

Title: **Eliminate the “Void Loophole”?**

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Eliminate the “Void Loophole”?

Because regulations in New York City specify the total number floors a building can have, based on its location and lot size, but do not specify floor-to-floor heights, some residential towers have been approved to rise with mechanical void spaces as high as 132 feet (40 meters). A new proposal for a 161-foot (49-meter) void “floor” in a 775-foot (236-meter) building prompted citizen protests, resulting in a proposed amendment to the city code that would limit mechanical void space height to 25 feet (7.6 meters), and count any mechanical spaces within 75 feet (22.9 meters) of each other as zoned floor area. We asked two interested parties, “Do you support the New York residential tower mechanical void text amendment?”

✓ YES

Elizabeth Goldstein

President, The Municipal Art Society of New York

New York is experiencing an unprecedented boom in as-of-right, out-of-scale development. Developers are exploiting loopholes in our city planning process to build luxury towers larger than ever intended by the Zoning Resolution. Although the Mechanical Void Text Amendment does not go far enough in closing these loopholes, it is a step in the right direction toward curbing this particular abuse.

In 2017, MAS released an update to its *Accidental Skyline* report, which revealed how developers disguise oversized voids as accessory mechanical space, so as to exempt less-valuable floor area from height and bulk zoning calculations. These empty spaces boost occupiable floors ever higher, delivering impressive views and increased property values for their developers.

In some cases, mechanical and structural voids have added 100 or more feet (30.5 meters) to the overall height of buildings. The most egregious example is the 161-foot (49-meter) mechanical void proposed for 50 West 66th Street. The void would be 20 percent of the building’s height. Across Central Park, the top 12 floors of the proposed 510-foot (155-meter) skyscraper at 249 East 62nd Street will sit atop a 150-foot (45.7-meter) stilted pedestal that would not be counted as zoning floor area.

While we generally support the passage of this amendment, we urge the City Council

to broaden its scope. To truly curtail this deceptive building technique, the City should extend these restrictions to regulate excessive unenclosed structural voids. We also believe the amendment should apply city-wide to commercial as well as residential buildings—an office building in Downtown Brooklyn propped up on a stilt should be treated no differently than a luxury condo tower on Central Park South sitting on hundreds of feet of enclosed void.

The idea that the framers of the Zoning Resolution intended gratuitous caverns to be exempted by height and bulk calculations is absurd. We are long overdue for a piece of legislation reining in this practice. The City Council must pass the Mechanical Void Text Amendment without delay. Later this fall, it should insist that the next amendment on this issue be even stronger.

✗ NO

Bart A. Sullivan

Principal, McNamara Salvia

The proposed height limit for mechanical space and spacing rule are not based on any engineering logic. I do not support the current proposal, because rather than effectively addressing this issue, this proposal would in fact be counterproductive and create new challenges for those tasked with designing and constructing buildings in New York City.

The efficiency demands of modern mechanical systems in buildings often translate to the demand for height. This demand is not only due to the size of the equipment itself, but to a confluence of

design requirements. Mechanical spaces, particularly in tall buildings, are frequently used for structural systems such as outrigger walls, belt trusses, and large transfer beams. To deal with the demands of these systems, the height of the structure needs to be maximized to create a safe and efficient design. As such, mechanical equipment and structural elements often compete for space, which tends to push floor heights higher in order to accommodate both.

Small floor plates also contribute to stacking equipment or structure, and can often result in two sequential mechanical floors. Constraints of stair runs can further push floor heights higher, in order to maintain the stairs within the confines of the building’s core.

For all these reasons, it is quite obvious to professional engineers and architects that the amendment ignores how tall buildings are designed. The amendment addresses a problem that does not actually exist. There are not actually any New Yorkers who oppose tall mechanical rooms. There are New Yorkers, however, who oppose tall buildings in their neighborhoods.

Therefore, let’s address the real issue—building height. If the public wishes to limit the height of buildings, then simply adjusting the zoning regulations to limit the overall height would be the appropriate course of action. In fact, the current amendment will still afford developers the ability to create large void spaces at the cost of some floor area; and when the pro forma works, they will.

