

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDING

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April 2, 2014
Start: 10:00 a.m.
Recess:

HELD AT: Council Chambers
250 Broadway - Hearing Room, 14th
Fl

B E F O R E: JUMAANE D. WILLIAMS
Chairperson

COUNCIL MEMBERS:

Peter A. Koo
Ydanis Rodriguez
Steven Matteo
Rorbert E. Corney, Jr.
Helen K. Rosenthal
Mark Levine
Rosie Mendez
Rafael Espinal

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

John Lee
Deputy Director
Green Buildings and Energy Efficiency
Mayor's Office of Long-Term Planning and
Sustainability

Thomas Eisele
Parts Advisor
Mayor's Office of Long-Term Planning and
Sustainability

James Colgate
Assistant Commissioner for Technical Affairs
Department of Buildings

Christine Johnson
Assistant Commissioner for Chronic Disease
Prevention and Tobacco Control
Department of Health and Mental Hygiene

Russell Unger
Executive Director
Urban Green Council

Cecil Scheib
Chief Program Officer
Urban Green Council

Laure Kerr
Director, City Energy Project
National Resources Defense Council

Victor Nazario
Resident Manager/Superintended
Whitney Condominiums

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

Howard Styles
Training Director of International Union of
Operating Engineers, Local 94's Training
program.

Hani Salama.
Secretary of BOMA
Executive Vice President
Monday Properties

Mary An Rothman
Executive Director
Council of New York Cooperatives and
Condominiums

Matthew Ararich
Business Manager
Heat & Frost Insulation

Nora Sherman
CUNY Building Performance Lab

Catherine Rangel
New York Electrical Contractors Association

Yantin Lee
Director
New York City Sustainability Program

2 CHAIRPERSON WILLIAMS: Good morning
3 everyone and thank you for coming. Council Member
4 Jumaane Williams, Chair of the Committee of Housing
5 and Buildings, and I'm joined today by Peter Koo of
6 Queens, Ydanis Rodriguez of Manhattan; Council Member
7 Matteo from Staten Island; Council Member Cornegy
8 from Brooklyn; Council Member Rosenthal from
9 Manhattan; and Council Member Levine from Manhattan.

10 Today, we'll be holding a hearing on
11 eleven -- Oh, I'm sorry. I think I'm bad. Council
12 Member Rosie Mendez from Manhattan. Today, we'll be
13 holding -- The best for last, absolutely. Today,
14 we'll be holding a hearing on 11 boroughs, most of
15 which based upon recommendations of the Green Codes
16 Task Force. As many of you probably know, the Green
17 Codes Task Force was a group of industry experts,
18 union representatives, tenant applicants,
19 environmentalists, academic developers, building
20 owners and government officials that convene and put
21 together a list of 111 recommendations for greening
22 the City's construction codes. We've got a lot to
23 cover. So I'm going to give a brief overview of the
24 bills before us, and then we'll hear from the
25 Administration and members of the public.

2 The first item before us is Intro 13:
3 Coast -- Sorry. Intro 13 sponsored by Council Member
4 Koslowitz. This bill would require that individuals
5 who are responsible for operating base building
6 systems like heating, hot water, electrical systems,
7 and other critical systems receive training for a DOB
8 approved energy efficiency program. The bill would
9 apply to buildings over 50,000 square feet in size,
10 and will cover new buildings starting on January 1,
11 2015, and it will apply to existing buildings on
12 January 1, 2017.

13 The second item before us is Intro 14 co-
14 sponsored by Council Member Levin. This bill is
15 intended to ensure that building systems and
16 equipment are properly sized and operate efficiently.
17 The bill would require that construction documents
18 show the specific heating and cooling load
19 calculations for different building systems.

20 The third before us is Intro 16 sponsored
21 by Council Member Levin. This bill is intended to
22 deal with uninsulated pipes, which can cause over-
23 heating and energy waste. The bill require that
24 portions of uninsulated piping, which is exposed
25 during alterations of repair work must be insulated.

2 The fourth bill before us is Intro 93
3 sponsored by Council Members Matteo and Ignizio at
4 the request of Staten Island Borough President Oddo.
5 The bill is aimed at mold. It will require the use
6 of mold resistant material like cement board in
7 showering and back areas and other areas prone to
8 moisture. This bill would apply to new construction
9 alterations.

10 The fifth item before is Intro 184
11 sponsored by Council Member Chin. This bill is aimed
12 a preventing heat loss in buildings. It would
13 require that building designers minimize heat loss
14 through (1) the areas where exterior walls meet the
15 foundation, and (2) the areas where mechanical
16 equipment, such as an air conditioner penetrates an
17 exterior wall. The bill would apply to new
18 construction.

19 The sixth item before us is Intro 2000 --
20 Excuse me. Intro 0202 is sponsored by Council Member
21 Koo. This bill would generally require that building
22 occupants have access to stairs that they can use to
23 get from floor to floor within the building. The
24 bill would apply to new construction, and to
25

2 alterations that cost more than 60% of the building's
3 value.

4 The seventh item before us is Intro 203
5 sponsored by Council Member Koo. This bill would
6 allow buildings to have stairway doors that are held
7 open, and close automatically in the event of smoke -
8 - to have -- this bill would allow buildings to have
9 stairway doors that are held open, and close
10 automatically in the event of smoke or fire.

11 The eighth item before us is a pre-
12 considered bill sponsored by Council Member Levin.
13 This bill would require that major energy using
14 systems and newly constructed buildings be tested for
15 efficiency, or commissioned. This bill would apply
16 to all new commercial buildings and residential
17 buildings taller than three stories.

18 The ninth item before us is another pre-
19 considered bill sponsored by Council Member Levin.
20 This bill would impose energy efficiency standards on
21 temporary construction site lighting.

22 The tenth item before us is a pre-
23 considered bill sponsored by best to last Council
24 Member Mendez at the request of Manhattan Borough
25 President Brewer. This would require that sidewalk

2 sheds built near trees in the public right-of-way
3 comply with Parks Department rules concerning tree
4 protections.

5 The Committee will also be considering
6 Intro 181, which I sponsored. This bill will require
7 that construction plans for a hotel be considered at
8 a public hearing of appropriate community vote before
9 those plans are approved by DOB. The genesis of this
10 bill was solely based on the experience in my
11 district, District 45 where the community had to ban
12 together to successfully defeat what we believe would
13 have been a hot sheet motel built in an as-of-right
14 area. Come to find out that we did not find out
15 about this hotel, and had to spend a lot of time
16 pushing it back because it was as-of-right, and no
17 information was given to the community.

18 Right now, Council Members Matteo and Koo
19 have indicated that they'd like to give a statement
20 about the bill, and I'd like to call both of them,
21 Council Member Matteo and Council Member Koo to give
22 a statement, an opening statement at this time.

23 COUNCIL MEMBER MATTEO: Thank you, Mr.
24 Chair. I want to express my appreciation to Chair
25 Williams and the members of the Committee on Housing

2 and Buildings for having this hearing on this
3 important piece of legislation, Intro 93. It was not
4 long after the tidal surges brought by Sandy receded
5 when people began returning to what was left of their
6 neighborhoods that we realized the true challenge.
7 The challenge of rebuilding our communities had only
8 just begun.

9 Many homes in the Sandy impacted areas
10 had been built decades ago under building standards
11 that have been outdated for nearly as long. It is no
12 surprise to me that the buildings that proved most
13 vulnerable were built under iterations of the
14 Building Code that are farthest removed from today.
15 I think we can take that as a reliable indication
16 that if we improve standards, we will improve
17 resiliency as well.

18 It was also apparent that we faced a very
19 real health risk for residents, and for the many
20 first responders and volunteers that were working in
21 the area. That risk -- that health risk was mold.
22 Many homes quickly became covered with it as
23 homeowners and tenants struggled to understand their
24 options. It was also not clear to what extent
25 government has the ability to enter properties to

2 address the issue, which is an issue I hope they
3 still address.

4 It is clear that we need to make sure
5 that homes we rebuild in these areas and indeed any
6 part of the city are sufficiently resistant to mold.
7 Whether it is new construction or homes undergoing
8 alterations, we need to protect the darkest and most
9 moisture prone parts of the house from mold. These
10 areas are at risk for mold accumulation even when
11 there is no flooding in the home.

12 While the mandated materials may be
13 moderately more expensive than was currently
14 required, the costs should not be difficult to bear.
15 We are requiring it for only certain parts of certain
16 spaces in the home, and ultimately, I believe this
17 will save the homeowner money long term. The costs
18 of mold remediation is expensive, and failure to
19 notice mold can lead to health complications that are
20 even more burdensome. As such, I am confident that
21 this is the right policy for the City to adopt, and I
22 urge my colleagues in this community to keep the
23 challenges of Sandy in mind as they consider this
24 legislation. I look forward to hearing testimony.
25 Thank you.

2 COUNCIL MEMBER KOO: Thank you, Mr.
3 Chairman, and thank you for holding today's important
4 hearing. As mentioned, I'm the prime sponsor of two
5 pieces of legislation being heard today. The first
6 bill, Intro 202 will mandate properly accessible
7 stairways and shortened buildings. Now our long-term
8 spring doors to end the use of stairs returning
9 physical activities and fitness. My bill will
10 encourage stair rules and will increase public safety
11 by mandating stair doors to be unlocked, signs with
12 stair rules, and they provide for the entry
13 information will be posted. And make the doors to
14 public access stairs includes includes glass.

15 My second bill Intro 202 allows the use
16 of hold-open devices and automatic closing of access
17 doors in chosen stairways. This legislation is also
18 intended to encourage the use of stairs by making the
19 systems and location clear, and it would help public
20 safety. These devices will be closely monitored so
21 that, for example, if smoke is detected, it would de-
22 activate so the door is able to close.

23 I believe that this is common sense and
24 enforce, and that they are environmentally affirming
25 and cause people to be more active and promotes

2 public safety. I look forward to hearing today's
3 testimony, and I would like to again thank my
4 Chairman Williams for holding today's hearing. Thank
5 you.

6 CHAIRPERSON WILLIAMS: Are there any
7 other sponsors that want to give a statement? With
8 that said, I'd like to call for representatives who
9 are on the first panel from the Administration. I'd
10 like to remind everyone that would like to testify
11 today to please fill out a card with the sergeant at
12 arms. We're going to first have a hearing and
13 testimony with questions on the Green Bill and then
14 we'll -- on the Green Bills, and then we'll do the
15 same for the Hotel Bill. So please raise your right
16 hand. Right hand please.

17 Do you swear or affirm to tell the truth,
18 the whole truth, and nothing but the truth before the
19 committee today.

20 MALE SPEAKER: I affirm.

21 MALE SPEAKER: I affirm.

22 MALE SPEAKER: I affirm.

23 CHAIRPERSON WILLIAMS: Please go ahead at
24 your leisure at your leisure and your --

1 JOHN LEE: Thank you. Good morning Chair
2
3 Williams and members of the Committee. I am John Lee,
4 Deputy Director for Green Buildings and Energy
5 Efficiency at the Mayor's Office of Long-Term
6 Planning and Sustainability. I'm also a registered
7 architect in the State of New York. I'm joined today
8 -- on my left is Thomas Eisele, Parts Advisor at the
9 Mayor's Office of Long-Term Planning and
10 Sustainability. To my right is James Colgate,
11 Assistant Commissioner for Technical Affairs at the
12 Department of Buildings, and Christine Johnson to my
13 far right who is Assistant Commissioner for Chronic
14 Disease Prevention and Tobacco Control at the
15 Department of Health and Mental Hygiene. We are
16 available to answer any questions you may have.

17 Thank you for the opportunity to testify
18 today on ten bills that address a variety of
19 sustainable issues related to design and
20 construction. These are training of building
21 operators in energy efficiency practices, ensuring
22 that proper sizing of insulation of heating and
23 cooling equipment in buildings; the insulation of
24 pipes in existing buildings when the walls are
25 exposed; the control of mold growth in moisture prone

2 locations; the thermal performance of exterior walls
3 and other building components. In support of public
4 stair use in buildings promotes increased physical
5 activity; lighting on construction sites, and the
6 protection of street shoes.

7 Seven years ago, the City set forth Plan
8 PlaNYC, a comprehensive plan to reduce greenhouse gas
9 emissions and improve our environment. Because New
10 York City's buildings consume the vast majority of our
11 energy and have a major impact on the City's
12 environment. The greening of the City's codes will
13 help the City achieve many of PlaNYC's goals,
14 including cleaner air, the reduction of waste in the
15 landfills, and a goal of 30% reduction in citywide
16 greenhouse gas emissions by 2030. And this goal was
17 codified by Local Law 22 of 2008.

18 In order to go to the effort of greening
19 City Codes, Urban Green Council, the local chapter of
20 the U.S. Green Building Council assembled and managed
21 the Green Codes Task Force, which was charged with
22 generating proposed changes to New York City Codes
23 and Rules to increase the sustainability of a growing
24 sector, and reduce energy consumption in buildings.
25 Out of that effort came 111 proposals, 48 of which

2 have already been incorporate into New York's laws,
3 rules or practices. The ten bills pertaining to
4 Green Codes under consideration today originated as
5 Green Codes Task Force Proposals.

6 The Mayor's Office of Long-Term Planning
7 and Sustainability was pleased to testify in general
8 support of today's joint use bills. However, our
9 support is tempered by some caveats and suggestions
10 for refinements that will help make the bills more
11 workable or that would address inconsistencies with
12 the current regulatory climates and industry
13 practices. These introductions will help achieve the
14 City's sustainability goals in measurable ways.
15 Improvements and efficiencies in the City's largest
16 buildings will result in greenhouse gas emission
17 reductions, and increase annual energy expenditures
18 citywide.

19 Reduced demand for energy will not only
20 result in cost savings for New Yorkers, but also
21 result in the reductions of emissions of air
22 pollutants from the burning of fossil fuels within
23 buildings, and electrical power plants yielding
24 cleaner air and improved health. Indoor air quality
25 and public health can also improve through better

2 construction materials and designs that encourage
3 active lifestyles.

4 The comments that we are presenting today
5 represent our initial thoughts about these
6 introductory bills, including some suggestions for
7 refinements. We are looking forward to hearing the
8 testimony of today's other witnesses as well to
9 ensure that we fully understand the technical issues
10 raised by each of them.

11 First Intro 0013: Train building
12 operators in energy efficiency would improve the
13 operations of building systems by ensuring that a
14 person in the position of direct responsibility for
15 the operation of that building has been trained in
16 energy efficiency best practices. When fully
17 implemented, this regulation alone has a potential to
18 reduce the City's greenhouse gas emissions by nearly
19 three percent across the entire city by the year
20 2030. As such, this is the single most impactful
21 proposal on the City's carbon footprint with all the
22 Green Codes Task Force proposals.

23 We support this important energy proposal
24 with the understanding that some details concerning
25 acceptable training curricula and Credentialed

2 Maintenance still need to be resolved. We advocate
3 for a board of directors comprised of stakeholder
4 interests and industry experts to be convened to work
5 through these details as administrative rules to
6 implement the law are developed.

7 Furthermore, we recommend extending the
8 compliance date in order to provide the industry
9 adequate time to educate operators. We look forward
10 to working with council members of the Department of
11 Buildings on these refinements.

12 Intro 0014: Improve heating and cooling
13 and load estimates at time of design would help
14 ensure that the mechanical systems used to heat and
15 cool buildings are correctly sized for the buildings
16 they are to serve, offering designers and engineers
17 who use rules of thumb to select the size of
18 equipment to be used in a particular building design.

19 Intro 0014 would require applicants for a
20 building permit to indicate on the application
21 documents the calculated heating and cooling loads
22 for the project, and the corresponding performance
23 values of the relevant equipment selected. We
24 support this Council Bill as a means for the
25 Department of Buildings to validate and enforce

2 quality engineering practices that produce buildings
3 that function at an optimum level.

4 Intro 0016: Requiring the insulation of
5 existing concealed pipes that are exposed during
6 alterations or repair would require that uninsulated
7 pipes in existing buildings that carry hot and cold
8 water and other fluids as part of the mechanical
9 systems of the building be covered with insulation
10 and exposed during renovations. Uninsulated pipes
11 cause thermal losses in fluids traveling within them
12 leading to increased use to maintain the intended
13 temperatures at the end of the pipeline.

14 Current codes require that mechanical
15 systems piping be insulated. However, pipes that
16 were installed many decades ago before our current
17 codes may not be covered with insulation. Intro 0016
18 would require such existing pipes be covered with
19 insulation when those pipes are exposed during the
20 course of construction.

21 The other extreme solution will lead to
22 reduced energy use in existing burners by preserving
23 the temperature of the fluid within pipes and wall.
24 We support this Council bill.

2 Intro 0093: Requiring more resistant
3 chips and board and cement board and moisture
4 permutations will amend the City's Building Code. And
5 require the use of cement board in shower areas and
6 bath surrounds, and require the use of chips and
7 board and cement board with mold resistance rating of
8 10 in accordance with ASTM D 3273 in areas of
9 continuous high humidity or direct exposure to water.

10 Molds can grow on almost any surface as
11 long as moisture and oxygen are present, and are
12 known allergens, irritants, and producers of toxins.
13 In New York City where an asthma hospitalization rate
14 in some neighborhoods is four times as high as the
15 national average, complaints of mold immunizations
16 continue to rise. While it is impossible to
17 eliminate all of mold and its spores in the indoor
18 environment, mold growth can be controlled.

19 Cement board has better long-term
20 performance than professional wallboard materials
21 because it does not mildew and it will not provide a
22 food source mold growth, nor physically break down in
23 the continued presence of mold or leaks. Adoption of
24 this measure will result in significant improvement
25 of indoor air quality with the associated reductions

2 of illnesses and related losses of productivity and
3 better quality of life.

4 We wish to point out that the provisions
5 of this bill pertaining to the use of cement board in
6 wet areas such as showers and water closet
7 requirements is included in Local Law 141 of 2013,
8 which was recently signed into law and amends the
9 Building Code. This particular introduced bill also
10 requires the use of mold resistant materials for
11 other moisture prone area such as laundry rooms and
12 basement. We generally support this bill. We
13 recommend that be reviewed for coordination with the
14 NAPA provisions of Local Law 141 of 2013.

15 We look forward to working with Council
16 and the Department of Buildings on this necessary
17 reconciliation.

18 Intro 0184: Amending heat loss to the
19 exterior walls will result in efficiency of the
20 City's Energy Conservation Code Requirements for
21 exterior walls of buildings. The exposed floor slab
22 edges of the exterior walls and the sleeves for
23 through-wall equipment, are not necessarily -- are
24 not presently required to be accounted for in the
25 thermal design and reporting requirements of the

2 Energy Code. Heat loss occurs of exterior walls
3 through exposed slab edges and air infiltration into
4 the through-wall equipment sleeves. By requiring
5 that the thermal performance of these elements be
6 accounted for in the building design, all exterior
7 wall elements will be held to the highest performance
8 standards. And building owners will save energy,
9 while building occupants will be more comfortable at
10 lest cost.

11 We support the intent of this Council
12 bill. However, the proposed methodologies for
13 calculating the thermal impact of slab edges, and
14 impacts of through-wall sleeves on building thermal
15 performance need refinement. And the cost
16 implications of these requirement warrant further
17 study, particularly with respect of affordable
18 housing.

19 We also wish to point out that this bill
20 amends Section 10 of the New York City Energy
21 Conservation Code. New State is moving to enact a
22 new energy code, which by law must be adopted by the
23 City. It is expected that the new State Energy Code
24 will be enacted sometime this summer. We recommend
25 that the Council delay action on this bill until the

2 language of this bill can be coordinated with the
3 current Energy Code and that the effective dates of
4 this bill coincide with effective dates of the new
5 Energy Code. We look forward to working with Council
6 and the Department of Buildings to further refining
7 the technical provisions of this bill.

8 Intro 0202: Public Access Stairs seeks
9 to promote public health and prevent obesity by
10 requiring new buildings and existing buildings that
11 undergo significant renovation to designate a public
12 access stairway. In order to ensure that the public
13 access stairway is open, accessible and functional,
14 and also impose requirements on those buildings
15 regarding first, access to the stairway; second, fire
16 rated vision glass on the stair door or in the wall
17 next to the door; and third, signage providing
18 directions to the public access stairs. And
19 reminders to building occupants to take the stairs.

20 The legislation would amend the
21 Administrative Code and Building Code as amended by
22 Local Law 141, 2013. Basically, it has reached
23 epidemic levels when half of New York City adults are
24 overweight or obese, and are at high risk for many
25

2 chronic diseases, and these risks are exacerbated by
3 physical inactivity.

4 Merely two additional minutes of stair
5 climbing per day can burn enough calories to prevent
6 the average annual weight gain of typical U.S.
7 adults, and climbing about three to four flights --
8 three to five floors per day on average can decrease
9 stroke risk, promote greater lower limb strength and
10 improve cardiovascular health.

11 Visibility of stairs and stair prompt
12 signs that encourage their use by the health benefits
13 placed by others have been shown to considerably
14 increase stair use with a median increase by 50%
15 across multiple studies. Additional benefits of
16 stair use include lower building operational
17 maintenance costs due to reductions in elevator and
18 escalator use, and improved familiarity with
19 emergency and fire and safety protocols with
20 increased knowledge of stair location.

21 We are in support of the intent of this
22 Council bill. We are looking forward to working with
23 the Council and the Departments of Health and the
24 Departments of Building to finalize this bill.

2 Intro 0203: Hold-open devices and
3 automatic closing of exit doors serving verticalized
4 enclosures would amend the Building Code and Fire
5 Code to permit limited voluntary use of hold-open
6 devices on stairway active doors in order to improve
7 accessibility and visibility of stairways, thereby
8 encouraging their use. It would permit such devices
9 to be used on one exit stairway per building to
10 connect no more than three levels, which must be
11 consecutive, and require such device to comply with
12 testing inspection and monitoring and fire safety
13 requirements.

14 This legislation would also require such
15 devices to close the door automatically in the event
16 that the building's fire alarm or smoke detection
17 systems have been activated. Measures that increase
18 the visibility of stairs have been shown to increase
19 their use. However, other jurisdictions have
20 successfully adopted the use of hold-open devices.
21 They are permitted by the International Building
22 Code, and various other local building codes around
23 the country.

24 Accordingly and consistent with the
25 recommendations of the New York City Green Codes Task

2 Force, this legislation is being proposed in
3 conjunction with the Public Access Stairway
4 Legislation to promote stairway use in New York City
5 by making stairs more accessible, visible, and
6 functional, and thereby promotion physical activity
7 and public health.

8 As with Intro 0202, Public Access to
9 Stairs we support this Council bill. Pre-
10 Consideration T0245 Building System Commissioning
11 would require that new buildings and major
12 renovations include replacement of mechanical
13 equipment and have current systems commissioned to
14 current -- and confirm that these systems perform as
15 designed.

16 Requiring system commissioning for new
17 building systems ensures that these systems are
18 functioning as intended and the building is using the
19 least amount of energy necessary. Proper building
20 system commissioning would lead to a healthier more
21 comfortable interior environment for the building's
22 occupants while maintaining control of energy use and
23 costs.

24 We support this Council bill, but note
25 that the requirements need to be direct and more

2 detailed. We look forward to working with Council
3 and the Department of Buildings and identifying and
4 refine the systems and procedures required by this
5 bill. We also wish to point out that this bill
6 amends sections of the New York City Energy
7 Conservation Code, and again, New York state is
8 moving to enact a new Energy Code, which by law must
9 be adopted by this City.

10 It is expected that the new State Energy
11 Code would be enacted sometime this summer, and we
12 strongly recommend that the language of this bill be
13 in accordance with the current Energy Code and
14 effective dates of this bill coincide with effective
15 dates of the new energy code.

16 Pre-Consideration T0553: Construction
17 Site Lighting will amend the City's Building Code to
18 set minimum illumination efficacy standards for
19 temporary construction site lighting, meaning that
20 highly efficient light bulbs would be allowed with
21 the requirement. New York City Construction sites
22 are commonly illuminated with inefficient
23 incandescent light bulbs. Typically, temporary
24 construction site lights remain on at all times. The
25 Building Code does not presently mandate minimum

2 energy efficiency standards by temporary construction
3 lighting and power as it does for permanent
4 installations. The high efficacy lamps specified in
5 this proposed legislation use 65 to 75% less energy
6 than incandescence lamps to provide the same amount
7 of light, and can last up to ten times longer.

8 Implementing this proposed legislation
9 will save substantial energy, reducing greenhouse
10 emissions, and improve air quality in the process.
11 We support this Council bill.

12 Pre-Consideration T0794: Protecting
13 Street Trees During Construction activities would
14 safeguard street trees from damage due to
15 construction activities and the related installation
16 of temporary sidewalk bridges. The Mayor's Office of
17 Long-Term Planning and Sustainability is working with
18 the Department of Parks and Recreation to establish
19 rules that would required practices by contractors
20 and building owners during construction activities in
21 the vicinity of street trees. This bill would
22 establish a mechanism in the Building Code to aid in
23 the enforcement of these rules. We support this
24 Council bill, and look forward to working with the

2 Department of Parks and Recreation and the Department
3 of Buildings in the refinement of this legislation.

4 Thank you for the opportunity to testify
5 on this important legislation, and I'm happy to
6 answer any questions that you may have at this time.

7 CHAIRPERSON WILLIAMS: Thank you for the
8 testimony. The majority of my questions are actually
9 on Intro 1 of these four, which are recommending
10 delay on. I have some cost questions, but I'm going
11 to let the members of the committee as a couple
12 questions first. I think we have Council Member
13 Levine? Council Member Levine, you have some
14 questions.

15 COUNCIL MEMBER LEVINE: Thank you so much
16 for your testimony, Mr. Lee. Could you discuss for
17 us the extent to which these -- this legislation
18 would apply to buildings of all sizes, or whether it
19 would be exclusively for larger buildings.

20 JOHN LEE: The majority of these bills
21 would apply to buildings of all sizes. Intro 0013,
22 which would require the certification in energy
23 efficiency for building operators would only apply to
24 buildings that measure 50,000 -- buildings that
25 measure larger than 50,000 square feet.

2 COUNCIL MEMBER LEVINE: So every other
3 proposal here is entitled to buildings no matter how
4 small even a four-unit apartment complex?

5 JOHN LEE: Now, that is true. Now certain
6 -- some of these bills may not operable to smaller
7 buildings by the mere fact that they do not have
8 certain mechanical equipment type, for example. But
9 by and large, the remainder of the bills will apply
10 to all buildings across the board.

11 COUNCIL MEMBER LEVINE: And what's the
12 logic on excluding smaller building from Intro 13?

13 JOHN LEE: Intro 13 is related to another
14 set of laws, that are collectively known as the
15 Greener, Greater Buildings Plan where the -- where
16 the scope of the buildings that there's -- those laws
17 apply to are buildings that are larger than 50,000
18 square feet. These tend to be larger buildings.
19 These larger buildings tend to have much more complex
20 mechanical systems, and the benefit to the building
21 and also to the efficiency goals of the
22 administration are much greater within this universe
23 of large buildings. There is a -- certainly a need
24 for this kind of efficiency training for operators of
25 smaller buildings, though those quite smaller

2 buildings may not number in size to be as near as
3 significant, and this bill aligns much more with the
4 current Greener, Greater Buildings Plan legislation
5 plan that they affect the larger buildings.

6 COUNCIL MEMBER LEVINE: What portion of
7 new buildings in the City up to 2,000 or smaller
8 roughly?

9 JOHN LEE: So the -- in terms of the
10 existing buildings, I'd say that the vast majority of
11 buildings are under 50,000 square feet in terms of
12 their count of buildings. And there is something to
13 the order of nearly 98% of the buildings in New York
14 City are under this 50,000 square foot threshold.
15 However, the amount of built floor area is
16 concentrated in these buildings that are larger than
17 50,000 square feet. And approximately 45% of the
18 built floor area in new York City is concentrated in
19 these two percent number of buildings.

20 COUNCIL MEMBER LEVINE: SO that means
21 that more than half of the energy use I assume is in
22 this smaller cohort of buildings for 2,000 feet or
23 smaller, is that right?

24 JOHN LEE: Yes, you could say that.

2 COUNCIL MEMBER LEVINE: So we're
3 excluding the majority of energy production from this
4 building, correct?

5 JOHN LEE: No, we are capturing the
6 majority of energy consumption in this. So this
7 pertains to building operators that are operating a
8 system that serves a major building. A significant
9 share of the energy consumed in New York City are in
10 small buildings, which we would call one to four
11 family homes. And these homes do not have the types
12 of systems that would benefit -- they don't have the
13 types of systems that are under the control of a
14 building operator, nor are they of a size that would
15 necessarily benefit from the kind of training that
16 we're proposing in this bill.

17 COUNCIL MEMBER LEVINE: So you routinely
18 perform an energy audits, correct? On buildings of
19 all sizes? Is that correct?

20 JOHN LEE: I'm sorry. Are you saying I
21 do or ... ?

22 COUNCIL MEMBER LEVINE: Well, yeah, the
23 City. Sorry.

24

25

2 JOHN LEE: The City in terms of the
3 maintenance of the City's building yes, energy audits
4 are required for City buildings.

5 COUNCIL MEMBER LEVEINE: And do those
6 audits apply to buildings of all sizes, are again are
7 smaller buildings excluded?

8 JOHN LEE: That requirement for City
9 owned buildings applies to buildings that are larger
10 than 10,000 square feet in size.

11 COUNCIL MEMBER LEVINE: And what's the
12 rationale for excluding smaller buildings from the
13 audits?

14 JOHN LEE: The legislative history behind
15 that went to -- there was much negotiation to find
16 the sweet spot number there. The City took the lead
17 by example to set a different threshold, but through
18 engagement with stakeholders, and in order to be
19 sensitive to the costs and the benefits that are
20 associated with this is how we are doing it on the
21 50,000 square foot non-city-owned building.

22 COUNCIL MEMBER LEVINE: Okay. I'm not
23 going to take up any more of the Committee's time,
24 but just suggest that we push the envelope on this
25 and push as far as possible into smaller buildings

2 because so much of the energy consumption is
3 occurring there.

4 JOHN LEE: Right. Thank you for that
5 suggestion.

6 CHAIRPERSON WILLIAMS: So I was -- You
7 know we had a pretty good briefing, and I think a lot
8 of our questions were answered, which I appreciate
9 it. I just have some other questions. I thought
10 that most of these were building 50,000 square feet
11 or more. So which ones are for 50,000 square feet
12 and more? Which one is for our building?

13 JOHN LEE: Intro 0013 applies to
14 buildings that are larger than 50,000 square feet.
15 The remainder of the bills apply to buildings
16 irrespective of their size. Again, some of the bills
17 may not have any relevancy to a single-family home.
18 For example, the stair -- the Public Access Stair
19 Bill.

20 CHAIRPERSON WILLIAMS: 0013, you said?

21 JOHN LEE: Yes.

22 CHAIRPERSON WILLIAMS: Which one is that?

23 JOHN LEE: Training of Building Operators
24 and Energy Efficiency.

25

2 CHAIRPERSON WILLIAMS: So I just want to
3 go -- I'm going to go through all of them, and one --
4 my main question is still, What would it cost me?
5 And just keep in mind, which I was glad to know that
6 this most of them I think for new constructions or
7 when alterations are being made. Is that correct?

8 JOHN LEE: Most, not all of them, no.

9 CHAIRPERSON WILLIAMS: Okay, let's go with
10 Intro 13, Energy Efficiency Certification. What
11 would be the cost to the building?

12 JOHN LEE: The cost to the building would
13 be the cost of the training curriculum as well as the
14 lost time for the --

15 CHAIRPERSON WILLIAMS: I'm sorry. One
16 second.

17 [Pause]

18 CHAIRPERSON WILLIAMS: I'm sorry. Go
19 ahead with your --

20 JOHN LEE: The cost associated with Intro
21 0013 would be incurred in the paying for the
22 curriculum to train the building operator, and the
23 lost productivity of the building operator during the
24 time that he attended the courses. The courses in
25 general are in the order of magnitude of a few

2 hundred dollars to pay for the course. For buildings
3 that are -- where the staff is in the Union, by and
4 large the union dues paid for the building owner have
5 already covered the cost of the training. In the net
6 the operational savings that would be gained by
7 having the building operator undergo this training
8 would far outweigh the cost of the training itself.

9 CHAIRPERSON WILLIAMS: What would the
10 cost of the training be?

11 JOHN LEE: Again, it depends on the
12 training course itself. It can be several hundred
13 dollars for the course. Again, for the union
14 members, it would be essentially free. It's already
15 been paid for in their deal.

16 CHAIRPERSON WILLIAMS: It's a couple
17 hundred dollars or free?

18 JOHN LEE: Yes.

19 CHAIRPERSON WILLIAMS: I'm going to come
20 back to for the other boroughs. Council Member
21 Rosenthal, do you have some questions?

22 COUNCIL MEMBER ROSENTHAL: Thank you
23 Council Member Williams. I'm sorry I have to run off
24 to a delegation meeting. And I just have a quick --
25 sort of quick question, and statement of concern.

2 There was a bill that was passed with all good
3 intentions a number of years ago about backflow in
4 buildings. And while it made sense for most of the
5 major buildings in the city, it put an undue burden
6 on many of the small brownstones. That at the end of
7 the day, unlike the situation that Council Member
8 Levine was just talking about.

9 But in this particular situation at the
10 end of the day did not have a big impact. This was
11 environment. Have you looked at these bills with an
12 eye toward how the single family brownstones are
13 going to have to implement these ideas? I mean for
14 support of them, and especially like the inflating
15 it. I think we can go a long way by inflating our
16 buildings better, and everybody you described was
17 great. But has there been consideration for, or will
18 there be for notifying and startup for a smaller
19 dwelling?

20 JOHN LEE: Absolutely. To the extent that
21 it does affect smaller dwellings and you would engage
22 in an aggressive education campaign along with the
23 Department of Buildings. Especially as one of these
24 bills affect the Building Code. And the Department
25 of Buildings maintains a robust average program in

2 which they notify the public about changes to the
3 Building Code. And I would like to point out that
4 not many of these bills would say pertain to smaller
5 buildings. A couple of them have a direct
6 correlation, for example, to mold build, and mold
7 build, of course. And I think there's very much to
8 gain on the city side to do a very aggressive
9 education campaign particularly due to the health
10 benefits that we can gain by implementing this well.

11 COUNCIL MEMBER ROSENTHAL: Here again,
12 I'm looking at all that. I guess it all depends on
13 the aggressive education that the Department of
14 Buildings does, and on enforcement and consideration
15 of fines. And what it means to enforce these rules,
16 and how much help the city gives to small buildings
17 that may not be able to comply as easily. That's it.
18 Thank you.

19 JOHN LEE: Thank you.

20 CHAIRPERSON WILLIAMS: Thank you. Back
21 to some of the questions. Intro 14. Oh, sorry, of
22 course, Intro 13 is the only you said had to do with
23 50,000 square feet, correct?

24 JOHN LEE: Correct.

2 CHAIRPERSON WILLIAMS: Okay, so Intro 14,
3 the costs.

4 JOHN LEE: So this requires the engineer
5 that is sizing mechanical equipment to be put into
6 the building to actually declare the calculations on
7 the construction documents. This was a prior
8 requirement, a much older Building Code that dates
9 back into the '60s. And in a sense this bill
10 resurrects that requirement and then states it as
11 part of the construction document approval
12 requirements.

13 This should not have any direct impact on
14 the cost, except that the engineer who has -- who is
15 doing the calculations now actually has to write it
16 down on the construction documents. Again, this is
17 something that they ought to have been doing anyway,
18 and the Code does require that calculations be
19 performed. The Code just doesn't require that the
20 calculations be declared.

21 So there is sort of an administrative
22 time increase on the part of the engineer to put this
23 -- glue this on the drawing. And then also on the
24 part of the Department of Buildings to review that
25 the calculations have actually been declared. But

2 they should have no net increase of the costs, and
3 should also bring down the overall costs in the long
4 run because the equipment has been sized properly and
5 is not wasting energy.

6 CHAIRPERSON WILLIAMS: And what about
7 the, If it is the wrong size?

8 JOHN LEE: If it is the wrong size, then
9 that should be apparent to both the engineer, and the
10 Department of Buildings at the time of application.
11 And the engineer would be obliged with it occurred to
12 redo calculations under a new sizing so that optimal
13 equipment has been specified.

14 CHAIRPERSON WILLIAMS: Any the amount
15 that the cost would be to correct?

16 JOHN LEE: Well, that's -- the cost would
17 be incurred because it was the fault of the engineer
18 that they hadn't done the calculations correctly to
19 begin with.

20 CHAIRPERSON WILLIAMS: Do you have any
21 idea of what the costs would be to correct?

22 JOHN LEE: The engineering fees depending
23 on how much they charge per hour, and I don't think I
24 could fairly speak to what the typical engineer would
25 charge. Again, this cost would range pretty vastly

2 given the scale of the building. A single-family
3 home has a much smaller air conditioning system
4 versus a million square foot office building. And so
5 the range is going to be reflective of that building
6 size range.

7 CHAIRPERSON WILLIAMS: So this is for new
8 construction, and applies to all buildings?

9 JOHN LEE: Applies to all buildings under
10 new construction. This also applies to major
11 renovations in which the mechanical system is being
12 changed.

13 CHAIRPERSON WILLIAMS: And that's -- so
14 major alterations is over 60%?

15 JOHN LEE: The threshold is 50% --

16 CHAIRPERSON WILLIAMS: 50%.

17 JOHN LEE: -- of replacement value.

18 CHAIRPERSON WILLIAMS: Fifty percent of
19 replacement value?

20 JOHN LEE: Yes.

21 CHAIRPERSON WILLIAMS: And Intro 16?
22 What will it cost the -- ? And this is only if
23 they're doing repairs, right?

24 JOHN LEE: Correct.

25

2 CHAIRPERSON WILLIAMS: We can skip that.
3 And this is for everybody if it's for all building?

4 JOHN LEE: That's correct.

5 CHAIRPERSON WILLIAMS: How is DOB going
6 to know if there's a pipe that is exposed?

7 JOHN LEE: If it's within the inspection
8 regime of the Department of Buildings, then the
9 Department of Buildings' Inspector would be known.
10 There is also much of the verification is deferred to
11 the professional. So the professional would be
12 asserting to the Compliances Code.

13 CHAIRPERSON WILLIAMS: I'm going to pass
14 to Council Member Matteo for the next question.

15 COUNCIL MEMBER MATTEO: Thank you, Mr.
16 Chairman. In terms of Intro No. 93, can you explain
17 the benefits of the mold resistant gypsum board, the
18 cement board and how it compares what's currently
19 being used?

20 JOHN LEE: The mold resistant materials
21 are inherently moisture resistant. Typical
22 professional wallboards are made of a combination of
23 gypsum and paper, and they have the tendency to
24 retain moisture. And by having moisture and putting
25 it into the material and exposure of the oxygen that

2 promotes the mold growth. These mold resistant
3 materials are either in company or with other
4 materials that are inherently mold resistant
5 materials themselves and, therefore, they never
6 create the environment that is optimal for mold
7 growth.

8 COUNCIL MEMBER MATTEO: So, after Sandy
9 we had tons of mold issues in my District, and I can
10 understand how people were rushing to take the mold
11 out. Would this mold resistant movement hold on much
12 better in a storm such as Sandy, and just in everyday
13 wear as well?

14 JOHN LEE: In terms of resistance to
15 mold, yes.

16 COUNCIL MEMBER MATTEO: And do you have -
17 - How much -- Know how much more expensive those
18 products are compared to what you have now, a cost
19 analysis?

20 JOHN LEE: We did do a cost analysis.

21 COUNCIL MEMBER: [off mic]

22 JOHN LEE: So on a per square foot basis
23 for the material itself, it can be two to three times
24 more. Now, we're also talking about to the order of
25 28 cents per square foot for a conventional material

2 versus 41 cents per square foot for the mold
3 resistant material. Now this doesn't apply to the
4 entire building.

5 COUNCIL MEMBER MATTEO: Just to the
6 locations?

7 JOHN LEE: Right.

8 COUNCIL MEMBER MATTEO: I understand.
9 That's good. I appreciate it. Thank you, John.

10 CHAIRPERSON WILLIAMS: So you said two to
11 three times more --

12 JOHN LEE: Than the material itself.

13 CHAIRPERSON WILLIAMS: What would that be
14 in a two-family home. If you were going to build a
15 two-family home, how much more would that be?

16 JOHN LEE: Yeah, I could do back of the
17 envelop calculation in my head, but just as stock or
18 single family or two family home, if they have two to
19 four bathrooms for the entire building it could
20 increase the cost of the construction of the entire
21 building by the order of a couple hundred dollars.

22 CHAIRPERSON WILLIAMS: And this again is
23 for new construction with alterations over 50%?

24 JOHN LEE: Yes.

25

2 CHAIRPERSON WILLIAMS: Thank you.
3 Council Member Espinal.

4 COUNCIL MEMBER ESPINAL: Thank you,
5 Chairman. I have a question in regards to Intro 202.
6 I have to go on record by saying that 250 Broadway
7 has the worst elevator that's in the City of New
8 York. One of the scariest rides I go through every
9 morning when I'm here. Is there something hindering
10 buildings from opening up the stairways, or is anyone
11 able just to access stairways if they please to?

12 JOHN LEE: No, there isn't anything that
13 inherently prohibits, and these boroughs have been
14 designed in order to actually encourage the public
15 access use.

16 COUNCIL MEMBER ESPINAL: Okay. So
17 management is able to actually open up the stairways
18 currently if they choose to, correct?

19 JOHN LEE: Well, so, they can't just
20 simply open the stairways. Most of the stairways
21 have been designed where the fire door does actions
22 that the stair must remain closed. And this is in
23 order to segregate smoke and fire from infiltrating
24 the emergency exit. There are acceptable devices
25 that can be used. There's, for example, this hold-

2 open device, which is activated, and forces the door
3 closed during a smoke condition. And that's one of
4 the functions of this bill is to enable the uses of
5 those kind of devices.

6 COUNCIL MEMBER ESPINAL: What would be
7 the cost of a building like 250 Broadway to put in
8 all these devices in place?

9 COUNCIL MEMBER: [off mic]

10 JOHN LEE: Well, there is a cost
11 associated with it. Again, the way -- the extent to
12 which it would be quantified depends on the size of
13 the building. A building like 250 Broadway would be
14 on the higher end given how large the building is.
15 Now, it is just complicated in the sense that you
16 have to have specialty professionals coming in
17 because these devices such as the hold-open device
18 must be connected with the fire alarm system. And so
19 there's an electrical and life saving component to
20 it. Suffice it to say that it is complicated, and
21 there will be a cost incurred too?

22 COUNCIL MEMBER ESPINAL: All right, thank
23 you.

24 CHAIRPERSON WILLIAMS: So I just wanted
25 to go back a couple because I asked about the small

2 building. I also wanted to ask about some of the
3 larger ones. So, with Intro 13 was my question in
4 smaller buildings or larger ones? So a couple
5 hundred dollars for Intro 13. Was that for a small
6 building or a larger one Intro 13?

7 JOHN LEE: But this is per person
8 charges.

9 CHAIRPERSON WILLIAMS: It doesn't matter.
10 Okay. And for 93, is that -- It was a couple hundred
11 dollars I think you said for a two-family. What
12 about a building like 250?

13 JOHN LEE: Well, of course, the -- it
14 scales up with the increased number of motion prone
15 areas that that are in the building. It would depend
16 on the use, but I would think it's safe to say that
17 there is a linear scale onto this.

18 CHAIRPERSON WILLIAMS: Average, well what
19 do you think?

20 JOHN LEE: So 250 Broadway, and they have
21 gang bottling for both sexes on every floor going up
22 50 stories. It will increase the costs. Again,
23 though, as a percentage of the entire construction
24 costs, it would be nominal.

2 CHAIRPERSON WILLIAMS: Okay, do you have
3 that number?

4 JOHN LEE: I would be happy to write you
5 a number at another time in which I could sit in
6 front of a calculator and come up with something I
7 think.

8 CHAIRPERSON WILLIAMS: Okay. Do you have
9 anybody that can calculate while we're talking?

10 JOHN LEE: Sure. We can look into that.

11 CHAIRPERSON WILLIAMS: Okay. Council
12 Member Matteo.

13 COUNCIL MEMBER MATTEO: Okay. You talk
14 about the increase in costs. Obviously for a few
15 hundred dollars for a one or two family, and the
16 increase obviously that you're going to find out.
17 What's the savings, though, on the back end of making
18 sure that we have these mold resistant materials in
19 all these buildings. I mean we're saving money on
20 the back end, if there's a problem. And God forbid
21 there's another super storm like Sandy or something
22 like that?

23 JOHN LEE: Well, that is very difficult
24 to quantify. Here there is a savings, as you have
25 planned out, and if there is an event, but maybe a

2 leaky pipe or something, a pipe burst that the cost
3 of recovery will be vastly reduced. There's also a
4 motivation here in this bill for the health benefit.
5 And again, that is also very difficult to qualify --
6 quantify. You know, I could say this seems to be
7 immeasurable in that sense if we can preserve the
8 health of our decisions.

9 COUNCIL MEMBER MATTEO: Great.

10 CHAIRPERSON WILLIAMS: All right, I think
11 most of these have a benefit that I believe will
12 outweigh the costs depending on what it is. But I
13 still do want to have a perspective on what the cost
14 may be to owners. One second, please.

15 [Pause]

16 CHAIRPERSON WILLIAMS: ... seeing what
17 our costs were. Can you walk us through what's
18 involved with commissioning a building?

19 JOHN LEE: Commissioning involves testing
20 and calibration of the mechanical equipment after it
21 has been installed. So during the course of design
22 and construction, the mechanical engineer will
23 calculate the necessary loads. They'll size the
24 equipment. They'll install the equipment, and between
25 design, and actual installation, there may have been

2 errors during the course of construction that can
3 only be uncovered once you actually test the
4 equipment. Right now, there is no commissioning
5 requirement. And so many building owners who will
6 occupy the buildings without fully understanding
7 whether or not there had been deficiencies that
8 occurred during the course of construction.

9 So commissioning is primarily a testing
10 and verification that the equipment is being -- is
11 performing as it is intended. Now, the -- I would
12 say the most savvy building owners and developers do
13 this today as a normal course of business. They're
14 as prudent as a purchaser of anything that you get
15 that you're paying for. So commissioning does occur
16 today. This bill would require commissioning and
17 verification through the department buildings that
18 the commission has actually occurred.

19 CHAIRPERSON WILLIAMS: This is for all
20 building also.

21 JOHN LEE: Yes.

22 CHAIRPERSON WILLIAMS: The same question
23 the cost of two family ...

24 JOHN LEE: I'm sorry. I should have when
25 we were talking about it. It applies to buildings

2 with the exception of residential buildings that are
3 under three stories in height.

4 CHAIRPERSON WILLIAMS: I see.

5 JOHN LEE: That are three stories and
6 under in height?

7 CHAIRPERSON WILLIAMS: What would be the
8 cost for a building like 250?

9 JOHN LEE: A building like 250 will --
10 the costs incurred, engineering services and if any
11 corrections are needed then the contractor would have
12 to come back. This ought to be included within the
13 scope of services of any engineer and contractor.
14 Then it's always buyer be ware that the owner ought
15 to have accounted for the potential costs through
16 commissioning in the original contracting. Again,
17 today most good building owners and developers are
18 doing this already. The cost incurred would be
19 actually a protective measure for the owner.

20 CHAIRPERSON WILLIAMS: So basically, this
21 is just to make sure that everything is working?

22 JOHN LEE: That is correct.

23 CHAIRPERSON WILLIAMS: Have we had issues
24 with anything not working in buildings in New York
25 City?

2 JOHN LEE: Yeah, that does occur. We also
3 back in 2009 enacted a law called Retro
4 Commissioning, which requires large buildings to go
5 back and check again every once in a while to make
6 sure that it's still working. This particular bill
7 is making sure that everything is working at the time
8 that it was installed.

9 CHAIRPERSON WILLIAMS: All right, the
10 next Pre-consider Intro dealing with construction
11 site lighting. What is the cost of that?

12 JOHN LEE: The cost would be nominal. At
13 the end of the day, we're talking about light bulbs,
14 and the savings that would be reaped by the owner
15 from reducing major costs. Of course, construction
16 would outweigh light bulbs results.

17 CHAIRPERSON WILLIAMS: So there's no
18 requirements? But there have to be. There are
19 probably lighting requirements for construction right
20 now?

21 JOHN LEE: The code does require lighting
22 on construction sites. The code does not specify
23 what kind of lighting.

24

25

2 CHAIRPERSON WILLIAMS: The Pre-Consider
3 Intro for protect streets trees. Any costs
4 associated with that?

5 JOHN LEE: The direct costs that may be
6 incurred are difficult to quantify because this has
7 to do with the way a particular site may end up
8 putting up the sidewalk bridges and what kind of
9 trees are on those. So if there are no trees or one
10 tree, then obviously the cost is very minimal. The
11 cost here would be incurred directly by the erectors
12 of the sidewalk bridges. And the way that the rules
13 around the protection of street trees are heading is
14 to essentially avoid this area around the street
15 trees when erecting the sidewalk bridges.

16 CHAIRPERSON WILLIAMS: And this is for
17 those -- I guess it could be for all building but I
18 mean primarily it probably would be used on larger
19 construction sites.

20 JOHN LEE: Yes.

21 CHAIRPERSON WILLIAMS: Okay. Thank you.
22 I forgot. I didn't recognize Council Member Reynoso
23 from Brooklyn. Council Member Rodriguez I think is
24 here from Manhattan and Council Member Torres are
25 from the Bronx is here as well. Did any other of my

2 colleagues have any additional questions? Hold on
3 one second please.

4 [Pause]

5 CHAIRPERSON WILLIAMS: I think we were
6 going to try to calculate one more cost.

7 JOHN LEE: Yes, there is some furious
8 math going on behind my shoulder here.

9 MALE SPEAKER: Again, use this napkin as
10 a typical example of 250 Broadway - -

11 CHAIRPERSON WILLIAMS: Sure.

12 JOHN LEE: -- to go from conventional gyp
13 board to mold resistant board. So our building is
14 about -- it's about \$80 per floor premium to go to
15 mold resistant material. And maybe also note that a
16 lot of these spaces are already addressed in Local
17 Law 141, the update to the Zoning Code.

18 CHAIRPERSON WILLIAMS: Thank you. I
19 appreciate the furious math that got us there. I
20 want to thank you so much for your testimony. I
21 appreciate you being here and providing the
22 expertise. So thanks again.

23 JOHN LEE: Thank you kindly.

24 CHAIRPERSON WILLIAMS: Next I'd like to
25 call up the next panel. Russell Unger and Cecil

2 Scheib from the Urban Green Council, and Victor
3 Nazario. I think this is Laurie Kerr, NRDC; and
4 Howard Styles. And the panel after that will be
5 Angela Pinsky [phonetic] from REBNY; Hani Salama from
6 BOMA; Dwayne Andrews, American Council of
7 Engineering, and Rick Bell, American Institute of
8 Architects.

9 [Pause]

10 CHAIRPERSON WILLIAMS: For the record, we
11 have testimony from the Falcon Group [phonetic],
12 React [phonetic], International Association of Heat
13 Enforced Insulators and Allied Workers; Relay
14 Plumbers and Local 1 Training Center; ASHRAE New York
15 Chapter; Environment Defense Action Fund.

16 CHAIRPERSON WILLIAMS: [off mic]

17 [Pause]

18 MALE SPEAKER: Hello.

19 CHAIRPERSON WILLIAMS: You guys prepared?
20 Ready? If you can raise your right hand, please. Do
21 you swear or affirm to tell the truth, the whole
22 truth and nothing but the truth before the committee
23 today.

24 MALE SPEAKER: Yes.

25

CHAIRPERSON WILLIAMS: Great. If you can just get started in the order of your preference.

RUSSELL UNGER: Good morning, Chairman Williams and members of the Committee. My name is Russell Unger. I'm the Executive Director of Urban Green Council and served as the Chair of the New York City Green Codes Task Force, and with me today is Cecil Scheib who is Chief Program Officer of Urban Green. We're here to testify in support of the bills, which implement recommendations the task force. My comments will highlight some of the bills, but I'm going to spend most of my time talking about the importance of the Council's long standing support for Green Codes. That's might hide the depth of our technical knowledge, and Cecil is mentioned here. So any technical questions we could help with as well.

When folks like us think about people's health, clean air, environmental justice or economic development, we often think building codes. And that leaves a lot of other people scratching their heads. The Building Codes are essential to these issues because New York City is a city of buildings, and we spend most of our time at work, at home, at school inside a building. So building codes are the DNA of

2 those buildings, and they control what new buildings
3 arise, and how existing ones grow and change over
4 time.

5 So if you want healthier New Yorkers,
6 make stairwells more accessible and inviting so those
7 who want to walk can do so. If you want to reduce
8 asthma kids, make sure the boilers are the right size
9 and run efficiently so that it may not be releasing
10 additional soot. Make sure drywall is mold
11 resistant. If you want buildings to reduce
12 pollution, help stop global warming while growing the
13 green job sector of New York, require energy
14 efficient training or building operators in large
15 buildings.

16 So all the solutions are in the bills
17 before you today. And if you want to have a city 20
18 years from now where no child has to be bathe in a
19 moldy bathroom and the air is clear, it has to start
20 with codes that you work on today. So as you'll hear
21 from other speakers, there's an extremely broad
22 coalition supporting Green Codes. Interest as varied
23 as real estate owners, unions, architects,
24 environmental justice organizations are either here
25 or provided testimony.

2 I'd also like to note that you'll hear a
3 lot of conversations about costs, but part of what
4 happens is leaders in the industry adopt clean
5 practices, and there's a premium associated with them
6 because they are new practices. When we codify them,
7 all of sudden that mold resistant drywall, which is
8 only used in say a quarter of the buildings is
9 everyone is using them and the costs are going down.
10 We've seen that time and time again.

11 So the Council has passed many Green
12 Codes in the past, but today's bills are kind of a
13 special case both because of the number being
14 considered, and the problems with some of them.
15 Perhaps most importantly are the bills with mold and
16 energy efficiency training of building operators.

17 I would also like to note that again that
18 as acting Councils being in the city as being I think
19 council members' questions were on point that a lot
20 of it has focused on large buildings for good
21 reasons. And perhaps it's time to start thinking of
22 smaller buildings because in other cities that have
23 similar laws as New York City the threshold isn't
24 50,000 square feet. It's 10,000 or 15,000.

2 So we have a few particular suggestions
3 for tweaks and improvements of laws that stand with
4 the industry in overwhelmingly general support to
5 this. So I just want to commend the chair of the
6 committee for moving forward to a hearing on this so
7 early in the term, and we're eager to assist the
8 Council in any way we can. Thank you.

9 CHAIRPERSON WILLIAMS: Thank you, and
10 thank you for helping convene our Task Force. To
11 begin with, I made a slight error. I did not set the
12 time. So I want to be fair to everyone. We're
13 probably going to set it very soon, probably around
14 four minutes because as I said before, we don't want
15 to be hard and fast. But just give a little thing to
16 let you know that you've been speaking for four
17 minutes. So if you can try to keep that in mind,
18 that's what we're going for. Thank you.

19 [Pause]

20 LAURIE KERR: Hello. Chair Williams and
21 members of the Committee, I'm delighted to be
22 testifying today in favor of the slate of Green Code
23 Ordinances that are being heard. My name is Laurie
24 Kerr, and I work in the Natural Resources Defense
25 Council wherein the Director of the City Energy

2 Project. I'm also a licensed architect in the State
3 of New York. Full disclosure: I also participated
4 in the development of many of these code provisions
5 in my former role as Deputy Director of the New York
6 City Mayor's Office of Long-Term Planning and
7 Sustainability.

8 Before addressing the particular bills
9 that are before us today, I want to touch on the
10 importance of New York City's leadership from the
11 national perspective. Currently, cities are being
12 seen as the cauldron of change in America, the place
13 where the very best ideas are being generated. This
14 is particularly clear of New York, the nation's
15 largest city, which has led the charge on policies
16 promoting public health and a better environment. In
17 fact, energy efficiency policies piloted in New York
18 and a few other cities are now viewed as so
19 beneficial that they're being tailored to ten other
20 American cities, including Los Angeles, Chicago,
21 Houston, and Atlanta in the project that I now
22 direct.

23 And cities internationally are also
24 studying this New York City policies. Now, that's
25 impact. And to heed the warnings that came out

2 yesterday from the International Panel on Climate
3 Change, impact is what we'll need if we want to
4 protect the citizens of the City of New York and
5 other cities from the catastrophic impacts of climate
6 change. Still, are these eleven code proposals for
7 New Yorkers now? I think that they are. They fall
8 into three main categories with the exception of
9 Intro 181 related to hotels that I won't comment on.
10 Three of the proposals would improve public health.
11 Intro 93 will help reduce mold growth in bathrooms
12 and other damp places. And mold exacerbates the
13 asthma, which afflicts so many New Yorkers,
14 especially low income New Yorkers.

15 Intro 701 and 702 will help reverse the
16 obesity and the epidemic, which seriously threatens
17 the long-term health of so many New Yorkers. Making
18 it easier for people to use the stairs is a simple
19 common sense idea since integrating movement into
20 everyday activities is the best way to keep people
21 exercising. Six of the proposals will improve the
22 energy efficiency of New York's buildings, which are
23 responsible for almost three-quarters of New York's
24 carbon emissions.

1
2 I'm only going to discuss a few of these,
3 but together these proposals will go a long way
4 toward reducing the energy wasted in buildings that
5 result in air and carbon pollution, and increase our
6 cost of living. Two of these proposals, Intros 13
7 and 245 will ensure that our buildings are running
8 properly. Surely, the first thing that should
9 happen. Intro 13 will do this by ensuring that
10 building operators are trained in the energy systems
11 they control.

12 And Intro 245 would ensure that buildings
13 have been tuned to run properly when they're built.
14 Intro 13 would also enhance a career path for many
15 New Yorkers who operate buildings. By knowing how to
16 run energy systems in a way that saves buildings
17 money, they would become more valuable in the
18 marketplace.

19 Finally, I want to mention Intro 695,
20 which will ensure that our building facades are built
21 to keep the heating and cooling -- for which we pay
22 so dearly -- from rapidly leaking out. Finally, one
23 proposal, Intro 794 will protect the street trees
24 that make New York streets so pleasant to look at,
25 and provide much needed shading and cooling in the

2 summer. The street trees are constantly endangered
3 by sidewalk sheds that are erected every five years
4 to protect our facades. Apparently, there are enough
5 of these sidewalk shed to go from here to Baltimore.
6 Our street trees don't need to be damaged in this
7 way. We can have safe facades, and healthy trees if
8 we just take reasonable precautions.

9 So while I'm generally in favor of the
10 code proposals before you now, I have a few proposals
11 for improvements. The initial proposal on street
12 trees was stronger and clearer. I would urge the
13 Council to return to the earlier version. Intro 553
14 on Construction Light -- Site Lighting has omitted
15 the requirement that all safety lights be turned off
16 when workers have left. This requirement should be
17 included to save energy and so that New Yorkers can
18 sleep at night. Thank you very much for the
19 opportunity to testify today.

20 CHAIRPERSON WILLIAMS: Thank you for your
21 testimony. We can move to the next speaker. Please
22 identify yourself before you speak.

23 VICTOR NAZARIO: Good morning, my name is
24 Victor Nazario, Chair Williams, members of the
25 Committee. I'm a member of Local 32BJ, SEIU, as well

2 as The Resident Manager/Superintended for the Whitney
3 Condominiums located at 311 East 38th Street. 32BJ
4 is affiliated with the Service Employees
5 International SEIU and is the largest property
6 service workers union in the country with more than
7 120,000 members in eight states, and Washington, D.C.
8 Seven thousands of our members are located in New
9 York City and Long Island.

10 Our members include residential building
11 service workers, security officers, door persons,
12 window cleaners, and maintenance workers elevate
13 their socio-economic standing by winning better
14 compensation, job security, and education as well as
15 resources. Although we support the Green Codes
16 Initiative headed by the New York City Urban Green
17 Council, we are still evaluating the legislative
18 package in front of you, and we'll give you specific
19 comments at a later time.

20 However, I'd like to take this
21 opportunity to discuss one aspect of this
22 legislation, which is the need for training building
23 operators in energy efficiency. Over the course of
24 my 20 years in the building service industry, I've
25 learned that installing expensive equipment, and

2 automated systems can be important to building
3 operations, but it doesn't always translate into
4 greater efficiency. The best investment for
5 efficiency is in the very people who run the
6 buildings.

7 It doesn't matter how much money a
8 building invests in an automated system if the staff
9 is not involved or trained in its operation. As a
10 superintendent, I happen to be the eyes and ears of
11 the building. So I know the nuances of my building,
12 and I'm often the first person to know if something
13 is wrong. But having said that, one thing that is
14 very clear today is the building service and
15 maintenance industry is changing and becoming much
16 more complex in nature. And we, as building
17 operators, need to grow and evolve with these very
18 changes.

19 32BJ has had the foresight and insight to
20 provide cutting edge courses and training in quote,
21 unquote "Green Buildings Strategies" for its member.
22 And as a member, I have been privileged to take these
23 pivotal and timely classes, and this has given me the
24 needed information and knowledge to work along side
25 of the Board of Directors of the Whitney Condominiums

2 where I work in the process of making their building
3 more energy efficient. My job is not just about
4 keeping the building clean safe. It's about managing
5 energy.

6 If you want to make buildings more energy
7 efficient, the operators need to learn the
8 strategies, and concepts that will empower them to
9 find the best policies and technologies for their
10 buildings. Over the last several years, the 32BJ
11 Training Program has developed a basic green supers
12 training course to keep our workforce competitive.
13 With support from the Realty Advisory Board and major
14 property management companies, we've trained over
15 2,000 of our members.

16 The course covers green building
17 strategies, and the building envelope lighting
18 efficiency and controls, HVAC efficiency strategy
19 efficiency strategies and indoor environmental
20 quality. And our training gives our members the
21 opportunity to earn industry certification as energy
22 efficient building operators. But beyond the
23 training, our members apply what they learn to their
24 buildings. And as you know, since I'm not only a
25

2 32BJ Union member, but I am now also an instructor
3 for the 32BJ Training Fund.

4 I can tell you first hand that training
5 can transform the building operator into a strong
6 advocate for making a building more efficient and
7 healthy, saving money for the building, improving the
8 quality of life for the residents, and reducing our
9 carbon footprint on future generations. In a survey
10 of thousands of members who completed our Green
11 Supers Training, 64% reported making improvements to
12 their buildings ranging from upgrading lighting to
13 improving the building envelope to reducing water
14 use, and more.

15 Our union members went back to the
16 buildings, and found low cost or no cost
17 opportunities such as installing a lighting sensor,
18 or insulating pipes. They learn how to test the
19 performance of the boilers, and how to track water
20 use through sub-heating, and how to maintain logs on
21 the mechanical systems. And they understood how to
22 repair old boilers while fixing broken lighting
23 fixtures, how that can be an excellent opportunity to
24 upgrade more efficient equipment.

25

2 I hope these comments are useful in your
3 evaluation of the legislation before you. Again, we
4 will follow up with any specific comments on the
5 legislation at a later time. I'm happy to answer any
6 questions that you might have about our Green
7 Building Training Program. Thank you very much for
8 the opportunity.

9 COUNCIL MEMBER ULRICH/ACTING CHAIRMAN:

10 Thank you for your testimony, and your chairman is
11 about to alleviate my command. So I'm going to turn
12 the gavel back over to him.

13 CHAIRPERSON WILLIAMS: You look a little
14 too comfortable over here.

15 COUNCIL MEMBER: [off mic]

16 CHAIRPERSON WILLIAMS: All right, thank
17 you so much for that testimony, and all the work you
18 put in. I appreciate it. Is Howard Styles here?

19 HOWARD STYLES: Yes.

20 CHAIRPERSON WILLIAMS: Okay, did you want
21 to testify? Okay, you want to grab a chair or what?

22 [Pause]

23 CHAIRPERSON WILLIAMS: And thank you
24 Council Member Ulrich. Fantastic job. I heard rave
25 reviews.

2 [Pause]

3 CHAIRPERSON WILLIAMS: You didn't have to
4 leave. You could have stayed. It's okay.

5 COUNCIL MEMBER: [off mic]

6 CHAIRPERSON WILLIAMS: No, no, it's okay.

7 [Pause]

8 HOWARD STYLES: At Mike's house? Oh. My
9 name is Howard Styles. I'm Training Director of
10 International Union of Operating Engineers, Local
11 94's Training program. That training program is
12 funded by the employers. Our more than 6,000 members
13 are chief engineers, assistant chiefs, engineers and
14 helpers with most of our city's commercial buildings.
15 Our members also work in hotels and public schools.

16 For close to 30 years Local 94's Training
17 Program has taught and provided our members with the
18 necessary technical abilities and the mechanical and
19 electrical skill sets needed to address problems such
20 as indoor air quality, environmental control,
21 electrical power systems, energy conservation of
22 computer controlled buildings within today's
23 demanding real estate industry.

24 Through program accreditation by and
25 cooperative study alliance with Building Owners and

2 Management Institute, which we call BOMI, graduates
3 of Local 94's Trainings Center are eligible to
4 receive BOMI as Systems Maintenance Technician. For
5 further study through BOMI graduates of our training
6 center may train for BOMI certifications as Systems
7 Maintenance Administrator.

8 Our programs are also certified by the
9 nationally recognized Building Operator Certification
10 known as BOC, the New York City Fire Department, the
11 Department of Conservation, Environmental Protection
12 Agency and OSHA. our graduates can further their
13 careers by obtaining Building Operator Certificates
14 and awarded 15 college credits towards an Associate
15 or Bachelor Degree from New York City College of
16 Technology.

17 As leaders in training within the
18 industry, we are pleased to support this committee's
19 efforts to address the thermal performance of
20 external walls, commercial efficiencies, energy
21 efficiency certifications, heating and cooling
22 efficiencies, and system commissioning. Having read
23 the proposed legislation, I believe there are some
24 questions left unanswered within the language of
25 Intro 13, such as: Will the City be using exiting

2 certification, or will it generate new certification?
3 Does the Building Operations - Operator Certification
4 meet the current Intro 13 certification requirements?

5 And finally, what is the duration and
6 level of training required for the certification on
7 Intro 13 certification requirements. As I noted
8 earlier, the members of Local 94 deal with
9 efficiency, sustainability, and are committed to the
10 greening of our city.

11 On behalf of Local 94 President Cooper
12 Brown we also would be more than happy to meet with
13 the members of this committee and/or your staff to
14 further discuss the issues I have raised, and we
15 would also like to extend an invitation to visit our
16 training center, and see first hand how we seriously
17 take this commitment. I will be happy to answer your
18 questions. Thank you.

19 CHAIRPERSON WILLIAMS: Thank you very
20 much for your testimony. I know that you and I think
21 the other panelists had some specific recommendations
22 and other questions. If you can get that to the
23 committee, that would be great as we're deliberating
24 what -- how the bill has moved forward particularly
25

2 in light of the hearing today. So please get that to
3 the committee. Thank you.

4 [Pause]

5 CHAIRPERSON WILLIAMS: Okay, can we get a
6 second -- one more chair? We're going to have
7 probably five. Next, we have Angela Pinsky, from
8 REDY, Hani Salama from BOMA; Dwayne Andrews from
9 American Council of Engineering Companies of New
10 York. Rick Bell, American Institute of Architects.
11 Mary Ann Rothman, CNYC, Council of New York
12 Cooperative and Condominiums.

13 And after them, we will have the final
14 panel on this from Yatin [phonetic]Lee. From New York
15 League of Conservation Voters, Matthew Ararich, I
16 believe. I think I pronounced that wrong or Allrich
17 from Heat and Frost Insulators, Nora Sherman, CUNY
18 Building Performance Lab. David Burney, Center for
19 Active Design, former DOT Commissioner, and Christie
20 Rangel, the National Electrical Contractors
21 Association.

22 [Pause]

23 CHAIRPERSON WILLIAMS: So this is this
24 panel. There's another panel after. That is all the
25 names that we have. So if anyone else wants to

2 testify, please take a moment to fill out a card from
3 the sergeant at arms. We have four. So Angela
4 Pinsky, Hani Salama, Dwayne Andrews, Rick Bell. No
5 with that, and Mary Ann Rothman.

6 [Pause]

7 CHAIRPERSON WILLIAMS: Please raise your
8 right hand. Do you swear or affirm to tell the
9 truth, the whole truth, and nothing but the truth
10 before the committee today? You can begin at any
11 point at your leisure and your order. Thank you.

12 ANGELA PINSKY: Good morning Chairperson
13 Williams and members of the Housing and Buildings
14 Committee. On behalf of the Real Estate Board of New
15 York representing over 15,000 owners, developers,
16 managers and brokers of real property in New York
17 City thanks for giving me the opportunity to testify
18 regarding many of the proposed changes to the Ad Code
19 and the Construction Code.

20 We appreciate that New York City -- the
21 New York Council has been proactive in seeking out
22 comments and collaborating the building owners. For
23 many of the bills, we support the intent of the goals
24 of the proposal. We have worked diligently with the
25 Mayor's Office of Long-Term Planning and

2 Sustainability and the Department of Buildings in the
3 past, and dedicated many hours to hearing,
4 discussing, and addressing those specific concerns.
5 These discussions are very productive. However, REBNY
6 does not believe that these bills reflect all of the
7 progress made in conversations. Given the number of
8 bills in the agenda, we have prepared a detailed list
9 of comments in the attached appendix, and we only
10 highlight some of the major concerns now.

11 For Intro 13, Training Building Operators
12 in Energy Efficiency, we believe the current
13 legislation is far too big and greater specificity
14 about the program is needed in legislations such as
15 the necessary numbers of hours of education, program
16 costs, and the process for approving new training
17 programs. We are also concerned about the proposal's
18 impact on those currently working whose ability to
19 complete training is impaired, such as non-English
20 speaking workers, and operators or varying levels for
21 classroom literacy.

22 Intro 14, Improved Heating and Cooling
23 Load Estimates. The requirement for room-by-room
24 estimates would be extremely onerous for both the
25 design community and DOB's review with little benefit

2 of the planning submission stage as heating cooling
3 loads are largely determined by us, not by room sizes
4 and can change over time. The goals of the
5 requirements are redundant with the State Energy Code
6 that will be adopted shortly on the buildings
7 mentioned sometimes this summer, which already
8 prohibits the capacity of such equipment of exceeding
9 the loads calculated.

10 Community board review of hotel
11 development plans. This bill counters the
12 foundation of the New York City as a right to zoning
13 construction. Many community board reviews would
14 undermine the City's ability to grow organically and
15 flexibly. That hotel development is key to growing
16 tourism, which is one of the City's most important
17 growth sectors and job creators. The proposal would
18 further complicate the already difficult process of
19 meeting the demand. The bill may also delay
20 development and definitely by withholding
21 certifications.

22 For limiting heat loss through exterior
23 walls, we specify the heat factor would essentially
24 prohibit the use of P Type Units, which are the air
25 conditioners that go through the walls to the

2 exterior of the building. In favor of more costly
3 center HVAC systems, which would propose a
4 disproportionate cost framing for affordable housing,
5 and lower density development.

6 Public access stairways, the proposed
7 changes are substantial and would circumvent much of
8 the work in progress with the tri-annual Building
9 Code review building access. It's unclear how
10 buildings could address security risks for instances
11 of multi-floor tenants with only one receiving area,
12 and the door glazing, and some of the requirements
13 could be prohibitively expensive given the design and
14 completion.

15 The hold-open door devices for the doors.
16 Those hold would diminish the building's energy
17 efficiency and fire protection by increasing the
18 stack effect and interrupting fireproofing, the
19 system commissioning, the building would be
20 duplicative. Once the New York State Energy Code is
21 adopted for use in New York City and many of those
22 requirements are already covered in the Energy Code
23 Progress inspection.

24 Much of the commissioning information is
25 about measuring performance and not design, and

2 mandating a Commission report prior to the temporary
3 certificate of occupancy while they limit the value
4 of the reports and they lead to substantial costs and
5 barriers.

6 And finally, the protection of street
7 trees. The bill should only apply to work with the
8 likelihood of causing damage to trees such as
9 demolition on street work within ten feet. And due to
10 the fluctuations in parks by adjusting subsequent
11 staffing delays in other park clean-up areas, street
12 protection plans should be required to full
13 plantings. Again, to the volume of the bill and the
14 severity of concerns, we have provided more detail in
15 the attached appendix. We request that further
16 consideration with all relevant stakeholders be given
17 to all the aforementioned proposals and refer their
18 input in the finding. Thank you again for the
19 opportunity to comment.

20 HANI SALAMA: Good morning Chairman
21 Williams and Committee Members. My name is Hani
22 Salama. I'm the BOMA Secretary. I'm also Executive
23 Vice President of Monday Properties, a real estate
24 owner in New York and D.C. We thank you for the
25 opportunity for BOMA, the Building Owners & Managers

2 Association to share the views regarding those being
3 introduced today. As you know, BOMA represents 400
4 million square feet of commercial buildings and three
5 million office occupants. BOMA of New York has more
6 than 850 members responsible for \$1.5 billion in
7 annual tax revenues and oversees annual operating
8 budgets in excess of \$4 billion.

9 This mission is to promote programs and
10 services while serving as a resource for the
11 advancement of the real estate industry. We are
12 fully in support of REBNY's comments, and I just
13 would like to add that the bill presented today we
14 feel in general is probably erratic to us. Given the
15 scope of these bills and the details that analyzed
16 and had a detailed discussion among our members, we
17 need a little more time. We have begun the process
18 of scheduling meetings with the appropriate City
19 Council members and staff to discuss these bills in
20 further detail. We respectfully request that no
21 further action be taken until we have had the
22 opportunity to read and confer with you on the
23 proposed legislation that could seriously impact our
24 membership. Thank you.

1 Good morning Chairman Williams. My name
2
3 is Dwayne Andrews. I'll make this statement on
4 behalf of the American Council of Engineering
5 Companies of New York regarding Intro 14. Over 60
6 ACEC New York members are licensed professional
7 engineers who contributed countless hours to the
8 recent code updates that span close to three years,
9 and resulted in the 2014 Construction Codes. ACEC
10 New York thanks the committee for providing the
11 opportunity for us to comment on this legislation.

12 However, after careful review of the bill
13 by the Mechanical Codes Committee, we have some
14 concerns about this bill. In our opinion, such
15 requirements would impose an unreasonable and
16 unenforceable burden on design professionals in the
17 construction industry and may have no meaningful
18 impact on energy use in buildings. The premise of
19 the proposed laws that over-sized equipment is
20 causing inefficiencies in the operation of buildings.

21 The size of equipment doesn't determine
22 energy use in a building. Equipment operates to
23 maintain space temperature set points within the
24 building envelope. Set points in the building
25 envelope performance are currently governed by codes,

2 and documented in the design documents by an
3 established process. A smaller piece of equipment
4 running for a longer time consumes as much energy as
5 a larger piece of equipment running for a shorter
6 time, and both are being operated to serve the same
7 load.

8 Modern HVAC equipment is often provided
9 with modulating controls that improves system
10 performance at part load, which actually reduces
11 energy consumption. The installation of larger
12 equipment with an ability to recover more quickly
13 from setback temperatures means a more aggressive
14 setback can be employed, and more energy can be
15 saved. Equipment with capacity, often prevents a
16 building from employing a setback. HVAC design is an
17 art, not a science.

18 Years of experience and extensive
19 professional judgment is required to design a
20 building's HVAC system in accordance with codes, and
21 with handling architectural requirements. The
22 engineering seal is a statement by the design
23 professional that he has complied with all such
24 requirements. That should be sufficient for any
25

2 government agency to satisfy the requirements in the
3 code.

4 Intro 14 states that the building
5 requirements cannot easily review anticipated loads
6 or readily discern whether a building will meet
7 energy efficiency standards without such information
8 included in construction documents. We understand
9 the difficulty that an examiner may encounter when
10 trying to review design documents, and believe that
11 this may be the reason why other jurisdictions in New
12 York State rely on the COMcheck forms as the New York
13 City Department of Buildings currently does.

14 COMcheck includes a check box where the
15 design engineer is required to affirm that among
16 other requirements, load calculations have been
17 completed for the project. The COMcheck process
18 provides a clear indication of compliance, or lack of
19 compliance, and eliminates any need for the inspector
20 to go outside of their skill set. Since New York
21 City cannot waive the New York State Energy Code
22 Requirements, any additional requirements imposed by
23 the local law would be in excess of the existing
24 process and result in duplication of documentation.

2 The cost of this duplicative
3 documentation will represent a further burden on the
4 construction projects in the city. The goal of the
5 model code effort was to bring New York closer in
6 line with the national model codes. The proposed
7 requirement does not appear in the model codes, and
8 starts to turn New York City back in the direction
9 where local rules complicate or potentially delay the
10 filing and construction process.

11 In fact, Mr. Lee from the Department of
12 Buildings said earlier in his testimony that this
13 requirements goes back to the '60s. Completing the
14 required calculations requires that, but it's not
15 often available to a team designing the alteration of
16 a portion of the building. Equipment installed as
17 base building infrastructure is often designed and
18 filed before any floor layout has been conceived.

19 The information required under the
20 proposed amendments to Section 106.6 is generally not
21 available at the time of this filing. Many of the
22 items required under the proposed amendments to
23 Section 106.6 have an insignificant impact on the
24 energy requirements of the building. The design
25 engineer is the person most qualified to determine

2 how these factors should be incorporated into a final
3 design. ACEC New York thanks you for the opportunity
4 to testify on this bill.

5 MARY ANN ROTHMAN: Good afternoon,
6 Chairman Williams and I was going to greet the
7 committee, but they seem to be staying awhile. I'm
8 Mary Ann Rothman, Executive Director of the Council
9 of New York Cooperatives and Condominiums. More than
10 170,000 New York families make their homes in our
11 member co-ops and condos. Like all New Yorkers, we
12 want the best possible quality of life in our homes,
13 and in our city. But we also are mindful of the cost
14 in time and stress and dollars that legislation and
15 regulations can sometimes impose on our members.

16 Most of the bills before you today regard
17 new constructions, and that's happily out of my
18 problems, though I'm more than a little concerned
19 about security issues not being mentioned except up
20 here on this panel as regards the opening of
21 staircases in a building. But my testimony regards
22 Intro 13. Our understanding is that this legislation
23 would require that the super or handy person in a
24 residential building of more than 50,000 square feet
25 would have to become certified in energy efficiency

2 by passing a written test appropriate to the nature
3 of their building.

4 And that this certification must be
5 renewed every three years. The approved
6 institution's training and testing individuals must
7 issue a separate identification code or a number to
8 each certificate holder, and must maintain records of
9 the certificate holders, and any new certification
10 requirements that will be accommodated. Buildings
11 must post the certificates, and must certify
12 compliance at least once every three years. These
13 requirements are clearly designed to enhance the
14 operation of larger buildings in New York City, and
15 to increase their energy efficiency.

16 But many residential builders are 50,000
17 square feet, particularly those that are the homes of
18 families of modest means are small enough and simple
19 enough that they have just one employee, the building
20 super. The new situations imposing the requirements
21 of Intro 13 seem to us to be both impractical and
22 unnecessary. We believe that the threshold for
23 compliance with this certification requirement should
24 be revised and that free training should be provided
25

2 by the City for those supers who do not have training
3 readily available.

4 We would also respectfully suggest that
5 the recertification requirements should be at five-
6 year intervals rather than three or even greater
7 intervals. Building whose employees are members of
8 Local 32BJ, who testified earlier, do have the
9 appropriate training available through the Green
10 Super Program at the Thomas Shortman Training Center.
11 This in-depth 40-hour program should more than meet
12 the certification requirements of Intro 13, which
13 means that more than 2,000 building supers throughout
14 the City are already prepared to do well on the
15 certification test.

16 I should mention the interest of full
17 disclosure, but I'm on the Advisory Committee at the
18 Thomas Shortman Training. Employers provided, as was
19 mentioned earlier, release time for these supers or
20 handy persons to be trained in the Green Super
21 Program, which was funded, by the way, by a grant
22 from the Department of Labor.

23 New York City College of Technology also
24 provides training in building systems and could
25 devise a similar program where costs to employers

2 should not be excessive, or where city support might
3 be appropriate. We would strongly urge that both
4 these fine institutions be included in the list of
5 qualified programs. Their existence helps make the
6 2015 implementation date for this legislation
7 feasible. As always, CNYC will look forward to the
8 details in the regulations, and we thank you for this
9 opportunity to comment.

10 CHAIRPERSON WILLIAMS: Thank you. Just
11 so you know that the -- with the fire, the one with
12 the staircase is to make one public access staircase
13 not all of them, which I think actually is
14 beneficial. And the hold-open doors is not required.
15 It's voluntary by the building itself. So they can
16 take into account security when they make that
17 decision. And we took all of the recommendations
18 seriously from the engineers. A lot of it was
19 leaning toward you're either both or bad. If you
20 could get some information of how you think you could
21 make them both better, we will be compiling those as
22 we're moving forward. I think you so much for your
23 testimony, for sharing.

24 [Pause]

25

2 CHAIRPERSON WILLIAMS: And the last
3 panel, this set of Green Codes Yatin Lee [phonetic]
4 from New York League of Conservation Voters; Matthew
5 Ararich. Sorry. I'm sure I butchered your name.
6 Heat & Insulators. Nora Sherman, CUNY Building
7 Performance Lab. David Burney, Center for Active
8 Design, former DOT Commissioner; and Christine
9 Rangel, National Electrical Contractors Association.

10 After that, we'll take a five-minute
11 break, and get ready for the hearing on hotel bills.

12 [Pause]

13 CHAIRPERSON WILLIAMS: We need a flash
14 light.

15 [crosstalk]

16 CHAIRPERSON WILLIAMS: Are you ready?
17 Right, so we have so Ya-T - - Yantin Lu, yeah.
18 Matthew Ara - Ararich. You know what I'm saying.
19 Nora Sherman, David Burney, Christine Rangel. You're
20 Christine Mangle, okay. Can you please raise your
21 right hand? Do you swear or affirm to tell the
22 truth, the whole truth, and nothing but the truth
23 before the committee today? You may get started when
24 you're ready in the order you prefer.

25

2 All right. Good afternoon, Chair
3 Williams. Thank you so much for the opportunity to
4 testify today. My name is Yatin [phonetic]Lee

5 YANTIN LEE: All right. Good afternoon,
6 Chair Williams. Thank you so much for the
7 opportunity to testify today. My name is Yantin Lee.
8 I am the Director of the New York City Sustainability
9 Program at the New York League of Conservation
10 Voters. NYLCV represents over 25,000 members in New
11 York City, and we are committed to advancing a
12 sustainability agenda that will make our people, our
13 neighborhoods, and our economy healthier and more
14 resilient.

15 We strongly support the suite of green
16 building legislation before you today. Because green
17 building codes are not only an essential tool in
18 reducing our City's carbon footprint, they are key
19 for ensuring the basic health and safety of New
20 Yorkers across the city. So first, Building Green is
21 an economic development tool to connect the workforce
22 to good paying skilled jobs. Into 13 will give
23 building superintendents an opportunity to earn a
24 certificate in building energy efficiency, increasing
25 their skill sets and earning capacity in the future.

2 Second, Building Green is a cost-
3 effective strategy that will save building owners and
4 tenants money in the long run. Intro 14 and Intro
5 184 will require an analysis of heating and cooling
6 needs, and actual heating loss through the building
7 walls during the design phase so that the systems
8 will actually be properly sized, less expensive, and
9 more efficient in the long run. Inflating exposed
10 pipes, using energy efficient walls on construct
11 sites are other types of simple cost-effective
12 strategies that work and yield results.

13 Third, Building Green is critical to
14 improving public health. Indoor air quality,
15 particularly from mold disproportionately impacts
16 children, and low income families, and communities of
17 color. By requiring the use of mold resistant
18 materials, and moisture prone locations like
19 bathrooms will help protect those most susceptible to
20 asthma and other respiratory issues. The Council can
21 encourage health through active design by making
22 stairs more accessible and usable, and since mold
23 prevention and ensuring stairs are usable during
24 power outages, these initiatives are -- have renew
25 urgency since Hurricane Sandy.

2 Lastly, the Council has a long tradition
3 of leadership in making buildings green and more
4 energy efficient, and more resilient in the face of
5 extreme weather events and extended power outages.
6 And we look forward to working with you, the Chair,
7 and members of this Committee to continue to make our
8 people, our neighborhoods, our city stronger and more
9 resilient. Thank you.

10 Mr. Chairman, I hereby request that I'm
11 allowed to enter some information that I can add to
12 your record? The information I have there is
13 actually flash drives, and information on mechanical,
14 and so it's --

15 CHAIRPERSON WILLIAMS: Mechanical flash
16 drives?

17 MATTHEW ARARICH: That's correct.

18 CHAIRPERSON WILLIAMS: So they're not
19 gifts and they're not flash lighs?

20 MATTHEW ARARICH: That is correct.

21 CHAIRPERSON WILLIAMS: Okay.

22 MATTHEW ARARICH: They're not gifts.

23 CHAIRPERSON WILLIAMS: Yeah.

24 MATTHEW ARARICH: Okay. Mr. Chairman, my
25 name is Matthew Ararich. I'm the Business Manager of

2 Heat and Frost Insulators Local Union No. 12, which
3 was established in 1884. I represent more than 500
4 members and their families, and a vast majority live
5 in New York City. I thank you for the opportunity to
6 address the Housing Committee and Buildings. And I
7 also want to go ahead and rise in support of
8 Amendment Section 1, Chapter 3, Title 28 of the
9 Administrative Code of the City of New York, Local
10 Law 141, for the year 2013 by adding a new Article
11 316, and the balance of the Green Legislation
12 discussed today.

13 Based on the data of more than 700 energy
14 assessments, the National Insulation Association
15 estimates that implementing a national comprehensive
16 mechanical insulation maintenance upgrade program in
17 the commercial and industrial markets would lead to
18 energy savings of get this -- \$4.8 billion per year,
19 CO2 reductions of 43 million metric tons per year,
20 and generation of 89,000 jobs. I shouldn't say the
21 word "jobs" because it's really careers. And what do
22 these numbers mean? Energy savings.

23 In energy savings alone, it's 45 billion
24 kilowatts of electricity. That's enough to power 4.2
25 million households or 4% of U.S. homes for a year.

2 The equivalent of an annual output of 10,300 windows;
3 \$82 million of oil, which is enough to fill 41 super
4 tankers; 19 million tons of coal, which is the
5 equivalent of filling 190,000 rail cars full of coal.
6 And also, get this one, a half a quadrillion BTUs of
7 primary energy, which is about half the total U.S.
8 annual consumption or 1.83 days of energy consumption
9 to the United States in its entirety.

10 In CO2 adaption by equivalent methods
11 that would mean that you would have to plant 1.9
12 billion mature trees, which is the equivalent of
13 having the entire State of Delaware, and the State of
14 Connecticut combined. Removing 7.9 million cars from
15 the roads or three percent or 254 million cars in the
16 United States. Installing 730 million compact
17 fluorescent light bulbs, which are the equivalent of
18 2.3 light bulbs for every man, woman and child in the
19 United States.

20 I've told you about jobs. Mechanical
21 insulation maintenance is an excellent example of
22 shovel-ready green job opportunities. The largest
23 untapped resource or savings utilizing mechanical
24 insulation is right here in New York City. Our City
25 has the largest steam supply system. It is a system

2 that includes 105 miles of steam pipe 105 miles of
3 steam pipe that runs under New York City streets.
4 This steam system is utilized year round to provide
5 heating and cooling for all types of facilities
6 throughout the city.

7 New York could put thousands of people to
8 work and retain thousands of existing jobs while
9 contributing to the competitiveness of U.S.
10 manufacturing, reducing our country's dependence on
11 foreign energy sources, and improving our environment
12 as well as increasing property realty of private and
13 public businesses and facilities. Mechanical
14 insulation is a proven technology. It doesn't
15 require R&D, engineering, or design processes, and
16 can meet the Mayor's 2030 plan of reducing emissions
17 in a matter of just a few years.

18 Just one worker can go ahead and apply 45
19 feet of 8-inch steam line insulation, which equates
20 to \$13,600 of savings in a year. Over the course of
21 40 years, that turns to \$272,000. That seems a
22 little bit amazing, but that's when oil is at \$58 a
23 barrel. When it's at \$108 a barrel it saves \$492,000
24 from one day's work every 20 years.

2 And everything I've quoted are verified
3 from calculations that are provided by the United
4 States Department of Energy and Oak Ridge National
5 Laboratory, and I've give presentations for every
6 level of government. And you can have comfort in
7 knowing that I speak from experience. I can back
8 this up by saying that not everyone has the
9 distinction of receiving an invitation from the White
10 House to express their views as an expert in creating
11 jobs in the green energy sector. I thank you for the
12 opportunity to provide my testimony today, and if you
13 have any questions, I'd be happy to answer them.

14 NORA SHERMAN: Hello. My name is Nora
15 Sherman, and I'm here on behalf of the CUNY Building
16 Performance Lab, which was established in 2006 to
17 help improve the energy performance of public and
18 commercial properties in New York City and across the
19 state. I'd like to thank you, the Chair, and members
20 of the committee for the opportunity to testify today
21 in support of Intro 13, Training Building Operators
22 in Energy Efficiency.

23 One of our main purposes at the Building
24 Performance Lab is on workforce training. Over the
25 past five years, we've partnered with the Department

2 of Citywide Administrative Services Energy Management
3 Division as well as labor unions, including 32BJ and
4 Local 94; hospitals and property owners to train more
5 than 2,000 building operators and engineers in
6 operations and maintenance techniques that will
7 reduce energy use and improve overall system
8 efficiency.

9 With DCAS Energy Management alone we've
10 certified more than 1,500 municipal employees in the
11 nationally recognized Building Operator
12 Certification, which Howard Styles of Local 94
13 mentioned in his testimony. As a trainer, we are, of
14 course, an interested party in Intro 13, but I'd like
15 to stress that our interest is based on an objective
16 analysis of the impact that building operator
17 training can have overall energy performance of a
18 property and your portfolio. Proper training is a
19 key part of an optimized energy efficiency and
20 maintenance plan. Studies by the U.S. Department of
21 Energy National Labs including Lawrence Berkeley and
22 Pacific Northwest show that aggressive improvements
23 in building operations and maintenance can result in
24 as much as a 35% decrease in energy consumption
25 across a portfolio.

2 Here in the New York, the projected
3 impact of the proposed legislation is quite large
4 since the targeted buildings are responsible for
5 roughly 40% of the City's overall energy consumption,
6 and greenhouse gas emissions. The reduced demand for
7 energy will reduce emissions of air pollutants from
8 the burning of fossil fuels within buildings and
9 electrical power plants, and that will help improve
10 the air we all breathe.

11 But more than that, under this
12 legislation we will be giving our building workforce
13 the tools to lead in the 21st Century. Presently,
14 operating engineers are trained and licensed to run
15 their equipment faithfully without the critical issue
16 of energy efficiency as a consideration. This
17 legislation will help change that. The response from
18 operating engineers that we've trained has been
19 overwhelmingly positive. In particular, many City
20 employees we've trained are enthusiastic about the
21 new knowledge and skills they've acquired and the
22 evaluation research we've done for DCAS Energy
23 Management indicates that many operating engineers
24 are taking the initiative and applying their new
25 energy savings skills back at their facilities.

2 The City is already leading the way with
3 a major commitment to training its municipal building
4 operators. In passing this legislation, the City
5 will continue to build upon this commitment, and it
6 will continue to build upon the foundation
7 established by PlaNYC to reduce the City's emissions
8 and better manage its demand for energy. It's for
9 all these reasons that we at CUNY offer our
10 unqualified support. Thanks for the opportunity to
11 testify.

12 DAVID BURNEY: I want to thank you, Mr.
13 Chairman. My name is David Burney. I'm here to
14 testify in support of Intro 202 and 203, which are
15 the two stair bills that are before you today as part
16 of the Green Package. I'm an architect. I am a
17 Professor at the School of Architecture of Pratt
18 Institute Brooklyn, and I also chair the Board of
19 Directors of the Center for Active Design. The
20 Center for Active Design exists to promote public
21 health through changes in the environment. We did
22 submit written testimony to you today that I won't
23 repeat here. But I would like to supplement some of
24 that written testimony.

1
2 I was from 2004 through February of this
3 year the Commissioner of the New York City Department
4 of Design and Construction. And during that period
5 we worked very closely with the Department of Health
6 on chronic disease and obesity, which is really the
7 current sort of epidemic of our time. And working
8 with the Department of Health and a number of other
9 City agencies, we published in 2010 the Active Design
10 Guidelines.

11 The Active Design Guidelines are a
12 compilation of a variety of best practices that gave
13 guidance to designers in improving health outcomes by
14 changes in a built environment. And what we found
15 during the process of preparing those guidelines was
16 that the strongest evidence or the most supported
17 evidence for changes in built environment that
18 promote health is the use of stairs. Not only was the
19 evidence very strong. But it has been established by
20 many studies that very limited use of stairs, even
21 just two minutes of stair climbing a day, can cancel
22 the annual weight gain of the average U.S. adult.

23 So it seems to us that stair use is
24 probably one of the most important things we can do
25 for public health of New Yorkers. And these two

2 bills that are before you do exactly that. You've
3 heard about the access bill to provide a public
4 access staircase, the hold-open devices that will
5 keep stair doors open and make them run better.

6 The staircase has had a sort of pretty
7 unfortunate history. Before the invention of the
8 elevator, staircases were extremely prominent and
9 attractive parts of the building. This building, for
10 example, and most of the people who walked in here
11 today came up the staircase, so I assume. The
12 elevator is kind of hard to find. In the modern
13 building, and we heard today about 250 Broadway the
14 reverse has happened. Since the invention of the
15 elevator, the staircase is often pushed to the corner
16 of the building, inaccessible. Often the doors are
17 locked.

18 We'd like to reverse that process, and we
19 think that these two buildings will go a long way
20 toward doing that. And as we heard this morning in
21 250 Broadway, if we can open the staircase, it will
22 be, among other things, a business efficiency. We
23 know how long one can wait for the staircases.
24 Interconnection between floors happens much more
25 frequently when staircases are made accessible. And

2 that, too, is a business efficiency in the sense that
3 it's more efficient to walk between two floors than
4 it is to go to the elevator bank and wait for the
5 elevator.

6 And, of course, by opening up the
7 staircases, that makes the elevators more available
8 for the people who really need them. And also, of
9 course, has some efficiencies in energy use because
10 of the less use of the staircases. So at the Center
11 of Active Design we strongly support this bill. We
12 hope that it will be implemented, and the Department
13 of Citywide Administrative Services has already given
14 access to at least one stairway in each city building
15 that they manage. There have been issues of
16 security, which we have successfully addressed with
17 custodians because the buildings -- the doors can be
18 still made quite accessible with those security
19 issues. So there are many examples both in city
20 owned buildings, and also in privately owned
21 buildings. Even developers doing affordable housing
22 have managed to incorporate them. So we believe that
23 these two bills will be extremely successful and
24 important. Thank you.

2 CHAIRPERSON WILLIAMS: Thank you very
3 much for your testimony. It's much appreciated. We
4 have some -- for the record, the Association for
5 Energy Affordability, Dattner Architects, the Ichan
6 School of Medicine at Mount Sinai; Queens and Bronx
7 Building Association; and the Building Issue
8 Association of New York City; Practice Housing
9 Initiatives; AIA New York Chapter; Enterprise; and --

10 COUNCIL MEMBER: [off mic]

11 CHAIRPERSON WILLIAMS: These are, as I
12 said before, I just want to make sure. We need
13 somebody by the Falcon Group react. International
14 Association of Heat and Frost Insulators, which I
15 think I actually did like. UA Plumbing Local 1
16 Training. ASHRAE, EDF, the Association of Builders
17 and Owners of Greater New York; and Blue Sea
18 Partners, Blue Sea Development Corp. Company.

19 Is Christine Rangel here now? Okay,
20 please come up. After Ms. Rangel, we will take a
21 five-minute break, and then we will start on a hotel
22 bill.

23 CHRISISTINE RANGEL: Good afternoon, I am

24 --

25

2 CHAIRPERSON WILLIAMS: Wait. Can you
3 please raise your right hand?

4 CHRISTINE RANGEL: Yes.

5 CHAIRPERSON WILLIAMS: Do you swear or
6 affirm to tell the truth, the whole truth, and
7 nothing but the truth before the committee today?

8 CHRISTINE RANGEL: Yes.

9 CHAIRPERSON WILLIAMS: Please start.
10 Also, I wanted to thank OLTPS for staying to hear the
11 testimonies, and hear the comments that were
12 presented today.

13 CHRISTINE RANGEL: Good afternoon, Chair,
14 Councilman Williams, and thank you for allowing me to
15 testify today on behalf of the New York Electrical
16 Contractors Association. We are the voice of the
17 unionized electrical construction industry in New
18 York City, Westchester, Fairfield Counties. We are
19 comprised of 200 unionized member firms employing
20 15,000 men and women, contributing to over 20 million
21 man-hours of work per year.

22 While we support PlaNYC's goals, and are
23 pleased to see greening initiatives, there are two
24 bills that are chiefly of concern to the contractors
25 who build the city skyscrapers, schools, walkways,

2 bridges, tunnels, and street lighting, construction
3 site lighting, and tree protection.

4 NECA New York opposes the Pre-Considered
5 Intro regarding construction lighting. We support
6 the efficient use of energy. However, technical
7 issues as written, including the enactment date, and
8 adaption timeframe of this bill are worrisome. The
9 bill states that if a contractor pulled a work permit
10 prior to January 1, 2014, then this new rules does
11 not impact the job. However, permits are pulled
12 every single day. What about permits being pulled
13 right now, yesterday, tomorrow?

14 Contractors are not aware of this new
15 rule and, therefore, cannot be expected to abide by
16 it, quote "effective January 21, 2014." Contractors
17 must be given an ample amount of time to adjust to
18 this change. Also, contractors bid a job based on
19 cost. This rule gives contractors a strange limbo
20 period. So if you began work after January 1st with
21 no knowledge of the rule, you will be in violation of
22 the rules. This rule would now give inspectors the
23 ability to walk on the job, and issue a violation for
24 non-compliance where no contractors were ever aware
25 that the new rule existed.

2 Now, the contractor is given a fine and
3 in addition must correct the violation by changing
4 all of those bulbs. So suddenly if you have a job
5 with 40 floors where you have to buy energy efficient
6 bulbs, you now have a big cost issue on you hands
7 both in labor and material. Again, where the
8 contractors never knew such a rule existed.

9 So for this reason, we ask that the take
10 effect date will be moved to a date that is a
11 reasonable amount of time to allow for adjustment, to
12 conform to the new rules, plus conform to the new
13 costs, and add those costs into future bidding.

14 We support energy efficient initiatives.
15 However, with no time to comply, the rule increases
16 the cost of construction. If we have a year to
17 prepare for this cost, the economic hardship would be
18 a tolerable one. We feel that a year would be a
19 reasonable amount of time.

20 Now, finally moving onto the Intro
21 regarding tree protection. The law as it presently
22 stands we feel is sufficient. Section 3309.11 of the
23 current Administrative Code sets up requirements to
24 be followed when trees shall be disturbed or removed.
25 But then establishing a ten-foot rule basically

2 relies on an assumption that if you were working
3 within ten feet of the tree, you're going to disturb
4 it, and that is not always the case. And then that
5 assumption is going to lead only to delays in the
6 performance and increase the cost of work. So we
7 actually found that the previous tree protection
8 portion of the Administrative Code is sufficient, and
9 that this one will definitely have contractors.

10 Accordingly, we strongly oppose such
11 bills as currently written. Thank you very much.

12 CHAIRPERSON WILLIAMS: Thank you for your
13 testimony. I just want to know who was here from the
14 administration who will be testifying on the hotel.
15 Donald Ranshte, James Colgate, Tom Eisele will be
16 testifying, and John Lee, and Christine Johnson.
17 Okay. Also, we're going to take five minutes. We'll
18 be back at 10:35. We have the Hotel Bill, which I
19 understand is non-controversial and supported all
20 around. So we'll take a five-minute break.

21 [Pause]

22 CHAIRPERSON WILLIAMS: Calling the
23 hearing back in order. We are here on Intro 181,
24 also called the Hotel Notification Bill. Again, just
25 a reminder the genesis of this bill was in response

2 to constituents that have to fight back a hot sheet
3 motel in my district. My belief is that there are
4 some stronger things needed. I view this as a barely
5 start in the conversation and perhaps do something
6 while we're working on the stronger regulations that
7 are needed and necessary. And I believe we have
8 Donald Ranshte, James Colgate from the Department of
9 Buildings. They'll be testifying today. Thank you
10 very much.

11 If you can raise your right hand even
12 though each one of you have already. Do you swear or
13 affirm to tell the truth, the whole truth, and
14 nothing but the truth before the committee today?

15 JAMES COLGATE: Good morning Chairman
16 Williams and members of the Committee. I'm James
17 Colgate, Assistant Commissioner for Technical Affairs
18 and Co-Development at the New York City Department of
19 Buildings. I have with me on my left Donald Ranshte,
20 Director of Intergovernmental Affairs and Executive
21 Analytics at the New York City Department of
22 Buildings. Thank you for allowing me the opportunity
23 to testify on this legislation.

24 This bill would amend the Administrative
25 Code of the City of New York in relation to community

2 board review of hotel development plans. As you
3 know, building and development uses are governed for
4 the most part by the Zoning Resolution, and as of
5 right development, complies with all applicable
6 zoning regulations and does not require any
7 discretionary action by the City Planning Commission
8 or the Board of Standards and Appeals.

9 While clearly rooted in a desire to
10 inform communities about local development, we
11 suspect that this bill may present the appearance of
12 local control without any genuine role spelled out in
13 the proposed legislation for the community board.
14 Typically, if a hotel development plan requires a
15 land use change under the Zoning Resolution, then a
16 community board hearing would already have been
17 required pursuant to Urler [sic] and this bill's
18 required hearing would be redundant.

19 On the other hand, if a project is as
20 right, based on existing zoning, the Department of
21 Buildings would have no authority to deny permits, a
22 ministerial act under the charter on the basis of a
23 review by the boards. From our perspective, the
24 proposed legislation raises a whole host of
25 operational questions. From the simple, Does the

2 Department also provide a full set of plans, and how
3 are they delivered? Or would the applicant just
4 submit the narrative and general rendering of the
5 proposed building to the board?

6 To the perhaps more difficult such as,
7 What if the plans are subsequently amended as often
8 happens, would it need to go back to the board? Or,
9 what if the proposed buildings and mixed-used
10 building for the hotel and residential use or other
11 commercial uses, is the whole project subject to
12 hearing? And then we have even the more complex.
13 What if the developer does not propose a hotel use
14 during the plan exam and then only changes the
15 proposed use after the building is already built?

16 There may be some unintended
17 consequences. Apartment hotels are Use Group 2, and
18 not Use Group 5 uses under the zoning. And apartment
19 hotels offer permanent residence purposes unlike
20 transient hotels. They typically are no longer
21 developed, but some still exist. Making it more
22 difficult to develop residences does not appear to be
23 the intended bill, but it may. This could have an
24 adverse effect on the new construction of affordable
25 housing.

2 If the overall intent of the bill is
3 truly geared towards community notification, the
4 Department of Buildings has made great stride toward
5 engaging local communities. As you know, we are very
6 proud of our website, and on it there are two very
7 important community engagement portals. First, is
8 the Buildings on My Block page. With five clicks of
9 a mouse on a computer any person can find all of the
10 approved applications for new buildings, alteration
11 type ones, and demolitions sorted by community board.

12 When we speak to the boards, we always
13 remind them that their staff can easily see all the
14 new permanent approvals by DOB on a daily, weekly, or
15 monthly basis. Second, is the public challenge.
16 Again, simply by using our website subject to
17 required process and timeframe, any member of the
18 public can send us a challenge to a permanent
19 approval to which our borough Commissioner will post
20 answers on the Internet for all to see. Our DOB
21 outreach staff can give a tutorial to your officers
22 or to any community board offices interested in
23 seeing how this works.

24 Finally, since community board review is
25 purely advisory, we are concerned that the public

2 hearing process would create the misperception that
3 the community's opposition will result in denial of a
4 permit. DOB's review is related to compliance with
5 code and zoning. It must issue a permit based on
6 compliance -- such compliance. We would not want to
7 create a hostility directed at the department, or at
8 the City as a whole where we must issue a permit
9 after the board has reviewed and opposed it. Thank
10 you for the opportunity to speak about this issue.
11 I'd be happy to answer any questions you may have.

12 COUNCIL MEMBER Are you up?

13 CHAIRPERSON WILLIAMS: Thank you. Yes,
14 just so I am very much aware that this would not give
15 people additional power. I'm not sure I understand
16 that he's saying, but I think most community members
17 and the community understand the community boards in
18 general have an advisory role. So I'm not sure that
19 this would lead them to believe anything else. My
20 intent is to make sure that the community is aware.
21 We had to spend a lot of energy after we found out to
22 push back, which we were able to do with public
23 questions.

24 I think there are communities that a
25 hotel is not the right place to build. Also,

2 communities change a lot faster than the zonings
3 change. And so, I want to make sure our community
4 had the ability to weigh in. It would be great to
5 have more authority, and if we could find a way to
6 make that happen, I'm supportive of that as well.
7 Until we do that, my attention is to try to just make
8 sure that people know what's coming in their
9 neighborhood and have at least an opportunity to
10 voice.

11 I understand your concerns. I appreciate
12 them. I would love to learn more about the
13 affordable housing part. I didn't -- that seemed a
14 little bit strange. But I think to start a
15 conversation. So I'm looking forward continue to
16 have it, because we just have to find a way to deal
17 with all the hotels that are creeping up in
18 communities. I don't think that needs to be
19 happening. So thank you so much for your testimony.
20 I appreciate it.

21 Next we have Josh Gold from Hotel Trades
22 Council and we have for the record REBNY and Hotel
23 Association of New York City.

24 [Pause]

25

2 CHAIRPERSON WILLIAMS: Please raise your
3 right hand. Do you swear or affirm to tell the
4 truth, the whole truth, and nothing but the truth
5 before the committee today?

6 JOSH GOLD: I so do swear. There's photo
7 in there, but cool.

8 CHAIRPERSON WILLIAMS: Okay.

9 JOHN GOLD: But cool. So I want to thank
10 the Council Member first for allowing me to testify,
11 and I also wanted to thank the Council Member for
12 bringing up an important issue. We actually worked
13 with your office and your community in pushing back
14 that hotel, which was out of context with the
15 neighborhood. I don't have any written remarks
16 prepared, partly because we have concerns about the
17 process that led to this bill. We feel that there is
18 an important concern that you've raised, and your
19 community has raised. And other communities have
20 raised with us over the past couple of years.

21 New York is in the middle of an
22 unprecedented boom in hotel construction. We have
23 the second largest hotel pipeline in the world. Over
24 the past five years the amount of rooms in New York
25 City has grown by 24% to a new high. And with that

2 comes creep of hotels into communities that have had
3 no history of having hotel development, and hotels
4 are a different kind of use than office,
5 manufacturing, residential, or commercial. They have
6 a 24/7 use.

7 They tend to be more densely populated
8 under the Zoning Code. They are permitted to have no
9 parking zones, and other sorts of impacts on
10 communities, and in some places they may or may not
11 be out of context. Our concern with the legislation
12 here is that as part of the process to my knowledge
13 the Hotel Union, which represents 32,000 hotel
14 workers in the city, their total association
15 represents close to 300 hotels I believe. And REBNY,
16 which represents hotel developers haven't been
17 brought in to have a conversation about the general
18 impact this bill may have on the tourism industry in
19 general.

20 And we're concerned that with tourism
21 becoming a more and more important part of our city's
22 economy, and the need to create good jobs in that
23 industry, that the Council have an ongoing dialogue
24 about it before passing such a legislation. I was
25 pleased to hear at the beginning of this hearing

2 before I actually got here that you mentioned that
3 this would be delayed a little bit so we could have
4 more of a conversation. There's some concerns that
5 were addressed by the city that were important.

6 But we urge the Council member and his
7 colleagues that are not present, but I will make sure
8 to have conversations with them all. That the
9 Council have conversations with stakeholders being
10 introducing legislation that may have unintended
11 consequences, like the City pointed out. And that
12 may impact development that, in some cases, is good
13 for the city. There are certainly cases where hotel
14 development in areas that are not used to it, or
15 weren't built for it, will have a negative impact on
16 the community.

17 And that is a concern that needs to be
18 addressed. Over the past two or three years, we have
19 made progress with our conversations with community
20 groups in the previous administration to address
21 those concerns somewhat. The EDC had proposed about
22 a year and a half ago a special requirement for
23 hotels that are built in industrial business zones
24 because hotels were crowding out important
25 manufacturing space. And our city wanted to rebuild

2 the manufacturing center, or the ability to rebuild
3 that manufacturing. Or Hudson Square, Tribeca.

4 I know Tribeca the full district and
5 other areas of the city have put restrictions on
6 hotel use because there were too much hotels
7 encroaching on residential space. And these are
8 important community-by-community conversations that
9 need to be had. But we do feel that this bill as
10 currently written requires more of a conversation
11 with stakeholders to make sure that the impact is the
12 intended impact. And not an impact on an industry
13 that is extremely important to their -- the growth
14 and the direction of the City of New York. Thank
15 you.

16 CHAIRPERSON WILLIAMS: Thank you for the
17 testimony. We appreciate it. One, I don't -- I
18 think most would say -- I mean, if we would you say,
19 I mean if you needed it and we have to have
20 definitely more conversations. I don't know that one
21 of the unintended consequences would be stopping
22 growth in places where they have it because it
23 doesn't infer additional powers to the Community
24 Board. It's going to be General Advisory. But I do
25 believe that in having more conversations, so I'm

2 happy that this is pushing the conversation forward.
3 And I think regardless of what has seemed to be put
4 out in the past few days is lot more green on the
5 problem, and possibly solutions than we're led to
6 believe. But thank you so much for your testimony.

7 JOSH GOLD: Thank you.

8 CHAIRPERSON WILLIAMS: And I think that
9 is it, and it's probably anti-climatic than people
10 expected, but we're going to end the hearing both on
11 the Green Codes and Hotel Bills. Thank you.

12 [gavel]

13 CHAIRPERSON WILLIAMS: Oh, hearing is
14 adjourned.

15 [gavel]

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COMMITTEE ON HOUSING AND BUILDINGS

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 22, 2014