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EXECUTIVE DIRECTOR

March 13, 2019

**City Planning Commission  
Public Hearing  
120 Broadway, Concourse Level  
New York, NY 10271**

**Re: Residential Tower Mechanical Voids Text Amendment (ULURP No. N190230ZRY)**

Good morning, my name is Rachel Levy and I am the Executive Director of FRIENDS of the Upper East Side Historic Districts. Since our founding in 1982, FRIENDS has worked to preserve the livability and sense of place of the diverse neighborhoods that comprise the Upper East Side. This concern for neighborhood preservation necessitates sound planning as a vital tool of balanced urban development.

For over two years, FRIENDS has been working to raise public awareness and call for a comprehensive solution to the range of zoning loopholes that are contributing to out of scale buildings in our neighborhood and across the city. Loopholes like the mechanical voids, oversized floor to ceiling heights, and gerrymandered and sculpted zoning lots violate the intent, if not the letter, of the Zoning Resolution, exacerbating overdevelopment without serving any public policy goals.

We are pleased that after having been raised by FRIENDS and others at several town hall meetings, the Department of City Planning (DCP) has now put forth a proposal to address one piece of the problem. This proposal has come about at Mayor de Blasio's direction, and with the forceful and effective support and leadership from our local elected officials, especially Council Members Ben Kallos and Keith Powers, and Borough President Gale Brewer.

The proposed Residential Tower Mechanical Voids Text Amendment is a critical first step in curtailing the scale and frequency of excess mechanical void space. However, FRIENDS finds the scope of this proposal to be far too narrow to fully address the mechanical void issue, and it does not begin to touch the other zoning loopholes. Notably, the proposal does not address unenclosed voids or stilts, and therefore may not impact one of the most egregious projects – 249 East 62nd Street, containing a 150 foot void – which has been a catalyst for both FRIENDS' and DCP's work on this issue. Unenclosed or open-air voids and stilts present the same issues of predictability, public safety, and scale as their enclosed counterparts and they serve no functional purpose for a building apart from artificially boosting upper stories, and should be subject to the regulations of the new text.

# FRIENDS

*of the* UPPER EAST SIDE  
HISTORIC DISTRICTS

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Additionally, we question the genesis of the 25 foot and 75 foot thresholds embedded in the text. We appreciate the attempt to discourage clustered voids and voids beyond 25 feet, but the proposal creates new loopholes and leaves others on the table. The text amendment would serve as a stronger tool for regulating mechanical voids with a tightening of these thresholds and revised text that omits the word “enclosed.”

An issue as complex and varied as the exploitation of zoning loopholes that undermine the integrity of the Zoning Resolution, at the expense of the public, requires a multi-pronged approach. With the incorporation of public input to strengthen this initial DCP proposal, combined with other policy approaches being put forth and the City’s commitment to a meaningful follow-up action, we believe this to be a positive first step in the City addressing this large issue. FRIENDS strongly supports an approval of the Zoning Text Amendment with modifications as the City’s first step to address this package of civic concerns.

Thank you.