



Legislation Details (With Text)

**File #:** Res 0916-2019      **Version:** \*      **Name:** LU 397 - Zoning, Residential Tower Mechanical Voids, Citywide (N 190230 ZRY)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 5/29/2019

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190230 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 397).

**Sponsors:** Rafael Salamanca, Jr., Francisco P. Moya

**Indexes:**

**Attachments:** 1. Land Use Calendar - Week of April 15, 2019 - April 19, 2019, 2. April 18, 2019 - Stated Meeting Agenda with Links to Files, 3. Hearing Testimony - Zoning 4-16-19, 4. Land Use Calendar - Week of May 13, 2019 - May 17, 2019, 5. Hearing Transcript - Zoning 4-16-19, 6. REVISED - Land Use Calendar - Week of May 13, 2019 - May 17, 2019, 7. Land Use Agenda for May 16, 2019, 8. City Planning Commission Approval Letter, 9. May 29, 2019 - Stated Meeting Agenda with Links to Files, 10. Res. No. 916, 11. Committee Report, 12. Hearing Transcript - Zoning 5-14-19, 13. Hearing Transcript - Stated Meeting 5-29-19, 14. Minutes of the Stated Meeting - May 29, 2019, 15. Minutes of the Recessed Meeting of May 29, 2019 Held on June 13, 2019

Date	Ver.	Action By	Action	Result
5/16/2019	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
5/29/2019	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 916**

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190230 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 397).**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on April 12, 2019 its decision dated April 10, 2019 (the "Decision"), on the 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 text of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area, in order to discourage the use of excessively tall mechanical floors in residential towers in non-contextual R9 and R10 Residential Districts and their equivalent Commercial Districts, Citywide, (Application No. N 190230 ZRY), (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on

April 16, 2019;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued April 9<sup>th</sup>, 2019, which supersedes the Negative Declaration issued January 28<sup>th</sup>, 2019 and Revised Environmental Assessment Statement issued April 9<sup>th</sup>, 2019 (CEQR No. 19DCP110Y), concludes that the proposed CPC modifications would not result in any new or different significant adverse environmental impacts and would not alter the conclusions of the EAS (the “Revised Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190230 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

Matter double struck out is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

## ARTICLE I GENERAL PROVISIONS

### Chapter 1

#### Title, Establishment of Controls and Interpretation of Regulations

\* \* \*

#### 11-34

#### Additional provisions for extension of period to complete construction

#### 11-341

#### Building applications filed before July 8, 2017

If, before July 8, 2017, an application has been filed with the Department of Buildings for a #development# on a #corner lot# with a #lot area# of less than 5,000 square feet, located in a C5-2 District in Community District 5 of the Borough of Manhattan, the provisions established in N 190230 ZRY pertaining to calculating #floor area# in a tower containing #residences# shall not apply in the

portion of such #building# below a height of 130 feet above the #base plane#, provided that the aggregate height of any floor space on #stories# occupied predominantly by 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, does not exceed 80 feet.

\* \* \*

## 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 25 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 25 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#.

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on May 29, 2019, on file in this office.

.....  
City Clerk, Clerk of The Council