

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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April 24, 2012
Start: 10:03 a.m.
Recess: 12:20 p.m.

HELD AT: Committee Room
250 Broadway, 16th Floor

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Mark S. Weprin
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
Larry B. Seabrook
Albert Vann
Vincent M. Ignizio
Brad Lander
Jimmy Van Bramer

A P P E A R A N C E S

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Stroock & Stroock & Lavan
General Counsel
JetBlue Airways Corporation

Jeffrey Goodell
JetBlue Airways Corporation

Howard Slatkin
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Deputy Director of Strategic Planning
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Samantha Wilt
Energy Policy Analyst
Natural Resources Defense Council

A P P E A R A N C E S (CONTINUED)

Russell Unger
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Paul Freitag
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Jonathan Rose Companies

Laurie Reilly
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New York City Solar America Energy Project

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Co-founder and CEO
Gotham Greens

Travis Knop
On behalf of Bob Fox
Partner
Cook + Fox Architects

David West
Architect

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2 CHAIRPERSON WEPRIN: Good morning.
3 Good morning everyone. Are we all ready? We're
4 running? We're rolling? I'm Mark Weprin. I'm
5 chair of the Zoning and Franchises Subcommittee.

6 NICK ECONOMOU: Quiet please.

7 CHAIRPERSON WEPRIN: Thank you,
8 Nick. Good morning, I'm Mark Weprin. I'm chair
9 of the Zoning and Franchises Subcommittee of the
10 Land Use Committee. I want to welcome everyone
11 here today.

12 I want my colleagues that we are in
13 the middle of a test of a new camera system here
14 that we will soon be going live on the web. This
15 is still in the test phase or this will be taped
16 and somewhere for future reference. Supposedly
17 the mikes are very sensitive. So use your
18 judgment, even when you're whispering to your
19 neighbors.

20 So, today we have a number of items
21 on the agenda. We will be voting later on Land
22 Use No. 590, the authorizing resolution of the
23 cable TV franchise. We had the hearing on that at
24 our last meeting.

25 We will putting off over until the

1
2 next meeting Land Use No. 599, the Springfield
3 Boulevard rezoning. Council Member Comrie could
4 not be with use today and that is in his district.

5 So we have two other items today.
6 I'm going to start now calling up for Land Use No.
7 600, which is Queens Plaza sign regulations with
8 JetBlue Airways. I would like to call up Ross
9 Moskowitz and Jeffrey Goodell. Gentlemen,
10 welcome. This is Council Member Van Bramer's
11 district, and we're delighted to have him joining
12 us today as a guest.

13 With me in the committee is Dan
14 Garodnick who is here, Vincent Ignizio, Joel
15 Rivera, Larry Seabrook, Diana Reyna, Jessica
16 Lappin, and also joining us on the next item is
17 Brad Lander.

18 So, gentlemen, whenever you're
19 ready with your charts and graphs. And Council
20 Member Al Vann just walked in. Welcome, Council
21 Member Vann.

22 Whenever you're ready you can
23 start.

24 NICK ECONOMOU: [off mic].

25 CHAIRPERSON WEPRIN: All of the

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sudden, Nick, you're a movie director.

[Laughter]

NICK ECONOMOU: [off mic]

Somebody's got to do it, right?

CHAIRPERSON WEPRIN: And now that we're on camera live, they've decided to lower the temperature in the studio here, 20 degrees, like in David Letterman, so everyone stays awake, I guess.

[Pause]

JEFFREY GOODELL: I think we're ready, Mr. Chairman.

CHAIRPERSON WEPRIN: Okay, great. Whenever you're ready. So the PowerPoint is not you, right?

JEFFREY GOODELL: That is not us. I hope not at least.

CHAIRPERSON WEPRIN: Okay.

JEFFREY GOODELL: Mr. Chairman, thank you for allowing us to be here this morning. I want to particular thank Council Member Van Bramer, our Council Member in our new home in Long Island City, where we moved officially a couple of weeks ago and cut the ribbon. I'm here today on

1
2 behalf of the 14,000 crew members at JetBlue
3 Airways, 5,500 of whom are based in New York
4 State, 5,300 of whom are based in Queens and now
5 the more than 1,000 who use our Long Island City
6 support center headquarters as their home. We
7 appreciate the opportunity to be here and JetBlue
8 is proud to be New York's hometown airline.

9 I'm going to spend just a minute
10 talking about JetBlue and how we got here today.
11 And I'll let Mr. Moskowitz talk about the
12 specifics of the zoning amendment.

13 New York has been JetBlue's home
14 since we were founded in 1998. In the years
15 since, we've grown significantly to become the
16 nation's sixth largest airline, serving 70 cities
17 in the U.S., Caribbean and Latin America.

18 In 2009, we looked ahead to lease
19 expiring in our Forest Hills headquarters and
20 began a comprehensive look as to where JetBlue
21 should plan its headquarters flagged. We began a
22 nationwide search and then limited that search
23 down to five cities and ultimately to two. And
24 those two were New York or Orlando.

25 In March 2010, Mayor Bloomberg

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2 hosted a press conference across the street, where
3 we announced that JetBlue would be keeping its
4 headquarters here in New York City and moving to
5 Long Island City. Our decision to stay in New York
6 was driven in large part by our connection to this
7 city and to our customers and our neighbors here.
8 We were built as a unique New York company. We're
9 the only major commercial airline based in New
10 York and we are committed to remaining an iconic
11 New York brand.

12 We chose the Brewster Building in
13 Long Island City for a number of reasons. First,
14 we wanted a neighborhood we really could be a part
15 of and make a contribution to, to be involved in
16 the local community, supporting charitable and
17 community organizations and making a truly
18 significant impact.

19 In our new home, JetBlue crew
20 members are already contributing both to the
21 organizations and to the local economy on Long
22 Island City. Our headquarters is a 24/7
23 operation, from which a fleet of more than 160
24 aircraft are managed as they fly customers to
25 those 70 destinations across the Americas.

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2 Our crew members already are
3 frequenting the local restaurants and stores and
4 are joining others in the community in driving the
5 development of more options for the neighborhood.

6 We have 1,500 crew members who live
7 in Queens, a number of whom already live in Long
8 Island City and the surrounding areas, and we only
9 expect that to increase.

10 We also chose this building because
11 we hoped we would be able to put a sign on the
12 roof, consistent with the historic nature of
13 rooftop signage in Long Island City, an indication
14 of JetBlue's status as New York's hometown airline
15 and as an iconic New York brand. JetBlue is part
16 of the Long Island New York and the entire New
17 York landscape and a rooftop sign on the
18 headquarters of New York's hometown airline will
19 certainly reinforce that message.

20 Mr. Chairman, thank you for the
21 opportunity to be here today. As a member of the
22 core team that evaluated our options for JetBlue's
23 headquarters, starting with dozens and down to
24 give, then to two, I can tell you that JetBlue and
25 New York belong together. We're proud to be here

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2 and look forward to a bright future, not only as
3 we continue to bring low fares and new
4 destinations to our customers in New York but as
5 we work with our neighbors in New York to enhance
6 our community every day.

7 ROSS MOSKOWITZ: Good morning,
8 Chairperson Weprin and committee members, my name
9 is Ross Moskowitz, a member of the Law Firm
10 Stroock & Stroock & Lavan and counsel to the
11 JetBlue Airways Corporation.

12 As you heard from Jeff, and as is
13 indicated in Community Board 1's approval of this
14 application, the board too supported the proposed
15 signage, Borough President Helen Marshall's
16 approval of this application and other support
17 letters received, including those from Long Island
18 City Partnership, the relocation of JetBlue will
19 further the revitalization of Long Island City and
20 approval of this application will attract an even
21 greater number of desirable companies to Long
22 Island City. Companies such as JetBlue that will
23 have a positive impact in Long Island City and New
24 York City in general.

25 As you know, Long Island City has

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2 long been characterized by signs on building
3 rooftops that are affixed to open frame structures
4 with letters and logos that are individually cut
5 and affixed to such frames. Examples of such
6 iconic are the IDCNY sign on Thompson Avenue and
7 the studio sign on 22nd Street.

8 The proposed text amendment affects
9 only a small geographic area. And if I could turn
10 to the package that you have, you will see on your
11 third drawing, which is labeled Figure A-1, it
12 gives you sort of an overview of the geographic
13 area.

14 These properties are limited and
15 they're within the Queens Plaza sub district and
16 are limited to those that have frontage on Queens
17 Plaza North, Queens Plaza South, Queens Plaza East
18 and Queens Boulevard. This geographic limitation
19 was chosen based on consultations with the Queens
20 Office of City Planning and considered many
21 factors, including neighborhood characteristics
22 and environmental impacts.

23 In addition to the geographic
24 limitation, I'd like to highlight some of the
25 proposed limitations for this text amendment. The

1
2 first point is that only one rooftop accessory
3 sign permitted per zoning lot. No advertising
4 signs are permitted.

5 The second point is that these
6 signs are only permitted on nonresidential
7 buildings.

8 The third point is that these signs
9 must be located between 70 feet and 150 feet from
10 curb level. The proposed JetBlue sign, which we
11 can see on Figure 15, the first item in your
12 package, is located 93.5 feet above the curb. On
13 the top, the proposed sign rises to 134 feet.

14 The fourth point is the signs must
15 be affixed to an open frame structure. Your
16 second drawing in your package you can see, which
17 is over here to my left, indicates how that would
18 be set up.

19 The fifth point, all letters and
20 logos that make up a sign must be individually cut
21 and affixed to such frames.

22 And the last point is that flashing
23 signs are not permitted, but the signs can be
24 illuminated. This sign will be internally
25 illuminated through LED bulbs.

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2 I'd like to also point out, in
3 consultation with the community and other
4 stakeholders, JetBlue amended its application to
5 provide that in addition to these limitations I
6 just discussed, only businesses which occupy at
7 least 20 percent of the floor area within a
8 building or 50,000 square feet, whichever is less,
9 would be permitted to have a sign pursuant to this
10 amendment.

11 Thank you for your time and
12 consideration and we can answer any questions.

13 CHAIRPERSON WEPRIN: Thank you very
14 much. Before we go to questions, I would like to
15 ask--well, first let me just say on behalf of
16 myself and other members of the Queens community
17 how happy we are that you are staying in Queens
18 and that you chose Jimmy Van Bramer over Mickey
19 Mouse. That was a good choice.

20 What I'd like to do is call on
21 Council Member Van Bramer because he represents
22 this area and I know he wanted to make a statement
23 on this matter.

24 COUNCIL MEMBER VAN BRAMER: Thank
25 you very much, Chair Weprin for inviting me here

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2 today and also for working with us on this very
3 important matter before the Council and my
4 community. I stand here today very, very proud to
5 support this plan and the sign. JetBlue choosing
6 Queens Plaza as the site of its service center and
7 we'll use headquarters, but we in the regular
8 world call it a headquarters, to have JetBlue's
9 world headquarters based in Queens Plaza is part
10 of the continual rebirth of Queens Plaza in Long
11 Island City, the virtual entry point for millions
12 to the Borough of Queens. Those arriving on the 7
13 Train, as it bends the corner to Queens Borough
14 Plaza, those coming off the Queensborough Bridge,
15 they come to Queens Plaza. That is the first
16 place they see.

17 Twenty years ago, few people would
18 have believed what's happened in Queens Plaza.
19 JetBlue choosing Long Island City is a sign that
20 Long Island City is a very good place to live, a
21 very good place to work and an even better place
22 for a world class airline to choose as its home.
23 All those things are good. The over 1,000 JetBlue
24 crew members who are now calling Queens Plaza
25 home. They are shopping in our local businesses.

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2 They are enjoying the brand new park that we
3 opened simultaneously with JetBlue headquarters
4 Dutch Kills Green. It is creating this incredibly
5 eclectic and vibrant place that all of us are so
6 excited about.

7 JetBlue is a good corporate
8 neighbor already. On Saturday, just this past
9 Saturday, I was in Queensbridge Park with the New
10 York Restoration Project and JetBlue, helping to
11 plant over 100 new trees in the Queensbridge
12 Houses. Several of the JetBlue crew members came
13 up to me and let me know that they are
14 constituents. Some folks already living in Long
15 Island City. One woman who told me she had just
16 purchased a condo in the Murano on 48th Avenue. I
17 was thrilled with that spirit. We're thrilled to
18 have all of that here.

19 I want to thank JetBlue for working
20 with Community Board 1 and Community Board 2. I
21 think it's very important to note that the
22 leadership of the Dutch Kills Civic Association,
23 including Joe Walsh who is right around the corner
24 from that building, who has been doing this work
25 for 35 years, are supportive of this sign, are

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supportive of this plan.

I want to also say that Long Island City has a history of iconic signs. You mentioned it before. In addition IDCNY and Silvercup which we're very proud of, Pepsi's sign which no longer stands atop a building, but it is so important, it is so iconic it is landmarked. It was moved twice, disassembled and reassembled and now has a permanent home on the waterfront in front of new buildings that are going up. We are proud to have JetBlue join the family of Long Island City/Dutch Kills/Queens Plaza.

I want to thank City Planning. They have made some amendments to this plan which are reflective of some of the thoughts that came out of the process in the community board and the civic meetings that we did on this. So I just wanted to say to the committee and to the chair, I enthusiastically support this and hope that you will vote in favor. Thank you.

CHAIRPERSON WEPRIN: Thank you, Council Member Van Bramer. Does anyone else on the panel have any comments or questions for these gentlemen? Seeing none, we thank you very much.

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ROSS MOSKOWITZ: Thank you.

JEFFREY GOODELL: Thank you.

CHAIRPERSON WEPRIN: We hope to be voting on this later in this meeting. Thank you. Please take your signs.

Now we are going to move on to Land Use No. 601, N 120132 ZRY. That's the Zone Green text amendment. I'd like to ask Howard Slatkin and Monika Jain to please come up, from City Planning, who are going to describe this text amendment.

For those who are in the audience who are going to be testifying on this item, I know we have some people against it as well as people for it. What we're going to do, once the City Planning presentation is over, we're going to call up panels of people. We'll start with people in opposition and then go back to a panel in favor of. That will probably be two panels, one after the other. So just to give you the lay of the land.

So whenever you're rolling. Remember that when you speak into the microphone, please give your name for the record. I'd like to

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2 ask the members of the panel to please keep the
3 whispering to a minimum. Thank you.

4 [Pause]

5 HOWARD SLATKIN: Good morning,
6 Chairman Weprin and members of the committee.
7 Thank you for having us here today. My name is
8 Howard Slatkin. I'm Director of Sustainability
9 and Deputy Director of Strategic Planning for the
10 Department of City Planning. My colleague Monika
11 Jain and I are going to be presenting to you the
12 zone green text amendment today. I'm hoping that
13 our little technical glitch is cleared up here and
14 we should be good to go.

15 This is one of a series of green
16 initiatives that the Department of City Planning
17 has undertaken. Many of these have already come
18 before this committee and the Council, including
19 initiatives to improve green transportation
20 options, such as by parking and car sharing.
21 Improvements to green our landscape such as street
22 trees, curbside planting strips and the greening
23 of commercial and community facility parking lots
24 and also improvements to the access to fresh foods
25 in lower income neighborhoods under the FRESH

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program.

This proposal is really our first, however, that deals with the question of green buildings. Monika is going to do a little technical adjustment here. We'll resort to the hard copy for just a moment.

[Pause]

HOWARD SLATKIN: Here we go.

Thanks for bearing with us. This proposal is really based on the notion that green buildings benefit not just the owners and the occupants of the building but they really have benefits for everybody.

They can benefit the building owners and residents and occupants through savings, energy savings, saving money on utility bills, heating and cooling bills. They can improve the health of the environment, the indoor environment for residents as well as for the surrounding community. They can reduce the burden that's placed on our city's infrastructure, on our electrical grid and our sewer systems, and they can provide for ecological improvements, providing New Yorkers greater access to open space, to the

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natural ecology.

Of course, they are a key component in the PlaNYC strategy to reduce the city's greenhouse gas emissions by 30 percent by the year 2030.

We initiated this zoning text amendment because the zoning itself had been written over 50 years ago and these are the documents from Lefrack City in 1961, the same time that the zoning resolution text really on these topics had been drafted. It was written at a different time, before the idea of greening and sustainability of green buildings had really come into fruition. You can see those. It really embodied a different vision of the city and we've really learned how to enhance our environment and enhance our buildings and enhance the city's landscape since then.

The development community has of course made enormous strides in this. There are many buildings that have incorporated green features in recent years. We show just two of them here. One on the upper left is the Via Verde project, Jonathan Rose Companies affordable

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2 housing development in the Bronx. On the lower
3 right, you see one of the buildings in Battery
4 Park City, the Solaire. These are just two
5 examples of buildings that have incorporated a
6 wide range of green sustainable features,
7 including green roofs, sun control devices to
8 shade windows, and solar energy generation and
9 other building systems that improve energy
10 efficiency and reduce the consumption of fuel.

11 However, we also know that in many
12 instances zoning today discourages or often even
13 outright prevents green features from being
14 incorporated in buildings. Recognizing this, a
15 couple of years ago the Mayor and the Speaker of
16 the City Council together convened the Green Codes
17 Task Force which was led by the Urban Green
18 Council, the New York City chapter of the Green
19 Building Council. With a group of over 100
20 practitioners from around the city, they combed
21 through the city's codes and regulations, through
22 the building codes, rezoning and other codes to
23 identify ways that the city can improve the
24 environment for green buildings, to make it easier
25 to promote green buildings around the city. An

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2 important component of that was identifying where
3 the regulations get in the way.

4 So Zone Green is an outgrowth of
5 that. The Department of City Planning took some
6 of the recommendations from the Green Codes Task
7 Force and went back and we combed through the
8 zoning resolution and we spoke to practitioners
9 throughout the city to identify what roadblocks
10 they were running into as they tried to accomplish
11 all these goals: saving energy and money by making
12 buildings more efficient, generating clean and
13 renewable energy, managing stormwater, reducing
14 the urban heat island effect by adding vegetation
15 to rooftops and the rest of the city, growing
16 fresh local food within the city and overall
17 reducing our carbon emissions, producing a greener
18 and healthier city, in accordance with our PlaNYC
19 goals.

20 So we identified a number of
21 impediments that exist in the zoning today. The
22 Zone Green, this proposal would remove those
23 impediments to make it easier for building owners
24 to make choices that benefit their buildings, that
25 benefit New Yorkers around the city.

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2 At this point, I'm going to turn it
3 over to Monika, who is going to walk through the
4 remainder of the presentation and the outline of
5 the proposal.

6 [Pause]

7 MONIKA JAIN: Thank you, Howard.
8 People can do a lot of things to make their
9 buildings green: change light bulbs, improve the
10 HVAC systems. Here we're only going to talk about
11 things where zoning either prohibits or prevents
12 people to do green buildings.

13 So going over the building
14 envelope, it's the exterior faces of the building:
15 the walls, the roofs, the windows. The space
16 heating and cooling of a building can account to
17 about half of the energy a building uses. And if
18 the envelope is leaky or uninsulated, you can lose
19 up to 70 percent of that energy. So you can save
20 up to 20 to 50 percent if the envelope is well
21 insulated and it's air sealed. It's a long-term
22 saving because the building walls and the building
23 envelope remains for the life of the building.

24 There are different ways you can
25 insulate the building. The building can be

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2 insulated from the outside, either applying the
3 insulation in the inner face of the wall or
4 between the cavities in the structure. In case of
5 an existing building, the building may need to be
6 vacated. And also, whenever the insulation has
7 these discontinuous points either through
8 connecting walls or through floor connections,
9 there is a lot of heat loss, as you see in this
10 infrared image.

11 The other way is to insulate from
12 the outside where you apply continuous external
13 insulation which not only provides the continuous
14 enclosure to the building, it also weatherproofs
15 the building and makes the structure and raises
16 better [phonetic]. Having a continuous external
17 insulation performs better in terms of energy
18 efficiency.

19 Now, how the zoning impacts this.
20 This is representing many buildings that exist
21 today where the buildings are either built to the
22 yard limits, to the height limits, to their
23 setback limits. Once you are trying to put this
24 external insulation, you are encroaching only by
25 a few inches on the require lots, required

1 setbacks, above the required height limits. And
2 also because zoning counts the floor area to the
3 outside of the exterior wall, we are also seeing
4 there is increase in floor area. So all of these
5 are a few inches and it would be great for the
6 efficiency of the building; it's prohibited in
7 zoning today.
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9 And we are talking about when
10 people do these insulation, the first three inches
11 makes the biggest bang for their buck. So the
12 typical retrofit would add around four inches of
13 additional thickness to the exterior wall. If
14 someone is going to a deeper energy retrofit, you
15 can put four to six inches of insulation and the
16 additional wall thickness would be six to eight
17 inches.

18 So the proposal promotes insulation
19 of existing buildings that there are lots of those
20 buildings, around 85 percent exist today of the
21 buildings that will be done in 2030. So the
22 proposal would allow up to eight inches of
23 additional insulated wall thickness to project
24 into the required yards, required open areas,
25 required setbacks and it would not count towards

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lot coverage and floor area.

There are a few exceptions when there are small open areas. For instance, distance between buildings or courts or such areas, then we would still allow insulation of the buildings but it would be based on the proportional of open area you have on your lot. So if you have a six foot side yard, you would be allowed to have six inches of additional wall thickness. If you have a two foot side yard, then you would be allowed two inches. So for every one foot of open area, there would be one inches of additional wall thickness allowed. But the driveways that are required would not be allowed to be obstructed with this insulation.

To cover the whole envelope for existing buildings, we would also allow roof insulation that could be up to eight inches above the height limits.

For new buildings, it's a different issue that we are addressing. New buildings, they have to already meet the energy code requirements for the building envelope. And for better insulated and high performing building you need a

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2 thicker wall. So developers have this conundrum
3 whether to build whether to maximize on the
4 usability by building a thicker wall or a glass
5 wall, whether to maximize on energy performance
6 while losing some usable space.

7 So zoning addresses this problem in
8 the proposal. We would encourage new buildings
9 which have envelopes that are high performing and
10 higher performing than what the energy code
11 requires. So if that happens then you have these
12 thickness of the walls, up to eight inches of wall
13 thickness. Beyond the first eight inches would be
14 excluded from the floor area calculations. The
15 excluded exempted floor area would fit within the
16 zoning in the zoning height and setback limits
17 that are set. So you're not encroaching on any
18 required open areas.

19 Continuing with the envelope, when
20 there is no central air conditioning, people
21 usually do is put these big holes in the windows
22 or the walls and put the window ACs. These create
23 a lot of leaks and drafts in the building. The
24 additional cost that building owners face is
25 around \$130-\$180 million per year. It also adds

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to a lot of carbon emissions.

Other AC techniques like the central air conditioning or the window mini split AC units are much more effective than the window air conditioning units because they do not create such big holes in the envelope.

We allow the air condensing units for one or two family homes only in the rear yards. This regulation was created in the 1950s or 1960s when the AC units were very huge and noisy and there was no city noise code to regulate the noise. So this leaves, if you have to put eight feet from all lot lines, this leaves very minimal space to put the air condensing units.

So in the proposal we are allowing adequate space and flexibility for locating these units, which are much more energy efficient today. So in rear yards and side yards, you can locate your central air conditioning or mini split condensing unit.

The mini split condensing unit need to be located near the room that is being cooled. So we would also allow these units that are very slender within 18 inches of the front wall of the

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2 building. And it will have to be screened with
3 vegetation from the street. That is so that if
4 you have the front living room or a bedroom, it
5 can be air conditioned.

6 In earlier times when there were no
7 air conditioning, the older buildings use to use
8 awnings for cooling the interior spaces in the
9 summertime. Today, it's the same phenomena but
10 the types of buildings have changed. They have
11 become more glassier, so the kind of sun control
12 devices we see are not like awnings. So zoning
13 permits awnings today but it wouldn't be
14 permitting all the different kinds of conventional
15 sun control devices.

16 In the proposal, we want to allow
17 these shading of the windows to reduce the summer
18 cooling loads. We would allow this projection
19 above the ground floor to be limited to two feet
20 six inches in the required open areas and the
21 required setbacks.

22 The shading of windows can be done
23 in different ways, not just the horizontal or
24 vertical devices, but it could be like screens,
25 horizontal or vertical screens. In that scenario,

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2 we would limit the solid portions of these sun
3 control devices to cover only 30 percent of the
4 façade so there is transference and also the
5 building itself doesn't look bulkier and it also
6 gives a bit of architectural design to the façade.

7 Rooftops are a very important part
8 of the building. There are not just the blank
9 slates, not just for mechanical equipment for a
10 lot of other spaces, like open space and stuff.
11 So here I will just go through briefly how the
12 zoning regulates the building height.

13 One is through a sky exposure plane
14 which is a plane drawn above a certain height on
15 the street or there is a fixed maximum building
16 height. Then there are elements that are
17 permitted above those building heights, such a
18 parapets, bulkheads, water tanks, cooling towers,
19 et cetera.

20 Today, we do not have the green
21 technologies listed as permitted obstructions, so
22 it will not be allowed beyond these height limits,
23 such as solar or green roofs.

24 So the earlier buildings which were
25 built to sky exposure plane will be able to do a

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2 lot of these today, or a building that's built
3 under the height limit. But a preexisting
4 building above the height limit or just at the
5 height limit would not be able to do solar, green
6 roofs and other green technologies today.

7 So our overall approach in this
8 proposal is to first broaden this list of
9 permitted obstructions. A lot of these would fit
10 within the height that the parapet allows. It's
11 allowed to be four feet. There are other things
12 that would need more flexibility but in this
13 proposal we want to make sure that the visibility
14 is limited and the taller structures are setback
15 from the street.

16 So the lower obstructions like the
17 green roofs that not only do stormwater detention
18 but also creates healthier air and cools the
19 environment and also provide insulation to the
20 roof. The blue roofs, which slow the flow of
21 rainwater in the rain event and reduces the burden
22 on city sewer system. The decks could be put in
23 conjunction with either green roofs or blue roofs
24 and create more open space on the roofs. So all
25 of these would be allowed, up to three feet six

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inches, which is just below the parapet.

Also, skylights can create daylight in interior spaces, so we would allow them up to a height of four feet, on the flat roofs.

Once you are putting insulation or desks or green roofs, the parapet that's allowed is only four feet, so we would also allow a guardrail for safety purposes, which will be allowed up to four feet. CPC modified it from three feet six inches.

We will make sure that this doesn't read as a full or solid wall. So the guard rail above the parapet would be required to be at least 70 percent open and transparent.

Solar, as we all know, provides clean and free energy, both electric and hot water. So we would allow these solar installations on flat roofs up to a height of four feet without any zoning restrictions. There are fire code and building code regulations that need to be followed. On sloping roofs, it will be allowed to be aligned to the slope of the roof.

In certain circumstances, the solar installations may be required to be taller, either

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2 for fire access purposes or for better
3 orientation. So the zoning proposal allows those
4 with height limits for low density districts up to
5 a height of six feet. For medium and high
6 density, up to a height of 15 feet. We would also
7 allow these installations on top of bulkheads up
8 to a height of six feet. The installation that is
9 taller than four feet would be subject to a 35
10 percent roof coverage. So that you are not seeing
11 too much of solar from the street.

12 Wind is another clean form of
13 energy, similar to solar but opportunities for
14 wind in an urban environment like New York are
15 limited, because they have to be taller than all
16 buildings and trees.

17 So today wind is allowed in zoning,
18 but it has to be within the height and setback
19 limits that zoning set for the districts. The
20 Department of Buildings have safety and
21 engineering standards in place for any wind
22 installation that takes place in the city.

23 So in the proposal, we are looking
24 at areas where it might make sense to put wind on
25 tall buildings which are higher above the--if

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2 there are no other surrounding obstructions and
3 also on the waterfront where the winds are more
4 consistent.

5 So on tall buildings, buildings
6 that are taller than 100 feet, the proposal would
7 allow a wind turbine of maximum of 55 feet. Here,
8 we're only talking about small wind turbines and
9 not the ones that we see in the mountains or in
10 the rural areas.

11 Also, there will no portion of the
12 turbine allowed within ten feet off the property
13 lines on all sides. In residential areas, the
14 diameter of the wind turbine would be limited to
15 15 feet, in residential and near residential
16 areas.

17 On the waterfront, the height
18 limits are much more restricted, but we have more
19 consistent wind. So we would allow in these
20 districts wind turbines that can be put on the
21 building or in non-required open areas, maximum up
22 to a height of 85 feet. In other commercial and
23 residential districts, we would allow wind
24 turbines that are proportional to the height of
25 the building, up to a maximum of 55 feet.

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2 None of these wind turbines would
3 be allowed within ten feet of property lines and
4 also within ten feet of the waterfront public
5 access areas.

6 Rooftop greenhouses, two kinds are
7 gaining momentum. One is the educational kind and
8 the other one is the commercial food production
9 oriented kind. The educational kind provides a
10 lot of education: biology, agriculture, ecology.
11 The food that is produced sometimes is given to
12 the cafeteria. This is one example in Upper West
13 Side Manhattan School for Children. This is
14 Gotham Greens. Here, the food such as lettuce or
15 tomatoes that can get destroyed by long distance
16 travel are produced and it saves a lot of carbon
17 emissions.

18 So in zoning today, the rooftop
19 greenhouses are permitted, but they're subject to
20 floor area and height limits. But sometimes this
21 could discourage the kind of greenhouses that are
22 gaining momentum, like the educational and the
23 food production oriented. So we want to encourage
24 these two types of greenhouses, and this proposal
25 would allow by certification from the City

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2 Planning Chair, to waive the floor area for these
3 greenhouses and allow them to be a maximum of 25
4 feet. But these will only be allowed on buildings
5 that do not have residences or any sleeping
6 accommodations, to avoid the conversions of these
7 glass structures to living spaces.

8 We've talked about a lot of things
9 that could happen on the roof. It requires
10 flexibility and everything on the roof has its own
11 locational requirements. For instance, the solar
12 panels or skylights would require to be in the
13 sun. The decks need access and may be required to
14 be in the shade. The elevator and stair bulkheads
15 need to be located where the elevators and stairs
16 are within the building.

17 So to accommodate all of this,
18 there needs to be flexibility. We have already
19 applied a larger bulk formula in many of the
20 special districts that allows a little bit more
21 flexibility for the rooftop bulkhead.

22 Also, if you need the roof to be
23 accessible, you would need a taller elevator
24 bulkhead. So considering all those requirements,
25 we would like to expand in this proposal the

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2 bulkhead envelope that was applied to special
3 districts to all the districts. But at the same
4 time require that all mechanical equipment be
5 setback from the street and also be screened to
6 make sure that the view from the street level is
7 limited.

8 We would allow flexibility for the
9 stair and elevator bulkhead as in the active
10 design guidelines its said that if the stair is
11 located somewhere in your view it's easier for
12 people to take them and allow more for physical
13 activity.

14 Just a few more things. The solar
15 energy in zoning it was never envisioned and it
16 may be considered a power plant, so we want to
17 clarify in this text amendment that solar energy
18 is a clean energy and it can be used as an
19 accessory to any kind of use. In a commercial
20 district, it can also be freestanding use.

21 Similarly, for electric vehicle
22 charging, we would clarify that it's allowed in
23 all parking facilities and electric vehicle
24 charging and battery swapping will be allowed in
25 commercial districts and it's not like a gas

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station use.

Recently, we had a text amendment that required planting strips in lower density districts. For schools, the School Construction Authority came to us and said that for schools it's a real issue, especially in the admission and dismissal times because there is a lot of foot traffic. So we would allow an alternative through this proposal to have a permeable pavement instead of a planting strip so that they can do stormwater detention on the street as well as the students have more space to walk on the sidewalk.

This went through a rigorous public review process. We got a lot of good feedback and the City Planning Commission considered all of those. So the modifications are mostly based on clarifying the text so that the intent of the proposal remains, and also to create more transparency. So for the rooftop greenhouses, the commission modified that the application for certification should also be sent to the Community Boards so there are more eyes able to exempt rooftop greenhouses created.

Thank you so much. In your packet,

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2 there is a summary of the proposal as well as the
3 presentation. Also, we distributed this guide for
4 energy auditing. If you want to do insulation,
5 first you go through the energy auditing. So that
6 information package is also there in your
7 packages. Thank you so much.

8 CHAIRPERSON WEPRIN: Thank you very
9 much. I'd like to ask Council Member Reyna, she
10 had a question.

11 COUNCIL MEMBER REYNA: Thank you,
12 Mr. Chair. I'll start with what a great
13 opportunity here for encouraging what is already a
14 movement to be able to complement more energy
15 efficient practices in the City of New York. I
16 want to understand, is this summary that you have
17 at the end of your presentation available in multi
18 languages?

19 HOWARD SLATKIN: The one page
20 summary here? We have not translated it
21 ourselves. But chair we can make translated
22 materials available.

23 COUNCIL MEMBER REYNA: Just
24 identify yourself so that we...

25 CAROL GROSSMAN: Of course.

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2 Council Member, this is Carol Grossman from City
3 Planning. Obviously, as with all agencies, we
4 went through a language access policy development
5 several years ago. What we determined at that
6 time was that all of our information on our
7 website would be translated through an auto
8 translate button. So I do believe that all of the
9 information will auto translate through, you know,
10 sort of the Google translate. That's a very rough
11 translation. It is available.

12 In certain cases, we have
13 contracted, and in very limited cases we have
14 contracted to provide materials in other languages
15 or to use volunteers to translate documents. In
16 this case, we haven't. To be honest, we do it
17 basically on request. And if there is a request
18 for that, we certainly could do something in a
19 more concrete translation. But for browsing
20 purposes, you know we use our website very heavily
21 and we do use the auto translates.

22 COUNCIL MEMBER REYNA: The update
23 concerning how you're trying to comply with the
24 law as far as language access is concerned, I do
25 hope that this particular green code in more than

1 just what would be an auto translation through
2 Google would be able to at least have the summary
3 translated in multi languages, most used just for
4 the purposes of getting access to communities that
5 otherwise would not take advantage, where they're
6 most needed as far as communities where, you know,
7 the affordable housing movement has built two
8 family homes and those homes are not energy
9 efficient. As a matter of fact, they're costing
10 the homeowner more as opposed to less. So those
11 are subsidized city programs that are not
12 encouraging the green movement and we should be.
13 As you pointed out, one of these developments in
14 the Bronx being one of the very first affordable
15 housing complexes being built green.

17 I also had a question as to in the
18 example of Green Gothams, the issue of a green
19 roof--I want to make sure that I'm not
20 highlighting something that was done and perhaps
21 out of code. Were they within code or out of code
22 when they were built out? Because we're talking
23 about a decade later.

24 HOWARD SLATKIN: You're talking
25 about the greenhouse?

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COUNCIL MEMBER REYNA: Right.

HOWARD SLATKIN: So greenhouses are permitted, providing they comply with floor area restrictions and height and setback requirements.

COUNCIL MEMBER REYNA: They've always been permitted?

HOWARD SLATKIN: They have been. Yes, correct. This is something that has been written into the zoning for some time. Now the issue that we're trying to address here is that in many cases buildings don't have available floor area or are built out to the height limit and in that instance they wouldn't be allowed to provide that type of rooftop greenhouse.

COUNCIL MEMBER REYNA: So repeat that again. They wouldn't be able to build out a greenhouse because their floor area ratio is built out to capacity.

HOWARD SLATKIN: Right. So today, in general, a greenhouse is part of the building. Like, it's got walls, it's got a roof, it's enclosed, so it counts as floor area as the rest of the building does.

What the purpose of this proposal

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2 is to carve out some additional flexibility for
3 rooftop greenhouses in situations where there is
4 not enough floor area remaining on the zoning to
5 build one.

6 COUNCIL MEMBER REYNA: So you would
7 only be able to maximize what would be 25 feet
8 additionally?

9 HOWARD SLATKIN: Yeah, up to 25
10 feet tall and generally there are other
11 restricting factors. What else is on the roof,
12 you know you have bulkhead equipment and other
13 things so you have to--

14 COUNCIL MEMBER REYNA:
15 [interposing] And once all of that is factored
16 into the equation, you're left with what would be
17 a certain amount applicable.

18 HOWARD SLATKIN: Correct.

19 COUNCIL MEMBER REYNA: And the
20 issue of this particular greenhouse where the FAR
21 is not, there's an excess amount of FAR, but not
22 sufficient to cover the whole 25 feet necessary to
23 build up a greenhouse, would you use a combination
24 of both? Is it also applied in that?

25 HOWARD SLATKIN: So, you could,

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2 yes. Say you wanted to build a 7,000-square foot
3 greenhouse but there were only 2,000 square feet
4 of floor available, you could build--the 5,000
5 square feet difference could be built under the
6 proposal through the certification process.

7 COUNCIL MEMBER REYNA: So you're
8 not necessarily restricting. You're making every
9 possible--you're erring on the side of building
10 out what is a--

11 MALE VOICE: [off mic] A reasonable
12 development scenario.

13 COUNCIL MEMBER REYNA: Thank you,
14 audience.

15 HOWARD SLATKIN: The goal here is
16 to try to. We know that there are many
17 considerations. It can be difficult to build it
18 on rooftops because the roof has to be able to
19 hold the facilities. You have to be able to get
20 access to and from it. So intrinsically buildings
21 are sometimes limited in the ability to do this.
22 So we wanted to open up the universe of buildings
23 that could have these type of facilities.

24 COUNCIL MEMBER REYNA: Of course.
25 I tried to write where I have comments. Under

1
2 rooftop greenhouses, you also mentioned proposals
3 of what would be nonresidential versus
4 residential.

5 HOWARD SLATKIN: Correct.

6 COUNCIL MEMBER REYNA: So I wanted
7 to understand is there a regulation for what would
8 be new construction requirements for greenhouse
9 capacity.

10 HOWARD SLATKIN: So this proposal
11 would apply whether it's a new building or an
12 existing building. It would only apply if the
13 building does not contain any residences or other
14 sleeping accommodations. So not on top of
15 residential buildings, not on top of hotels, for
16 instance.

17 COUNCIL MEMBER REYNA: Or lofts.

18 HOWARD SLATKIN: If there are any
19 residences in the building, it would not be
20 permitted. That's one of the reasons why we
21 included this as a certification process from the
22 Chair of the City Planning Commission.

23 The intent of this and we did a
24 focused effort to try to draw the regulations this
25 way is the intent is not that these spaces should

1
2 be used for anything other than greenhouse use.
3 They're restricted to the cultivation of plants.

4 COUNCIL MEMBER REYNA: Correct. As
5 a commercial status?

6 HOWARD SLATKIN: Commercial or
7 educational.

8 COUNCIL MEMBER REYNA: And the
9 question was very clear, does that include loft
10 dwellers and/or illegal loft dwellers?

11 HOWARD SLATKIN: If there are
12 residents in the building, you're not allowed to
13 place a greenhouse on the rooftop at all.

14 COUNCIL MEMBER REYNA: Okay.

15 MONIKA JAIN: Using this zoning
16 proposal. You can always do a greenhouse if you
17 have floor area and height in your building. But
18 you cannot exempt floor area or height through the
19 certification.

20 HOWARD SLATKIN: There would be no
21 relief. You could build it as you could build any
22 ordinary building but this proposal would not give
23 any additional flexibility to any building that
24 contains residences.

25 COUNCIL MEMBER REYNA: So right

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now, you could technically, if you have residential dwellers, build a greenhouse on top.

MONIKA JAIN: If you have enough floor area.

COUNCIL MEMBER REYNA: If you have enough floor area.

HOWARD SLATKIN: If you have enough floor area and there are other code restrictions that you have to comply with about access to different use and things like that.

COUNCIL MEMBER REYNA: Okay. The solar proposal, I noticed that the categories listed had residential zoning. I just answered my own question. I see an M district as well.

HOWARD SLATKIN: That's correct.

COUNCIL MEMBER REYNA: I'm trying to understand as far as the M district is concerned if you have let's say heavy manufacturing building where there's machinery and the need for what would be more solar paneling than is required. Was that factored in?

HOWARD SLATKIN: Right. The amounts that would be allowed.

COUNCIL MEMBER REYNA: Correct.

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2 HOWARD SLATKIN: So the purpose of
3 the solar component of the proposal is, provided
4 that the solar is laid relative low to the roof,
5 it's less than four feet above the rooftop, you
6 can apply as much as you want. The only
7 restrictions you'll have are what you can apply
8 under building code or fire code. You need to
9 allow room for roof access and other things.

10 COUNCIL MEMBER REYNA: Right.

11 HOWARD SLATKIN: But it would not
12 restrict the amount of solar you could add. We
13 don't want to restrict it. What we do restrict is
14 the visibility once the solar panels rise a
15 certain amount over the height limit. So at that
16 point we would limit the amount of roof coverage
17 and the total height of the panels.

18 COUNCIL MEMBER REYNA: This is also
19 taking into consideration the FAR.

20 HOWARD SLATKIN: There is no floor
21 area associated with the panels because they're
22 not enclosed like a building.

23 COUNCIL MEMBER REYNA: Okay. And
24 as far as the guardrail, for the proposal that was
25 mentioned concerning 70 percent of the guardrail

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having to be open, would the clear glass option be considered to be 70 percent?

HOWARD SLATKIN: So a Plexiglas railing?

COUNCIL MEMBER REYNA: Correct.

HOWARD SLATKIN: Yes.

COUNCIL MEMBER REYNA: And as far as enforcement is concerned, all of these are going to be permitted through the Department of Buildings using your requirements?

HOWARD SLATKIN: That's correct, as the way the rest of the zoning is administered.

COUNCIL MEMBER REYNA: And enforcement of all of this so that a greenhouse is not applied for as a permit and used to perhaps build out property.

HOWARD SLATKIN: So the greenhouse process is a little bit different in that in order to earn the exemption from floor area or height limits, you have to apply for a certification from the Chair of the City Planning Commission that verifies that you comply with all the requirements. It's a building that doesn't contain residences, it's no more than 25 feet

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2 tall, all the requirements that you see on the
3 page here.

4 In addition, one of the
5 modification the commission made during the
6 process in response to comments from communities
7 was that when the applicant files this application
8 for a certification to the City Planning
9 Commission, it must be sent at the same time to
10 the local community board, to the affected
11 community board so that everyone is aware that
12 someone is requesting an exemption for this
13 building.

14 COUNCIL MEMBER REYNA: So this
15 process would be how long?

16 HOWARD SLATKIN: It should not be a
17 lengthy process. The point is that it's a
18 certification so it does not involve a lengthy
19 public review. It's merely a verification, an
20 additional layer of verification that they comply
21 with other requirements that are laid out in the
22 zoning text.

23 COUNCIL MEMBER REYNA: More so as a
24 public notice as opposed to a ULURP action similar
25 process.

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2 HOWARD SLATKIN: Correct. It's not
3 a ULURP action.

4 COUNCIL MEMBER REYNA: The cost
5 associated? I know that the chair is eager to
6 have me stop asking questions, but I want to make
7 sure that we understand.

8 CHAIRPERSON WEPRIN: Just take your
9 time, you know as quickly as you can. I notice
10 you've been purposefully avoiding eye contact with
11 me.

12 [Laughter]

13 HOWARD SLATKIN: You know, the
14 costs would be very low. There is no
15 environmental review associated with this
16 application so there is no city environmental
17 quality review process or fee associated with
18 that. There is an application fee for a
19 certification application but it is a relatively
20 small fee.

21 COUNCIL MEMBER REYNA: Which is how
22 much?

23 HOWARD SLATKIN: I would have to
24 get back to you with that number.

25 COUNCIL MEMBER REYNA: Is there a

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range of it depends on what permit licensing you're getting?

HOWARD SLATKIN: You know, I will have to get back to you with exact numbers. We will get that. The application fee is for all land use application. The certifications that are used extensive of those application fees.

COUNCIL MEMBER REYNA: This permitting application process will have a renewal fee or is this a one-time action?

HOWARD SLATKIN: It's a one-time action.

COUNCIL MEMBER REYNA: And it goes to the next property owner?

HOWARD SLATKIN: It remains with the building as the rest of the building remains occupied. It goes on to the certificate of occupancy for the building and it remains there.

COUNCIL MEMBER REYNA: Okay. Thank you very much, Mr. Chair.

CHAIRPERSON WEPRIN: Thank you, Council Member Reyna. Council Member Lander?

COUNCIL MEMBER LANDER: Thank you very much, Mr. Chairman. A big thanks to the

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2 Department of City Planning. I think this is a
3 dynamite proposal and I think that the efforts
4 that the Council and the Administration have made
5 together to move forward on a wide range of
6 sustainability issues are great. So credit to the
7 Speaker and the Land Use Chair and I also want to
8 thank you for listening to a lot of what community
9 boards and borough boards and borough presidents
10 had to say in making a substantial number of
11 changes at the City Planning Commission.

12 I do want to call you to a few, I
13 know we have testimony from the Brooklyn Borough
14 President. A couple of the things they suggested,
15 amendments were made but a couple were not. So I
16 would just like to ask you about two of them and
17 understand the rationale. And then urge you to
18 take a look, some of the things they are asking
19 aren't really about amendments to this proposal
20 but are about other things going forward:
21 permeable pavement and street trees on sort of
22 broad avenues. So I urge you to take a look and
23 figure out what steps can be taken going forward.

24 The two I would just like to
25 understand the rationale on are on the air

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2 conditioning units and the split units. They have
3 to be screened from the front or screened from the
4 back. But I know one of the recommendations of
5 the BP was if you're going to put them in the rear
6 yard or the front yard to just move them over 18
7 inches and maybe put some plantings on the side to
8 screen them from a neighbor. That seemed like a
9 sensible thing.

10 And then at sort of the other edge
11 of the building scale, in districts where you can
12 go up now 40 feet is an awful lot of additional
13 height on 120 foot building. So on a place like
14 Fourth Avenue, I'm very excited about the
15 greenhouses and about the rooftop solar and about
16 the wind, but 40 on top of 120 seems like a lot.
17 So I know those are both comments the BP made and
18 I just wonder if you could explain.

19 HOWARD SLATKIN: I'm going to
20 respond to both of those questions. Thank you,
21 Council Member. The first question is about air
22 conditioning units and the screening requirements.
23 The proposal requires screening for these when
24 they're located in a front yard or in front of the
25 building. The purpose is to reduce the visual

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2 effect of these units. We think there is some
3 contribution just from removing the window units
4 from the building in terms of the quality of the
5 streetscape. But in addition, once you place this
6 mini split condensing unit and only the mini split
7 units would fit in the front yard. They'd have to
8 be located within 18 inches of the building. So
9 the only units slim enough to do that are the
10 smaller quieter ones.

11 The requirement for screening is in
12 the front and not on the sides because the unit
13 still needs to vent off the heat. Screening in
14 the front does allow room, a little bit of room to
15 either side for the heat to escape. If we were to
16 require screening on all sides, the concern was
17 that it might prevent the unit from functioning
18 efficiently.

19 Your other question was about
20 bulkheads. If you can jump to that slide, Monika,
21 the rooftop bulkheads. The proposal would apply
22 these rules that do exist in a number of special
23 districts around the city. Let me explain why, in
24 the districts where building heights are permitted
25 to go up to 120 feet and higher, why we are

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2 talking about a maximum of 40 feet that's
3 permitted.

4 The typical way that bulkheads are
5 configured, and this includes today is that you
6 have an elevator and stair bulkhead. The elevator
7 bulkhead which may, if it provides access to the
8 roof, may need to be 25 feet in height. Then
9 there's also a water tank required for fire
10 purposes in many buildings. Sometimes you can
11 provide a pump but it's more efficient often to
12 provide that water tank.

13 So the rooftop water tank is
14 generally placed on top of the elevator and stair
15 bulkhead. In order to get adequate water pressure
16 for the top story, it has to be a certain height
17 above the building. That's an additional 15 feet.

18 So we wrote this so that when the
19 building is tall enough so that that rooftop water
20 tank is likely to be include, which is over 120
21 feet, then the permitted height could go up to 25
22 plus 15, equaling 40 feet. The existing roofs
23 today only allow--I'm sorry, they don't have a
24 height limit, it's sort of an envelope. So we do
25 get bulkheads that are 40 feet tall today. It's

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2 just that it does restrict the placement of other
3 features on the rooftop when you have to comply
4 with the current very restrictive rules.

5 MONIKA JAIN: And I just wanted to
6 add one more point that the water tank is usually
7 required for buildings that are 120 feet or
8 taller, that's by speaking to the professionals
9 and architects.

10 COUNCIL MEMBER LANDER: I mean I
11 love the way this looks. So for me, you know,
12 rooftop, solar, greenhouses, you know, wind
13 turbines on the top of roofs, I think great. I
14 think, you know, we may well be hearing from
15 people in a place like Fourth Avenue in Brooklyn
16 where the building slopes down. A lot of people
17 are going to be seeing that allowing extensions up
18 another 40 feet on top of the 120 foot building,
19 they're going to scratch their heads and say I
20 thought it was 120 foot limited and now it's 160.

21 Anyway, I appreciate your
22 explanation of the rationale on both fronts.
23 Again, I really do want to underline that I think
24 this is a great amendment and I'm enthusiastic
25 about it and I appreciate your further work on it.

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2 HOWARD SLATKIN: Thank you,
3 Councilman.

4 CHAIRPERSON WEPRIN: Thank you, Mr.
5 Lander. I just want to give caveat to the people
6 who are going to be testifying next. Because of
7 the amount of people we have to testify, we're
8 going to have to put a three-minute limit on your
9 testimony. But there may be questions. But if
10 you could try to give you testimony and try to sum
11 it up in three minutes that would be helpful.

12 Let me just ask one last question.
13 So on a typical house, whatever it is, you know
14 whether it's a wood house with siding or brick,
15 what do these new layers look like and what would
16 they be like in a residential neighborhood?

17 HOWARD SLATKIN: So in terms of
18 external insulation--

19 CHAIRPERSON WEPRIN: [interposing]
20 External insulation that goes away further.

21 HOWARD SLATKIN: You know, external
22 insulation is in many ways very similar to
23 residing a house, but you're adding insulation as
24 well. So you can put any type of cladding on top
25 of the external insulation that you choose.

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2 So just as today you can reside a
3 house and it's frequently done because the old
4 siding needs to be replaced. This provision would
5 allow you to place additional insulation behind
6 that new cladding and thereby improve the energy
7 efficiency. The zoning would require that in
8 order to earn that additional thickness that you
9 have to be providing something that provides real
10 insulating properties. It has to have a certain
11 insulating value. Otherwise, you don't earn the
12 additional encroachment.

13 CHAIRPERSON WEPRIN: Concern had
14 been raised about the aesthetic aspect of those
15 things. I mean back in the days when the tin men
16 were on the streets and everyone was putting
17 aluminum siding up, but a lot of these
18 neighborhoods have other type of siding, you know
19 other type of wood sidings or brick and other
20 things that seem to be more pleasing to the eye.
21 Is there any legitimacy to a fear that all of the
22 sudden people will be selling some type of siding
23 that will qualify to save them energy but may not
24 look so nice?

25 HOWARD SLATKIN: We expect that the

1
2 external insulation provisions are going to be
3 very useful in many instances, but we don't expect
4 this to be something that's going to make sense
5 for every home.

6 We actually recommend in the
7 handout that we distributed, there are
8 recommendations that homeowners, the first thing
9 you do is not to add external insulation but the
10 first thing you do is get an energy audit.

11 Because what an energy audit will enable a
12 homeowner to do is to identify the steps that they
13 can take that make the most sense for them
14 financially and from an energy use perspective so
15 that they can choose the low-hanging fruit.

16 There may be things that they can
17 do that are going to make more sense for them.

18 There are many buildings where the façade is
19 actually performing just fine and maybe just
20 caulking the windows or making some other
21 improvements would actually be sufficient to
22 improve the energy efficiency.

23 In terms of the materiality, you
24 know it is very similar to the way the communities
25 are today. If you are in a historic district, or

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2 a landmarked building, then you have to comply
3 with requirements of the Landmarks Preservation
4 Commission, whether you're doing insulation or
5 not, you need to adhere to LPC requirements. In
6 other neighborhoods, we think the people see the
7 value of the aesthetics of their homes and they'll
8 continue to maintain those.

9 CHAIRPERSON WEPRIN: All right.
10 I'm going to let you go and then move on to the
11 next panels. Thank you very much. I assume
12 someone will be sticking around for the rest of
13 the hearing if by some chance we need you for
14 something. What I'd like to do now is call up our
15 first panel, which is going to be a panel in
16 opposition. Again, I'd like to put a clock on of
17 three minutes for each person and if you would,
18 try to summarize your comments.

19 I'd like to call up George
20 Calderaro, Julius Tajiddin, and Simeon Bankoff.

21 [Pause]

22 CHAIRPERSON WEPRIN: Thank you.
23 Sergeant-at-arms, if you could put a three minute
24 clock on each of the three panelists. Gentlemen,
25 when you're ready.

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[Pause]

GEORGE CALDERARO: Good morning.

Yeah, it's morning. I'm George Calderaro, and I'm here representing Manhattan Community Board No. 1. I should also point out that I live in the Solaire, one of the buildings that was highlighted here. So I appreciate the benefits and the challenges of sustainable building design. Community Board 1 endorses green building and generally favors zoning changes to foster green building, but is concerned that certain aspects of the proposed changes, specifically retrofitting of building could be misused in a manner not intended by proponents of some of the changes.

Community Board 1 is concerned that the provisions regarding retrofitting of existing buildings with external insulation creates the potential for massive alterations of building exteriors in the manner that could negatively alter the essential nature of such buildings in a neighborhood context and is concerned that wind turbines can present safety, livability and aesthetic issues to new wind buildings because of noise, vibrations, shadows and unsightliness.

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2 We also anticipate that the
3 alteration and construction latitude granted by
4 the proposed text amendment would bring with it
5 increased need for enforced vigilance. While the
6 CPC materials called for "protecting the character
7 and quality of life" of our neighborhoods as a
8 goal, there are no provisions that would ensure
9 this in the proposed text amendment. Therefore,
10 we came up with the following resolution.

11 Recommend the adoption by the City
12 Planning Commission of a green text amendment,
13 subject to the following changes and caveats.
14 That the wind turbine provisions not be enacted as
15 they stand. You'll see also that this is
16 requested in Manhattan Community Board 2,
17 Manhattan Community 4, Manhattan Community Board
18 12 and Staten Island Community Board 3, among
19 others.

20 We also note that in the slide that
21 they showed, the fine print at the bottom said
22 that these turbines are not recommend for urban
23 use. So we urge real consideration of this.

24 We also resolved that the enacting
25 legislation specifically state that is it not

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2 intended to alter the criteria of the Landmarks
3 Preservation Commission and that's been stated by
4 the City Planning Commission staff, however we
5 were concerned that applications that include any
6 of these green proposals be considered according
7 to the criteria of the commission as it stands,
8 irrespective of any green merits of such
9 alterations and construction. We're concerned
10 about a green bias, frankly, even at the Landmarks
11 Commission. This concern is also echoed in
12 Community Board 2's resolution.

13 We also note that the green roofs
14 may be going to the community boards and the City
15 Planning Commissioner and that is one of the few
16 concession that we found in response to community
17 board resolutions.

18 So that's, in a nutshell, what our
19 concerns are. Then there are specific
20 recommendations and requests in the resolution
21 that I just circulated.

22 CHAIRPERSON WEPRIN: Thank you very
23 much. Next?

24 JULIUS TAJIDDIN: Good morning,
25 committee members, Chair. My name is Julius

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2 Tajiddin. I'm a Harlem resident and I am a
3 respected voice in my community. I understand
4 that everything in the green text amendment
5 proposal sounds good. But rezonings that have
6 taken place in recent years, such as the 125th
7 Street Special District, have been hot buttons in
8 various communities.

9 One of the main contentions about
10 the 125th Street rezoning was the height
11 limitations proposed by Department of City
12 Planning. The Harlem community at large did not
13 want the height limitations along the 125th Street
14 corridor's core sub-district that were finally set
15 by City Council. And certainly the community
16 didn't want the city's original height offer.
17 However, the former height limitations have been
18 grudgingly accepted as a compromise. So it goes
19 without saying that the Harlem Community at large
20 doesn't want anything that will create more height
21 in the core sub-district than such limitations or
22 its adjacent areas for that matters, now.

23 The valley, as it has been
24 affectionately referred to, is a place where
25 people enjoy the open air and the sun. When City

1
2 Council approved the rezoning, with modifications,
3 the message we understood it to be was: "We will
4 give, you this height. That's more than enough
5 for you to do whatever you want to do." You
6 equals landowners or developers.

7 City Planning can come up with
8 different exceptions to allow the height limits to
9 be waived forever. They all sound altruistic.
10 However, what we in the community see happening is
11 that every time we look around, the height limits
12 are being raised higher and higher or something is
13 changed from the zoning that was passed in 2008.

14 Take the Inclusionary Housing Text
15 Amendment (as an example. Although the height
16 limits won't be changed by this amendment, the
17 housing component got altered. As you should
18 know, we wanted the core sub-district to remain
19 largely commercial or totally commercial. Thus,
20 we can settle for the mechanisms that were put in
21 place that encourage commercial development rather
22 than residential.

23 But the Department of City Planning
24 and the City Planning Commission and the City
25 Council recently allowed a zoning text amendment

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2 that encourages home ownership in the core sub-
3 district. That's doing the opposite of what
4 everyone promised.

5 Then there is the Fresh Food Text
6 Amendment that was passed shortly after. A
7 developer can achieve an extra 15 feet if a fresh
8 food market goes on the property. Under a
9 reasonable worse case development scenario, the
10 height in the core sub-district can now go to 175
11 feet on the South Side of the street and 210 feet
12 on the North Side of the street. In adjacent
13 areas it is worse. Heights can now go as high as
14 135 feet. And I say it is worse because such
15 heights would severely, negatively impact the
16 integral fabric of the historic Village of Harlem
17 in such areas, those areas being more contextual
18 than the core sub-district, something that was
19 promised wouldn't happen with the 2008 rezoning.

20 With this latest text amendment,
21 under a reasonable worse case development scenario
22 such heights could be 225 feet--

23 CHAIRPERSON WEPRIN: [interposing]
24 You can finish up, but just do it quickly.

25 JULIUS TAJIDDIN: Yes--260 feet and

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185 feet, respectively.

Let's respect the height limits that were put in place. They are more than enough. Community Board 10 came up with a resolution that is appropriate for its community. The height limits must be respected.

I refer the committee a reminder of Council Member Inez Dickens' rezoning plan that she promised would protect us. Height limits; contextual zoning, et cetera, don't let it just be words.

While I cannot speak for other districts as well as I can speak for the 125th Street Special District, I believe that there are many districts that feel the same way. Therefore the Council is going to have to modify this text amendment proposal in order for it to be acceptable and work for us in Harlem or just deny it at this time on behalf of everybody's interest in light of the points raised in my objection until it is carefully thought out.

We do not want this text amendment to apply in Harlem, 125th Special District, Frederick Douglass Boulevard district, et cetera,

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2 in particular, because we see that there will be
3 all sorts of problems with areas that were meant
4 to have contextual zoning as a focus, open sky for
5 better breathing and sunlight, et cetera, which by
6 the way is going green naturally. Under a
7 reasonable worse case development scenario,
8 developers will just be more concerned with
9 getting out of it what's going to make more money
10 for them and not what's important to the people
11 living in the area, such as contextual zoning,
12 open sky for better breathing and sunlight and
13 height limits.

14 CHAIRPERSON WEPRIN: Thank you.

15 JULIUS TAJIDDIN: Thank you.

16 CHAIRPERSON WEPRIN: Thank you.

17 And the last member of the panel?

18 SIMEON BANKOFF: Good morning,
19 Council Members. I'm Simeon Bankoff, Executive
20 Director of the Historic Districts Council.

21 The HDC is the citywide advocate
22 for New York's historic neighborhoods. Our
23 mission is to protect designated landmark areas
24 and historic districts as well as neighborhoods
25 meriting preservation.

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2 As this proposal has the potential
3 to affect all existing and new buildings within
4 historic neighborhoods throughout the city, we
5 have carefully reviewed it and are pleased to have
6 the opportunity to comment on its provisions.

7 It is hard to argue with
8 motherhood, apple pie or green buildings. We all
9 want to help reduce energy costs. But it should
10 be noted that New York City is already one of the
11 most energy efficient places on the planet. New
12 Yorkers walk, bike or ride mass transit, and live
13 densely, sharing walls and often floors and
14 ceilings with our neighbors.

15 We don't disagree with the intent
16 of the legislation, but we find it incomplete,
17 with an odd bias against simple, time-tested, low-
18 tech solutions. That is the opposite message from
19 the recent evidence-based reports of the National
20 Trust for Historic Preservation. There need to be
21 performance standards attached to the text
22 amendment, or the directives invite gaming by
23 unscrupulous developers and misleading of
24 unsophisticated owners. As written, these text
25 changes promulgate changes that may be visually

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2 extreme yet energy inefficient, so opportunities
3 for collateral damage to the built environment are
4 great. There needs to be both science and
5 enforcement added.

6 We are concerned that encouraging
7 and streamlining the process for environmentally
8 upgrading all of New York City's buildings through
9 a major text amendment, the door may be opened to
10 the widespread exploitation, defacement or worse.
11 Imagine a fat suit being put on top of a detached
12 Victorian, for example.

13 The Department of City Planning and
14 the Buildings Department unfortunately do not have
15 guidelines for design or materials relating to
16 existing buildings and there are scant few for new
17 construction. To look at green only from the
18 perspective of zoning is not helpful for
19 homeowners who want to do the right thing but
20 don't know where to begin. This leaves hem
21 vulnerable to sales pitches from external
22 insulation finish systems, EIFS and photovoltaic
23 panels, whose prospects are unlikely to produce
24 significant energy savings yet are likely to have
25 a great and negative visual impact on neighborhood

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character.

Specifically, we are concerned about using EIFS, also known as Dryvit, it's most popular brand name, in the sense of the neighborhood context. Applying EIFS is probably the most expensive and inefficient way to improve thermal performance. This proposal does not seem to relate to the present built environment of the five boroughs and certainly pays no heed to the very real concerns which citizens have about their appearance and character of the neighborhoods.

One thing and we have a longer testimony that goes into it at length, is to really create a situation where there would be a need for an energy audit instead of just a suggestion. We feel that if the energy audit was actually mandated before going through and allowing these text amendments, it would be a much better way of doing it.

NYSERDA, the New York State Energy Reduction Agency, I believe it is, actually offers free energy audits, so that there is already a government program that allows these things. It would be no additional costs. So that is our

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2 suggestion, that they get an energy audit and then
3 apply through the permitting process, the very
4 fast low cost permitting process that Council
5 Member Reyna discussed earlier. Thank you.

6 CHAIRPERSON WEPRIN: Thank you.

7 Does anyone on the panel have any questions? I
8 question I just have on the end about the energy
9 audit. The concern about mandating an energy
10 audit is that at that point we may create a market
11 for people trying to go and trying to get energy
12 audits and going up to buildings and saying you
13 need an energy audit in order to do anything in
14 you house. You know, come use us.

15 I know that City Planning has a
16 brochure here which encourages people to get an
17 energy audit, which we encourage before you do
18 anything on your house to figure out what works
19 best for you. But that would be the fuse. Just
20 the problem we're worried about with the
21 buildings. You know, people going around saying
22 put this on your building. Mandating that, you're
23 going to create a whole cottage industry of people
24 doing energy audits as well.

25 SIMEON BANKOFF: No, I well

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2 understand. That's why I bring up the NYSERDA
3 program, that one would hope--I've not done
4 extensive research--but one would hope that they
5 would have independent third party energy audits.
6 Rather than going to, for example, a window
7 manufacturing and have an energy audit and they
8 say. "Well you really need Pella windows. If you
9 don't get Pella windows, you know, you're doomed."

10 I think that a situation with a
11 subsidized energy audit situation which appears to
12 be already existent is reasonably safe.

13 CHAIRPERSON WEPRIN: We had
14 encouraged City Planning and they've done it on
15 this brochure and others, to make sure to tell
16 people that they should get an energy audit before
17 they do anything and that there are some offered
18 either free or low cost, depending on your income,
19 to get that done. Obviously, that makes sense
20 before you do anything.

21 Because, indeed, putting insulation
22 on your house may not be the best move for you
23 cost effectively, while removing a window air
24 conditioner may be.

25 SIMEON BANKOFF: Exactly. One of

1
2 the things that we deal with often is window
3 salesmen coming around and convincing people to
4 spend a lot of money for windows that are only
5 good for ten years. Whereas if they have
6 perfectly fine but slightly rickety older windows,
7 you can actually get them repaired and they have a
8 longer lifespan and the insulation values are the
9 same.

10 JULIUS TAJIDDIN: I just wanted to
11 make clear that what City Planning sort of like
12 leaves out is that let's say that you've got
13 everything else green going on in the building,
14 okay, and they don't want that to be charged
15 against the FAR. So when they're talking about
16 that the greenhouse won't go more than 40 feet or
17 whatever, 25 or whatever, but when add the other
18 stuff, it's going to make it higher than 40 feet.
19 Maybe the greenhouse won't go above what they're
20 saying, but if they're utilizing every possible
21 situation, the fresh food thing going on, you know
22 you've got all this stuff going on, we're talking
23 about structures now that, you know, no one is,
24 like, anticipating.

25 I carefully looked at their plan

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2 and it just brings everything under a worse case
3 development scenario, extremely too high. We gave
4 them more than enough in such districts as the
5 125th Street Special District. So they're coming
6 back with another, you know it's always something
7 else.

8 CHAIRPERSON WEPRIN: Thank you.

9 Does anybody else have any questions over here?

10 No. Okay, gentlemen, thank you very much.

11 Now I'm going to call on a panel of
12 people who are going to speak in favor of this
13 proposal. Again, we're going to limit people to
14 three minutes each. I'd like to call on Richard
15 Bearak from the Brooklyn Borough President's
16 Office, Samantha Schoenberger from Enterprise
17 Community, Samantha Wilt--the Samantha Panel--
18 from Natural Resources Defense Council and Russell
19 Unger, it looks like, from the Urban Green
20 Council. Then after this we'll get to another
21 panel. Mr. Bearak, I want you to know before you
22 start that your name was used this at the Glen
23 Oaks Little League as a famous alumnus of the Glen
24 Oaks Little League.

25 RICHARD BEARAK: I struck many

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times.

CHAIRPERSON WEPRIN: Well hopefully you won't strike out today. Everyone come up. Again, a three minute time limit. If you can, get that underneath the time limit, I would appreciate it. Mr. Bearak, why don't you get started since you're already at the mic? Give your name. Make sure you state your name for the record.

RICHARD BEARAK: My name is Richard Bearak. I'm the Land Use Director for Brooklyn Borough President Marty Markowitz. I'll be reading his remarks.

As chair of the Brooklyn Borough Board, I want to thank Chairperson Weprin and members of the City Council Land Use Subcommittee for Zoning and Franchises for allowing me to testify today on the Zone Green text amendment.

I want to applaud the Department of City Planning for developing this text amendment that would remove impediments to the construction and retrofitting of green buildings in order to allow for greener buildings to be compliant with zoning regulations. Such buildings operate more economically while providing for a healthier

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2 environment, reducing the burden on city
3 infrastructure and supporting our ecology.

4 The Borough Board was also pleased
5 that the proposal promotes energy efficient
6 building walls and sun control devices for both
7 existing and new buildings by exempting the added
8 flooring thickness from floor area, open space and
9 yard regulations. In terms of permitted height,
10 the proposal eases the existing restrictions to
11 promote installation of solar energy systems, wind
12 energy systems, rooftop greenhouses and other
13 types of rooftop equipment.

14 The Borough Board did have a few
15 concerns from unresolved issues that might impede
16 quality of life to the potential for missed
17 opportunities that can benefit from green
18 initiatives. To some extent the City Planning
19 Commission modified the proposal by the Department
20 of City Planning, with a few changes recommended
21 by the Brooklyn Borough Board. Such changes
22 included permitting awnings and other sun control
23 devices without regard to yard compliance, and
24 allowing greenhouses without regard to height and
25 setback compliance: being less restrictive in

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2 where rooftop greenhouses can be placed. It was
3 wonderful that the commission heeded the
4 recommendations as this modification will be
5 facilitating what will be the world's largest
6 greenhouse on top of Sunset Park's Liberty View
7 Industrial Plaza.

8 I believe the commission did not go
9 far enough, so I am seeking City Council support
10 for additional modifications.

11 First, the Council should further
12 modify the proposal by incorporating quality of
13 life recommendations. The Council must seek
14 additional regulations for air conditioning
15 condensing units associated with landscaping, such
16 as covering the side of such units with plantings
17 and that landscaping be heat-tolerant even in the
18 front. We don't want dead landscaping, you know,
19 days later. Imposing maximum noise level
20 standards so we don't have a lot of 311 calls, and
21 property line setback of at least eighteen inches
22 to minimize heat exhaust and air intake impacts on
23 adjoining properties. When considering thicker
24 exterior walls, the Council must prevent the
25 narrowing to less than eight feet of driveways

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2 which pre-date the 1961 zoning regulations. And,
3 as for bulkheads the council must restrict to a
4 height of 25 feet along Sunset Park's Fourth
5 Avenue. If we simply made the wording above 120
6 feet we'd solve and minimize impacts of harbor
7 views.

8 Also, the commission agreed with
9 the Brooklyn Borough Board to achieve more
10 shading, as we mentioned with the awnings and the
11 sun control devices in noncompliant front and rear
12 yards. Actually, the Borough Board believes the
13 commission went too far, placing pedestrians at
14 risk where such devices would reach the public
15 sidewalks where people might be at risk for snow
16 that might slide off of awnings and horizontal
17 devices. And also went too far in terms of the
18 rear yards where we have substandard yards that
19 we're trying to not go beyond 20 feet.

20 And finally, commission not
21 prepared to allow such greenhouses where caretaker
22 units exist in such buildings. We think that if
23 the caretaker unit is not on the ground floor--I'm
24 sorry, not on the highest level--it'd be foolish
25 to eliminate all those rooftops from maximizing

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our greenhouses.

I'm confident by incorporating these addition changes that the Mayor's commitment to sustainability while balancing quality of life can be accommodated.

Finally, mentioned about planning strips--I'm just going to paraphrase. We think that while it's not in scope, the Council should push in the future to incorporate additional curbside planting requirements such as Fourth Avenue--Marty calls it Brooklyn Boulevard-- sections of Ocean Avenue and Kings Highway as noted in previous recommendations from the borough president. So that would improve the streetscaping and landscaping and this would be done in consultation with community board and their affected officials.

So we look forward to the Council having the opportunity to weigh in on City Planning's proposals as well as those of the borough board, bringing us one step closer to being as green as imagination can achieve. Thank you.

CHAIRPERSON WEPRIN: Thank you, Mr.

1
2 Bearak. The Borough President is not going to
3 make this green text amendment go in Brooklyn--

4 RICHARD BEARAK: [interposing] Only
5 when the Council votes.

6 CHAIRPERSON WEPRIN: I'd like to
7 call Paul Freitag to come join the panel. Pull up
8 an extra seat. Nick, if we can get an extra seat
9 for this gentleman. Because I realize we have ten
10 people left and if we're doing five and five it
11 would be easier. Thank you, Mr. Bearak. Please,
12 next in line. Sorry about the change.

13 SAMANTHA SCHOENBERGER: Good
14 afternoon. My name is Samantha Schoenberger.

15 Thank you for the opportunity to
16 give this statement in support of the proposed
17 Zone Green Text Amendment. This proposal would
18 remove zoning impediments to the construction and
19 retrofit of green buildings, thus creating health,
20 environmental, and economic benefits for New York
21 City households.

22 I am speaking today on behalf of
23 Enterprise Community Partners. We have been a
24 national innovator in creating affordable homes
25 and revitalizing communities for nearly 30 years,

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2 and we have invested nearly \$2.2 billion in New
3 York. We are also committed to improving the
4 environmental performance of the homes we touch.
5 We created the Enterprise Green Communities
6 Criteria, the first comprehensive green framework
7 for specifically for affordable housing, and it is
8 now used by more than 20 cities and states, as
9 well as federal agencies.

10 We believe that building and
11 rehabilitating affordable housing using green,
12 energy-saving techniques is one of the best ways
13 to stimulate the economy. It creates jobs and
14 lowers the housing burden on those least able to
15 shoulder rising utility costs. It also reduces
16 maintenance costs, which helps community
17 organizations preserve affordable housing for the
18 long term.

19 The proposed Zone Green Text
20 Amendment would further these goals. It would
21 remove barriers to green construction and
22 retrofits in New York City, and allow all property
23 owners to make investments that will save money
24 and improve energy efficiency. A number of the
25 proposed changes would be particularly beneficial

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2 to the affordable housing sector, such as
3 proposals that would allow existing buildings to
4 improve insulation and thicken walls without
5 adding to floor area calculations; allow
6 properties to reduce heating costs with sun
7 control devices and solar panels; permit green
8 rooftop features and equipment as allowed
9 obstructions on contextually zoned buildings; and
10 provide a building height allowances to
11 accommodate modern bulkheads on rooftops.

12 At the City Planning Commission
13 hearing in February, we requested one minor
14 clarification to the language of the text
15 amendment. We asked that the language clearly
16 define permitted solar energy systems to
17 specifically include solar thermal, in addition to
18 photovoltaic systems. We are happy to say that
19 the Commission responded to our concern and
20 confirmed that zoning text, as it is currently
21 written, allows for solar thermal uses. We
22 appreciate their attention to this detail, which
23 will give property owners a low-tech and durable
24 means of lowering water heating costs.

25 In summary, we believe that the

1
2 proposed changes would allow us and our community
3 partners to more easily invest in energy
4 efficient, healthy, and affordable housing.

5 Reductions in energy and water consumption and
6 stormwater runoff can also lessen the strain on
7 local utility infrastructure, providing benefits
8 to the larger community as well.

9 Most importantly, these green
10 practices are not only environmentally sustainable
11 and cost-saving to property owners, they will also
12 help improve the quality of life for people with
13 low and moderate incomes. Healthy, green
14 buildings can lower utility costs, decrease
15 exposure to harmful pollutants, and improve the
16 health of tenants.

17 We applaud you for considering
18 these improvements to the green building policy
19 framework in New York City. We look forward to
20 continuing to work with you to create and preserve
21 green and healthy homes that can become the
22 foundation for healthy families and residents.
23 Thank you very much.

24 CHAIRPERSON WEPRIN: Thank you. I
25 appreciate you all working your speed reading

1
2 skills. Thank you very much. You can do the
3 disclaimers at the end of ads now, or at the
4 Viagra ads. How's that?

5 [Laughter]

6 CHAIRPERSON WEPRIN: Please, next?

7 SAMANTHA WILT: Good morning. My
8 name is Samantha Wilt. I am an Energy Policy
9 Analyst at the Natural Resources Defense Council,
10 a national nonprofit environmental organization
11 based in New York City. Thanks for the
12 opportunity to speak today in support of the
13 Department of City Planning's Zone Green Proposal.
14 We commend the Department for putting forward this
15 proposal and the Council for reviewing it.

16 The proposal not only represents an
17 important step forward in achieving the City's
18 greenhouse gas reduction and energy goals, but
19 will also result in lower energy costs for
20 consumers, the creation of much needed jobs, fewer
21 emissions of harmful pollutants, and increased
22 reliability of our electric grid.

23 Buildings represent an important
24 and necessary opportunity for reducing the City's
25 carbon footprint, as nearly 80 percent of the

1
2 City's greenhouse gas emissions come from
3 buildings. It is also critical that we address
4 existing buildings, as 85 percent of the buildings
5 that will exist in 2030 are currently standing.

6 The Department's Zone Green
7 Proposal builds upon the groundbreaking efforts
8 the City has already been taking in this area,
9 including its Greener, Greater Buildings
10 Legislation, as well as its initiatives to address
11 barriers to greater efficiency, including its work
12 to promote energy-aligned leases and to facilitate
13 financing of energy efficiency retrofits through
14 the New York City Energy Efficiency Corporation.
15 Energy efficiency is an important resource and is
16 the cheapest, easiest and fastest way to meet New
17 York City's energy needs while reducing harmful
18 pollution and saving money.

19 This proposal, which builds on a
20 number of the recommendations of the City's Green
21 Codes Task Force, of which we are a member, will
22 remove zoning impediments to making New York City
23 buildings greener, providing building owners with
24 the flexibility to implement sensible measures
25 that save energy and money. In fact, the City

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2 estimates the potential for up to \$800 million per
3 year in energy savings through this proposal,
4 which is quite significant.

5 The proposal will also make it
6 easier for people to install clean, renewable
7 energy technologies, such as solar and rooftop
8 wind, so we're not only empowered to use less
9 energy, but also to generate what we do use in the
10 cleanest way possible. It will provide numerous
11 other benefits, as well, including helping to
12 encourage local food production and facilitate
13 rooftop stormwater retention.

14 As with the City's other efforts to
15 promote green buildings, this proposal will not
16 only help New Yorkers save money, but it will also
17 help to create jobs, jobs that cannot be
18 outsourced elsewhere.

19 We strongly support Zone Green and
20 commend the City for continuing to be a leader on
21 the issue of green buildings. We urge the Council
22 to adopt the Zone Green text amendment and remove
23 the zoning barriers that currently exist. Doing
24 so will not only help us move towards a more
25 sustainable city it will also help New Yorkers

1 save money and enjoy a healthier environment.

2 Thank you.

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4 CHAIRPERSON WEPRIN: Thank you very
5 much, and under the time limit, very impressive.
6 Nick, we're going to restart the clock. And the
7 next gentleman, please?

8 RUSSELL UNGER: Good morning,
9 Chairperson--it's still morning, I hope--and
10 members of the committee. My name is Russell
11 Unger and I am the Executive Director of Urban
12 Green Council, the U.S. Green Building Council of
13 New York. I was also Chair of the New York City
14 Green Codes Task Force from 2008-2010.

15 Let me begin by thanking the
16 Council and Mayor's Office for all their work in
17 green codes and commend City Planning for their
18 tremendous work on Zone Green. Since the release
19 of the task force report in February 2010, 29 of
20 the 111 recommendations we made have been
21 implemented by the city. There have been pretty
22 tremendous results from that.

23 Citywide we're seeing greenhouse
24 gas reduction of 5 percent, saved the equivalent
25 of 30 Central Park Reservoirs of water every year-

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2 -this will kick in after building changes occur--
3 that's equivalent of 10 percent of the city's
4 water supply. We will be diverting 100,000 tons
5 of asphalt from landfills. Those go back into
6 streets. Fifteen million gallons of caustic
7 concrete washout water that's now been draining
8 down city streets will begin to be treated. And
9 we saved New Yorkers \$400 million per year.

10 So we'll be shocked to know that
11 I'm testifying in support of Zone Green. You know
12 this has been gone over quite well by the previous
13 speakers, so I'll just emphasize a couple of
14 points.

15 The first is that Zone Green isn't
16 requiring anyone to do anything. It's mostly
17 government getting out of the way of what, you
18 know, modern real estate construction practice is.

19 The second thing I'll say is with
20 respect to the FAR change, again this is trying to
21 prevent zoning from discouraging better practices.
22 For an owner to get the benefit from that, they're
23 going to have to work really hard. They're going
24 to have to beat the requirement for energy code by
25 20 percent for the walls. The intention of the

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2 city in working with them is to increase those
3 standards anyhow. So anyone getting that is going
4 to make a pretty extraordinary effort. So it's
5 not going to be happening all over the place.

6 Again, to a previous comment from
7 the folks speaking from a historic preservation
8 perspective, I mean it's always an important
9 balance between whenever you're doing any kind of
10 retrofit on an existing building but, you know, we
11 agree, you have to start looking at things from
12 the big picture. Zone Green really moves some
13 regulations out of the way and there already are
14 lots of regulations to protect historic buildings
15 through Landmarks. So we don't need, you know,
16 additional sets of them through zoning. Thank
17 you.

18 CHAIRPERSON WEPRIN: Okay. Mr.
19 Freitag?

20 PAUL FREITAG: Good morning. My
21 name is Paul Freitag. I'm the Managing Director
22 of Real Estate Development with Jonathan Rose
23 Companies.

24 I'm speaking on behalf of Citizens
25 Housing and Planning Council, CHPC, where I'm both

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2 a board member and a member of their green
3 committee.

4 CHPC is a nonprofit research
5 organization dedicated to improving housing and
6 neighborhood conditions through the cooperative
7 efforts of the public and private sector and has
8 been active since 1937.

9 CHPC has reviewed the citywide text
10 changes to the zoning resolution and is pleased to
11 have the opportunity to offer the following
12 comments to the Council.

13 We applaud the efforts of the New
14 York City Planning Commission to update the zoning
15 resolution, to remove zoning impediments to the
16 construction and retrofitting of green buildings
17 and to be more sustainable in our built
18 environment.

19 CHPC has been a long term advocate
20 of eliminating impediments in the zoning code that
21 discourage sustainable design and construction
22 practices. We greatly appreciate the expertise
23 and responsiveness of the New York City Department
24 of City Planning staff in reviewing the current
25 regulations and responding to the comments and

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2 concerns of the real estate community by proposing
3 a well thought out technical solution.

4 It is vital that our code support
5 and encourage technological innovation that can
6 contribute towards the goals set forth by Mayor
7 Bloomberg's PlaNYC. CHCP fully supports the City
8 Planning Commission's proposed amendments to the
9 zoning resolution to remove regulatory barriers
10 that stand in the way of improved sustainability
11 in building design, construction and
12 rehabilitation.

13 In particular, we believe that the
14 proposed technical changes to the zoning
15 resolution to increase allowances for additional
16 energy efficiency in building walls, to permit sun
17 control devices, to relax regulation for the
18 installation of rooftop equipment and rooftop
19 greenhouses and the support of wind energy will
20 remove a significant number of barriers that
21 currently inhibit innovation and cost effective
22 solutions to improve energy efficiency and
23 building performance.

24 Although, we made some technical
25 comments at the City Planning Commission hearing

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2 on February 29th, these comments have been largely
3 addressed in the subsequent modifications approved
4 by the commission last month and they're now
5 before you for approval. These proposed zoning
6 text amendments are a positive step forward in
7 removing the regulatory barriers that has
8 discouraged green construction and retrofits.

9 Technical innovations in this
10 rapidly evolving field will likely result in the
11 need for periodic adjustments to the zoning
12 regulations. Therefore, we encourage you to
13 consider including a mechanism for revising these
14 text changes on a regular basis, perhaps every
15 five years.

16 Likewise, as multiple city agency
17 approvals are required for the construction and
18 rehabilitation of residential housing, we
19 recommend that the administration convene an
20 interagency review of the various laws and
21 regulations that impact sustainable design, namely
22 the zoning resolution, building code, energy code,
23 multiple dwelling law, et cetera, to eliminate
24 inconsistencies and redundancies with these
25 proposals and other regulations to ensure that the

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proposals are as effective as possible.

There is more that can be done to improve the environment and performance of our building stock and improve the quality of life in our neighborhoods. As the City Council reviews other critical policy issues that will create a greener and more sustainable New York City, such as increases in building density and energy smart parking regulations, the expertise of the CHPC staff and members is available to provide feedback and assistance. Thank you for the opportunity to comment on these text changes and to testify at today's hearing.

CHAIRPERSON WEPRIN: Thank you very much. Anybody on the panel have any questions for anyone here? Seeing none, we thank you very much. I'm now going to ask Christian [phonetic] to call the final panel up. In the meantime, I have to step out for one minute and Council Member Jackson will chair the meeting temporarily.

CHRISTIAN HYLTON: Laurie Reilly, Chris McGannis, David West, Viraj Puri, and Travis Knop. Please assemble at the table. Give your testimony to the sergeant-at-arms.

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[Pause]

CHRIS MCGANNIS: My name is Chris McGannis. Unfortunately, I'm going to have to go.

COUNCIL MEMBER JACKSON: Okay, thank you sir. You may begin your testimony, the first person that's called. Just introduce yourself and your position and you may begin.

LAURIE REILLY: Good morning.

CHAIRPERSON WEPRIN: Good morning.

LAURIE REILLY: My name is Laurie Reilly and I am the Communications Director for the New York City Solar America City Project and I sit at CUNY, the City University of New York. Thank you for the opportunity.

In 2007, the U.S. Department of Energy designated New York City as a Solar America city and the Solar America City Partnership led by a sustainable committee is comprised of CUNY, the New York City Economic Development Corporation and the Mayor's Office of Long-Term Planning and Sustainability. The partnership is committed to supporting large scale solar energy market growth in the five boroughs and the goals of New York City's sustainability roadmap PlaNYC.

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2 For the last five years, CUNY has
3 been working a diverse group of solar stakeholders
4 including our partners at the New York City
5 Department of Citywide Planning to create and
6 implement the roadmap for the growth of solar in
7 the five boroughs. This strategic plan, New York
8 City Solar Energy Future, first published in 2007
9 and updated in 2011, lays out a path to remove the
10 barriers to solar in New York City, including
11 recommendations for zoning and building code
12 improvements. These reports are on our website at
13 New York City Solar City dot com.

14 A few specifics here, since the
15 original roadmap was published, our installed
16 solar capacity in New York City has increased by
17 nearly 800 percent and the number of solar
18 installation companies has quadrupled. So that's
19 clean power and jobs.

20 In June of 2007, Sustainable CUNY
21 launched the New York City Solar Map. It's an
22 online interactive tool that estimates the solar
23 power potential for the one million rooftops in
24 New York City. Not only does the map provide a
25 tool for building owners to make informed

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2 decisions about solar, but the 15 billion points
3 of data that backup the map provide the
4 information necessary to analyze where solar PV
5 has the potential to offset costly upgrades to the
6 grid or the use of duty generators during the
7 city's peak power usage periods. So in other
8 words, every megawatt of solar helps every New
9 York City citizen because it alleviates strain on
10 the grid.

11 There's also NYSERDA information on
12 there that requires you to do that clipboard
13 energy audit before you get the incentives back
14 for solar.

15 In 2011, the partnership won a
16 third grant from the U.S. Department of Energy as
17 part of the National Sunshine Initiative. This
18 award aims to significantly lower the
19 administrative and permitting costs for solar PV.
20 Thirty organizations collaborated with CUNY on
21 this plan, titled Smart New York.

22 A key part of this plan is the
23 creation of working groups including removing
24 zoning obstacles to solar. As one of the those
25 partners Department of City Planning is taking a

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2 strong role in this, in the leading of the
3 planning and the zoning and the use of this group
4 is to remove obstacles to solar PV that lies
5 within current zoning codes. The Zone Green text
6 amendment will remove a significant barrier to
7 solar and in sum, the implementation of this
8 amendment will support the work that CUNY and the
9 partnership is doing to reduce the costs of solar
10 PV, increase the number of solar installations,
11 lower our carbon footprint and support the growth
12 of local solar companies. Thank you.

13 CHAIRPERSON WEPRIN: Thank you very
14 much. Next?

15 VIRAJ PURI: Good morning,
16 Chairperson and Council. Thanks for your time.
17 My name is Viraj Puri. I'm the co-founder and CEO
18 of Gotham Greens. I'm here to speak in behalf of
19 this text amendment, specifically the portion that
20 would remove impediments for rooftop greenhouses.

21 As the builder and operator of one
22 of New York City's only commercial scale rooftop
23 greenhouses, I think that this bill really removes
24 impediments in a positive way.

25 Prior to building our facility in

1
2 Greenpoint, which I must add is fully compliance
3 with code and city zoning, a lot of great
4 buildings disqualified themselves from contention
5 because they did not have FAR. It's very
6 difficult to find an existing building that's
7 suitable for a rooftop greenhouse for commercial
8 vegetable production. It took us almost two years
9 to find the right building. A lot of great
10 buildings disqualified themselves, which is a
11 shame.

12 What this does is that it allows
13 people who are serious about food production in
14 the city, it removes some barriers. I mean the
15 strongest part of this resolution as far as
16 greenhouses are concerned is that it requires
17 board certification and community board approval.
18 So this is going to weed out a lot of people or
19 it's going to shelter misuse of this provision.
20 These aren't going to be people that are trying to
21 add solariums onto their buildings or add rooftop
22 nightclubs or things like this. It's specifically
23 for the cultivation of plants.

24 Growing plants is not an easy
25 endeavor. It's a very costly endeavor to build

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2 greenhouses. So I think it's naturally going to
3 weed out a lot of people who would misuse this.
4 So with that being said, as an operator of a
5 greenhouse that's created over 20 jobs in New York
6 City, fulltime jobs, 50 construction jobs,
7 produces over 100 tons of fresh vegetables and
8 herbs annually for sale in the supermarkets and
9 restaurants across the city, we are strong
10 proponents of this resolution. Thank you.

11 CHAIRPERSON WEPRIN: Thank you very
12 much. Our last two panelists?

13 TRAVIS KNOP: Good morning. My
14 name is Travis Knop and I'd like to speak on
15 behalf of Bob Fox. He's a partner at Cook + Fox
16 Architects and Terrapin Bright Green, an
17 environmental consulting company. We're very
18 pleased to support the amendments in this
19 resolution.

20 These measures will improve the
21 sustainability of the City's building stock by
22 removing unnecessary obstacles to green building
23 best practices. Specifically what is counted as
24 usable floor area can have major impacts on a
25 project's finances. None of these amendments

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2 should significantly affect the massing of
3 buildings, but they will make many energy
4 efficient upgrades affordable by recognizing that
5 they should not be treated as rentable floor area.

6 The amendments recognize that
7 counting exterior wall insulation in floor area
8 requirements is often detrimental to the economics
9 of high performance buildings. This amendment
10 would remove this disincentive.

11 We do have some concerns about
12 adding exterior insulation to walls, but we think
13 that educating the design community properly about
14 when it's appropriate aesthetically will be a
15 point that should cover any concerns about
16 landmarked buildings.

17 We're encouraged about the use of
18 sun control devices for passive energy savings and
19 a comfortable indoor environment. These devices
20 are small and located well above ground level, so
21 they should interfere with open space
22 requirements.

23 Critically, the amendments
24 recognize that outdoor space is incredibly
25 valuable in the city, and will allow building

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2 owners to use roof space effectively without
3 sacrificing building height. This will affect
4 both owners of existing buildings that are
5 overbuilt, and owners of new buildings built to
6 the maximum permitted height.

7 They allow building owners to use
8 roof-mounted solar power, which will remove a
9 market barrier for solar energy without any
10 significant tradeoffs.

11 The amendments will encourage green
12 roofs which is especially important as the City's
13 DEP is encouraging the development of green
14 stormwater infrastructure throughout the city.

15 It'll encourage local food
16 production and it will allow further exploration
17 of wind power where it is most promising: on tall,
18 waterfront properties.

19 In summary, these amendments will
20 remove several unnecessary disincentives to
21 designing high performance buildings in the city.
22 It will allow important investments in
23 sustainability to be assessed on their own merit,
24 without negatively impacting the economics of the
25 greater building project. I thank you very much

1
2 for your efforts in passing these amendments.

3 CHAIRPERSON WEPRIN: Thank you very
4 much. The last panelist, please?

5 DAVID WEST: Yes, good morning. My
6 name is David West. I'm speaking today as an
7 architect who's had a hand in designing many
8 buildings in New York City.

9 While the things about Zone Green
10 that have attracted the most attention have been
11 the wind turbines, greenhouses and solar panels,
12 these are not in fact the most significant aspects
13 of this much needed text amendment. Instead, it
14 is some mundane things: the ability to install
15 exterior insulation on walls and roofs, rooftop
16 landscaping, green roofs, water retention and
17 rooftop mechanical allowances that will have the
18 greatest impact and benefit to building owners,
19 residents and the environment.

20 The zoning text was enacted in
21 1961. Since then there has been little attention
22 paid to some of the most important and far
23 reaching details of the text. Things like
24 permitted obstructions on roofs and in yards and
25 rooftop mechanical allowances have remained

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2 largely unchanged. In 1961, the planners that
3 wrote the text did not imagine that roof space
4 could be used for anything beyond the most basic
5 shelter. What's more, most buildings were not
6 limited by strict height limits but rather by
7 setbacks and sky exposure planes.

8 Zone Green provides sensible
9 limited new allowances for exterior insulation,
10 rooftops, green roofs, water retention and
11 equipment, sunshade, solar devices and of course,
12 wind power installations.

13 Today, most new zoning is
14 contextual. Buildings are frequently built to
15 strict height limits. Often common sense designs
16 are prohibited by an out of date document. If
17 Zone Green is enacted as written, building owners
18 will have the ability to provide significant
19 upgrades to existing building stock in terms of
20 insulation, landscaping and amenities that will
21 make good environmental as well as economic sense.

22 City building officials will not be
23 asked to enforce an illogical and out of date
24 restrictions, by strict application prevent
25 upgrades or new designs that are clearly in the

1
2 best interests of everyone. Architects will have
3 an opportunity to provide the latest technologies
4 and more freedom to create exciting design. Thank
5 you.

6 CHAIRPERSON WEPRIN: Thank you very
7 much. Does anyone have any questions for the
8 panel or comments? Seeing none, thank you very
9 much, we appreciate your input. Is there anyone
10 else here who is here to testify who wasn't called
11 on? I see none.

12 So what we're going to do now is
13 we're now going to close the hearing and couple
14 the following items for a vote of the committee
15 today. At the last meeting we had the hearing for
16 the cable TV authorizing resolution which will
17 allow for increased competition in the cable TV
18 industry. That's Land Use 590. That will be
19 coupled with Land Use 600 which is the JetBlue
20 sign regulation. We're going to couple it with
21 this item we just heard, item number 601, the Zone
22 Green text amendment. Those three items will be
23 coupled. A reminder that Land Use 599, the
24 Springfield Boulevard zoning map change is being
25 put off until the next meeting.

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2 So with those three items in mind,
3 I will call on Christian Hylton to please call the
4 roll on these coupled items.

5 CHRISTIAN HYLTON: Chair Weprin?

6 CHAIRPERSON WEPRIN: Aye.

7 CHRISTIAN HYLTON: Council Member
8 Rivera?

9 COUNCIL MEMBER RIVERA: I vote aye.

10 CHRISTIAN HYLTON: Council Member
11 Jackson?

12 COUNCIL MEMBER JACKSON: Aye on

13 all.

14 CHRISTIAN HYLTON: Council Member

15 Seabrook?

16 COUNCIL MEMBER SEABROOK: Aye on

17 all.

18 CHRISTIAN HYLTON: Council Member

19 Vann?

20 COUNCIL MEMBER VANN: Aye.

21 CHRISTIAN HYLTON: Council Member

22 Lappin?

23 COUNCIL MEMBER LAPPIN: Aye.

24 CHRISTIAN HYLTON: Council Member

25 Ignizio?

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COUNCIL MEMBER IGNIZIO: Yes.

CHRISTIAN HYLTON: By a vote of seven in the affirmative, none in the negative and no abstentions, LU 590, LU 600 and LU 601 are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Thank you very much, Mr. Hylton. Sergeant-at-arms, if we can try to find Council Members Lappin.

NICK ECONOMOU: Lappin is here.

CHAIRPERSON WEPRIN: Okay, Lappin's here. Reyna?

NICK ECONOMOU: [off mic].

CHAIRPERSON WEPRIN: Great. And Council Member Garodnick, I know is chairing a hearing across the street. He is going to get here as soon as he can. He's at City Hall. Yes, that's where it is. We're going to hold the rolls open for Reyna and Mr. Garodnick until 12:15 with the understanding that we're going to get Mr. Garodnick here.

With that in mind, the meeting is now adjourned. Thank you.

[Pause]

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CHRISTIAN HYLTON: Council Member
Reyna?

COUNCIL MEMBER REYNA: I vote aye
on all.

CHRISTIAN HYLTON: The vote now
stands at eight in the affirmative, none in the
negative and no abstentions.

[Pause]

CHRISTIAN HYLTON: Final vote of
the Zoning and Franchises Committee, eight in the
affirmative, zero in the negative and no
abstentions.

COUNCIL MEMBER REYNA: This meeting
is adjourned. Thank you.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Donna Hintze

Date May 15, 2012