZRM and N 940128 (B) ZRM) which proposes to eliminate the penthouse provision throughout the district, and to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, without the penthouse provision.

This report adopts with modifications one of the alternative modifications, N 940127 (A) ZRM.

#### RELATED ACTION

In addition to the zoning text amendment which is the subject of this report, the Department certified a zoning map amendment (C 940129 ZMM) for an area north of the Special District, along Broadway from West 68th Street to a midway point between West 71st and 72nd streets, on October 4, 1993. However, implementation of the proposed zoning text does not require action by the City Planning Commission on the proposed map change. This item is subject to ULURP regulations, and will be considered separately by the Commission.

#### BACKGROUND

The Department of City Planning has proposed a zoning text amendment to the Special Lincoln Square District in order to respond to planning issues relating the area's mix of uses and the form and height of new development. The Department explored these issues in its May 1993 discussion document entitled "Special Lincoln Square District Zoning Review". This report described the twenty year history of development pursuant to the Special District's controls, and recommended certain text changes. The proposed text evolved after extensive consultation with Community Board 7, the Manhattan Borough President's Office and a number of civic groups.

It was found that a series of interrelated problems affect the character of development in the Special Lincoln Square District. These issues include existing urban design



regulations and the amount of commercial use allowed in the underlying C4-7 district. With regard to land use, the great majority of developments in the Special District are predominately residential, with only limited amounts of commercial and/or community facility uses. In contrast, a project in the district now under construction will contain about 5 FAR of retail, movie and health club uses (plus another 1 FAR of below-grade, commercial use). The intensity of activity generated by this concentration of commercial uses greatly exceeds that of other buildings built in the district which average about 1 FAR of commercial use.

In terms of urban design controls, it was found that the height of buildings in the Special District needed to be regulated. Several buildings in the district have exceeded 40 stories in height, and are out of character with the neighborhood. Current district requirements do not effectively regulate height, nor govern specific aspects of urban design which relate to specific conditions of the Special District. In addition, the mandated tower-on-a-base form along Broadway needs to be refined so that development on large sites is compatible with the district.

#### Existing Zoning

In the early 1960's the Lincoln Square area was redeveloped for major cultural and institutional uses, with the city facilitating site acquisition under the 1957 Lincoln Square Urban Renewal Plan. After the development of Lincoln Center and Fordham University, the areas surrounding the Urban Renewal Area experienced increased development pressure. Recognizing the unique opportunity that this presented, the City Planning Commission created the Special Lincoln Square District in 1969 to guide new growth and uses in a way that would complement the newly-sited institutions.

To achieve its objectives, the district was established to regulate ground floor uses and urban design elements, and makes floor area bonuses available by City Planning Commission Special Permit in exchange for the provision of certain public amenities. Since it was created, certain changes have been made to the district relating to public

amenities, bonuses and floor area. Originally, bonuses could be granted for a variety of amenities, including arcades, plazas, pedestrian malls, covered plazas, subsurface connections to the subway and low or moderate income housing. The incentive bonuses permitted development on a zoning lot up to 14.4 FAR, with no more than 12 FAR for residential uses.

After the adoption of Upper West Side contextual zoning (1984) and the city-wide inclusionary housing program amendments (1987), all bonusable public amenities were eliminated, except for the arcade required along the east side of Broadway, subway improvements and low or moderate income housing. The 1984 amendment reduced the permitted maximum FAR from 14.4 to 12. The 1987 amendment substituted the as-of-right inclusionary housing program for the lower income housing bonus.

The following is a description of current special district controls:

Land Use. Most of the Special District is zoned C4-7, which permits high density residential, commercial and community facility development with a maximum FAR of 10, bonusable to 12. A small area of the district is zoned R8, which permits mid-density residential and community facility development. The Special District encourages retail uses compatible with the area by permitting those commercial uses allowed in the underlying zoning district or listed in Use Group L. Use Group L comprises uses selected from those permitted in the C4-7 district which promote pedestrian oriented activity and serve visitors to the area. Those uses not listed in Use Group L are limited to 40 feet of street frontage.

Urban Design. The Special District's urban design regulations require buildings fronting on Broadway, located on the east side of Broadway between West 61st and West 65th streets, West 67th and 68th streets, the east side of Columbus Avenue between West 65th and West 66th Streets, and the west side of Broadway between West 65th and 68th streets and West 60th and 62nd streets to have an 85-foot high base built at the



streetline, with the tower above set back at least 15 feet on wide streets and 20 feet on narrow streets.

The special district recognized the distinct character of two sites in the area: the "bow tie" sites, located on the block bounded by West 66th, West 67th, Columbus Avenue and Broadway, and the block bounded by West 62nd, West 63rd, Columbus Avenue and Broadway. On these two blocks which frame the bow tie intersection and parks, the building walls of new developments must coincide with the streetlines, without any setback and with no minimum or maximum height specified.

Arcades. The Special District requires that mandatory arcades be provided on the following street frontages: the north side of West 61st Street between Central Park West and Broadway, the east side of Broadway between West 61st and West 65th Streets, and the east side of Columbus Avenue between West 65th and West 66th Streets. The arcade generates a bonus at the rate of seven square feet per square foot of arcade, for a maximum of 1 FAR.

Subway Improvements. Subway improvements affecting general accessibility, safety, or improving circulation are eligible to generate a bonus for a maximum of 2 FAR.

Parking and Loading. Accessory off-street parking and public parking garages are permitted only by CPC special permit. Off-street loading facilities are only permitted in conjunction with the granting of a special permit.

### **Existing Land Use**

The Department's discussion document examined land use trends in the district since 1969 and identified three distinct sub-areas:

Sub-district A: The northern section of the district, between West 64th and West 68th streets, contains special district development that has predominately replicated the

traditional Upper West Side land use pattern found directly to the north: high density residential use with ground floor commercial uses.

Sub-district B: The district's major institutions, Lincoln Center and Fordham University, are located in the southwestern section of the district, west of Columbus Avenue between West 60th and West 68th streets.

Sub-district C: The southern portion of the district, between West 60th and West 64th streets is a center of commercial activity, due to its proximity to midtown and Columbus Circle. The area also contains offices in pre-1969 buildings, and the district's two hotels, the Mayflower on Central Park West and the Raddison Empire on West 63rd Street.

Six sites in the district were identified that could be potentially developed under existing zoning. The sites are:

1. Bank Leumi, a full-block site directly south of the Lincoln Square development between Broadway, Columbus Avenue, West 66th and West 67th Streets;
2. Tower Records/Penthouse Magazine building, a five story commercial building on Broadway, just north of Lincoln Center between West 66th and West 67th Streets;
3. Regency Theater, located at West 67th and Broadway;
4. Saloon/Chemical Bank buildings, a possible assemblage located on Broadway between West 64th and West 65th Streets;
5. Mayflower block, a full-block site bounded by Broadway, Central Park West, West 61st and West 62nd Streets, containing a vacant parcel facing Broadway and the Mayflower Hotel on Central Park West;
6. ABC assemblage, three low-rise structures located on the south side of West 66th Street, between Columbus Avenue and Central Park West.

**TEXT AMENDMENT AS ORIGINALLY REFERRED**

The provisions of the text amendments as originally referred include six changes to the existing zoning. It proposes a limit of the amount on overall commercial density in the northern portion of the district; commercial use restrictions for entertainment uses and requirements for retail continuity; urban design controls to regulate building form and height, and to respond to specific site conditions; requirements for subway access; and requirements for parking and loading. In terms of arcades, it proposes two alternates: the continuation of this requirement (at a reduced bonus rate) or the elimination of this requirement.

A summary of the major changes are listed below:

**Underlying zoning**

- Section 82-31 would limit the amount of commercial floor area allowed to 3.4 FAR in sub-district A, where residential and institutional development predominates. Section 82-311 would permit an increase in commercial use by CPC special permit.

**Use Restrictions**

- Section 82-23 would limit Use Groups 8 and 12, including movie theaters, to 1 FAR in all areas of the district, except Sub-district B, the area dominated by Lincoln Center.
- Eliminate Use Group L from the district.
- Sections 82-21 and 82-24 would mandate retail continuity and transparency regulations at the ground level.

**Urban Design**

Certain urban design changes would apply throughout the District:

- Section 82-34 would establish envelope controls to govern the massing and height of new buildings by requiring a minimum of 60 percent of a development's total floor area to be located below an elevation of 150 feet.
- Section 82-36 would establish minimum tower coverage standards, and allow for the penthouse provision at the top of buildings.

The following would apply along Broadway:

- Section 82-37 would maintain the current requirement for an 85 foot high base along Broadway, with towers setback from the streetline for a minimum of 15 feet on wide streets and a minimum of 20 feet on narrow streets.
- Section 82-38 would require recesses below 85 feet for a minimum of 15 percent and a maximum of 30 percent.
- Section 82-39 would permit dormers as a permitted obstruction above 85 feet.

For the Bow Tie sites, the following would apply:

- Section 82-38 would require that these sites be developed with a streetwall building, with a setback at 150 feet of not less than 10 feet. New buildings would be built to the streetlines of West 63rd and West 66th Streets and continue around the adjoining corners for one-half of the Broadway and Columbus Avenue block frontages. The remaining portion of the Broadway frontage would provide a 85 foot streetwall.
- Section 82-38 would require two ranges of recesses: below 85 feet, recesses would be required for a minimum of 15 percent and a maximum of 30 percent of the length of the streetwall; above 85 feet, recesses would be required for a minimum of 30 percent and a maximum of 50 percent. An expression line would be required at 20 feet.
- A dormer would be permitted above 150 feet, for a minimum of 50 percent and a maximum of 100 percent of the streetwall width, reducing at a rate of 1 percent as the height of the dormer rises by a foot.

- Section 82-40 would establish a 300 foot height limit, with the penthouse provision permitted for up to 4 stories above this height.

On the Mayflower Block, the following would apply, in addition to the controls applicable to Broadway sites:

- Section 82-37 would require a contextual, high street wall envelope on the Central Park West frontage.

### **Mandatory Arcades**

Text Amendment N 940127 ZRM proposes to:

- Retain the arcade as a mandated urban design requirement, with a reduced bonus from seven square feet per square foot of arcade to three square feet per square foot of arcade.
- Eliminate the requirement for an arcade on the north side of West 61st Street.

Text Amendment N 940128 ZRM proposes to:

- Eliminate the arcade as a mandated urban design requirement and the bonus generated by the provision.

### **Subway Access**

- Section 82-11 would require subway stair relocation or access be provided in the development of sites adjacent to the West 66th Street and the 59th Street/Columbus Circle subway stations.
- Section 82-32 would retain the subway improvement bonus.

### **Parking and Loading Requirements**

- Eliminate the district's special permit for public parking garages, since a special permit mechanism is provided in the underlying zoning regulations, Section 74-52.
- Section 82-50 would permit loading docks pursuant to underlying regulations, and establish a City Planning Commission authorization for curb cuts in instances

when they could not be accommodated on a narrow street, 50 feet from the intersection of a wide street.

#### **Supplementary Use Regulations**

Section 82-22 would permit commercial use to be located at or above the level of residential uses in the same building, provided that there is separate direct access to the street and no access to the residential portion of the building.

#### **Right to Construct**

Section 82-05 would terminate the right to continue construction in the Special District if the provisions of Section 11-30 are not met by the date of adoption of this zoning text amendment by the City Planning Commission.

#### **POST-REFERRAL CHANGES**

The zoning text amendment was referred to Manhattan Community Board 7 and the Manhattan Borough President on October 5, 1993. After referral, a number of issues were raised concerning the height of new development. As a result, the Department amended the proposed text. The changes included:

N 940127 (A) ZRM and N 940128 (A) ZRM, filed on November 15, 1993, proposes an alternative modification to Section 82-40 to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, with the penthouse provision.

N 940127 (B) ZRM and N 940128 (B) ZRM, filed on November 23, 1993, proposes a second set of alternative modifications to the applications to Sections 82-36 and 82-40 to eliminate the penthouse provision throughout the district, and to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, without the penthouse provision.



## ENVIRONMENTAL REVIEW

These applications have been reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 94DCP007M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 4, 1993.

After issuance of the Negative Declaration, the Department modified several sections of the proposed text amendment.

The Environmental Assessment and Review Division reviewed the modifications and determined these changes to be a minor modification on December 20, 1993.

## PUBLIC REVIEW

On October 5, 1993 the original applications (N 940127 ZRM and N 940128 ZRM) were referred to Manhattan Community Board 7 and the Borough President of Manhattan.

### Community Board Public Hearing

Community Board 7 held a public hearing on the original applications on October 28, 1993, and, on November 3, 1993, by a vote of 39 to 1 with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. "A maximum FAR of 10. CB 7 believes this is an appropriate allowable density given the crowded conditions in the Special District. 10 FAR could be achieved by either reducing the density to 8 FAR and allowing a 2 FAR bonus for affordable housing, or eliminating FAR bonuses and mandating affordable housing within 10 FAR."



2. "Require a straightforward height limit of 275 feet throughout the Special District."
3. "Require a special permit for new development throughout the Special District... As prerequisite, any development within the Special District must abide by the following regulations:  
Throughout the District: Maximum 10 FAR; 275 height limit;  
Along the east side of Broadway (excluding bow tie sites): 85 foot streetwall, 15 foot setback, arcade requirement without bonus;  
Mayflower site: 125 foot streetwall, 15 foot setback on Central Park West;  
Northern bow tie site: Specific regulations to be determined during ULURP, though CB7 notes preference for the following proposal over City Planning's proposal for the northern bow tie site: No setback for 60% of linear frontage on 66 Street, Columbus and Broadway; 85 foot street wall on remaining 30 % of linear frontage on Broadway; 55-60 foot streetwall on remaining 30 % of linear frontage on Columbus..."
4. "Theaters should not be restricted to 1 FAR."
5. "Restrict zoning lot mergers to 20 percent of floor area"

#### **Borough President Recommendation**

The original applications were considered by the Manhattan Borough President, who issued a recommendation conditionally approving the application with conditions on November 15, 1993.

1. The Manhattan Borough President agrees with CB 7 that 10 FAR is more appropriate in the Lincoln Square area than 12 FAR.
2. In the event that the issues of density is deemed to fall outside the scope of the current action, the Borough President recommends 1) that the matters found to be within scope be evaluated within this public review process and adopted or modified, and 2) that DCP be directed to undertake a more comprehensive review of mapped vs. built vs. "livable" density within this district, and ultimately, to propose appropriate zoning actions.
3. The Borough President recommends: 1) the elimination of the arcade bonus; 2) the restriction of the inclusionary housing bonus to development on-site or entirely within the boundaries of the Special District; and 3) the reevaluation of the economics of the subway bonus to relate the amount of floor are granted

more clearly and directly to the effectiveness of the subway improvements in mitigating the impacts of high density development.

4. The Borough President recommends a 275 foot height limit on each of the two bow-tie sites as well as a district wide height limit.
5. A special permit requirement would result in better building design for what is really a unique area.
6. The Borough President supports the community's solution with regard to streetwall heights, setbacks and other building design controls and thinks that either CB 7's recommendation or those of Landmark West! are preferable to specifics of the DCP proposal.
7. The idea of restricting zoning lot mergers is generally a good one, and the Board's recommendation of 20 percent seems appropriate.
8. The Borough President is concerned about specific conditions on the Bank Leumi site (bow-tie site) and supports the preservation of the occupied tenements.
9. The Borough President supports the Board's position opposing the elimination of Use Group 8 uses (theaters and other entertainment uses) and urges DCP to devise a mechanism to require transparency from the curb level to the ceiling of the theater.
10. The Borough President acknowledges ABC's importance to the City and to the neighborhood. Therefore, continued dialogue between DCP/CPC and ABC is encouraged so that solutions to existing conflicts may be found.
11. DCP is urged to work with the community and other appropriate city agencies to help achieve improvements to the "bow-tie" parks and malls.
12. The Borough President urges DCP to move to expedite a full traffic/pedestrian circulation study of this area after adoption of the text.

#### **City Planning Commission Public Hearing**

On November 3, 1993 (Calendar Nos. 6 and 7), the City Planning Commission scheduled November 17, 1993 for public hearings on the original applications (N 940127 ZRM and N 940128 ZRM). The hearings were duly held on November 17, 1993 (Calendar Nos. 15 and 16) and were continued to December 1, 1993, (Cal. Nos. 8 and 9), and December 15, 1993 (Cal Nos. 21 and 22), when the hearing was closed.

On November 17, 1993 (Supplemental Calendar Nos. 1 and 2), the City Planning Commission scheduled December 1, 1993 for public hearings on the modified applications (N 940127 (A) ZRM and N 940128 (A) ZRM). The hearings were duly held on December 1, 1993 (Calendar Nos. 6 and 7) and were continued to December 15 1993, (Cal. Nos. 23 and 24), and then closed.

On December 1, 1993 (Supplemental Calendar Nos. 1 and 2), the City Planning Commission scheduled December 15, 1993 for public hearings on the second modified applications (N 940127 (B) ZRM and N 940128 (B) ZRM). The hearings were duly held on December 15, 1993 (Calendar Nos. 25 and 26), and then closed.

On November 17, 1993, there were three speakers in favor of the application, and 22 speakers in opposition. Numerous speaking slips were submitted by people who were registered in opposition; however they did not speak.

Speakers in favor of the application included representatives of two property owners within the Special District.

Those opposed included the Manhattan Borough President, the local City Council member, two State Senators, a State Assemblyman, the chairperson of Community Board 7, representatives of civic organizations, a representative of a property owner and neighborhood residents.

Those in favor supported the appropriateness of the proposed changes to the zoning text, including the reduction in commercial density in the northern portion of the district and the changes to the urban design regulations.

Many of those testifying against the proposal indicated that they would support the Department's proposal for changes to the Special District, provided that additional actions be undertaken by the Commission, such as reducing the district's overall

The Commission further recognizes that one of the district's most distinguishing features is the strength of the Broadway retail corridor. Therefore the Commission believes that the retail continuity and transparency provisions of the proposed text would ensure to protect and enhance this character.

**Urban Design:** The Commission recognizes that the district's urban design controls need to be improved in response to the issues raised by the height and form of recent developments and specific site concerns for the remaining development sites within the district. After considering the range of urban forms presented by the Department and the community, and as depicted in the Environmental Simulation Center model and video analysis, the Commission believes that the urban design proposal as modified and described below is appropriate.

The Commission notes that since 1969 the special district's urban design regulations have required buildings fronting on Broadway to have an 85-foot high base built at the streetline, with the tower set back from the streetline at least 15 feet on wide streets and 20 feet on narrow streets. Subsequently, the 85-foot streetwall has come to strongly characterize the Broadway streetscape.

In terms of the height of new development, the Commission noted that buildings built under special district regulations range from 18 to 42 stories or 192 to 419 feet in height along Broadway, and that another project under construction will reach a height of 545 feet. The current regulations which prescribe only a maximum tower coverage, not a minimum tower coverage, have proven not be an effective control on the height of new development.

The Commission believes that development along Broadway should continue to maintain the current controls requiring an 85 foot high base along Broadway to relate to existing special district development and Lincoln Center, with tower development subject to setbacks as currently prescribed. Furthermore, in order to control the massing and

pedestrian and vehicular traffic generated by this concentration of commercial uses greatly exceeds that of more typical district buildings which average about 1 FAR of commercial use.

The original proposal contained a restriction on commercial development in Sub-district A, where residential and institutional development predominates. The restriction would limit commercial uses to 3.4 FAR for as-of-right projects. This would in effect limit commercial use on the three large Broadway development sites in the sub-district to approximately 100,000 square feet of floor area. After evaluating the impact of the proposed regulation, the Commission modified this proposal to limit the amount of commercial floor area on a zoning lot to 100,000 square feet for as-of-right projects. Commercial use greater than 100,000 square feet would be permitted by City Planning Commission special permit only. The regulation would have essentially the same impact on the large Broadway sites, yet would permit more commercial use on smaller zoning lots. The Commission notes that the overall density of the sub-area would remain constant, while the amount of as-of-right commercial use would be reduced on the large development sites, thereby limiting the amount of future trips that would be generated from these uses. In special permit cases, the Commission would assess the proposed use, site plan and environmental effects on a case-by-case basis.

The Commission believes that the C4-7 district in the southern portion of the district, Sub-district C, where commercial uses predominate, and Sub-district B, where the district's major institutions are located, should be retained.

The original proposal contained a 1 FAR limitation on Use Group 8 and 12 in sub-districts A and C, in order to limit the amount of future movie theater development and the related traffic generated. The Commission has decided to delete this limitation, in response to Community Board 7's concerns that this limitation was not consistent with encouraging the expansion of entertainment uses within the district.



Those in favor spoke of both changes to the original text testified regarding the appropriateness of the 275 height limitation on the bow tie sites, and inappropriateness of permitting development above that height. Some speakers mentioned that they were not opposed to penthouses, but rather any development whatsoever above 275 feet in the district.

Those in favor of the 275 foot height limitation, but not the elimination of the penthouse provisions, asserted that without the penthouse provisions the bow tie site would not be developed with a full Broadway block frontage, and would therefore be a less desirable development solution.

Those in favor of the penthouse provision discussed the importance of permitting the architectural flexibility to shape the top of buildings, since so many New York City buildings are distinguished by their tops.

The hearing was closed.

#### CONSIDERATION

The Commission believes that the zoning text amendment to the Special Lincoln Square District, as modified, is appropriate. During the course of review, the Commission considered a wide range of issues in relation to the Special District including the urban design proposal; land use controls; arcades; and previously a approved special permit.

**Land Use Controls:** The Commission carefully considered the land use regulations of the Special District. Since 1969, the great majority of special district development has been predominately residential, with only limited amounts of commercial and/or community facility uses. In contrast, an as-of-right project now under construction will contain about 5 FAR of retail, movie and health club uses (plus another 1 FAR of below-grade, commercial use). The intensity of activity and the large amount of

density, applying height limitations district-wide, repealing bonus mechanisms, restricting zoning lot mergers, adding special permit requirements for development and prescribing the location of the low income built under the inclusionary housing program.

On December 1, 1993, there were 2 speakers in favor of the application for a reduction in the height limitation on Blocks 1 and 2, and 1 speaker in opposition. Those in favor included a representative of the Manhattan Borough President and a property owner. A representative of the New York City Chapter of the American Institute of Architects spoke against the proposal.

Of those speakers in favor of the 275 foot height limitation on the bow tie sites, one speaker was in favor of the continuation of the penthouse provision, and the other spoke in favor of eliminating the penthouse provision. The speaker opposed to the 275 foot height limitation asserted that there was no need for special height limitations in the district, since height limits are not as effective in minimizing the impact of development as compared with coverage controls and architectural articulation.

On December 15, 1993, there were 13 speakers. There were ten speakers in favor of the reduction in the height limitation on Blocks 1 and 2, and the elimination of the penthouse provision; two speakers in favor of the height limitation, but opposed to the elimination of the penthouse provision; one speaker in favor of the original proposal and opposed to the elimination of the penthouse provision; and one speaker was against the proposal as a whole. Those in favor of both modifications included representatives of local community groups, a representative of the Municipal Art Society and neighborhood residents. Those in favor of the height limit, yet opposed to the elimination of the penthouse provision included representative of the owner or developer of Development Block 1. Those opposed to the elimination of the penthouse provision included a representative of the Park Summit Realty Corp., a property owner. Those who were opposed included the local city council member, who remained opposed to the entire proposal.

height of development, envelope and floor area distribution regulations should be introduced throughout the district. These proposed regulations would introduce tower coverage controls for the base and tower portions of new development and require a minimum of 60 percent of a development's total floor area to be located below an elevation of 150 feet. This would produce building heights ranging from the mid-20 to the low-30 stories (including penthouse floors) on the remaining development sites.

In response to the Community Board's concern that a height limit of 275 feet should be applied throughout the district, the Commission believes that specific limits are not generally necessary in an area characterized by towers of various heights, and that the proposed mandated envelope and coverage controls should predictably regulate the heights of new development. The Commission also believes that these controls would sufficiently regulate the resultant building form and scale even in the case of development involving zoning lot mergers.

Articulation: The Commission embraces the goal of articulating the buildings within the district, especially in light of the fact that certain remaining development sites contain full block frontages along Broadway up to 230 feet long. Thus far, certain district developments have provided little articulation in the base form. The required minimum and maximum recesses range from 15 to 30 percent of the streetwall length, and shall have depths between one and ten feet. Consistent with current practice, details of recessed windows and the location of glass lines are unspecified. Therefore, the Commission believes that the mandated recesses in the base of Broadway developments would help to articulate the block fronts and would provide a better scale relationship with the street.

The dormer allowances in the required setback would provide articulation of the building above the base and provide a transition between the tower and base portions by promoting the incorporation of different architectural elements into the built form. Further, in response to suggestions from members of the New York City Chapter of the



AIA, the Commission has modified this provision to allow an additional dormer option which would permit a small amount of additional encroachment into the area of tower setback, and allow a higher streetwall base for up to 50 percent of the street frontage.

Penthouse Provisions (Section 82-36 and 82-40): During the course of public review, the Commission considered whether or not the penthouse provisions were a desirable element in the district. The penthouse provision as originally proposed permits the highest four stories or 40 feet of a development, whichever is less, to cover less than 30 percent minimum coverage which applies throughout the district, provided that the gross area of each story does not exceed 80 percent of the gross area of the story directly below it. The Commission believes that this option allows for greater architectural flexibility at a building's top, and therefore believes that the penthouse provisions of Section 82-36 and 82-40 should be maintained.

Development Blocks 1 and 2 (Bow Tie Sites): The Commission considered special urban design controls for Development Blocks 1 and 2, also known as the bow tie sites, due to their significant location at the confluence of Broadway and Columbus Avenue, and facing the district's two public spaces, Richard Tucker Park and Dante Park. According to the amendments as originally proposed and referred, these sites would have been required to be developed with a streetwall building setback at 150 feet, continuing around the adjoining corners for one-half of the Broadway and Columbus Avenue block frontages, on the southern half of the northern bow tie site and the northern half of the southern bow tie site. The remaining portion of the Broadway frontage would be required to provide an 85 foot streetwall. In addition, two different ranges of recesses would be required (below and above 85 feet); an expression line would be required at 20 feet; dormers would be permitted above 150 feet; and a 300 foot height limit would apply, with the penthouse provision permitted for up to 4 stories above this height.

The Commission studied the various urban design alternatives proposed for these sites, and has modified the proposal to require that new development rise without setback on streetwalls facing the public spaces and continuing around the corners for one-half of the Broadway and Columbus Avenue block frontages. The remaining Broadway frontages shall be required to contain an 85 foot high streetwall base, as originally proposed. The Commission also studied the appropriate height limitation for the sites, and has decided to adopt N 940127 (A) ZRM, the modified proposal to reduce the special height limitations to 275 feet, and maintain the ability to apply the penthouse provision above that height. Furthermore, the Commission notes that the other mandated articulation controls are important elements of the urban design controls. In total, the modified requirements are a large improvement over the simple 1969 requirements which only required that development coincide with the streetlines without setbacks, and contained no provision for variation or articulation in the building wall.

Development Block 3: The Commission believes that there are site conditions that warrant the addition of special controls for Development Block 3, known as the Mayflower site. This is the only site within the district to contain frontage on Central Park West, and it is immediately adjacent to the Central Park West Historic District and a New York City Landmark, the Century apartment house. Therefore, the Commission believes that contextual, high streetwall R10 A type envelope controls, rather than tower controls, should be required for the Central Park West frontage, which would ensure compatibility with adjacent historic structures.

**Arcades:** The Commission carefully considered the option of whether or not to continue the arcade requirement, as presented in the alternative text amendments. It was noted that since 1969, three arcades have been constructed along Broadway, and that one of these has been constructed in a modified form. They have provided an expanded and protected area for pedestrians along the length of Broadway opposite Lincoln Center and extra space for outdoor seating for the area's eating places which support the district's entertainment uses.

The Commission believes that the arcades have not been successful in providing the signature element along Broadway that was originally envisioned, and do not support retaining them as a mandated urban design requirement which generates a bonus. However, it is noted that the remaining sites along Broadway are adjacent to built arcades and present an opportunity to create a unified design feature that integrate the pedestrian space with activities characteristic of the Special District. Therefore, the mandated arcade of the proposed N 940127 (A) ZRM text amendment is modified, changing it from a mandated requirement with a bonus to a permitted option without a bonus.

**Grandfather Clause:** If adopted as proposed, the text amendment would have had the effect of jeopardizing a previously approved special permit granted for a project which has yet to be implemented. The Commission believes that this is inappropriate, and has modified Section 82-05 to provide a grandfather clause which would permit development under approved conditions.

During the deliberations on the text amendment, members of the Commission expressed frustration that many of the broader issues raised by Community Board 7 and others (i.e. a reduction in the density permitted in the district, height limits for all development, further restrictions in zoning lot mergers, the location of low and moderate income housing that qualifies for a bonus, special permits for all developments and a requirement for glazing above the first floor) were not included in the Department's application, and therefore could not be reviewed by the Commission. In addition, the Commission notes that the Department is scheduled to conduct a study of traffic and pedestrian circulation in the Lincoln Square bow tie during 1994. The Commission further recognizes that the Department of City Planning and the Manhattan Borough President have already convened a working group to discuss how one might substantiate the planning and environmental implication of these, and perhaps other, proposals.

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by the modification of Article VIII, Chapter 2, Section 82-00, as follows:

Matter in Underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter in italics or within # # is defined in Section 12-10;

\*\*\* indicate where unchanged text appears in the Zoning Resolution.

## Article VIII

### Chapter 2 Special Lincoln Square District

#### 82-00 GENERAL PURPOSES

\* \* \*

##### 82-01

##### Definitions

\* \* \*

##### Development

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N 940127 (A) ZRM

For purposes of this Chapter a "development" includes both #development# and #enlargement# as defined in Section 12-10 (DEFINITIONS).

82-02

#### General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified #bulk# regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter. ~~and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#. In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off street parking and off street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.~~

~~82-03~~

~~Action by the Board of Estimate~~

~~Delete entire section~~

82-04

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N 940127 (A) ZRM



82-03

## Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District#. ~~(Section 82-00), its relation to public improvements (82-05), its proposed #uses# (Section 82-06), its parking facilities (Section 82-07), and its bulk and height (Section 82-08), as well, in applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of #building# walls in relation to certain #street lines# (Section 82-11).~~

82-05~~Relationship to Public Improvement Projects~~

Delete entire section

82-04District Plan

The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

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N 940127 (A) ZRM

The District Plan also identifies #blocks# with mandatory #front lot line street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

82-05

Right to Construct

For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.

Notwithstanding the provisions of this chapter, any #development# approved by special permit of the City Planning Commission pursuant to this chapter prior to (the effective date of this amendment) may be started or continued pursuant to such special permit.

82-10

MANDATORY DISTRICT IMPROVEMENTS

The provisions of this Section specify mandatory or optional physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

82-09

82-11

Special Provisions for Optional ~~Mandatory~~ Arcades

Any #development# located on a #zoning lot# with a #lot line# which coincides with ~~any~~ either of the following #street lines#: ~~the north side of 61st Street between Central Park West and Broadway;~~ the east side of Broadway between West 61st and West 65th Streets or the east side of

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N 940127 (A) ZRM

Columbus Avenue between West 65th and West 66th Streets, may ~~shall~~ contain an #arcade# as defined in Section 12-10, except that:

- (a) The #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above. However, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of West 66th Street;
- (b) The exterior face of #building# columns shall lie along the #street lines# described above;
- (c) The minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the ~~average~~ minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;
- (d) The #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:
  - (1) Unenclosed cafes, provided that there is at least a ~~6~~ six-foot ~~feet~~ wide unobstructed pedestrian way adjacent to the #building# ~~#street~~ wall#. In no event may such cafes be enclosed at any time.
  - (2) Structural columns not exceeding 2 feet by 3 feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #building# ~~#street~~ wall# is at least 13 feet wide. No other columns shall project beyond the face of the ~~building~~ #street wall#.

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N 940127 (A) ZRM



(e) No #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #building# #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies.

(f) The #arcade# shall be illuminated only by incandescent lighting to a standard of average 8 eight foot-candle intensity with a minimum 5 five foot-candle intensity at any point within the #arcade#.

82-12

Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

82-13

Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

82-06

82-20

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N 940127 (A) ZRM

## SPECIAL USE AND SIGN REGULATIONS

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.~~

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all a #development# or change of #use# within the Special District.

~~82-061~~

82-21

Restrictions on Street Level Uses

~~#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062) #Uses# under Use Group L are permitted without #street# frontage limitation.~~

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five

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N 940127 (A) ZRM

feet of #curb level# shall be limited to those listed in Use Groups 3A, 3B, 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 3B #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. Within such area, lobby space, required accessory loading berths, or access to subway stations are permitted.

~~82-062~~

~~Use Group L~~

Delete entire section

82-22

Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #dwelling units#.

82-23

Street Wall Transparency

When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level# or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.

~~82-063~~

82-24

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N 940127 (A) ZRM

## Supplementary Sign Regulations

No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

~~82-07~~

~~Modification of Parking and off street Loading Requirements~~

Delete entire section

~~82-08~~

~~Modification of Bulk and Height and Setback Requirements~~

Delete entire section

~~82-10~~

~~PUBLIC AMENITIES~~

Delete entire section

82-30

SPECIAL BULK REGULATIONS

82-31

Floor Area Ratio Regulations for Commercial Uses

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area # on a #zoning lot# shall be 100,000 square feet.

82-311

Floor area increase by special permit

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# pursuant to Section 82-31 (Floor Area Ratio Regulations for Commercial Uses)

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N 940127 (A) ZRM

within Subdistrict A to be increased to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a)the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b)the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c)the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d)the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

82-32

Special Provisions for Increases in Floor Area

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in

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combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

(a)Floor Area Increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

(b)Floor Area Bonus for Public Amenities

When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

(i)the direct construction cost of the public amenity;

(ii)the cost of maintaining the public amenity; and

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- (iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

## 82-33

### Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot# and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines# for any #development# provided the City Planning Commission finds that such modifications are necessary to:

- (a)facilitate good design; or  
(b)allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 are applicable; or  
(c)incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

The #lot area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

## 82-34

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### Bulk Distribution

Within the Special District, at least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

### 82-35

#### Height and Setback Regulations

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

(a) Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and

(b) Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

### 82-36

#### Special Tower Coverage and Setback Regulations

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The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

(a)At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:

(i)not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and

(ii)not less than 30 per cent of the #lot area# of a #zoning lot#. However, the highest four #stories# of the tower or 40 feet, which-ever is less, may cover less than 30 per cent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 per cent of the gross area of the #story# directly below it.

(b)At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

(c)In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

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82-11

~~Building Walls Along Certain Street Lines~~

Delete the entire section

82-37

Street Walls along Certain Street Lines

(a)For any #development# on a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:

(1)the east side of Broadway between West 61st Street and West 65th Street;

(2)the east side of Columbus Avenue between West 65th Street and West 66th Street;

(3)the east side of Broadway between West 67th Street and West 68th Street;

(4)the west side of Broadway between West 66th Street and West 68th Street; and

(5)the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (In Other Commercial Districts).

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(b)For any #development# on a #zoning lot# in Block 1 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#.

(1)the west side of Broadway between West 62nd Street and West 63rd Street;

(2)the south side of West 63rd Street between Broadway and Columbus Avenue; and

(3)the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and extend along Broadway and/or Columbus Avenue for one half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet as required in Section 33-432 (In Other Commercial Districts).

(c)For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

(1)the east side of Broadway between West 67th Street and West 66th Street;

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(2)the north side of West 66th Street between Broadway and Columbus Avenue; and

(3)the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then setback 20 feet as required in Section 33-432 (In Other Commercial Districts).

(d)For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

82-38

Recesses in the Street Wall of a Building

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Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street walls# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any #story# between the ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# above 85 feet above #curb level#.
- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. Below a height of 85 feet above #curb level#, no recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

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In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street, within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

82-39

Permitted Obstructions within Required Setback Areas

The #street wall# of a #building# may be vertically extended above a height of 85 feet above #curb level# without setback in accordance with either of the following provisions:

(a) A dormer may be allowed as a permitted obstruction within the required #initial setback distance# above a height of 85 feet above #curb level#. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required initial setback level shall not exceed 60 per cent of the width of the #street wall# of the #story# immediately below the initial setback level. For each foot of height above the required initial setback level, the aggregate width of all dormers at that height shall be decreased by one per cent of the width of the #street wall# of the #story# immediately below the initial setback level. Such dormers shall count as #floor area# but not as tower #lot coverage#.

(b) On a #wide street# and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# may be vertically extended without setback within the required #initial setback distance# above a height of 85 feet above #curb

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level#, up to a maximum height of 125 feet, provided that the aggregate width of such #street walls# shall not exceed 50 percent of the width of the #street wall# of the #story# immediately below the initial setback level, and provided the #street wall# of the #building# contains special architectural expression lines at a height of 85 feet above #curb level#.

82-40

SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building or other structure# or portion thereof shall not exceed 275 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

(1) contains not more than four #stories# or 40 feet, whichever is less;  
and

(2) the gross area of each #story# does not exceed 80 per cent of the gross area of that #story# directly below it.

82-121

82-50

OFF-STREET PARKING AND OFF-STREET LOADING  
REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

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(a) Accessory Off-Street Parking Spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces).

(b) Curb Cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

(c) Waiver of Loading Berth Requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement, or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

~~82-122~~

~~Public parking garages~~

Delete entire section

82-60

PUBLIC PARKING GARAGES

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In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

~~82-13~~

~~Special Regulations for Zoning Lots Divided by District Boundaries~~

Delete entire section

~~82-14~~

~~82-70~~

#### EXISTING PLAZAS OR OTHER PUBLIC AMENITIES

No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by special permit of an authorization, ~~after public notice and hearing~~, by the City Planning Commission ~~and by the Board of Estimate~~. As a condition for such permit authorization, the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.

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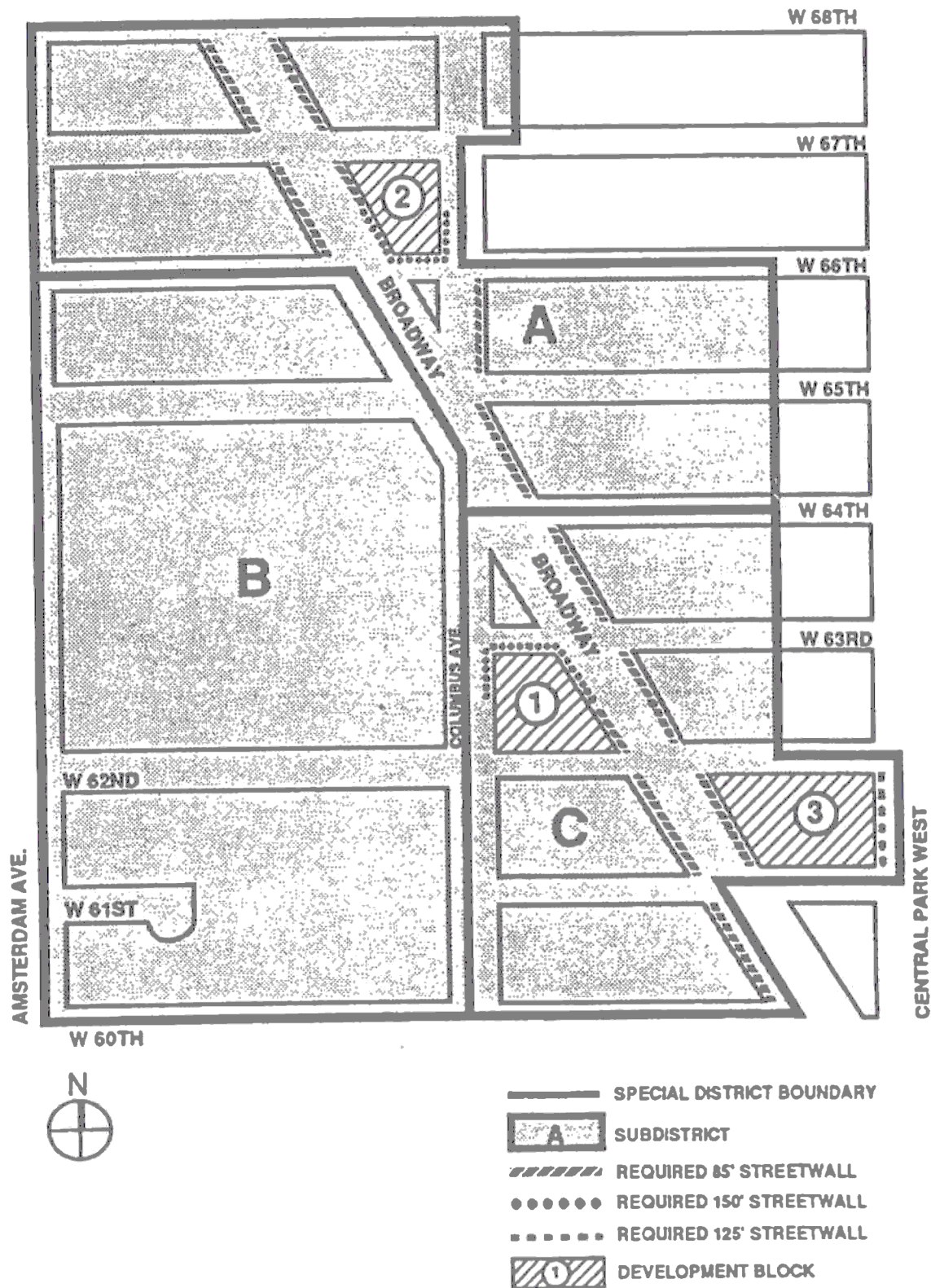
An application for such special permit authorization shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

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# APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT





Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:

#Covered Plaza#

#Pedestrian Mall#

2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:

Section 23-15 (Maximum Floor Area Ratio in R10 Districts)

Section 33-131 (Commercial buildings in certain specified Commercial Districts)

Section 33-133 (Community facility buildings in certain other specified Commercial Districts)

Section 33-141 (Commercial buildings in certain specified Commercial Districts)

Section 33-151 (Commercial buildings in certain specified Commercial Districts)

Section 33-153 (Commercial facility buildings in certain other specified Commercial Districts)

Section 35-35 (Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)

Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks)

Section 33-44 (Alternate Front Setbacks)

Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets)

Section 33-456 (Alternate setback regulations on lots bounded by two or more streets)

Section 35-41 (Lot Area Requirements for Non-residential Portions of Mixed Buildings)

Section 35-62 (Maximum Height of Front Wall in Initial Setback Distance)

Section 74-87 (Covered Pedestrian Space)

3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

Section 36-11	(General Provisions)
Section 36-21	(General Provisions)
Section 36-31	(General Provisions)
Section 36-33	(Requirements Where Group Parking Facilities Are Provided)
Section 36-34	(Modification of Requirements for Small Zoning Lots)
Section 36-61	(Permitted Accessory Off-street Loading Berths)

The above resolution, duly adopted by the City Planning Commission on December 20, 1993 (Calendar No. 3), is filed with the Office of the Speaker, City Council and the Borough President, together with a copy of the plans of the development, in accordance with the requirements of Section 197-d and 200 of the New York City Charter.

**RICHARD L. SCHAFFER**, Chairman  
**VICTOR G. ALICEA**, Vice-Chairman  
**EUGENIE L. BIRCH, A.I.C.P., ANTHONY I. GIACOBBE, ESQ., MAXINE GRIFFITH, JOEL A. MIELE, SR., P.E., ANALISA TORRES, ESQ., JACOB B. WARD, ESQ.,**  
Commissioners

**AMANDA M. BURDEN, A.I.C.P., BRENDA LEVIN**, Commissioners voting no

**RONALD SHIFFMAN, A.I.C.P.**, Commissioner voting no, dissenting report attached

**JAMES C. JAO, R.A., EDWARD T. ROGOWSKY**, Commissioners abstaining