

BSA Testimony, December 15, 2016

Good afternoon, I am Ryan Singer, the Executive Director of the New York City Board of Standards and Appeals. I am here to offer testimony on the ten bills before the committee today. With me is Loreal Monroe, General Counsel at BSA and Alison McCabe, Assistant Counsel at the Department of City Planning.

First, I would like to provide a little background on the BSA. The BSA is the zoning variance board for the City of New York, the Board is an independent Board appointed by the Mayor. Created in 1916 the Board acts as a relief valve for land use regulations, intended to prevent claims of regulator takings against the City's zoning resolution. Over the course of the last century we have been assigned additional responsibilities include General City Law waivers, multiple dwelling law waivers and special permits under the zoning. We are a small agency, there are 12 full-time staff plus an Executive Director and Deputy Director, a General Counsel and Deputy Counsel and five full-time Board members. We have approximately 300 to 500 filed applications a year.

We certainly recognize the perceptions people may have about the BSA, including the idea that we approve too many of the applications we review. However, this perception does not fully reflect the extensive pre-application review we perform. The Board staff and Chair had 96 pre-application meetings regarding potential variances in 2015, of those only 27 were filed. We dissuaded 69 potential variance requests in 2015. We had 60 filed variance applications in 2015, we turned away more potential variance applications in pre-application meetings than were filed in 2015. We have a rigorous standard for granting variances but we do not waste our time reviewing things that are not viable.

The prior Chair and Executive Director had worked to develop standards and increase the rigor of review at the Board. Chair Perlmutter and I have been at the Board for a little over two years now and we have continued that trend.

Intro 282

The BSA takes seriously all testimony received during its public hearings. For each of its decisions the Board issues written resolutions that itemizes the relevant testimony received and how it weighed in the decision made. We would like to understand further the sponsor's intent, but have some concerns that as drafted, this bill would potentially require the BSA to refer to every comment received in its findings and describe how the board considered every comment in reaching its determination.

Like Community Boards or the City Council in its review of legislation or land use matters, we have open meetings and receive testimony from any who wish to testify, and we consider all of it responsibly and carefully. Ultimately, we incorporate what we believe is most pertinent in the findings. Some comments we receive are not always relevant to the findings or even related to the project at hand. We've received comments related to invocations to various deities, complaints about meteorological conditions, or failure of a neighbor to properly greet a citizen's dog. Because of the volume of comments received, we believe the result would be a resolution that is unwieldy and less straightforward and would require significant resources to exhaustively address.

Our hearings can be colorful but our considerations and resolutions must stay on point to the relevant findings and testimony. To do otherwise would dilute our efforts to make the Board rigorous and effective when challenged in court.

Intro 418

This bill requires written explanations by the BSA in response to Community Board recommendations. The BSA addresses Community Board recommendations in its resolutions already, so we do not oppose this bill. However, we offer a friendly amendment that directs the Board to address the Community Board recommendation regardless of its concurrence.

Intro 514

This bill requires the BSA to notify individuals upon expiration of variances on parcels of land, and creates a penalty for failure to an individual continuing to use the variance.

We agree with the bills intent to create greater transparency. While we agree with the intent of this bill, it would require prohibitive resources to cull through a century of variance approvals, determine which variances have terms, and have a staff of possibly dozens to research Department of Finance data for ownership.

Intro 691

This bill would extend the statute of limitations for appealing a BSA decision from thirty days to four months. While this bill would not necessarily impact the BSA directly, we do have concerns about the potential unintended consequence for small applicants including individual home-owners, schools, hospitals, and religious institutions who avail themselves of relief. These applicants would have to wait 120 days after receiving their approval to start construction or risk further expense should they lose in court.

I have also been advised that this proposal may require State action to implement.

Intro 1200

This bill would require the BSA to furnish the Council with copies of applications. Currently the Board's rules require that applicants furnish copies of all applications and all revisions to the relevant City Council member, Community Board, and Borough President. Proof of service is required to be sent to the BSA.

Access to our applications is important to us, and we do check whether applications have been sent as required. Recently, an applicant failed to forward the revisions to the all the appropriate entities and I took them off of the calendar.

We are concerned this legislation would require that Board staff take on a task that is currently being done by the applicant. With between 300 to 500 applications a year we would need to dedicate at least one staff person to this task, not counting the costs of postage. We would like to better understand the issues the sponsor has experienced and discuss whether there are other ways we can better address the issue beyond this legislation.

Intro 1393

The BSA has no issue with this proposal, but I do have some clarifications and suggestions. This bill calls for disaggregation of variance by type, but while we have a myriad of special permits and distinguish them in our database, we have only one type of variance. Additionally, we hold multiple hearings on a

single application so a count of the number of applications for which a hearing is held would double and triple count applications. We believe a more helpful metric is the number of initial hearings held.

I have prepared a sample report based on my assumptions and suggestions using data current as of December 8, 2016, which is included with my testimony.

Intro 1394

This bill requires the BSA to publish an online map of all variances and special permits. We are committed to increasing the transparency of the Board, and we have been working to improve how we provide information to the public. Our goal is to make information about our decisions easily researchable.

However, we are a small agency, and we are concerned that this proposal for an interactive map would be expensive to launch and challenging to maintain. Therefore, we do not support this bill but would be happy to sit down and discuss how we can best address these issues with the Council.

Intro 1392

There is a lot to unpack here. I will start with the efforts to ensure that materials submitted to the Board are true and accurate.

We welcome these efforts. I would like to further explore how enforcement would work before this bill is enacted. I want to note that the applicant community is by and large honest and careful, but we think having these additional tools would be helpful.

Next I will address the portion of the bill dealing with the substance of the application and financial analysis. The BSA has standards and directions for various applications on our website. We can update and modify these as needed and are currently launching an effort to revise and update all of them.

The BSA opposes putting into law the standards for applications. The BSA staff and Board members need the flexibility to change the standards for applications and financial analysis based on the site and other considerations— for example in Tottenville where minimum lot widths are 35' and up, a 400' radius does not show much in the way of context. On the Upper East Side where 18' minimum lot widths are allowed, a 400' radius would be fine, and in fact beyond that it might no longer be relevant to the neighborhood character. For land use analysis one size does not fit all.

What is relevant also shifts over time. For example, we now regularly ask for flood zone information and no longer require information about urban renewal plans.

Real estate finance norms change quickly in New York City, the BSA must maintain the flexibility to account for changes in industry standards, and codifying these standards would make it challenging to update as times change. While these standards are in line with what we require now, in ten years we may look at these requirements as hopelessly out of date.

Finally, I will address the direction to post on the BSA website each application and all written testimony and submissions.

While we do want to increase transparency in our process, the BSA opposes this portion of the bill. Applications include detailed written descriptions and plans of each of the projects it considers. Among

the projects are many schools, religious institutions, residential buildings, private homes and office buildings. For security reasons these documents should not be available on a public website. Additionally, the size of the files would present a significant technical issue.

Intro 1391

The BSA supports this bill in principle. However, I do not believe that the BSA has enough applications requiring financial analysis to keep a full-time staff person occupied. Not all variances require it. Small homes and non-profits like schools and religious institutions have different criteria for evaluation. A part-time staff person or a contract with a real estate appraisal firm may be a better option.

Intro 1390

This bill would amend the City Charter to require the Department of City Planning (DCP) to designate a board of standards and appeals coordinator to attend all meetings of the board, and post on DCP's website records of any of the board's hearings where DCP or the City Planning Commission testifies along with copies of any written testimony in a searchable format.

DCP agrees that it is important to be aware of and involved in, when warranted, BSA matters; however, DCP opposes the bill because we feel our current practices accomplish this goal, and that a single BSA coordinator would not be as effective. We further oppose the requirement to post BSA materials on DCP's website – such materials should be available through the BSA and its record of proceedings.

BSA applications that DCP receives are reviewed by the relevant Borough Offices, which have staff dedicated to and familiar with specific neighborhoods and are in the best position to review and assess whether a BSA application poses any issues. In addition, DCP's Counsel's Office and Zoning Division review BSA applications and monitor BSA appeals cases that deal with zoning [there are other appeals that deal with matters outside of DCP's purview, such as vesting, the Building Code and the Multiple Dwelling Law]. DCP also closely monitors projects that require both ULURP and BSA actions, which typically require a coordinated environmental review.

Thank you for your interest in my agency, and I am happy to take any questions.

MEMORANDUM OF ANALYSIS

BILLS: 282, 418, 514, 691, 1200, 1390, 1391, 1392, 1393, 1393

SUBJECT: Local Laws to amend the New York City Charter, in relation to actions and procedures for the Board of Standards and Appeals

PRIME

SPONSORS: James G. Van Bramer, Karen Koslowitz, Steven Matteo, Rosie Mendez, Donovan J. Richards, Ben Kallos

DATE: December 14, 2016

The Real Estate Board of New York (REBNY) is a trade association with 17,000 members including builders, owners, residential and commercial brokers and managers and other real estate professionals active in the real estate industry in New York.

We would like to state our concerns with the 10 bills relating to the Board of Standards and Appeals under consideration by the City Council Committee on Governmental Operations. In particular, we are concerned that a number of these bills have only recently been introduced. As a result, there has been insufficient time to consult with our members about the merits of the bills. In these cases, holding a public hearing with such short notice limits meaningful public participation and comments. We at least request that the comment period be kept open to submit additional testimony.

Int. 418, 1392: These proposed bills are unnecessarily prescriptive and could undermine the flexibility that is essential to the BSA's review of individual variance applications. The BSA was established as an independent board to grant "relief" from zoning regulations. Zoning is generally applicable to large areas or many sites and does not account for unique individual parcels of land that can be unduly restricted by regulations. The ability of property owners to apply for a zoning variance reduces the risk of claims of the taking of private property, thereby helping to ensure that zoning regulations are upheld. Intro. 1392 would codify minimum

evidentiary requirements for variance applications and create a \$25,000 fine for a materially false statement in connection with a variance application. Intro. 282 would require the BSA to promulgate rules in order to establish a formal procedure by which it will consider arguments and evidence submitted by any such party. In its review of applications, the BSA is guided by relevant case law and decades of its own decision making. A review of the BSA's decisions/resolutions over the last 10 years shows a careful deliberation of arguments and evidence submitted by applicants, community boards, elected officials and community groups, and the rationale for the BSA's final decision. Mandating evidentiary standards, and requiring procedures for the consideration of arguments and evidence is unnecessary given the BSA's well-established practices and record of decisions – decisions that, when challenged, are routinely upheld by the courts. A list of evidentiary requirements also ignores the inherent need for flexibility in variance applications, where the request for zoning relief is based on a property's own unique set of conditions. The BSA is also required by Charter to have a professional engineer, architect and planner, and its staff includes attorneys and planners. Therefore, the BSA and its staff contain the relevant, professional expertise required to determine what information and evidence is necessary for it to render decisions on variance applications.

Int. 282: Requiring the BSA to provide a written explanation when it rules contrary to the recommendation of a community or borough board is not necessary. As noted above, the BSA already provides resolutions that identify the recommendations of the community or borough board and provide detailed rationale of the BSA's decisions.

Intro 691: We also oppose Intro. 691, which would increase the limitation period for commencement of a proceeding to challenge a BSA decision from 30 days to four months. The 30-day limitation period for such challenges has existed for decades and is consistent with the limitation period applicable to zoning boards of appeal throughout New York State pursuant to the State's Town Law (§ 267-c) and the State's Village Law (§ 7-712C).

It therefore is clear that the long-established 30-day rule represents a carefully considered and widely applied appropriate balancing of the respective interests of property owners who seek a variance and neighbors who oppose the variance.

From the point of view of a property owner who successfully obtains a variance, the owner will have completed a lengthy public review process. For the owner to actually commence construction usually will require the owner to arrange financing – which may come from multiple sources in the case of a complex project – and to contract with a construction manager or general contractor who in turn will need to assemble and negotiate pricing and other terms with a team of subcontractors and suppliers. Timing is extremely important, and can affect pricing and the availability of personnel with appropriate skills, specialized equipment and materials that must be custom-fabricated for the job. Given these extreme complexities, it is unfair to a property owner (and to investors, lenders, contractors and other persons involved in the project) to require that the owner remain in limbo for up to four months without even knowing whether litigation will be brought to challenge its approvals.

From the point of view of a neighbor who opposes a variance – and equally from the point of view of an owner who wishes to challenge the denial of a variance – 30 days should be sufficient time to commence a legal proceeding with a petition that sets forth the litigant's basic grounds for attacking the BSA's decision, and which can be expanded upon at later stages of the lawsuit. Anyone who wishes to commence such a legal proceeding will necessarily have participated in the prior proceedings before the BSA. In fact, a person who did not participate in those BSA proceedings will not have standing to bring a lawsuit to challenge the BSA's decision.

Therefore, any potential litigant will have had a full opportunity to familiarize itself with the issues before the BSA, with the arguments on both sides, and with the evidence before the BSA. The potential litigant also will have had substantial prior warning of when the BSA's decision can be expected, and what the result is likely to be.

Int. 514: The BSA fee structure already includes an additional charge for applications for an extension of term of a variance that has already expired. The proposed bill to further penalize property owners is unnecessary. The requirement that the BSA send notices to all property owners prior to the expiration of a variance will also be extremely burdensome on the BSA's small staff, especially considering the thousands of variances that have been issued over the last 100 years.

Int. 1390 and 1392: These bills require the Department of City Planning and the BSA to hire staff with specific qualifications to perform specific functions. Telling agencies how to allocate personnel, even for the best of intentions, can be a harmful constraint on an agency's ability to allocate staff based on its specific and often changing needs.

Int. 1200: This bill to require the BSA to forward a copy of a variance or special permit application to the local council member is duplicative: Section 1-05.4 of the BSA Rules already require applicants to provide the local council member with a copy of a variance or special permit application within three business days after filing with the BSA.



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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION
REGARDING BOARD OF STANDARDS AND APPEALS REFORM BILLS
CITY COUNCIL GOVERNMENT OPERATIONS COMMITTEE**

December 14, 2016

Good afternoon, and thank you for the opportunity to testify. My name is Harry Bubbins, and I am representing the Greenwich Village Society for Historic Preservation, the largest membership organization in Greenwich Village, the East Village, and NoHo.

Though we have found the BSA staff to be incredibly helpful and responsive, based upon years of experience we would say that the BSA variance process is nevertheless indeed in need of reform. The process is opaque, and difficult for the public to participate in and understand. Information is hard to attain. Decisions by the BSA often seem arbitrary and inconsistent. And all too often, the process appears to be driven by the applicants, who provide data and projections to make their case which too rarely seems to be checked or disputed. In many cases, we have seen variances granted based upon data and projections provided by applicants which simply turns out not to be true – and unsurprisingly, the projections almost always seem to skew in favor the applicant’s requests.

We believe there are several ways in which the process could be reformed to help address these issues. First, it is critical that the board be required to only grant the minimum variance necessary to afford the applicant a reasonable return. The reasonable return should be more clearly defined, and the Board should exhaust all options which are in greater conformance with the existing zoning before granting a variance. Toward that end, Intro. 1392 seems as though it would be particularly helpful in addressing this issue, both by establishing standards for uniqueness and by discouraging false statements in applications by applying a substantial monetary penalty for doing so.

We also believe that extending the time frame for appealing BSA decisions would be both helpful and warranted, as required by Intro. 0691. The extension from 30 days to four months would both allow a more reasonable amount of time for concerned parties to take up appeals, and bring the timeframe in line with Article 78 appeals.

Intro. 0514’s provisions to provide a notification when a variance is about to expire, apply additional penalties for those who continue to use the site for the variances beyond the expiration, and to prohibit the granting of extensions until those penalties are paid, also seem fair and appropriate.

Requiring notification to Councilmembers of applications, a state certified general appraiser on the BSA staff, provision of regular reports to the City Council, and an interactive map on the BSA website of variances and special permits, would all also seem to provide helpful information to the interested public and potentially increase the integrity of the process.

However, we would note that many of the solutions would require some additional resources on the part of the Board. Given the incredible importance of the work the BSA does, we would encourage the Council to ensure that the Board is provided with the appropriate resources in order to be able to carry out any additional mandates.

Beyond the proposed bills before you, we would recommend considering ways to add further expertise to BSA, both in terms of staff and Commissioners, so that more of the financial and structural calculations which are the bases for variances can be fully reviewed or rebutted by the Board, rather than simply relying upon the experts hired by applicants.

Current BSA instructions indicate that the Board expects to see certain data on all properties that includes "market-based acquisition costs". To better determine the actual return on investment by the property owner claiming economic or other hardship, we would suggest that the real acquisition cost and acquisition date should be part of the application.

Finally, we would also recommend that the BSA be required to regularly review how the rate of return and other projections which are the basis for approved applications match up with the real rates of return in those cases. The results of those analyses should be published regularly. This will show us if the BSA is being overly generous in their granting of variances, and if the bases for those approvals are in fact regularly skewed in favor of the applicants.



**Testimony to the New York City Council
Committee on Governmental Operations
on Bills Pertaining to the Board of Standards and Appeals (BSA)
December 14, 2016**

Good afternoon Chair Kallos and members of the Committee on Governmental Operations. My name is Ethan Geringer-Sameth, and I am the Public Policy & Program Manager at Citizens Union. Thank you for the opportunity to testify today on the package of bills related to the Board of Standards and Appeals (BSA).

Citizens Union brings New Yorkers together to strengthen our democracy and improve our City. Nonpartisan and independent, our goal is to build a political system that is fair and open to all, values each voice, and engages every voter.

In 2010, we released a report on charter revision entitled *Increasing Avenues for Participation in Governing and Elections in New York City*. In that report and reemphasized in testimony before this committee in April of 2012, we supported measures to expand the structure of the BSA to include members not only appointed by the Mayor, but also by the Public Advocate and Borough Presidents. While we support a strong mayoralty, which we believe has improved the effectiveness of city governance over nearly the past three decades, we believe that such an expansion of the BSA would better ensure that community concerns are adequately represented.

In our charter revision recommendations of 2010, Citizens Union advocated for two significant measures that would alter the structure of the Board and the makeup of its members in a way that promotes community interests more directly within the process by which the BSA makes determinations. Specifically, we recommended that 1) the BSA be expanded to include one appointee from the Public Advocate and one appointee from each of the five Borough Presidents. For a given ruling, the voting BSA members would consist of seven members, five appointed by the Mayor, one by the Public Advocate, and one representing the borough impacted by the ruling, as is the practice with the Franchise and Concessions Review Committee. Secondly, we recommended that members of the BSA from the mayoral appointments now be required to possess professional expertise, suggesting that two of the five appointees being architects, and one of the five being an urban planner.

While a proposal to expand BSA membership has yet to be introduced as legislation by the Council, we are pleased to see Intro 1391, which places a professional accreditation requirement on BSA staff. Citizens Union supports this bill but would like to see a BSA membership comprised of individuals with stronger relevant professional credentials. We believe that the legislation should go further, not only to require staff to have certain professional expertise – as this bill does – but to ensure that all mayoral appointees to the Board are equipped with relevant professional expertise in lieu of the knowledge of, and sensitivity to, the needs of neighborhoods and communities that an appointee of the Public Advocate and Borough Presidents would bring.

Several of the other bills under consideration today reflect a similar but small push towards more meaningful community representation. We support them philosophically, but have not taken positions on any in particular. We support the spirit of improving opportunities for community input and wish to emphasize that Citizens Union feels serious advances toward public accountability cannot be achieved through legislative measures short of expanding and making more inclusive the membership of the BSA.

Thank you for again seeking Citizens Union's testimony on the matter of improving community input in BSA decision-making.

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MAS Testimony to the New York City Council Committee on Governmental Operations regarding Intros. 282, 418, 514, 691, 1200, 1390, 1391, 1392, 1393, and 1394.

December 14, 2016

In 1976 and 2004, The Municipal Art Society of New York (MAS) released landmark studies regarding the New York City Board of Standards and Appeals (BSA) zoning variance process, an issue that has been a persistent concern for neighborhoods trying to preserve their unique identity and character.

The BSA was created to keep zoning out of the courts, protect zoning from takings claims and provide property owners a quasi-judicial procedure for addressing deprivation of the reasonable use of their property. However, the findings in the most recent BSA study by MAS identify clear problems with the variance process.

First, with a shift from “bulk” to “use” variances in recent years, the BSA has taken on a planning role theoretically reserved for the City Planning Commission (CPC). Use variances that permit residential units in a manufacturing zone for example, typically engender more significant changes to community character and composition. Second, the clear clustering of variances in certain communities threatens community character while simultaneously inviting precedents for further variances that often lead to eventual zoning changes. Third, an extremely high variance approval rate called into question the scrutiny applied to applications. Finally, the report noted a lack of expertise at the BSA to deal with the extremely complicated financial reports often submitted with variance applications.

With these concerns in mind, the 2004 report included the following recommendations:

A. Improve the Application of the Five Findings Through Rule-Making.

Set forth better guidance for the BSA through rule making. Common urban hardships, such as proximity to subway easements and rail lines, should not form the basis for variances; an exhaustive list is not presented in these recommendations. Construction on historic fill or the presence of an aged manufacturing building is common in New York City and can hardly be claimed as a unique physical hardship. Furthermore, the pursuit of a variance immediately following purchase must be discouraged by creating a rebuttable presumption that recent purchase price accounted for existing hardship. Physical hardships and zoning limitations that exist at the time of a recent purchase are clearly best addressed at purchase and should be reflected in the price. Finally, when considering community impact, the third required finding, the applicant should present a uniform study area, and not just a study of adjacent areas that support the application.

B. Provide Better Oversight of the BSA and the Variance Process.

Aside from the courts, the BSA and its variance-granting process receive little direct oversight. At a minimum the BSA’s special permits, appeals and variances should be analyzed each year in the Mayor’s Management Report. The BSA itself might be charged with compiling annual statistics on its workload. This review would provide a basis for year-to-year comparisons of the variance process and help identify trends that require the attention of the CPC or the City Council. To this end, the BSA should be required to map all variances, similar

to what was done in the 2004 study. Such maps should be displayed prominently on the BSA website, in the BSA offices and at hearings. Rule-making should empower and require the CPC to draft a report that considers the underlying zoning in a community district upon the filing of the eleventh variance in a twelve-month period for that district. This “density alarm” would prevent the slow erosion of underlying zoning that the variance process can cause. Furthermore, a staff member at DCP should be designated as the BSA coordinator. This person should be responsible for reviewing all BSA variances and overseeing the comments submitted by the borough offices of City Planning. These recommendations would permit greater government and public oversight of the process.

C. Add Expertise to the BSA.

If courts are to defer to the BSA as an expert body, the BSA must have the expertise to deal with the modern variance application. Legal and financial expertise are the most critical resources for dealing with the applications. With hundreds of calculations, the potential for manipulation is great. Financial and real estate expertise needs to be added to the staff. The chair and commissioners of the BSA also need to have some planning background and familiarity with the City’s planning process. Additionally, since the BSA is not composed of attorneys, training in case law and the interpretation of the findings should be required for staff and commissioners. For example, courts are constantly interpreting what a reasonable rate of return is and the requisite level of detail required in administrative decisions.

D. Strengthen the Variance Application Process.

Cross-referencing other local variances should be limited to prevent “boot-strapping” in changing communities. This occurs when an applicant relies on previous variances, either directly or indirectly, to establish grounds for the latest one. If mentioned, other variances must be related to the unique hardship of the applicant. The minimum variance requirement can be better enforced as well by stipulating that all relevant lower use groups within a zoning category be addressed. For example, in M3 Heavy Manufacturing Zones, applicants should be required to calculate return on lighter industrial uses permitted in M1 and M2 zone before seeking radical changes. Renewal applications should prove that the original variance conditions were complied with as a factor in whether a new variance will be granted. Compliance history is relevant to the impact on the community, the “C” finding. Furthermore, mandatory penalties should be imposed for intentional submission of erroneous financial information.

E. Create a Commission to Study the Creation of a Zoning Administrator Position and New Standards for Area Variances.

MAS believes that rapid implementation of recommendations A through D will significantly improve the variance process. However, given the persistent problems that have been identified in the 2004 study and throughout the BSA’s history as well as the increasing use of zoning administrators nationwide, a study of the position of zoning administrator and its usefulness for New York City is in order. One of the first tasks of such a study will be to consider the experiences of other municipalities and the role the zoning administrator plays in the variance processes; MAS’s study has begun this work. This will identify what options are available to the City and how they operate elsewhere. The official can serve in an administrative, advisory or adjudicatory capacity. The zoning administrator in New York City might simply improve the relationship between City Planning and the BSA by providing oversight and advice. In making this recommendation, MAS does not assume that a zoning

administrator would improve the process or that such an official could function better than the BSA.

MAS Comments and Recommendations Regarding Intros. 282, 418, 514, 691, 1200, 1390, 1391, 1392, 1393, and 1394

The MAS is pleased to see that some of the amendments introduced by the Council reflect the recommendations from our 2004 report. In particular, *Intros. 1390, 1391, 1393, and 1394* respond to our concerns about BSA oversight.

MAS supports *Intro. 1390*, which would designate a BSA coordinator within DCP who would be required to attend all meetings. Although not included in our 2004 report, MAS supports the additional proposal that would require the BSA coordinator's contact information to be available on the DCP website, as well as searchable records of all BSA hearings where DCP or the CPC gives testimony, and copies of submitted written testimony.

MAS generally supports *Intro 1391*, which would require the BSA appoint a state-certified general appraiser and member of the Appraisal Institute with expertise in analyzing and auditing real estate investments. However, MAS questions whether an appraiser provides the comprehensive financial expertise required to evaluate all of the aspects of a financial analysis provided by applicants. In addition, the bill does not reflect our full request to provide annual training for Commissioners and staff in application of the five findings and the latest case law on variances for added legal expertise.

We recognize *Intro. 1392* as the most far-reaching proposal in terms of addressing the five criteria considered by the BSA for determining hardships for granting variances and special permits, and feel it responds to many of the concerns expressed in the 2004 MAS report. Although we value the importance of requiring notarized certifications for supporting documentation in applications before the BSA, MAS believes the proposal does not address the larger need for better guidance on what is considered "unique" as the basis for granting variances.

As before, we insist that applicants be held to a high degree of scrutiny with regard to claims of site condition uniqueness that in actuality are common throughout the city. Many sites in the city are constructed on landfill. Many sites are within close proximity to subway easements or contain levels of contamination that are typical of previously developed properties. These conditions should not be considered unique in their own right, and should be carefully vetted during the BSA pre-application process.

Consistent with the 2004 study, MAS maintains that owners of recently purchased properties who seek variances for alleged unique site conditions that were known at the time of the sale should be discouraged from pursuing variances based on these conditions. MAS believes these are self-created hardships. For the most part, costs connected to physical hardships and site zoning limitations that are present at the time an applicant purchases a property should be reflected in the purchase price, and not serve as the basis for a variance application.

While we agree with the proposal to require a uniform study area (400-square foot radius) to be evaluated for variance request applications--as it is consistent with guidelines outlined in the *CEQR Technical Manual* for projects subject to environmental review--we suggest that a

larger area (e.g., ¼-mile radius) be considered based on guidance from BSA when a project involves a large site that would have a greater potential for significant impacts on a particular community.

While we favor the BSA requirement that applicants provide as much information as practicable with regard to adjoining sites as part of its review process, we are concerned that access to environmental studies of adjoining properties may be problematic. For example, conditions described in the proposed amendment are typically identified and evaluated in environmental site assessments and investigation (Phase I Environmental Site Assessments and Phase II Environmental Site Investigations) and geotechnical reports completed by private sector consultants for developers. These documents are often not readily available online and are frequently only accessed through FOIL requests with the agency responsible for reviewing and approving them.

While we support the proposed specifications under *Intro No. 1392* pertaining to economic analyses in BSA applications and the increased level of applicant accountability regarding market studies, hard and soft costs, sources for financing, and documenting attempts to obtain financing for applicants who claim they cannot afford to develop a site based on existing site conditions, we feel that these are the basic components that should be expected of a rigorous economic analysis provided by an applicant seeking a variance or special permit before the BSA. The larger issue is whether the requirement proposed under *Intro 1391* for the BSA to employ a state-certified appraiser fully addresses the need for a financial expert on the BSA staff. This was a critical recommendation in the 2004 study and an issue that still requires further clarification.

We commend the proposal under *Intro. 1392* for requiring that all information presented BSA applications, including at public hearings, be made available online.

MAS supports *Intro. 1393*, as it would require the BSA to report information about applications for variances and special permits and appeals of decisions regarding variances and special permits to the Council twice per year. The proposal specifies dates for submitting the report as approximately one and a half months prior to the mandated due dates for the Preliminary Mayor's Management Report and the Mayor's Management Report.

MAS supports *Intro. 1394* with the following recommendations. We welcome the requirement under the bill for the BSA to create and post on its website an interactive map displaying the location of all variances and special permits approved by the board since January 1, 1996. The map would allow a user to filter by borough; council district; community district; type of variance; date; and, for special permits, active or inactive status. In addition to the proposed online platform, we recommend that the map should be made available as a downloadable file in a format that facilitates further analysis. Poorly designed websites, disorganized spreadsheets, or un-editable PDF files are common obstacles that limit examination. The database should also be made available through the open data portal in formats that facilitate evaluation, such as a downloadable CSV file, an Excel spreadsheet, and ESRI shapefiles. The database should also include the block and lot numbers to allow identification of the exact property.

MAS supports *Intro 282*, which would require the BSA to establish rules for the consideration of arguments and evidence submitted by parties, and to refer to such arguments and evidence

in final determinations. The City Charter requires the BSA to grant equal rights to the CPC, borough boards, lessees and tenants, and property owners for submitting arguments and evidence related to their submissions. However, the City Charter does not specify a procedure by which those rights would be granted. *Intro 282* would expand that section of the City Charter to require the BSA, at its own discretion, to promulgate rules that will establish a formal procedure by which it would consider arguments and incorporate them as part of their decision making process. Although the recommendation in the previous MAS reports do not address this particular issue, we believe that *Intro 282* represents a positive step towards strengthening BSA application procedures.

MAS supports *Intro. 418* which amends the City Charter to require the BSA to provide written explanations accompanying its actions that are contrary to the commendations by Community Boards and Borough Boards. This is a reasonable requirement for the BSA since other city agencies perform this function in similar ways. For example, lead agencies in the CEQR process, such as DCP, are required to provide a summary of all public comments in Final Environmental Impact Statements (EISs) and a summary of findings in the Statement of Findings for EISs. Furthermore, according to the April 27, 2012 testimony of Jeff Mulligan, former BSA Executive Director, BSA resolutions already identify the recommendations of Community Boards and Borough Boards and project modifications, discussing the reasoning behind its particular decisions. This bill simply formalizes an existing BSA procedure.

MAS supports *Intro. 514*. Although Section 25 of the City Administrative Code specifies penalties for violators or owners who fail to comply with the Board's orders or requirements, the City Code does not require the BSA to notify owners when a variance is about to expire. The City Code does not detail procedures for owners who continue to be out of compliance with the City Code after being penalized. Moreover, the city allows violators with unpaid penalties to receive extensions from the Board. MAS feels *Intro. 514* would resolve these issues. This bill would expand the Administrative Code to require the BSA to notify the person holding a variance at least six months before the variance expires. *Intro 514* also specifies additional and incremental penalties for violators who receive such notification but continue to use the lot beyond the variance's expiration. Finally, the bill establishes that no extensions shall be granted unless all penalties imposed have been paid.

MAS supports *Intro. 691* which extends the period for BSA decision appeals from thirty days to four months. The new four-month period reflects what is prescribed for Article 78 proceedings, the legal relief procedure for environmental review projects, pursuant to New York Civil Practice Law and Rules (NY CPLR) Section 217. Additionally, we feel that extending this period would not lengthen the BSA application process since appeals occur after the Board makes a resolution.

MAS supports *Intro. 1200* with the following recommendations. Section 668 of the City Charter describes the procedure and specific steps in which Community Boards and Borough Boards review zoning variances and special permits within the jurisdiction of the BSA. This section of the City Charter also grants the CPC the authority to judge and have standing to challenge the granting or denial of a variance. However, the section does not require the BSA to inform Council Members about applications for variances or special permits in their districts, nor does it describe review procedures or grant them the authority to judge.

Intro 1200 would improve oversight with regard to the variance process by requiring the BSA to send a copy of each proposal or application for a zoning variance or special permit, within five days of receipt, to the local Council Member representing the district in which the property is located. Despite this improvement, MAS believes that without giving the Council Members the opportunity to comment on applications, the mere action of informing them is not likely result in substantial improvements regarding BSA oversight in the variance application process. *Intro 1200* should be expanded to include procedures describing the review process, including the incorporation of recommendations made by local Council Member examination of applications.

Conclusion

MAS has long advocated for transparency and improvement in the city's various land use processes. MAS believes the amendments before City Council begin to address the problems we identified in our 1976 and 2004 reports. We are hopeful that the Council will incorporate our current recommendations identified herein to provide a necessary level of improvement with regard to the BSA application process and the role the BSA plays in making important planning decisions.

TESTIMONY OF QUEENS & BRONX BUILDING ASSOCIATION ON
INT. NOS. 282, 418, 514, 619, 1200, 1390, 1391, 1392, 1393 and 1394
December 14, 2016

GOOD AFTERNOON. MY NAME IS ROBERT ALTMAN AND I REPRESENT THE QUEENS & BRONX BUILDING ASSOCIATION. I WOULD LIKE TO THANK THE COUNCIL FOR THE OPPORTUNITY TO COMMENT ON THE LEGISLATION WITH RESPECT TO THE BOARD OF STANDARDS AND APPEALS. THE BOARD OFTEN SERVES AS A BUFFER BETWEEN POLITICAL PROCESSES AND PROFESSIONAL REVIEW OF APPLICATIONS. IN MANY RESPECTS, WE HAVE LITTLE OBJECTION TO THE ATTACHED BILLS EXCEPT TO THE EXTENT THAT THEY MIGHT INJECT POLITICAL CONSIDERATIONS INTO WHAT IS NORMALLY AN UNBIASED PROFESSIONAL PROCESS. THE FOLLOWING ARE SHORT COMMENTS ON EACH BILL.

INTRO. 282 IS CONFUSING CONCEPTUALLY. BEING THAT BSA IS NOT A FORMAL COURT PROCEDURE AND NOT SUBJECT TO THE FORMAL RULES OF EVIDENCE FOR A COURTROOM, IT WOULD SEEM THAT FORMALIZING PROCEDURES MIGHT ACTUALLY HURT THE GENERAL PUBLIC, WHICH IS LESS LIKELY TO PROVIDE EVIDENCE WITHIN ANY RULES THAT MIGHT BE PROMULGATED. IT IS DIFFICULT TO UNDERSTAND THE EXACT GOAL WITHOUT FURTHER ELABORATION.

INTRO. 418 WOULD ONLY MAKE SENSE IF ANY COMMENTS SUBMITTED BY A BOARD WERE REASONED AND THOUGHT THROUGH. TO THE EXTENT THEY ARE, THEN THE BSA MIGHT BE COMPELLED TO ADDRESS THEM. BUT TO THE EXTENT THEY ARE NOT, BSA SHOULD NOT BE FORCED TO COMMENT ON EVERY STATEMENT BY A BODY. SINCE THIS SETS A BAD PRECEDENT AS MORE COMMENTING MIGHT BE REQUIRED IN THE FUTURE AND THEN THERE COULD BE A LAUNDRY LIST OF COMMENTS, WE OPPOSE THIS MEASURE.

INTRO. 514 MAKES SOME SENSE, BUT FIRST THE COUNCIL SHOULD PROBABLY REQUIRE A SURVEY ON THE NUMBER OF VARIANCES OUTSTANDING THAT HAVE EXPIRED. THIS WILL GIVE A BETTER IDEA OF THE SCOPE OF THE PROBLEM. ONE CONCERN THAT WE DO HAVE IS THAT A NUMBER OF BUSINESSES THAT EMPLOY MANY NEW YORKERS MAY BE ADVERSELY AFFECTED.

WE OPPOSE INTRO. 619. HAVING HAD AN OPPORTUNITY TO COMMENT AT BSA AND HAVING LOST, THERE IS NO REASON WHY THIRTY DAYS IS NOT SUFFICIENT TO FILE AN APPEAL. EXTENDING THIS BY THREE TIMES THE CURRENT APPEALS PERIOD JUST ADDS EXTRA UNJUSTIFIABLE COSTS. ADDING THESE COSTS WOULD BE JUST ANOTHER REASON WHY NEW YORK CITY IS THE MOST EXPENSIVE PLACE TO DEVELOP IN THE UNITED STATES.

INTRO. 1200 IS FINE, ALTHOUGH IT MIGHT BE BEST PLACED IN SUBSECTION (a)(1).

INTRO. 1390 IS FINE, ALTHOUGH I AM UNSURE IT RISES TO THE LEVEL OF LEGISLATION.

WHILE WE UNDERSTAND THE POINT OF INTRO. 1391, WE DO NOT THINK IT NECESSARY. APPRAISERS CAN COME UP WITH WIDELY VARYING VALUATIONS AND HAVING A CITY APPRAISER ONLY PROVIDES AN IMPRIMATUR OF GOVERNMENT VALUATION WHICH IS PROBABLY INAPPROPRIATE FOR AN AGENCY OTHER THAN THE DEPARTMENT OF FINANCE. AND OFTEN DO EVEN HIRES OUTSIDE APPRAISERS. MOREOVER, WE ARE CONCERNED ABOUT THE APPRAISAL PROCESS BECOMING POLITICAL AND THE APPRAISER BECOMING BACKLOGGED AND DELAYING APPLICATIONS.

SOME OF INTRO. 1392 IS SIMILAR TO MUCH OF WHAT IS ALREADY DONE.

INTRO. 1393 IS A REPORTING BILL AND WE HAVE NO OBJECTION TO IT.

INTRO. 1394 IS FINE, BUT GIVEN THAT IT WILL TAKE MONEY TO CREATE AND MAINTAIN, ESPECIALLY GOING BACK TO 1996, WE ASSUME THAT THE COUNCIL IS BUDGETING FOR THIS MEASURE SO THAT BSA CAN PROPERLY KEEP TO ITS CALENDAR.

December 14, 2016

To the Members of the Governmental Operations Committee of the NYC Council:

My name is Henry Euler and I am the First Vice President of the Auburndale Improvement Association, Inc. I am representing my civic association today at this hearing. My civic association, founded and incorporated over 100 years ago, represents over five hundred families and individuals in the Auburndale section of Flushing and western Bayside in Queens County. I am also a member of Queens Community Board 11 and a Vice President of the Queens Civic Congress.

I am pleased to see that the City Council is considering the ten proposals to make the Board of Standards and Appeals (BSA) more accountable. As we all know, this Board has immense control over what happens in our neighborhoods. I have testified numerous times at the BSA hearings and many times I am disappointed in their decisions. They do listen to community board and borough president input to some degree with some of the applications, however, they often ignore the input from those two entities. For example, recently, the BSA approved an application that involved several variances to construct a religious facility in the Kissena Park section of Flushing. Most of the community members and elected leaders were opposed to the granting of the application because of the inappropriateness of the new structure in relation to the surrounding community of one and two family homes. The community board and the borough president turned down the application, however, the BSA approved it enthusiastically.

On some of the ten proposals that are being considered, I do not quite understand the rationale for their enactment or how they would be implemented. It would be great if we could ask the Council Person sponsor (or their reps) to explain more of the need and benefit to the community of their particular proposal. It doesn't mean that they should be turned down. Even though I understand the general purpose for Intros. 0282, 1390 and 1391, I believe that further clarification is needed for each bill.

I very much support Intro. 0418, which would require written explanations when the BSA approves an application that a community or borough board (borough president?) rejected.

Intro. 0514 is very important in my opinion. Many times, variances expire and no action is taken for years by the applicant involved. Just like when our driver's licenses expire, we get renewal notices in the mail; this should happen as variances expire as well. If applicants do not reapply in a timely manner, there should be consequences. I have found that many holders of variances neglect to file for renewal, sometimes for years and sometimes when complaints have been filed for non-compliance of conditions in those variances. This must be changed.

Intro. 0691 is important too. There has to be adequate time set aside to file an Article 78.

For Intro. 1200, the Council Person should be notified of impending BSA cases. It is hard to believe that they are not always notified in the first place.

With regard to Intro. 1392, I believe it is necessary to pinpoint in more detail the conditions for granting a variance under Section 72-21 of the Zoning Resolution. Often times, I have noticed that the conditions regarding the uniqueness of the zoning lot and potential hardship are often not adhered to by the BSA, in my opinion.

I believe that the City Council should be apprised of all BSA cases, so Intro. 1393 should be approved.

Intro. 1394, creating an interactive zoning variance and special permit map, is excellent and should be passed in order to increase transparency of the BSA actions.

One proposal that I do not see on the list was one that Senator Tony Avella was advocating for when he was in the City Council. That proposal stated that there would be an automatic appeal to a BSA decision when the community board and/or the borough president rejected an application that the BSA subsequently approved. It goes further than Intro. 0418. It would also reduce or even eliminate the need for a costly Article 78 appeal, that most residents and/or neighborhood groups could not afford to pursue.

Another proposal that had been considered in the past was to increase the number of Commissioners on the BSA. A representative from each borough, nominated by each borough president, would serve on the board as well as the five Commissioners who are appointed by the Mayor.

In ending, I just want to thank all of the Council members who sponsored and co-sponsored these ten bills. It has been a widespread belief for years that the BSA needs to be more transparent and accountable to the citizens that they represent.

Henry Euler
204-05 43rd Avenue
Bayside, NY 11361-2617
718-229-5505



Commentary on Improvements Needed for the Board of Standards and Appeals

Presented by Lisa Paule, Co-Founder, Serene Green
13 December 2016

Introduction

Serene Green is an advocacy organization formed in response to the Chapin School expansion at 84th Street and East End Avenue. We support quality of life for residents and the quiet residential character of our beautiful, idyllic neighborhood. Established in 2015 in partnership with Cynthia Kramer, Serene Green championed community efforts to oppose the Chapin request for four zoning variances at the BSA last year.

We testified at several BSA hearings during spring-summer-autumn 2015, expecting our arguments were being heard. Each time the BSA shut us down. We lost and Chapin was granted the variances. We actively sought the input of our local elected officials to stand up for us, engaged local press to publicize our situation and were instrumental in setting up ongoing interactive community meetings with Chapin representatives to monitor the expansion project.

We are presently pursuing ways through these community meetings to decrease the disruption of the Chapin expansion as the school advances its next construction phases (including the installation of a crane and the hoisting of steel beams forecast for spring-summer 2017). We also suggest practical solutions to issues, both preemptively and as they arise.

Our experience at the BSA was enlightening on many levels, most notably for exposing seemingly inherent biases within its decision-making body. We had universal take-aways from our interaction with the BSA, and we expect not only a better performance by this agency, but built-in safeguards that make quality of life for residents paramount in all BSA decisions.

I was given less than a week's notice to prepare this report, distilling a nearly two-year experience into just a few pages. You are welcome to read narratives about what our community has endured via these links, a sampling of press attention our plight was given. (As a reminder, this is not the Second Avenue subway project for public use, but rather a private school for girls without any public benefit whatsoever.)

<https://www.dnainfo.com/new-york/20160722/yorkville/amid-development-boom-ues-residents-want-form-construction-task-force>

<https://www.dnainfo.com/new-york/20160429/yorkville/chapin-school-ignores-neighbors-pleas-limit-late-night-work-locals-say>

<https://www.dnainfo.com/new-york/20160418/yorkville/city-grants-chapin-school-247-work-permits-driving-neighbors-mad>

<http://www.ourtownny.com/section/searchtest?searchtext=chapin+school>

<http://www.manhattanexpressnews.nyc/chapin-contending-neighbors-lawsuit-expansion-plans/>

Lisa Paule • 917-816-6161 • lisaannpaule@gmail.com

Discussion

The Board of Standards and Appeals needs a gut renovation. While its premise is sound in principle, its practices leave a lot to be desired and vast improvement is called for to ensure fairness and deny zoning variances to projects that harm neighborhoods.

I am going to comment on two proposals:

- 1 - Community involvement
- 2 - Written decisions

1

Accountability

-The Board of Standards and Appeals is a city agency whose commissioners are therefore paid in part by funds raised by taxes we, city residents, pay. Therefore the BSA must be directly accountable to the community it is supposed to serve, and failure to give serious consideration to the voices of residents in reaction to requests for variances is an egregious misuse of agency authority. This view is shared by many of my neighbors.

Right to oppose

-The consideration of arguments and evidence provided by residents and community groups must be enhanced. At hearings, unequal time was given to opponents of a project detrimental to the community and opponents were each given only three minutes to speak, whereas representatives of the petitioning agent were given unlimited time for their presentations. It seems **only legal counsel** is valued for its commentary at the BSA!

This is highly objectionable. A city agency needs to respect the voices of residents and community groups opposed to a particular construction project, and particularly when such opposition mounts persuasive counter-arguments to a variance request.

Minimal scrutiny of our evidence

-The BSA gave minimal weight to the significant details we provided regarding four findings (one was not applicable) the BSA is required to consider to grant a variance. There was a lack of acknowledgement of the change of character that would result from this expansion, which was a significant issue.

This is unacceptable. Our community group provided numerous letters, fact-based testimony, statistics and illustrations, statements by experts and a power point presentation in opposition to a request for four zoning variances and these were given just cursory attention. We also provided the results of our online petition which garnered 300 signatures and candid commentary against the Chapin project. In essence, we were precluded from making our own counter-presentation, **even though our neighborhood was suffering through a 24/7 construction ordeal and there were prevailing harmful circumstances that added to the context of the request for variances.**

Lack of care about community experience

-In the final decision verbally rendered by the BSA, there was a significant lack of reference to community concerns, with just a “footnote” mention of the volume of opposing letters the BSA received objecting to this expansion project. It was as if the BSA selectively disregarded the points of view of community members *individually* and rejected the concept of a counter-argument by *a unified body* comprised of community members. This is not the way for a city agency to operate.

Bias

-A very hard-to-access video of the brief, pre-final decision meeting of the commissioners shows bias in favor of the petitioner and a dismissive attitude of other relevant opposing factors presented by the community. And representatives of the petitioning body were present at this pre-decision meeting, **whereas no representatives of the community opposition were invited or present.**

A pre-determined decision

-The BSA seemingly pre-determined its decision.

For example, at an evidentiary hearing – well prior to a decision being rendered – the head commissioner tells the petitioner they need to reduce a stairwell footprint from an extension of 30 feet to 15 feet, implying that once this modification is submitted, the BSA will green-light the variance. This shows that the arguments of the opposition are irrelevant and the outcome is already decided.

We experienced this at two BSA hearings when the Chapin contractor was asked to change the dimensions of something. It was obvious the variances were going to be granted. This is simply wrong.

Failing to heed a decision by the Community Board

-The BSA failed to heed the recommendation of Community Board 8, which voted overwhelmingly against the Chapin request for zoning variances and against the school expansion. It was as if this were irrelevant to the request at hand. As an advisory body, the recommendation of a community board – representing the interests of its residents – must carry significant weight.

Failing to recognize the severity of the issue of the expansion

-The BSA failed to recognize the severity of the issue for the community, announcing its decision with no mention of the serious concerns the opposition brought to light, and without an explanation of how its findings on the four points were made when we specifically rebutted each of them. This was also unacceptable.

#2

A comprehensive written decision is essential

-A written explanation requires a thorough review of opposition material. We wonder if our submissions were even read, and if so, how they could have zero bearing on the outcome. There was no report that acknowledged a thorough review of all our submissions and a discussion of our points. This ought to be required of the BSA. A written explanation can demonstrate fairness and transparency, without which **it is as if the BSA operates in secret and/or in collusion with petitioners.**

Standing up for rights of residents

The BSA must uphold the rights of the community to a decent quality of life, instead of being favorably disposed to developers and business entities that encroach on residential neighborhoods and wreak havoc with out-of-control construction practices. The BSA must be required to show its reasoning for granting variances, rather than simply issuing decisions.

In today's digital age, information is available, and residents and community groups can bolster their arguments effectively. The BSA cannot disregard this information and pretend it does not exist. The BSA needs to present detailed

summaries of how they arrived at their decisions, rather than exhibiting favoritism toward developers.



WORKING FOR QUALITY
IN URBAN LIFE

December 13, 2016

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1914–1997

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City Council of New York
Committee on Governmental Operations
City Hall, Council Chambers
New York, NY 10007

Subject: Int. Nos 282, 418, 514, 1200, 1390, 1391, 1392, 1393, and 1394.

Members of the Committee on Governmental Relations:

CIVITAS, a community based nonprofit organization that has long focused on improving the quality of life on the Upper East Side and in East Harlem, has a long track record of advocating for common sense, equitable zoning regulations. It is in this spirit that we write to express our support for Int. Numbers 282, 418, 514, 1200, 1390, 1391, 1392, 1393, and 1394.

CIVITAS recognizes the importance of the Board of Standards and Appeals ("BSA") mission and work, which, in this case, will be improved through passage of the aforementioned legislation. Generally, CIVITAS supports legislation that enables greater communication and dissemination of information between the BSA, City Council Members, community boards, and the Department of City Planning. Legislation mandating explanations of BSA decisions, improving notification and penalties for expiring variances, as well as legislation regulating the quality and veracity of applications received by the BSA are all common sense changes that will improve the Board's work and enable interested parties to better understand its conclusions. Finally, CIVITAS supports the passage of Int. Numbers 1390 and 1391, which will help promote interagency communication and improve the quality of analytical work performed by the BSA.

Once again, CIVITAS expresses its support for Int. Numbers 282, 418, 514, 1200, 1390, 1391, 1393, and 1394. We respectfully thank the City Council for its consideration.

Sincerely,

Jameson Mitchell
Executive Director

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marcel Negret

Address: 488 Madison 1900

I represent: Municipal Art Society

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 121 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: THOMAS DEVANEY

Address: 40-14 62nd St QUEENS

I represent: THE MUNICIPAL ART SOCIETY of NY

Address: 488 MADISON AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 121 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Alan Sigmund

Address: 121 20 St NY NY 10011

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0282 Res. No. _____

in favor in opposition and 0418

Date: _____

(PLEASE PRINT)

Name: LISA PAULE

Address: 531 East 84th Street #4A New York, NY 10028

I represent: Serene Green & My neighborhood of

Address: 84th St & East End Ave

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. BSA Res. No. _____

in favor in opposition legislation

Date: 12-14-16

(PLEASE PRINT)

Name: Henry Euler

Address: 204-05 43 Ave. Blyside, NY 11361

I represent: Auburndale Improvement Assoc.

Address: PO Box 580331, Station A, Flushing, NY 11358

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. BSA Res. No. _____

in favor in opposition

Date: 12/14/16

(PLEASE PRINT)

Name: SEAN KHORSANDI

Address: 45 W. 67th St

I represent: LANDMARK WEST

Address: 45 W 67th St

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition
BSA Reform

Date: 12/16

(PLEASE PRINT)
Name: HARRY BUBBINS

Address: _____

I represent: Greenwich Village Society for Historic Preservation
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: SHELDON LOBEL

Address: 18 EAST 41ST NY

I represent: Young Advocacy Council
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1391 Res. No. _____

in favor in opposition

Date: 12/15/16

(PLEASE PRINT)
Name: Ethan Geringer-Sameth

Address: 299 Broadway

I represent: Citizens Union

Address: 299 Broadway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Res. No. 1370

in favor in opposition O/A

Date:

(PLEASE PRINT)

Name: Alison McCabe

Address: 170 Broadway 31st Fl

I represent: NYC Dept. of city planning

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 282 54 1230 1350 1391 Res. No. 418 691 1383 1382

in favor in opposition

Date: 12/14/16

(PLEASE PRINT)

Name: Loreel Monme

Address: Board of Standards & Appeals 250 Broadway

I represent: Board of Standards & Appeals

Address: 250 Broadway, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 282 54 1202 1390 1391 Res. No. 414 691 1383 1382

in favor in opposition

Date: 12/14/2016

(PLEASE PRINT)

Name: Ryan Singer

Address: 250 Broadway 29th Floor

I represent: BSA

Address:

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 17/14/16

(PLEASE PRINT)

Name: Kevin Forrester

Address: 82-36 166 St Jamaica NY

I represent: QUEEN CIVIC CONGRESS

Address: Amel

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All BSA bills Res. No. _____

in favor in opposition

Date: 12-14-16

(PLEASE PRINT)

Name: Robert S Altman

Address: 27 Whitehall St, 4th Fl, NY, NY 10004

I represent: Queens & Bronx Building Assn

Address: 16-66 Bell Blvd #845, Bay Ridge NY.

Please complete this card and return to the Sergeant-at-Arms