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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

April 16, 2019

Start: 9:36 a.m.

Recess: 1:29 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: FRANCISCO P. MOYA  
Chairperson

COUNCIL MEMBERS:

- COSTA G. CONSTANTINIDES
- BARRY S. GRODENCHIK
- RORY I. LANCMAN
- STEPHEN T. LEVIN
- ANTONIO REYNOSO
- DONOVAN J. RICHARDS
- CARLINA RIVERA
- RITCHIE J. TORRES

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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

Richard Lobel  
New York Zoning and Land Use Attorney at Sheldon  
Lobel, PC

Fayanne Betan  
New York Associate Attorney at Sheldon Lobel, PC

Mariusz Dudziek  
Custodian at the Empire State Building, 32 BJ  
Member

Gib Veconi  
Member of Community Board Eight

Ethel Tyus  
Chair of the Land Use Committee for Community  
Board Eight

Jay Valgara  
Applicant of 1010 Pacific Street Rezoning

Domenic Recchia  
Applicant of 1010 Pacific Street Rezoning

Dan Marks  
Resident of Brooklyn, Partner and Team Leader at  
Terra CRG Commercial Realty Group

Carter Clarke  
Resident of Brooklyn, Vice President of HSN  
Realty Corporation

Ian Engberg  
Resident of Brooklyn

Jessica Ortiz  
Building Service Worker at Trinity School, SCIU  
32 BJ Member

Greg Todd  
Member of Community Board Eight, Associate Broker  
With the Corcoran Group

David Clunie  
Head of State and Local Government Relations at  
JP Morgan Chase Company

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

Vishaan Chakrabarti  
Architect and Founder of PAU

David Karnovsky  
Land Use, Zoning and Real Estate Development  
Attorney at Fried Frank

Devin Mayer  
Project Manager at JP Morgan Chase and Company

Davon Lomax  
Resident of Council District Nine, Member of  
Painters and Allied Trades Union

Rochelle Patricof  
Vice President for Administration and Operations  
Grand Central Partnership

Cassie Carillo  
Member of SCIU 32 BJ

Max Sheeron  
Business Agent with Local 638 Steamfitters

Lizette Chaparro  
Urban Planner for Manhattan Borough President  
Gale Brewer

Joseph Colella  
Executive Chamber Intern at the New York Building  
Congress

Lynn Ellsworth  
Chair of Tribeca Trust, Founder and President of  
Human Scale NYC

Tara Kelly  
Vice President of Policy and Programs at the  
Municipal Art Society

Edith Hsu-Chen  
Director of the Manhattan Office at the  
Department of City Planning

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 Christopher Hayner  
2 Zoning Division of the Manhattan Office at the  
3 Department of City Planning

4 Will Brightbill  
5 District Manager of Community Board Eight in  
6 Manhattan

7 Seema Reddy  
8 Co-Chair of Community Board Seven Land Use  
Committee

9 Holly Rothkopf  
10 Representing Save Central Park NYC

11 Rachel Levy  
12 Executive Director of Friends of the Upper East  
Side Historic Districts

13 Simeon Bankoff  
14 Executive Director of the Historic Districts  
Council, HDC

15 Josette Amato  
16 Executive Director of Westend Preservation  
Society

17 Gus Ipsen  
18 Reading for Assembly Member Linda B. Rosenthal

19 Mark Diller  
20 Member of Community Board Seven, Upper West Side,  
Manhattan

21 EJ Kalafarski  
22 Member of Community Board Five, Manhattan

23 Chris Giordano  
24 Representing the 64<sup>th</sup> thru 67<sup>th</sup> Streets Block  
Association

25 Rachel Mazur  
Menapace Fellow at the Municipal Arts Society

Gary Pomerantz  
Executive Director at WSP Engineering

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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

Andrea Goldwyn  
Speaking for the New York Landmarks Conservancy

Andrew Berman  
Executive Director of Village Preservation, The  
Greenwich Village Society for Historic  
Preservation

Ed Bosco  
Representing the American Council for Engineering  
Companies

Jeremy Dworken  
Partner, Architect at Foster Plus Partners

[gavel]

CHAIRPERSON MOYA: If everybody can take their seats, we're, we're going to begin. Good morning and welcome to the meeting of the Subcommittee on Zoning and Franchises, I'm Council Member Francisco Moya, the Chairperson of this Subcommittee and today we are joined by Council Members Constantinides, Grodenchik, Levin, Richards, Rivera. Today we will hold hearings on a number of applications. If you are here to testify on an item for which the record is not already closed please fill out a speaker slip and give it to the Sergeant at Arms indicating your full name, the name and LU number of the application you wish to testify on and whether you are speaking for or against an item. Please note that we will be laying over Resolutions 748, an authorizing resolution pursuant to section 363 of the city charter also known as the Staten Island bus franchise authorizing resolution and we will also be laying over LUs 386 to 389, the 1921 Atlantic Avenue rezoning in Brooklyn. I now will hold our public hearings. Our first hearing for today is on LUs 391, 392 for the 1050 Pacific Street rezoning in Majority Leader Cumbo's district in Brooklyn. The

1  
2 applicant seeks approval for a zoning map amendment  
3 to rezone an existing M1-1 district to an M1-4/R7A  
4 special mixed-use district and a related zoning text  
5 amendment to map the site within a mandatory  
6 exclusionary housing area with MIH option one and  
7 two. As proposed these actions would facilitate the  
8 development of a new eight story mixed use  
9 residential/commercial building with approximately  
10 103 units, approximately 16,000 square feet of ground  
11 floor commercial use and 42 below grade accessory  
12 parking spaces. I now open the public hearing on this  
13 application, and I would like to turn it over to  
14 Majority Leader Cumbo for some remarks.

15 COUNCIL MEMBER CUMBO: Thank you Chair  
16 Moya and thank you for all that are here today. We  
17 are gathered here this morning for the public  
18 hearings on two private rezonings in Crown Heights,  
19 Brooklyn. We'll begin with 1050 Pacific Street  
20 followed by 1010 Pacific Street. These two sites are  
21 separated by only one block, located on either side  
22 of Classon Avenue within the M1-1 district that  
23 community board eight has been studying for many  
24 years and I see members of community board eight here  
25 today. The community board's M-Crown planning

1  
2 initiative calls for a rezoning to create a dynamic  
3 new mixed-use neighborhood with both housing and  
4 significant new commercial development including  
5 space for a wide variety of economic sectors such as  
6 industrial, arts and community facilities. The  
7 Department of City Planning has been working together  
8 with community board eight, the Brooklyn Borough  
9 President and my office to advance the mixed use  
10 planning framework for the area that would accomplish  
11 these goals and I certainly applaud community board  
12 eight for having the foresight and the vision to  
13 proactively plan for how they see their community  
14 shaping and moving forward in a responsible way that  
15 includes all the many facets of what real responsible  
16 development should look like when it is community  
17 led. Since a city led rezoning takes numerous years,  
18 it is not unreasonable that these two private  
19 applicants want to move faster and now here before us  
20 with proposals. However, these proposals will help  
21 set the precedent for the wide area so we must ensure  
22 that they are consistent with the vision of the  
23 community plan and so I would say this has been  
24 almost four years in the making of these  
25 conversations in order to build and create within a



1 community with two plans moving very separately but  
2 I'm so pleased that we were able to negotiate to have  
3 them moving collectively together. For that reason, I  
4 agree with the City Planning Commission's  
5 modification of 1010 Pacific to an R7A to match the  
6 proposed density at 1050 Pacific Street. The  
7 originally proposed R7D zoning would have set too  
8 tall and dense a precedent for residential  
9 development on a mid-block street and if applied to  
10 the whole area would have left no room for the mixed-  
11 use light industrial arts and community facility  
12 elements that the community has sought. I look  
13 forward to hearing from the applicants on how they  
14 believe their proposals will meet these goals and  
15 from my constituents that are here today and on the  
16 public on these important developments for the future  
17 of Crown Heights and I just want to thank everyone  
18 that is here for these two proposals. I know that it  
19 has been years of negotiations, long meetings, late  
20 night phone calls, conference calls, side bar calls,  
21 hallway calls but we have actually made something  
22 really significant and impactful happen here today.  
23 Thank you so much.

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CHAIRPERSON MOYA: Thank you Majority Leader Cumbo, I also want to acknowledge that we were joined by Council Member Reynoso. I'd like to now call up Richard Lobel, Fayanne Betan and Paul Jensen, do we have Paul? Okay, great. Yeah, Counsel if you could swear in the panel?

COMMITTEE CLERK: Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth and that you will answer all questions truthfully?

RICHARD LOBEL: I do... [cross-talk]

FAYANNE BETAN: I do... [cross-talk]

RICHARD LOBEL: ...Richard Lobel, I do.

FAYANNE BETAN: Fayanne Betan, I do.

COMMITTEE CLERK: Thank you.

RICHARD LOBEL: Chair thank you for having us here. Majority Leader thank you for your kind comments, this has indeed been the culmination of many efforts; side bar conversations and phone calls and we're happy to, to be here as well. Once again Richard Lobel of Sheldon Lobel PC and I'm with Fayanne Betan of my office and we're here for the 1050 Pacific Street rezoning. So, the rezoning area as you can see circled is currently in an M1-1

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2 district and in 2013 many blocks to the south and  
3 southeast, roughly 17 or 18 blocks were rezoned to a  
4 combination of residential districts including R7A  
5 and this was done in, in essence to effectuate  
6 additional housing in the area and so at the time the  
7 M1 sites were also contemplated for rezoning but  
8 because the city wanted to operate on an... in an  
9 expedited manner they were removed from the rezoning  
10 so the consideration at the time was that they would  
11 be rezoned but that indeed there would be a, a larger  
12 plan for going forward with those sites and so now we  
13 find ourselves here with these M1-1 sites and you can  
14 see in the circled area on Pacific Street west of  
15 Classon that you've got these M1-1 sites adjacent to  
16 residential districts to the south. So, you take a  
17 look at this rezoning map for 1050 Pacific it's  
18 highlighted in red and the rezoning area, the entire  
19 area incorporates ten lots and parts of two lots. So,  
20 these lots are along Classon, the rezoning area  
21 extends from a boundary of about 225 feet east of  
22 Classon between, between Pacific and Dean Streets and  
23 the proposed rezoning if approved would rezone the  
24 properties from M1-1 to an MX district, MX20 which is  
25 an R7A with an M1-4 mixed use to designation. You can

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2 see from this land use map that much of the lot area  
3 here included within the rezoning area is vacant or  
4 underutilized with one to two story manufacturing and  
5 industrial type buildings. The property itself which  
6 is the largest property within the rezoning area, and  
7 it counts for roughly 24,000 square feet, is  
8 currently used for parking, it is essentially a  
9 vacant, open use which is the subject of the rezoning  
10 today. And you can see the zoning change map showing  
11 prior to the rezoning the designation as M1-1 and  
12 then after the rezoning the MX, M1-4/R7A designation.  
13 These are some site photos which demonstrate the  
14 activity in the area. As you can see again as stated  
15 there's kind of low-lying buildings here, there's the  
16 opportunity really here to develop what would be a  
17 valuable mixed use, use for the community with ground  
18 floor commercial and residential above and we'll page  
19 through to the proposed plans. Just an eagle eye view  
20 of some of the larger buildings in the area which  
21 range from four and five story to 13 story buildings  
22 being within roughly 600 feet of the property. So,  
23 this is a site plan which demonstrates the layout of  
24 the building. The building would have two  
25 residential, residential buildings on Pacific and

1                   SUBCOMMITTEE ON ZONING AND FRANCHISES

2   Dean fronting both Avenues and Streets as well as an  
3   interior courtyard. The ground floor would be largely  
4   commercial so there's roughly 16,000 square feet of  
5   commercial use on the ground floor of which a  
6   percentage would be light manufacturing in accordance  
7   with the M-Crown designation and, and study that's  
8   been conducted by the community. The primary benefit  
9   of this to the area, there's actually several, one of  
10  them is this luscious interior court yard, this would  
11  be a landscaped green area in between these two  
12  buildings so while you have the two residential  
13  buildings on the sides the central area would serve  
14  as an amenity to building tenants, to local residents  
15  and we're seeing it as something as we made our way  
16  through the community process that was really a, a  
17  huge benefit to the area, it's somewhere where you'd  
18  be able to go and have a cup of coffee, to spend some  
19  time outside and this is again open to everybody. The  
20  two residential spaces would, as you can see in the...  
21  in the section would rise on both sides of the  
22  development. Interestingly, the ground floor would be  
23  a through ground floor, with the exception of the  
24  open area there's a corridor connecting both ground  
25  floor commercial spaces and again one of the benefits

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2 of this building would be that these commercial  
3 spaces are intended to be smaller commercial spaces.  
4 The developers here and the architect made a distinct  
5 effort to try to create local retail in this area so  
6 they're essentially spaces which are made to be  
7 subdivided to allow for local businesses to occupy  
8 this space. Again, one more elevation to demonstrate  
9 that this would rise to a level of eight stories on  
10 both Pacific and Dean Street. The breakdown would be  
11 103 units of which 33 units would be affordable, I  
12 know that there's been much discussed in... discussion  
13 around the affordability and the... with the Council's  
14 and the Majority Leader's approval the applicant has  
15 requested that option one and option two be mapped  
16 but that the development proceed on option two. The  
17 basis for that is that this is somewhat of a unique  
18 building in that the applicant is offering two-  
19 bedroom apartments for every unit in the building.  
20 So, many times when we select option one... in fact, in  
21 my memory for all the applications we've done with  
22 option one there's a, a, a mix of studios, ones and  
23 twos that are included in the project, that's not  
24 this. This is basically a project which offers  
25 entirely 103 two bedroom apartments so that the...

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2   between the market rate and the affordable units  
3   everything is seamless, it's intended really as a... to  
4   be a contributing building to the area not only in  
5   terms of this, this, this unit mix which offers these  
6   generous sizes for small families and, and removes  
7   studios and ones but also in terms of the local  
8   retail which is going to be able to locate in some of  
9   these smaller spaces, some as little as 1,500 square  
10  feet. The central amenity being the court yard which  
11  can be used by the entire area and you know generally  
12  we think that the building, the aesthetic of the  
13  building one which we discussed with the Majority  
14  Leader, we think is, is relatively attractive and  
15  will contribute to this area. So, the remainder of  
16  the diagrams that demonstrate our rendering of the  
17  building and proposed rendering of the building and  
18  that's essentially the application. We'd be happy to  
19  answer any specific questions.

20                   CHAIRPERSON MOYA: Thank you, I just  
21  wanted to turn it over to Council Member... the  
22  Majority Leader Cumbo for questions.

23                   COUNCIL MEMBER CUMBO: Can you describe  
24  for me again the bedroom mix?  
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RICHARD LOBEL: Sure, it's straightforward which is that there are 103 proposed units in the building all of them are two-bedroom units.

COUNCIL MEMBER CUMBO: Can you state that for me again?

RICHARD LOBEL: Yes, and all... [cross-talk]

COUNCIL MEMBER CUMBO: You can just state it again.

RICHARD LOBEL: No, sure. I, I want... I mean it's... for me as a land... as land use council it's something which is, is a, a very thoughtful type of, of consideration that was given so, 103 units, all 103 units is two-bedroom units.

COUNCIL MEMBER CUMBO: And for all 103 units they will all be two bedrooms?

RICHARD LOBEL: That's correct.

COUNCIL MEMBER CUMBO: That is not contingent upon anything?

RICHARD LOBEL: No... [cross-talk]

COUNCIL MEMBER CUMBO: ...if the financing doesn't work out, what will you be building?



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2 RICHARD LOBEL: 103 units of two-bedroom  
3 apartments.

4 COUNCIL MEMBER CUMBO: Okay... [cross-talk]

5 RICHARD LOBEL: You know it's, its that...  
6 it's that... when we came to the community board with  
7 this and, and again I'm... and I know that, that Mr.  
8 Veconi and, and Miss Tyus are here to discuss the  
9 community board's viewpoint but when we came to the  
10 community board on this obviously some of the history  
11 of the M-Crown study area has been discussed, there  
12 are these applications which have been around for  
13 over three years and so there was an... a process, an  
14 enter of process where we basically came to this  
15 point and understanding that the community board  
16 maybe have certain feelings with regards to uses and  
17 such, this is the building we came up with and this  
18 building offers this package of units, commercial  
19 space and open... and open space amenities and so one  
20 of the items which has been part of the project since  
21 the first day has been the 103 two units, we're happy  
22 to see this, we feel it's a unique offering to the  
23 community and we're excited to, to build it.

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COUNCIL MEMBER CUMBO: Can you talk to me a bit how this project compliments or works in collaboration with the M-Crown vision?

RICHARD LOBEL: Sure, so the M-Crown vision discusses... you know when, when the M-Crown proposal first came out a number of years ago they talked about several things, two of the primary things were the creation of good jobs and the... and providing affordable housing units and the 2013 Crown Heights rezoning actually preceded mandatory inclusionary housing. So, this proposal is one of the first applications to come through within community board eight, you know which provides mandatory inclusionary housing. So, number one is that we, we are able to provide affordable units which is one of the goals, stated goals of the M-Crown study in the... in the M-Crown resolutions the first ones that were passed years ago and then the second thing is with regards to commercial use and we've got 16,000 square feet of ground floor commercial space, 25 percent of that or roughly 4,000 square feet would be for dedicated M-Crown uses as have been detailed by, by community board eight in their M-Crown study and so while we've come to this... you know to the... to the

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2 final negotiation and to the final point in this long  
3 process we're happy to basically be one of these  
4 pilot applications to come through and to say we're  
5 going to make this building work, here is your  
6 building with affordable units, with a favorable  
7 bedroom mix, a very favorable bedroom mix probably  
8 the most favorable of any we've seen in the office  
9 but also to... not only to provide light manufacturing  
10 which is huge concern of the community board but also  
11 as... with a nod to local... to local retail because this  
12 is not... the space you can see as it's cut out is not  
13 one which... and I'm just going to page back to it,  
14 you can see from the corridor area this is not one  
15 where you're contemplating a big box, where you're  
16 contemplating a huge contiguous commercial space.  
17 While, while we have committed to percentage for  
18 light manufacturing, we're... we've... we're also  
19 committing through this layout to basically local  
20 retail, smaller retail, people who can come in, have  
21 businesses in the area, want space like this and  
22 really are going to be able to create a community  
23 within this building itself. The small businesses  
24 will have opening onto the central court yard area,  
25 there's going to be a liveliness to the fact that

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2 people will be intermingling and be able to go and  
3 get their... maybe get something to eat, maybe get a  
4 cup of coffee come into this middle court yard area  
5 to really kind of create community here. I think that  
6 the community board recognized that when we had our  
7 meetings with them, and I think that that's one of  
8 the reasons conditionally that they chose to approve  
9 this application.

10 COUNCIL MEMBER CUMBO: I just want you to  
11 be mindful with the retail and we'll be working with  
12 you as far as with commercial rents that have  
13 skyrocketed all across the city that many local  
14 businesses have felt the challenges of remaining in  
15 business. So, moving forward definitely want to have  
16 conversations with you in identifying some of those  
17 businesses that have been what we call landmarked  
18 institutions in our districts that are looking for  
19 affordable homes within their community.

20 RICHARD LOBEL: We would be thrilled to  
21 engage your office in that conversation.

22 COUNCIL MEMBER CUMBO: Okay, I wanted to  
23 talk with you a bit about good jobs for building  
24 service workers, can you talk about your plan for  
25

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2 building service workers following the completion of  
3 this project?

4 RICHARD LOBEL: I know that  
5 representatives of 32 BJ are in the room today so  
6 without offering any comments on their behalf I would  
7 say that the development team and the applicant has  
8 reached an arraignment with them such that, that I  
9 think 32 BJ is in support of the application so in  
10 addition to the fact that we're happy that these  
11 local retail businesses will likely attract local  
12 tenants and local workers we know that 32 BJ has  
13 reached agreement with the applicant and, and we're  
14 excited to move forward in that regard as well.

15 COUNCIL MEMBER CUMBO: Architecturally  
16 the original plan that was presented were two  
17 different design buildings on both sides of the  
18 street, how did you address that issue?

19 RICHARD LOBEL: In all candor Majority  
20 Leader we... I think we feel that after discussions  
21 with your office this façade was actually somewhat  
22 more stylized and, and was... seemed to offer more to  
23 the community so my understanding is that the  
24 applicant was, was... is able to incorporate this  
25 façade onto both frontages.

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COUNCIL MEMBER CUMBO: Oh, I see, okay...

[cross-talk]

RICHARD LOBEL: Yeah... [cross-talk]

COUNCIL MEMBER CUMBO: ...that's good...

RICHARD LOBEL: Yeah, and, and I can confirm that in writing to the Council.

COUNCIL MEMBER CUMBO: Okay. Talking about local hiring, what is going to be your local hiring and MWBE plan?

RICHARD LOBEL: The, the applicant here is actually a, an experienced developer in the area so I know that they've... they have... typically have a preference for local hiring as far as MWBE but basically they've said that they can continue to work on that and would be committed to, to attempting to offer a percentage of, of jobs to MWBEs, I know that they have a good history on that, we've talked to them about that before and they said that that would not present an issue to them.

COUNCIL MEMBER CUMBO: So, that sounds good... [cross-talk]

RICHARD LOBEL: Okay... [cross-talk]

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COUNCIL MEMBER CUMBO: ...that we're having conversations and we're talking but conversations and talking don't often yield results... [cross-talk]

RICHARD LOBEL: Sure... [cross-talk]

COUNCIL MEMBER CUMBO: ...so, we need to have a plan... [cross-talk]

RICHARD LOBEL: Okay... [cross-talk]

COUNCIL MEMBER CUMBO: ...for your local hiring and we need to have a further and deeper understanding of what your plan is going to be because it's been our understanding that when these conversations are had and they're loose and were not intentional about goals and deliverables, at the end of the year we have to report some dismal numbers as far as what MWBE participation has been across the city.

RICHARD LOBEL: I think that's another item which we would put on the list of items to finally... to address with, with your office.

COUNCIL MEMBER CUMBO: Sustainability and resiliency, what sustainability and resiliency measures are incorporated into the building's design and construction?

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RICHARD LOBEL: So, I'm looking for my slide here. So, in addition to, to the available open space which is... which is intended to be green open space in the center of the building as well as landscape, there's trees which are plotted on the diagram, these are intended to, to actually be fulfilled in... with regards to the project development. My understanding is that there will be additional measures such as a green roof on this building but I think what I'd prefer to do is to incorporate that into the materials that we... to... we forward to your office as well prior to the Subcommittee's vote.

COUNCIL MEMBER CUMBO: Okay. Earth day is coming up.

RICHARD LOBEL: I... oh, we're, we're well aware of it... [cross-talk]

COUNCIL MEMBER CUMBO: And this Council is very committed to making sure that moving forward that our buildings are green, that they're sustainable, that they're resilient and that they are actually improving the conditions in the environment by the way we do construction and building.



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2 RICHARD LOBEL: And we're, we're also  
3 aware not only of, of the Council and your office but  
4 also of the Brooklyn Borough President's office which  
5 has a, a huge background in requesting sustainability  
6 measures and in enforcing those so we're again happy  
7 to discuss that.

8 COUNCIL MEMBER CUMBO: Thank you and I'm  
9 glad that you're aware and you're having  
10 conversations but we're going to need all of this in  
11 writing.

12 RICHARD LOBEL: You got it.

13 COUNCIL MEMBER CUMBO: Thank you and I'm  
14 going to turn it over back to Chair Moya and my  
15 colleagues.

16 CHAIRPERSON MOYA: Thank you, thank you  
17 Majority Leader Cumbo. Thank you. Are there any other  
18 members of the public? Oh, we have one more? I'm  
19 sorry, so thank you very much for your testimony  
20 today... [cross-talk]

21 RICHARD LOBEL: Thank you Chair... [cross-  
22 talk]

23 CHAIRPERSON MOYA: ...I appreciate it,  
24 thank you. And now call up Mariusz Dudzic, pronounce  
25 that correctly? Just press the button to make sure

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2           that the microphone is on and state your name and  
3           then you can begin.

4                   MARIUSZ DUDZIEK: My name is Mariusz  
5           Dudziec, good morning Chair Moya and members of the  
6           Subcommittee, yeah. Like I said, my name is Mariusz  
7           Dudziec, I'm a custodian at the Empire, Empire State  
8           Building and I have been a member of 32 BJ for five  
9           years now. I'm here today on behalf of my union to  
10          share our support for the, the development at 1050  
11          Pacific. As you have heard 32 BJ believes that a key  
12          element to creating a more fair, sustainable New York  
13          economy and good property service jobs that pay  
14          family sustaining wages and workers access to  
15          mobility and security. The potential jobs created by  
16          this project will be filled by local members of the  
17          community and should help uplift working families.  
18          The developers of 1050 Pacific have made a credible  
19          commitment that the future building service workers  
20          at this site will be paid the prevailing wage. We see  
21          this as an act of responsible development, and we  
22          have... and we hope that this project will serve as an  
23          example for other developers in the area to follow  
24          including the team developing at the nearby 1010

25

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2 Pacific site that is also up for a hearing today.

3 Thank you very much.

4 CHAIRPERSON MOYA: Thank you, thank you  
5 for your testimony. I'd like to call up the next  
6 panelist Gib Neconi... Veconi? Okay, sorry, Veconi and  
7 Ethel Tyus, yeah.

8 GIB VECONI: Thank you Chair. I  
9 appreciate the opportunity to speak today. My name is  
10 Gib Veconi, I am a member of Community Board eight  
11 and for the last five years have been facilitating  
12 some of the community discussions around the rezoning  
13 in the area that's referred to as the M-Crown  
14 district. I want to make sure for the benefit of the  
15 Subcommittee members that it's clear that what  
16 Community Board eight is doing here is very unusual  
17 for a community board in Brooklyn today and that is  
18 requesting a residential up zoning, that's not  
19 typical. I'm sure those members from Brooklyn  
20 understand that that's not typical today. The reason  
21 the community board is doing that is because we look  
22 at the M-Crown district as a place that has a lot of  
23 development potential and in that potential there's  
24 an opportunity to solve some problems that are  
25 important problems for our community district and one

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2 of them is affordable housing but the other one is  
3 accessible jobs that pay a wage that a family in New  
4 York City can live on. So, the Community Board has,  
5 has put together a plan with a tremendous amount of  
6 assistance from subject matter experts in development  
7 and real estate and affordable housing to try to  
8 accomplish that vision within the M-Crown zone and  
9 we're very grateful for the support of Majority  
10 Leader Cumbo in that process and appreciate her  
11 comments at the beginning of the... of this hearing.  
12 So, this is why it's very important to us that the  
13 private applications that are up for review today  
14 support the community vision for the M-Crown district  
15 and don't compete with it in a way that will make  
16 that vision more difficult to execute. Again, the key  
17 pieces of that vision are affordable housing and jobs  
18 and so I want to speak to the affordable housing  
19 piece first in the case of 1050 Pacific. The  
20 Community Board voted conditional support for this  
21 project on the basis of the project electing MIH  
22 option one, it's very important for our community  
23 district that affordable housing created in community  
24 district eight be as close to the level of median  
25 income in district eight as possible, it's very

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2 important that opportunities for people who live in  
3 the district to remain in the district in the face of  
4 the housing pressure that's felt there now be  
5 extended. I think it's great to hear that 1050  
6 Pacific is going to include two bedroom apartments,  
7 it's... families are probably under the most housing  
8 pressure of all in our district and for that reason I  
9 think it's important that this project move forward  
10 with MIH option one, I think accessible apartments  
11 that are family sized are in extremely short supply  
12 in our district and it was the Community Board's  
13 understanding at the time that it held it's hearing  
14 on this item that the developer was interested in  
15 proceeding in that way. So, we hope that that is  
16 where this project ends up. With respect to jobs, I'd  
17 like to comment for a second on the CPC's final  
18 report on this item which cited a report that issued  
19 in November is evidence that the community desire for  
20 requirements for manufacturing space were unfeasible.  
21 That's not the view of the Community Board and I'd  
22 like to point out that that report cited in the CPC  
23 report was based on more than three times the square  
24 footage for light manufacturing area that the  
25 Community Board is asking for, it was based on a land

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2 cost more than twice what is being paid for the more  
3 expensive of these two applications, 1010 Pacific and  
4 it's based on a 15 percent return for the developer.  
5 What that does effectively if you put those standards  
6 behind rezoning is it eliminates the ability for the  
7 community to recapture any value for jobs and if  
8 moving forward we take the position as a city that  
9 the developers and private owners need to profit  
10 handsomely for these rezonings to the exclusion of  
11 the communities being able to accomplish any value  
12 recapture at all. I don't think many Community Boards  
13 are going to do what Community Board eight has done  
14 in this circumstance, I don't think there's any  
15 incentive for the years of effort that have gone into  
16 this if we're simply told by the Department of City  
17 Planning that developers just need to make more  
18 money. So, it's important to, to point out I think  
19 that this project, 1050 Pacific demonstrates that the  
20 community vision for nonresidential use including  
21 light manufacturing is commercially viable, this  
22 project does not precisely mirror the M-Crown  
23 proposal but it is substantially close to it  
24 especially when one considers the square area on the  
25 first floor that's going to be used for the atrium

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2 and hence will not generate any income. So, in  
3 closing I would like to again just return to the  
4 subject of jobs. We're delighted that the developer  
5 has agreed to commit to a percentage of use for the  
6 light manufacturing uses that the Community Board has  
7 defined as part of the M-Crown vision and I  
8 personally would hope that that makes it into some  
9 binding commitments with respect to this project if  
10 it moves forward from here. So, thank you very much  
11 for the opportunity to speak on this application.

12 ETHEL TYUS: Thank you Mr. Veconi. My  
13 name is Ethel Tyus, I am the Chair of the Land Use  
14 Committee for Community Board eight and Mr. Veconi  
15 and I have worked together over the past several  
16 years to try to bring this project to fruition and  
17 one of the things that we're seeing is that city  
18 agencies like DCT and CPC tend to downgrade and  
19 ignore recommendations coming from the Community  
20 Boards and what we want them to do here also includes  
21 in addition to the points that Mr. Veconi addressed  
22 is to limit this rezoning to the property owned by  
23 the applicants and to keep in mind that because the  
24 AMI is set at a birds eye view it generally doesn't  
25 trickle down to true and economic benefits on a local

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2 level in the community district that we are concerned  
3 with here. So, those are two things that I would  
4 definitely ask you to add, that it not include the  
5 additional buildings that are referenced in the plan  
6 that the applicant has before you now but be limited  
7 to the property that the applicant owns. Thank you  
8 very much.

9 COUNCIL MEMBER CUMBO: Thank you and I  
10 want to thank both of you for your incredible and  
11 tireless work and I feel that I've done an amazing  
12 job because everyone is walking away somewhat  
13 disappointed. So, I, I, I respect your concerns about  
14 MIH option one and this was a very difficult decision  
15 as a... as a new mom and so many of my friends and  
16 colleagues and myself included with new families that  
17 are living in studios and one bedroom apartments and  
18 so the ability to actually have a family and to have  
19 a two bedroom apartment is like in Brooklyn terms, a  
20 mansion. So, it's really an opportunity to give  
21 families an opportunity to have some space, the  
22 ability to be able to raise a family in Brooklyn, New  
23 York which is so increasingly difficult but at the  
24 same time those apartments are so few in number. This  
25 is actually the first project that will be entirely



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2   two bedrooms that I've ever approved and the other  
3   challenge that we do face is that we certainly want  
4   to create a city where our teachers, our postal  
5   workers, our fire fighters, our security, our  
6   maintenance that the people that live in the  
7   communities are actually able to once they've gone to  
8   Medgar Evers College and they've lived and grown up  
9   in the community and now they're a teacher or now  
10  they're a nurse, we want that community to be able to  
11  live where they work as well. So, this was certainly  
12  a, a difficult decision but one that I feel takes  
13  into account a bit of what everyone has been talking  
14  about so we certainly don't want to lose that  
15  workforce, so many people are coming in from  
16  Pennsylvania and the Poconos and other areas to  
17  commute back and forth in order to live where they  
18  work and with issues pressing upon us like congestion  
19  pricing and those sorts of things that's also going  
20  to make some of that even more difficult moving  
21  forward. So, the plan that you've created in  
22  Community Board eight in terms of the ability to live  
23  where you work the ability to walk where you work, to  
24  be able to have the services that you need in your  
25  community and as Brooklyn I grew up knowing Brooklyn

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2 is very much seen as... was seen as the bedroom to  
3 Manhattan so it was like Manhattan was where, where  
4 everything was happening and Brooklyn is where you  
5 slept but now we're seeing a strong change in that.  
6 So, I certainly respect the work that all of you have  
7 done and look forward to continuing with developing  
8 the vision of M-Crown.

9 ETHEL TYUS: Thank you...

10 COUNCIL MEMBER CUMBO: Thank you both.

11 ETHEL TYUS: Madame Chair I'd like to  
12 also add that those statements pertain to a  
13 recommendation from Crown Heights North Association  
14 as well and all of the members of the Committee  
15 should have letters from both Community Board eight  
16 and the Crown Heights North Association in their  
17 email as I speak.

18 COUNCIL MEMBER CUMBO: Thank you, always  
19 thorough. Chair Moya had to step away to another  
20 committee, he will be back shortly but are there any  
21 other members of the public who wish to testify today  
22 on 1050 Pacific Street? Okay, seeing none I now close  
23 the public hearing on this application, and it will  
24 be laid over. And we are now going to pause for a few  
25

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2 moments until our next hearings begin. So, everyone  
3 can talk amongst themselves, thank you.

4 CHAIRPERSON MOYA: Okay, if anybody... if  
5 everybody can just please take a seat. If everyone  
6 can take their seats, please. We are going to start  
7 with a vote on several applications we have  
8 previously heard. Today we will vote to approve LUs  
9 369 for the McDonald Avenue rezoning in Brooklyn. The  
10 proposed zoning map amendments would map a new C2-4  
11 commercial overlay district within the existing R5  
12 district to facilitate the continued operation of a  
13 commercial banquet facility located within the  
14 connected cellar levels spaces for two adjacent  
15 school buildings, this is in Council Member Lander's  
16 district who is in support of this application. We  
17 will also vote to approve LUs 373, 374, 375 for the  
18 Blondell Commons rezoning in the Bronx. The proposed  
19 action would rezone an existing M1-1 district to an  
20 R7A/C2-4 district map the, the project area as  
21 mandatory inclusionary housing area utilizing option  
22 one and two and de-map a portion of Fink Avenue  
23 between Blondell Avenue and Waters Avenue. Together  
24 these actions would facilitate the development of a  
25 mixed-use building which the applicant has agreed

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2 will be six stories in height with a seven story that  
3 is set back and expected to be developed under the  
4 ELLA term sheet. It will also include community  
5 facility space and 225 accessory parking spaces.

6 Council Member Gjonaj is in support of this  
7 application. We will also vote on LUs 382 and 385 for  
8 the Bruckner Boulevard rezoning in the Bronx. The  
9 proposal includes a zoning map amendment to rezone an  
10 R5 district to an R7A district and an R7A/C2-4

11 district. A zoning text amendment to map the site a  
12 mandatory inclusionary housing area utilizing option  
13 one and an Article VII, an Article XI tax exemption  
14 for the proposed new buildings. Together these  
15 actions would facilitate the development of two new

16 buildings including 65 affordable home ownership  
17 units, 265 rental units, retail space and 158 parking  
18 spaces. This is in Council Member Diaz's district and

19 he is in support of this application. We will also  
20 vote to approve with modifications, Preconsidered LUs  
21 379, 380 and... for the 1640 Flatbush Avenue rezoning

22 for property in Council district 45 in Brooklyn. The  
23 applicant seeks approval of a zoning map amendment to  
24 rezone the development site from a C... from a C8-2 to  
25 an R6 district to a C4-4D district and other portions

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2 of the rezoning area from a C8-2 district to an R6  
3 district. A related zoning text amendment application  
4 seeks to establish the proposed C4 to 4D district as  
5 a mandatory inclusionary housing area utilizing  
6 options, option two. As proposed these actions would  
7 facilitate the development of a new 13 story mixed  
8 use building including retail use on the ground and  
9 second floors and approximately 114 total dwelling  
10 units including 34 affordable units and 40 below  
11 grade accessory parking spaces. Our modification will  
12 be to remove MIH option two and add MIH option one in  
13 accordance with feedback from the Community Board,  
14 Borough President and a former Council Member. This  
15 application is in district 45 and the Community Board  
16 and the Borough President have both indicated their  
17 support. I understand that the Council Member would  
18 like to see the project with additional affordability  
19 beyond the required.. the.. beyond what's required by  
20 MIH, the challenge here is that this is not a project  
21 using housing subsidy dollars so the Council is  
22 modifying the proposal to ensure depth of  
23 affordability for the affordable housing that is  
24 being provided. I now call a vote to approve LUs 369,  
25 373, 374 and 375 and 382 through 385 and to approve

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2 with modifications I have described LUs 379 and 380  
3 and so now Counsel please call the roll?

4 COMMITTEE CLERK: Chair Moya?

5 CHAIRPERSON MOYA: I vote aye.

6 COMMITTEE CLERK: Council Member

7 Constantinides?

8 COUNCIL MEMBER CONSTANTINIDES: Aye.

9 CHAIRPERSON MOYA: I would now like to  
10 turn it over to Public Advocate Jumaane Williams for  
11 comments, I just want to remind everyone we are on a  
12 two-minute clock so let's try to keep our comments to  
13 two minutes, thank you.

14 COUNCIL MEMBER WILLIAMS: Thank you Mr.  
15 Chair and thank you to, to my colleagues. This is..  
16 actually happens to be my, my first rezoning and, and  
17 the last at, at the same time. I just want to thank  
18 everyone who was involved including the Community  
19 Board and the Borough President. I've had reason to  
20 be busy the past few months but there was... seems to  
21 have been some miscommunication on, on a bunch of  
22 levels and the, the communication meant to be that  
23 option one was the floor and there would be a  
24 continued conversation as to what we'd actually get  
25 to and it wasn't until recently that I realized we

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2 actually remained at the floor so I'm sorry that  
3 occurred, I believe SL acted in, in good faith. More  
4 holistically I think I've always made it clear that I  
5 think MIH is a failed policy and I would like this  
6 opportunity again to ask this, this Council to look  
7 at this zoning proposal because it is not enough,  
8 this applicant chose not to use HP subsidy because  
9 there wasn't enough there. It's not that we're  
10 getting 35 affordable units in my opinion, it's that  
11 we're building 70 market rate and what that does is  
12 allow continued gentrification so it's good for those  
13 35 families but those 70 new families are going to  
14 come in, not from the community, they're going to  
15 come from outside so as a whole it doesn't benefit  
16 for the community and I know what's going to happen  
17 there but I have to be on the record as asking for  
18 this not to be voted on because I think it is harmful  
19 to the community as a whole even as I believe SL  
20 Green tried to do the right thing here and so my hope  
21 is that this body would please look at MIH, it is a  
22 problem with or without subsidy and I believe asking  
23 for additional height is a subsidy that we are not  
24 considering in, in conform so I appreciate the  
25 ability to speak and I even appreciate the ability of

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2 Chair Moya speaking on my behalf when I wasn't here  
3 making sure that option one was included and I thank  
4 you Rafael Espinal... I'm sorry, Rafael Salamanca, the  
5 Chair of Land Use for all he did to try to push this  
6 forward and, and just wanted to make sure I was on  
7 the record for that as well as the candidates who  
8 are... brought in to replace me in agreement with me.  
9 Thank you.

10 CHAIRPERSON MOYA: Thank you. Counsel  
11 continue with the roll.

12 COMMITTEE CLERK: Council Member Levin?

13 COUNCIL MEMBER LEVIN: I vote aye.

14 COMMITTEE CLERK: Council Member Reynoso?

15 COUNCIL MEMBER REYNOSO: Permission to  
16 explain my vote?

17 CHAIRPERSON MOYA: Permission granted.

18 COUNCIL MEMBER REYNOSO: My... I want to  
19 talk technically. My issue is a district that is not  
20 represented doesn't have a represented city to be  
21 able to help make decisions for it is a concerning  
22 issue that have should other Council Members move on  
23 to other positions who advocates for their  
24 neighborhood, it's just not a clear... it's just not  
25 clear to me exactly who does that but with the



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2 information that I have and the support I guess  
3 going... coming from the local community and the  
4 Borough President I'm going to vote aye on this  
5 project.

6 COMMITTEE CLERK: Council Member  
7 Richards?

8 COUNCIL MEMBER RICHARDS: I vote aye.

9 COMMITTEE CLERK: Council Member Rivera?

10 COUNCIL MEMBER RIVERA: I vote aye.

11 COMMITTEE CLERK: Council Member  
12 Grodenchik?

13 COUNCIL MEMBER GRODENCHIK: Aye.

14 COMMITTEE CLERK: By a vote of seven in  
15 the affirmative, zero in the negative and zero  
16 abstentions the Land Use Items are approved and  
17 referred to the Land Use Committee.

18 CHAIRPERSON MOYA: And we're going to  
19 keep the, the vote open for a couple of members that  
20 are going to come in, in a few. So, now I want to  
21 continue with our public hearings for today. We are  
22 staying on Pacific Street in Majority Leader Cumbo's  
23 district. The hearing today is on LUs 393, 394 for  
24 the 1010 Pacific rezoning. This application... this  
25 applicant seeks approval of a zoning map amendment to

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2 rezone an existing M1-1 district to an R7D/C2-4  
3 district and a related zoning text amendment to map  
4 the site within a mandatory inclusionary housing area  
5 with MIH option one and option two. As proposed these  
6 actions would facilitate the development of a new 11  
7 story mixed use residential commercial building with  
8 approximately 154 units, approximately 7,000 square  
9 feet of ground floor commercial use and approximately  
10 4,400 square feet of ground floor community facility  
11 use and 42 below grade accessory parking spaces. The  
12 application before us has been modified by the City  
13 Planning Commission as part of the public review  
14 process. The Commission has modified the application  
15 from a proposed R7D/C2-4 district to an R7A/C2-4  
16 district. I now open the public hearing on this  
17 application and wanted to turn it over to Majority  
18 Leader... to Cumbo for some remarks.

19 COUNCIL MEMBER CUMBO: My opening remarks  
20 was intended for both projects.

21 CHAIRPERSON MOYA: Got it, thank you.  
22 Thank you, Majority Leader. Now we're calling up  
23 Richard Lobel, Fyanne Betan and Domenic Recchia,  
24 good to see you former Council Member Domenic Recchia  
25

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2 who's here today and Jay Valgara. Counsel please  
3 swear in the panel.

4 COMMITTEE CLERK: Do you swear or affirm  
5 that the testimony you are about to give will be the  
6 truth, the whole truth and nothing but the truth and  
7 that you will answer all questions truthfully? Please  
8 state your name as part of your response.

9 RICHARD LOBEL: Richard Lobel, I do.

10 FAYANNE BETAN: Fayanne Betan, I do.

11 JAY VALGARA: Jay Valgara, I do... Jay  
12 Valgara, I do.

13 DOMENIC RECCHIA: Domenic M. Recchia,  
14 Jr., I do.

15 COMMITTEE CLERK: Thank you.

16 CHAIRPERSON MOYA: You may begin.

17 RICHARD LOBEL: Thank you Chair, Council  
18 Members, Majority Leader Cumbo, hi. We're here for  
19 the 1010 Pacific Street rezoning. Obviously as the  
20 Majority Leader has done, we will limit our comments  
21 to general comments about the application leaving  
22 behind some of the background of this area and the  
23 zoning. We would note of course that we are within  
24 the same M1-1 area. The block frontage and the  
25 entirety of the block here west of Classon offers

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2 something of a different nature than the block to the  
3 east. The majority of the lots on this block are  
4 vacant and so when we entered into this process this  
5 was a block where we were indeed able to provide more  
6 of an imprint, there was really no fixed character of  
7 this block and so the idea was, you know what were we  
8 going to do here. And so, as you can see the zoning  
9 district indicated here is a mixed use R7A/C2-4  
10 district, as a matter of public record this was  
11 entered into as an R7D/C2-4 application, we went...  
12 wove our way through the public community board,  
13 Brooklyn Borough President and City Planning hearings  
14 after which the City Planning Commission deemed it  
15 appropriate to reduce the R7D to an R7A. I'd say just  
16 briefly by way of background; this has been a  
17 challenge for us. I think the Majority Leader is well  
18 aware that of the multiple conversations, the many  
19 conversations we've had on this there was an attempt  
20 to reach somewhat of an understanding not only with  
21 regards to this rezoning and this block but this  
22 project, there was an opportunity to retain some of  
23 the existing building frontage at this site, to  
24 provide more community amenities at this site, the  
25 building would have been larger and offered more

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2 units. At the end of the day we're right now within  
3 R7A, we're still saddened by that, but we understand  
4 that this is a process, a public process and we need  
5 to move forward and so we have the R7A here. The R7A  
6 extends 440 feet from Classon covering roughly 48,000  
7 square feet of lawn area, the property itself is  
8 roughly 25,000 square feet and is highlighted in the  
9 red border on the tax map. And as you can see from  
10 the land use map and as stated the majority of the  
11 uses on this block are... you can see the grade out  
12 uses are open uses, vacant uses, there are vacant  
13 sites on this lot, we're... on this block, we're very  
14 happy to basically be moving forward with a  
15 development plan to bring something to the area that  
16 will benefit the community. So, this is the zoning  
17 change map, on the left you can see an existing M1-1  
18 and on the right an R7A with a C2-4 overlay. Again,  
19 there are project photographs, you can see mostly low  
20 lying to vacant sites on the project block as well as  
21 larger sites both within the area and also around the  
22 area. There's a map showing an eagle eye view which  
23 demonstrates that there are some larger buildings in  
24 the area and so right now we've gone from what was  
25 formerly an 11 story building which retained elements

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2   of the existing structures to this building which is  
3   nine stories rising to a height of roughly 90 to 95  
4   feet and you can see here the site plan which  
5   demonstrates the centerpiece of the building is a  
6   nine story mixed use building as well as, as was  
7   stated by the Chair of... Chair Moya, certain community  
8   facility and commercial space on the ground floor.

9   Here is the building in elevation form and we  
10   demonstrate the residential and commercial breakdown  
11   of the building. As you can see the total square  
12   footage of the building has now been reduced from  
13   roughly 148,000 square feet to 118,000 square feet of  
14   residential which will consist of approximately 129  
15   dwelling units. And there are additional plans which  
16   demonstrate the layout of the sites, the areas where  
17   parking and bike storage would take place and this is  
18   a, a relief map demonstrating an eagle eye view of  
19   large... other large buildings in the area. At nine  
20   stories obviously or even larger but definitely at  
21   nine stories the proposed building which is  
22   highlighted in red, this site is highlighted in red  
23   to the upper left portion, can be seen to be well  
24   within the context of the surrounding area judging  
25   from the five to six block radius of the site. We

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2 have additional materials which basically discuss  
3 certain maps and, and backgrounds of the building  
4 area. I would note just going back to the.. to the  
5 building in relief that the project does indeed  
6 contemplate option one so of the 129 units 25 percent  
7 or roughly 35 units would be affordable at option one  
8 which of course is at AMIs averaging 60 percent and  
9 so that's really the bulk of the conversation and we  
10 have the project team here and we'd be happy to  
11 answer any questions.

12 CHAIRPERSON MOYA: Thank you, I'm going  
13 to turn it over to Council Member.. Majority Leader  
14 Cumbo.

15 COUNCIL MEMBER CUMBO: So, this is the..  
16 what's being presented now is the current design?

17 RICHARD LOBEL: Correct.

18 COUNCIL MEMBER CUMBO: It looks way more  
19 exciting than the first one.

20 RICHARD LOBEL: Than the first.. than the  
21 first plan that was presented?

22 COUNCIL MEMBER CUMBO: I know for Jay if,  
23 if energy could kill right now, I know how difficult  
24 this was, the design that's, that was originally  
25 presented as I stated was I would say architecturally

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2   very exciting and very innovative and as a result of  
3   the negotiations I understand that many of those  
4   design elements had to come out and I am deeply  
5   disappointed that they did have to come out but  
6   focusing my questions to the architectural design  
7   team Jay is there any way that some elements of  
8   design could be brought back into this? I understand  
9   you had to do this quickly for today's presentation  
10  and I understand because I'm also an artist and I  
11  consider you an artist as an architect in how  
12  seriously you take your design and how seriously and  
13  long and hard you've worked on this, is there a way  
14  to bring back any of those design elements to this  
15  project?

16                   JAY VALGARA:  As in architects who worked  
17  closely with you Majority Leader and as someone who's  
18  worked very closely in Brooklyn in this community I  
19  would welcome the chance, there's very little time  
20  before the Council vote but I welcome the opportunity  
21  to meet with you to see if it's possible to restore  
22  some of those elements because the original design I  
23  felt was based very much on input from the community  
24  and on the vision that you helped us evolve for a  
25  really unique building so I would welcome the



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2 opportunity to meet with you to see if that's  
3 possible.

4 COUNCIL MEMBER CUMBO: I would certainly  
5 welcome that because the design of the borough as a  
6 whole is very important. I wanted to talk about MIH  
7 option and the bedroom mix for what is the proposed  
8 bedroom mix for this particular development?

9 RICHARD LOBEL: So, as currently proposed  
10 the building would yield 129 dwelling units, 32 of  
11 these would be inclusionary units and the unit count  
12 would come out to roughly 28 studios, 61 one  
13 bedrooms, 34 two bedrooms and six three bedrooms so  
14 this complies with MIH requirements but basically  
15 offers a, a range of units depending on, you know  
16 addressing different demands within the local  
17 residential population.

18 COUNCIL MEMBER CUMBO: Are you proposing  
19 to partner with a local not for profit organization  
20 to be the administering agent for the affordable  
21 housing portion?

22 DOMENIC RECCHIA: Yes, we are and there's  
23 three not for profits that we reach out; Impact, NHS  
24 Brooklyn, and CAMBA, we got... we requested from you,  
25 we submitted these to the Borough President, we just

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2 went to see... make sure they're okay with them and  
3 then any other electives to make sure everyone is  
4 okay with these three, we will sit down with them and  
5 talk to all three of them in greater detail but we do  
6 have the three that we will be talking to, we just  
7 want to make sure that all electives are satisfied  
8 and we got these recommendations from your office.

9 COUNCIL MEMBER CUMBO: You certainly are  
10 working with all qualified groups so we, we would  
11 like to be... work in participation with you to figure  
12 out who will be the final organization to help..

13 [cross-talk]

14 DOMENIC RECCHIA: Yes, and any... [cross-  
15 talk]

16 COUNCIL MEMBER CUMBO: ...you support that..  
17 [cross-talk]

18 DOMENIC RECCHIA: ...we welcome any advice,  
19 any direction from you and your office.

20 COUNCIL MEMBER CUMBO: As we talked about  
21 the M-Crown proposal I think one of the disappointing  
22 aspects of this particular project is that much of  
23 what the framework and foundation of this project  
24 began with, Mayor De Blasio state of the city where  
25 he talked about the desire to create affordable

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2 housing space for artists, for art studios, for art  
3 space and unfortunately there have been no mechanisms  
4 or tools put in place to actually realize those  
5 larger goals or visions that we were all very excited  
6 about initially and those visions and goals  
7 complimented much of the work of the M-Crown space...  
8 the M-Crown rezoning but I wanted to, to see similar  
9 to the architectural question, are there ways or  
10 aspects that this proposal can still match some of  
11 our original goals or any of the goals that M-Crown  
12 has put forward for the rezoning of this area?

13 JAY VALGARA: We would have to speak to  
14 the client but in the process of working through the  
15 design with your office there are a couple of  
16 creative solutions we could come up with if the  
17 Council would like to entertain them.

18 COUNCIL MEMBER CUMBO: So, we can  
19 actually have that conversation offline because I  
20 know that a lot of this was decided on Sunday in  
21 terms of not going to the R7D and, and going to the  
22 R7A. Will this development have good jobs for  
23 building service workers?

24 DOMENIC RECCHIA: Of course, we, we, we  
25 have spoken to... I personally have spoken to 32 BJ, I

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2 met with them once, we have a meeting today at four  
3 o'clock to go further and sit down, they sent me  
4 their agreement, we have our attorneys looking at it  
5 and we have a meeting with the developer today with  
6 32 BJ and.. to try to resolve all these issues and  
7 come to an agreement where we are and we do believe  
8 in hiring local, good jobs and MWBE, you know. Our  
9 developer has always hired MWBEs in the past and he  
10 looks forward to in the future and we will be working  
11 with the community.

12 RICHARD LOBEL: And, and just to add to..

13 [cross-talk]

14 COUNCIL MEMBER CUMBO: You have a lot of  
15 follow up Mr. Lobel..

16 RICHARD LOBEL: Yeah, I know right but I  
17 would just add to that, that this is a local  
18 development company and having talked to them about  
19 this subject they have indicated that more than 50  
20 percent of their employees actually are local and  
21 work in... and live in Brooklyn so it's kind of a... you  
22 know from the time of the Brooklyn Borough  
23 President's office we've been engaged in this  
24 conversation and they have ensured me that the, the  
25 project structural engineer is an MWBE so they're,

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2 they're invested in, in local hiring and MWBE hiring  
3 and so I think we can like complete that  
4 conversation.

5 COUNCIL MEMBER CUMBO: And your  
6 conversation today with 32 BJ will be very important  
7 because we always want to ensure that we have good  
8 quality jobs for building service workers, so we just  
9 want to make sure and, and to press upon how  
10 important that is to the body.

11 DOMENIC RECCHIA: We hear you loud and  
12 clear Madame Majority Leader.

13 COUNCIL MEMBER CUMBO: Thank you so much  
14 Mr. Domenic M. Recchia Junior. So, happy to have you  
15 all here, I don't have any further questions, if  
16 anyone else on the... on the panel has further  
17 questions?

18 CHAIRPERSON MOYA: No, we're, we're good,  
19 thank you, thank you very much, thank you for..  
20 [cross-talk]

21 DOMENIC RECCHIA: Thank you and... [cross-  
22 talk]

23 CHAIRPERSON MOYA: ...your testimony today..  
24 [cross-talk]

25

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2 DOMENIC RECCHIA: ...it feels good to be  
3 back home...

4 COUNCIL MEMBER CUMBO: Thank you, it's,  
5 it's great to have you as the former cultural chair  
6 and finance chair of the City Council to have you  
7 back here, it's exciting and you're certainly a  
8 legend in this and for me to be on this side and you  
9 to be on that side is something I could have never  
10 fathomed in my wildest imagination.. [cross-talk]

11 DOMENIC RECCHIA: No one is more  
12 disappointed that City Planning didn't want to agree  
13 with our first proposal.

14 COUNCIL MEMBER CUMBO: I know... [cross-  
15 talk]

16 DOMENIC RECCHIA: ...the artist housing but  
17 there is the need in this city for artist housing..  
18 [cross-talk]

19 COUNCIL MEMBER CUMBO: Certainly... [cross-  
20 talk]

21 DOMENIC RECCHIA: ...and some day we could  
22 start developing art... housing for the artist.

23 COUNCIL MEMBER CUMBO: Thank you and if  
24 anyone shares your passion you know it's me, thank  
25 you so much.

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CHAIRPERSON MOYA: Thank you. I want... now call up the next panel Dan Marks; G. Carter Clarke and Ian Engberg. Thank you, if you can just please state your name and I just want to remind everyone that we are on a two-minute clock so please try to keep your comments within two minutes, thank you.

DAN MARKS: Sure. Good morning, my name is Dan Marks. I've been working and living in the surrounding area for the past seven years and work in real estate. I'm here to give my full support to this project. There's an immediate need for more residential units in the market especially affordable units which this project will provide. The idea that there is an oversupply of units coming to this market is not true. While there are a lot of units coming to market all over Brooklyn and in speak... I speak with developers every single day who have new units currently on the market and they're being leased up at a very steady rate. There has been a significant slowdown in the number of development sites acquired over the past few years and by the time this project comes online I would expect most if not all of the current supply in the market to have been absorbed by then. It's critical that when properties or

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2 neighborhoods go through a rezoning that as much  
3 density that makes sense is allowed to allow for the  
4 maximum number of both market and affordable units to  
5 help alleviate the housing pressures. Furthermore,  
6 this neighborhood has been speaking for years about a  
7 broader rezoning, which I support, but there's no  
8 timeline as to when it will be complete. I think it's  
9 important for projects like this not only to test the  
10 market but prove to future developers that you can  
11 build a successful mixed use project of scale, in  
12 this part of the neighborhood, look for example at  
13 the Lightstone project that was built in Gowanus  
14 years prior to the proposed rezoning. That project  
15 has been a tremendous success and has given  
16 confidence to developers waiting for the rezoning to  
17 happen, once it happens, I expect development to  
18 start immediately. Thank you for your time and  
19 opportunity to share my thoughts. Thank you.

20 CARTER CLARKE: Majority Leader Cumbo,  
21 Subcommittee Chair Moya thank you very much for  
22 letting me speak. My name is Carter Clarke, I work  
23 for HSN, HSN Realty Corporation who is a property  
24 owner, a long-time property owner in this  
25 neighborhood for over 75 years and has been embedded



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2 in the community. I'm... I have a letter that I  
3 prepared to, to read off. In, in response to 1010  
4 Pacific Street LLC and 1050 Pacific LLC's  
5 applications, we support activating Pacific Street  
6 and applaud the proponents' commitment to the  
7 publicly accessible space and community arts center  
8 on the ground floor. The introduction of new  
9 residents will help support new neighborhood  
10 services, promote activity and job creation and  
11 propel the much-needed revitalization of this section  
12 of Crown Heights. We welcome sensitive, tasteful and  
13 responsible development in our neighborhood. In  
14 1010's case, saving part of the warehouse façade will  
15 help transition the architecture with its nod to the  
16 past, it appears that element is no longer included  
17 but we support... continue to consider that. We look  
18 forward to working with other stakeholders, the  
19 Community Board, the Department of City Planning and  
20 City Council to make sure that this neighborhood  
21 reaches its full potential. Thank you very much.

22 IAN ENGBERG: Hi, good morning, my name  
23 is Ian Engberg, I am a long-time resident of downtown  
24 Brooklyn. I have owned a building that's right next  
25 to it for... [cross-talk]

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2                   CHAIRPERSON MOYA: Can you just speak a  
3 little bit... [cross-talk]

4                   IAN ENGBERG: Sorry... [cross-talk]

5                   CHAIRPERSON MOYA: ...more into the  
6 microphone, thank you.

7                   IAN ENGBERG: I've owned the building in  
8 that neighbor... on that block for the past 17 years,  
9 currently rented it to myself as a woodworker,  
10 graduated from Pratt. I'm now in a position where due  
11 to taxes and the increase in stuff I need to move my  
12 business, I've been trying to rent out this space,  
13 it's been unable to because of the way the  
14 neighborhood looks right now so I'm very much in  
15 favor of this to kind of save my property and that's  
16 really...

17                  CHAIRPERSON MOYA: Thank you, thank you  
18 all for your testimony today. Thank you. Calling the  
19 last panel on this item Gib Veconi; Ethel Tyus;  
20 Jessica Ortiz and Greg Todd. Just please state your  
21 name, make sure that the red light is on that your  
22 microphone is on and please keep it to two minutes.

23                  GIB VECONI: Good afternoon, thank you  
24 Chairman Moya, Majority Leader Cumbo. Again, my name  
25 is Gib Veconi, I'm a member of Community Board eight

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2 and I'm going to... I'm going to speak specifically on  
3 this project although the comments I made about the  
4 background of the M-Crown rezoning apply here as  
5 well. In addition to the reduction in density as, as  
6 stipulated by the CPC it's also important that we  
7 limit the scope of this rezoning to the lot in the  
8 properties that are controlled by the applicants,  
9 there's a substantial number of additional properties  
10 that are in this rezoning, the boundary adjustment  
11 going all the way to Classon Avenue and those are  
12 properties that will not be able to benefit from the  
13 M-Crown rezoning if they're allowed to move forward  
14 with the rest of this rezoning. The, the rezoning  
15 that is specified here does, does not address the  
16 specific requirements for light industrial, arts and  
17 community facilities uses that are part of the M-  
18 Crown plan and that the community board would very  
19 much like to see incorporated in the rest of the  
20 neighborhood rezoning. I, I'd also like to say that I  
21 share the frustration of one of the last panelists  
22 who talked about the length of time this process has  
23 been taking. In July of 2015, the head of the  
24 Brooklyn office of City Planning assured the  
25 Community Board that they were prepared to commit

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2 resources to move this along expeditiously and  
3 unfortunately the delay has resulted in a speculative  
4 bubble in this market which does threaten the  
5 viability of some of the value recapture for  
6 affordable housing and jobs that the community board  
7 seeks so I would like to... I'd like to encourage the  
8 Committee to urge the Department of City Planning to  
9 please move forward with all... on this... on this plan  
10 so those opportunities will continue to be viable,  
11 thank you very much.

12 JESSICA ORTIZ: Hi, my name is Jessica.  
13 Good morning Chair Moya and members of the  
14 Subcommittee, my name is Jessica Ortiz and I am a  
15 building service worker at Trinity School and have  
16 been a member of SCIU 32 BJ for six years. I'm here  
17 on behalf of my union and the 732 BJ members who live  
18 in district 35 to express our concerns regards this  
19 rezoning. As you know New York's economy is hard on  
20 working families and we believe that in order to  
21 create a fairer New York, developers should commit to  
22 providing prevailing wage building service jobs. This  
23 is especially true when it comes to projects like  
24 this one proposed, a majority market rate development  
25 in an increasingly expensive community. The rezoning

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2 sought by the developer of 1010 Pacific is a  
3 potentially lucrative one that would convert  
4 manufacturing land to residential use. We believe  
5 that the gains of rezoning should be shared with  
6 working families and that developers should create  
7 good jobs that give workers dignity and security.  
8 Unfortunately, the developer seeking this rezoning,  
9 an affiliate of EM Equity Holdings has not made a  
10 credible commitment to pay building service workers  
11 prevailing wages. We think working New Yorkers  
12 deserve better and, and Brooklyn community district  
13 eight also deserves better. In the M-Crown rezoning  
14 plan the community board said we should maximize the  
15 potential for good jobs in this area. We hope that  
16 the development team for this project will take  
17 meaningful steps to do so. We respectfully request  
18 that you urge the developer to commit to good jobs  
19 that pay prevailing wages for building service  
20 workers before you approve this project. Thank you.

21 CHAIRPERSON MOYA: If, if we can just  
22 pause for one second, I just want to open up the  
23 vote, we have Council Member Torres here.

24 COMMITTEE CLERK: On the continuing vote  
25 on the land use items, Council Member Torres?

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2 COUNCIL MEMBER TORRES: I vote aye.

3 CHAIRPERSON MOYA: Thank you.

4 COMMITTEE CLERK: By a vote of eight in  
5 the affirmative, zero in the negative, zero  
6 abstentions the item... land use items are approved and  
7 referred to the Land Use Committee.

8 CHAIRPERSON MOYA: Thank you, sorry for  
9 the interruption.

10 ETHEL TYUS: Can you hear me, good? My  
11 name again is Ethel Tyus and good morning again  
12 Council Member Cumbo, Majority Leader Cumbo and Chair  
13 Moya. My name again is Ethel Tyus, I'm Chair of the  
14 Land Use Committee for Brooklyn Community Board eight  
15 and we are here to help the Committee, help the  
16 applicants conform their proposals to the rezoning  
17 plan for the M-Crown section of Brooklyn Community  
18 Board eight. They've made a substantial effort to do  
19 that by moving from R7D to R7A and we greatly  
20 appreciate that, we are looking forward to City  
21 Planning being more reactive to our proposal by  
22 separating as Mr. Veconi suggested the additional  
23 lots near the applicant owned site from this rezoning  
24 plan so that those additional sites can participate  
25 in the M-Crown rezoning which the vision is walk to

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2 work, we want to have as much permissible light  
3 manufacturing space in this area in addition to the  
4 north, south commercial corridors on the side  
5 residential streets as well. So, we're looking for  
6 those opportunities where smaller, light  
7 manufacturing can occur and people, artists can live  
8 and work, people can walk to work, we want that  
9 village feel and if we go with large residential  
10 buildings which will only employ a static number of,  
11 of staff going forward, period there won't be any  
12 additional jobs in that area for our current  
13 residents. We'll continue to experience  
14 gentrification so we hope that the land.. the rezoning  
15 committee will help the applicants conform their  
16 plans to both the community board plan and.. with the  
17 support of the Crown Heights North Association as  
18 again you will have letters to this effect in your  
19 mailboxes. Thank you.

20 GREG TODD: Good morning and thank you for  
21 this opportunity to speak Majority Leader Cumbo and  
22 Chair Moya. My name is Greg Todd, I'm a 20 year  
23 member of Community Board eight, I'm also a real  
24 estate broker with the Corcoran Group, I market the  
25 largest purely affordable co-op project in Crown

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2   Heights as an agent for the Corcoran Group, I also  
3   worked for 15 years as a nonprofit housing developer  
4   in the neighborhood. I've also been a strong  
5   supporter of retaining the manufacturing character of  
6   this neighborhood. The reason there's manufacturing  
7   is because prior to the war Brooklyn was known not  
8   only for a residential neighborhood as Miss Cumbo  
9   pointed out but also as a manufacturing neighborhood  
10  and people lived and worked in the same neighborhood.  
11  Due to changes in the infrastructure now it's become  
12  fashionable to manufacturing, China, elsewhere in the  
13  United States, not locally I think we're entering a  
14  period of rapid change. The mere fact that a  
15  President named Trump is sitting in the White House  
16  now is something that points well to that fact and I  
17  think there's a distinct possibility that a gentleman  
18  named Sanders might be in a few years and all that  
19  makes it extremely hard for a developer to try to  
20  figure out what the heck to do with this space but I  
21  think that changes are in place now that are going to  
22  result in rising transportation costs, a decrease in  
23  the likelihood of materials coming in from China and  
24  an increased likelihood regarding the need to return  
25  to our roots of manufacturing in our neighborhoods



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2 and creating jobs for our citizens in the  
3 neighborhoods they work in. If we go forward and  
4 destroy these manufacturing zones and make them  
5 exclusively residential when the future arrives as it  
6 surely will where we will need to begin to go back to  
7 the point of manufacturing in our neighborhoods there  
8 will not be space to do it. So, I think we should  
9 stand back, take a longer look at the historically  
10 perspective not just look at what we can build here  
11 and now but what will it be like when 30 years lapse,  
12 when these mortgages are due on these properties.  
13 Thank you.

14 CHAIRPERSON MOYA: Thank you, thank you  
15 all for your testimony here today.

16 COUNCIL MEMBER CUMBO: I just want to  
17 thank all of you and again part of the challenges  
18 that we had was with the decrease from the R7D to the  
19 R7A, we lost a lot of the elements that would have  
20 complimented many of the goals of the M-Crown  
21 district so I'm hoping that moving forward we're able  
22 to figure out more ways to be able to work  
23 collaboratively so that we have more opportunities to  
24 compliment the goals of the community that are still  
25 affordable to the community residents that live there

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2 as well. So, there was a lot of give and take and as  
3 I stated earlier, everyone walks away somewhat  
4 disappointed so, you know this is the hard part about  
5 this job because there were so many aspects about the  
6 original plan that frankly I loved and I'm  
7 disappointed that they will not be a part of this  
8 project but hoping in the aftermath we can figure out  
9 some ways to have many of those winning components be  
10 brought back into the project. Thank you.

11 CHAIRPERSON MOYA: Thank you. Now moving  
12 on to our next public hearing for... are there any  
13 other members of the public that wish to testify on  
14 this item? Seeing none, we now close the application  
15 and it will be laid over. Our next public hearing for  
16 today is on LUs 390 for the 270 Park Avenue text  
17 amendment in Council Member Powers' district in  
18 Manhattan. The applicant seeks approval of a zoning  
19 text amendment to the East Midtown subdistrict of the  
20 special Midtown district to facilitate an open  
21 publicly accessible space on the development sites,  
22 Madison Avenue frontage and to modify other  
23 subdistrict regulations in order to... in order to  
24 permit the open publicly accessible space at this  
25 alternative location. The request action would

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2 facilitate a new office building approximately seven  
3 stories tall and approximately 1.87 million square  
4 feet of floor area including approximately 667,000  
5 square feet of floor area transferred from Grand  
6 Central Terminal under a separate CPC Chairperson  
7 certification which was approved on December 14<sup>th</sup>,  
8 2018. This application before us has been amended as  
9 originally proposed to modify the text amendment in  
10 response to input received during the public review  
11 process. The original proposal sought to allow a  
12 7,000 square foot enclosed publicly accessible space  
13 on the sites Madison Avenue frontage in lieu of the  
14 10,000 square foot open to the sky publicly  
15 accessible space across the through block portion of  
16 the site as required by the subdistrict text. I now  
17 open the public hearing on this application, and I  
18 wanted to turn it over to Council Member Powers for  
19 his remarks.

20 COUNCIL MEMBER POWERS: Thank you, thank  
21 you to Chair Moya and to members of the Subcommittee  
22 today for hearing the text amendment for 270 Park  
23 Avenue that will create a new building for JP Morgan  
24 Chase in East Midtown in my district, the fourth  
25 council district. In early 2019... 2018, JP Morgan

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2 announced they would take advantage of the East  
3 Midtown rezoning project passed in 2017 by the City  
4 Council and led by my predecessor Dan Garodnick by  
5 rebuilding their headquarters at 270 Park Avenue. For  
6 the past year I've been in discussion with JP Morgan,  
7 many of the folks who are here today. As a first...  
8 I've been in touch with them as the first project to  
9 take advantage of the East Midtown rezoning and as  
10 they've worked through their plans for a new  
11 headquarters in East Midtown. Throughout the process  
12 we've been encouraged to see their commitment to  
13 investing in Midtown and the consideration of  
14 feedback from the local community board, the borough  
15 president and our own suggestions here at the City  
16 Council on the creation of a new office tower to  
17 consolidate its New York City employees while  
18 providing public benefits that are intended under the  
19 East Midtown rezoning and in the spirit of the East  
20 Midtown rezoning. In order to build a tower that  
21 allows for all of JP Morgan's employees and because  
22 of their unique placement of the building standing  
23 above Grand Central Terminal's train shed they're  
24 seeking a text amendment on open space location and  
25 layout, retail space and street wall continuity. Due

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2 to the train shed the amendment originally proposed...  
3 originally proposed creating an enclosed 7,000 square  
4 foot public space that was 3,000 square feet less  
5 than required in the East Midtown rezoning, that was  
6 the original proposal. Along with support from  
7 community members and the borough president we've  
8 asked the applicant to reconsider building it a way  
9 that both supports the infrastructure of the train  
10 shed and provides the necessary open space required  
11 under the rezoning. I also urged them to consider  
12 additional transit improvements to the existing  
13 subway entrances adjacent to their property on 47<sup>th</sup>  
14 Street and to seek other ways in which their  
15 investment in East Midtown could support the new  
16 influx of employees who will work at the new  
17 headquarters when it opens. The revised amendment  
18 must... amendment before us today exhibits a new plan  
19 to increase the open space from an enclosed 7,000  
20 square feet to an open 10,000 square feet which is  
21 something we requested, and it was intended through  
22 the East Midtown rezoning. In addition the applicant  
23 has also contributed 42 million dollars to the public  
24 realm fund that is managed by the East Midtown  
25 governing group to make infrastructure improvement in

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2 the neighborhood which is also part of the East  
3 Midtown rezoning and recently the MTA announced that  
4 the... JP Morgan would also be investing in transit  
5 upgrades at Grand Central Terminal to improve the  
6 Metro North train shed as another contribution  
7 outside what is necessary under the East Midtown  
8 rezoning. These improvements include a 12... 25-  
9 million-dollar investment to the shed, significant  
10 restoration to spaces impacted to the East side  
11 access project and a new entrance on 48<sup>th</sup> Street and  
12 Madison Avenue. Today we hope to learn more, I hope  
13 to learn more about how they can expand upon those  
14 estimates in the MTA and how we can continue the  
15 conversation in the coming weeks as this comes before  
16 the Council for a full vote. I want to thank you to  
17 JP Morgan for being good partners and the  
18 conversations we've had over the past year and  
19 incorporating feedback from the community in their  
20 plans and I look forward to continuing the  
21 conversation as the project moves forward and  
22 appreciate their commitment to staying in East  
23 Midtown here in New York City, thank you Chair.

24 CHAIRPERSON MOYA: Thank you Council

25 Member Powers. I also want to acknowledge that we've

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2    been joined by Council Member Chin. I now want to  
3    call up David Karnovsky; Vishaan Chakrabarti, did I  
4    say that correctly?

5                   VISHAAN CHAKRABARTI: Close enough.

6                   CHAIRPERSON MOYA: Close enough, alright,  
7    Jeremy Dworken and David Clunie..

8                   DAVID CLUNIE: Yes... [cross-talk]

9                   CHAIRPERSON MOYA: Correct, great.  
10   Counsel can you please swear in the panel.

11                  COMMITTEE CLERK: Do you swear or affirm  
12   that the testimony you are about to give will be the  
13   truth, the whole truth and nothing but the truth and  
14   that you will answer all questions truthfully and  
15   please state you full name as you respond?

16                  JEREMY DWORKEN: Jeremy Dworken, I do.

17                  DEVIN MAYER: Devin Mayer, I do.

18                  DAVID CLUNIE: David Clunie, I do.

19                  VISHAAN CHAKRABARTI: Vishaan  
20   Chakrabarti, I do.

21                  DAVID KARNOVSKY: David Karnovsky, I do.

22                  CHAIRPERSON MOYA: I'm sorry, David,  
23   David you said?

24                  DEVIN MAYER: Devin Mayer.  
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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON MOYA: Did you fill out one of these? You may begin.

DAVID CLUNIE: Good morning Chairman Moya, Majority Leader Cumbo, members and staff of the Subcommittee on Zoning and Franchises. I'm David Clunie, Head of State and Local Government Relations at JP Morgan Chase and Company, I'm joined today by Devin Mayer, Project Manager for JP Morgan Chase; David Karnovsky, our Council from Fried Frank; Jeremy Dworken from the architect for this project, Foster Partners and Vishaan Chakrabarti, our Design Consultant from PAU. My colleagues and I are pleased to appear before you today to discuss the proposed text amendment that would facilitate the, the building of a world class headquarters for JP Morgan Chase at 270 Park Avenue. JP Morgan Chase is one of New York City's largest private sector employers with a best in class workforce of more than 20,000 workers in the city, five million consumer customers and 500,000 business customers that we serve in more than 350 branches across this great city. We are proud of... we're proud to be a part of the fabric of New York City our home for more than 200 years. New York City is special to us, it's not only the financial capital



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2   of the world, more importantly, it's our home which  
3   has been a source of pride for our employees, clients  
4   and customers since 1799. This project will build on  
5   the firm's strong legacy of investment in local  
6   communities in New York City, we are committed to  
7   developing a state-of-the-art building with world  
8   class privately owned public space that the city's  
9   residents and visitors alike can enjoy. Like all of  
10  you, we're committed to advancing the key public  
11  policy goals of the East Midtown rezoning namely the  
12  development of modern office space that will  
13  revitalize the city's most important central business  
14  district, the creation of impactful public realm  
15  improvements and the continuing protection and  
16  maintenance of designated landmarks. To facilitate  
17  the redevelopment process, we had purchased  
18  approximately 666,000 square feet of transfer,  
19  transferable development rights from Grand Central  
20  Terminal. This transaction provided ten million  
21  dollars for the continuing maintenance of that  
22  landmark as well as 42 million dollars for public  
23  realm improvements that will be identified by the  
24  public realm improvement fund governing group. After  
25  demolition and construction are completed, our new

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2 building will provide a 21<sup>st</sup> century workspace with  
3 capacity for approximately 15,000 employees.

4 Additionally, the new building will meet the highest  
5 standards of quality, sustainability and design. It  
6 will serve our employees and our clients and the  
7 public and stand as a symbol of JP Morgan Chase's  
8 long-standing commitment to New York City. We plan to  
9 use union labor and we are actively working on  
10 executing a project labor agreement. I'll note that  
11 our swing space of approximately 1.5 million square  
12 feet where our employees will reside during  
13 construction was built with a project labor agreement  
14 using union labor. I speak for my colleagues at JP  
15 Morgan Chase when I say we are proud to be  
16 recommitting to East Midtown, we look forward to  
17 working with you both during this text amendment  
18 process and as the project proceeds. Thank you for  
19 the opportunity to appear before you today, with that  
20 I'll introduce my colleague, David Karnovsky.

21 DAVID KARNOVSKY: David Karnovsky, Fried  
22 Frank Land Use Council to the project. We're here  
23 today to present a zoning text amendment that would  
24 adjust, adjust the requirements of the East Midtown  
25 regulations governing the provision of open space at

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 270 Park Avenue in order to facilitate JP Morgan  
3 Chase's new world headquarters building at that  
4 location while providing an attractive, high quality  
5 public amenity consistent with the goals of the East  
6 Midtown rezoning. As you will hear more from Devin  
7 Mayer, the existing regulations which would require a  
8 10,000 square foot public space open to the sky  
9 across the middle of the block present a number of  
10 practical difficulties. The difficulties that are  
11 also presented by the fact that approximately 75  
12 percent of the site sits over the metro, metro north  
13 train shed, with only 25 percent of the site at its  
14 western edge on solid ground. Chase originally  
15 submitted an application for a text amendment that  
16 would allow for a 7,000 square foot interior public  
17 space along the Madison Avenue frontage of the new  
18 building. The 7,000 square foot interior space had a  
19 number of positive features but during the course of  
20 the review process at the Community Board and at the  
21 Borough President we heard loud and clear that the  
22 public space should remain open air and must have a  
23 size of 10,000 square foot... square feet. In response  
24 to these comments the Chase team developed an  
25 alternative approach which will result in a 10,000

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2 square foot open space running along the full length  
3 of the Madison Avenue frontage and would be open air.  
4 We submitted an amended application to City Planning  
5 in order to make this possible, the revised text  
6 amendment adheres closely to the greater East Midtown  
7 rezoning while accommodating the challenges of  
8 building over and around the transportation  
9 infrastructure below and the other... and working  
10 through the other site conditions. We think it will  
11 result in an attractive space that will be well used  
12 by the public and be fully consistent with what the  
13 city sought to accomplish in 2017 when it adopted the  
14 rezoning. I'm now going to turn to Devin Mayer who  
15 will discuss the site, the proposal to relocate to  
16 Madison Avenue and the features of the public space.

17 DEVIN MAYER: Thank you David and good  
18 morning Chairman Moya, members and staff of the  
19 Subcommittee. I am Devin Mayer from JP Morgan Chase  
20 and we are grateful for the opportunity to appear in  
21 front of you today. I will spend the next few minutes  
22 providing an overview of our project and how the  
23 unique site location has caused us to approach the  
24 design of the mandatory open publicly accessible  
25 space. Our site occupies a full block between Park

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 Avenue and Madison Avenue and 47<sup>th</sup> and 48<sup>th</sup> Street.

3 This image on the screen illustrates what the text as  
4 written tells us we need to do. Option one splits the  
5 building in half and option two creates compromised  
6 floor plates throughout the building that do not meet  
7 the needs of JP Morgan Chase businesses that will  
8 occupy the space. The text that is written does not  
9 allow for a POP space to be located along Madison  
10 Avenue or Park Avenue. The majority of our site sits  
11 above Grand... the Grand Central train shed and is  
12 illustrated by the white area on the slide, a small  
13 portion of our site sits on Terra Firma is in... and is  
14 highlighted in brown on the slide. As part of the  
15 design process we evaluated the option two placement  
16 of the POPS as illustrated in green and we were  
17 unable to make this placement work with the design of  
18 our building which I will now explain. Given our  
19 location over the train shed we have a complex series  
20 of structural transfers highlighted in red that occur  
21 in and around the ground floor and are required to  
22 support the new building design. The depth of the  
23 structural transfers are limited by the active  
24 railroad tracks below and require us to elevate  
25 portions of our ground floor slab which did not allow

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2 us to create a compliant POP space. In addition to  
3 the structural transfers our new building design  
4 places the elevator cores on the north and south side  
5 of the ground floor. The southern elevator core  
6 highlighted in gray creates a conflict with the POPS.  
7 Within the Terra Firma portion of our site we have  
8 located truck elevators to access the below grade  
9 loading dock, the associated service elevators and  
10 all of the incoming building services including  
11 electric, steam, gas, water and telecommunications  
12 that serve the building. The location of these  
13 elements within the Terra Firma portion of our site  
14 were very limited and are pushed as far east as they  
15 can be without interfering with the adjacent train  
16 shed. All of these unique site conditions caused us  
17 to locate the POPS along Madison... along the Madison  
18 Avenue frontage of the site. As David mentioned we  
19 originally submitted an application for 7,000 square  
20 foot... square feet of interior space which is  
21 illustrated in the image on the left. During the  
22 course of the... of the review process with the... with  
23 Council Member Powers, Community Board five and the  
24 Borough President we received strong feedback that  
25 causes us to re-visit the design of the building

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2    which allowed us to create a 10,000 square foot open  
3    air public space along Madison Avenue and a portion  
4    of 47<sup>th</sup> Street which is illustrated in the image on  
5    the right. We believe that placing the POPS on  
6    Madison Avenue creates an opportunity for much needed  
7    relief and is particularly needed on our site because  
8    of the existing stairway, escalator and elevator into  
9    the 47<sup>th</sup> Street cross passage that connects this part  
10   of Midtown with Grand Central Terminal. Furthermore,  
11   east side access will soon be complete and will also  
12   be accessed from the same vertical circulation. As a  
13   consequence, the Madison Avenue side of our site is a  
14   new gateway moment into our city and as such should  
15   provide pedestrian relief, a kind of natural foyer  
16   into the city in which the pedestrian encounters  
17   trees, water, light and air before moving on to the  
18   city. Our reconfigured public space responds to  
19   specific comments received as part of the public  
20   review process and now includes 10,000 square feet of  
21   open air space on Madison Avenue and a portion of  
22   47<sup>th</sup> Street that will be open 24 hours a day, seven  
23   days a week, will include a café kiosk and will not  
24   have any permissible private events. These are photos  
25   of the existing building along Madison Avenue taken

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2   from the south on the left... from the south on the  
3   left and from the north on the right. From an urban  
4   design perspective, we feel that Madison Avenue is  
5   appropriate because as you can see from the  
6   photographs the relentlessness of the Madison Avenue  
7   street wall has resulted in a dark corridor with  
8   little relief for the public. As you know Madison  
9   Avenue was added to the original 1811 Commissioner's  
10  grid as a retail avenue, while it is a renowned  
11  success particularly further north the avenue in  
12  Midtown is congested with narrow sidewalks and tall  
13  buildings. It is for this reason that we believe that  
14  the addition of a bright spacious well designed  
15  10,000 square foot open air public space is  
16  appropriate in keeping with the feedback we have  
17  received through the public review process. This is a  
18  perspective of our... of our existing building from the  
19  southwest corner of 47<sup>th</sup> Street and Madison Avenue.  
20  And here you can see a rendering of what the proposed  
21  future plaza could look like. The building is pushed  
22  back from the street on all sides and gracefully  
23  slopes upwards to open up the plaza to the sky and  
24  allow for increased amounts of light and air to make  
25  its way down to the plaza. There is an opportunity to



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2   create a separation from the street and sidewalk  
3   through planting and with the integration of the  
4   kiosk we can create different pockets of space that  
5   allow for relaxation and respite. All of these  
6   opportunities will be carefully studied and presented  
7   through the design certification process and will  
8   result in the creation of a world class public space  
9   that will serve as a destination amenity for those  
10  who live and work in East Midtown. As David mentioned  
11  the revised text allows for the relocation of the  
12  open space to Madison Avenue, a waiver of the Madison  
13  Avenue street wall and retail continuity requirements  
14  and adjust... and an adjustment to the POPS design  
15  regulations to accommodate the site constraints. This  
16  concludes our presentation; I would like to take this  
17  opportunity to thank the members of the Subcommittee  
18  and Council Member Powers and his staff for their  
19  leadership and guidance through the public process.  
20  Thank you.

21                   CHAIRPERSON MOYA: Thank you. Just a  
22  couple of questions before I turn it over to Council  
23  Member Powers. You may have talked about it but can  
24  you just sort of give a brief overview of... as to how  
25

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2 the public review process influenced the proposal  
3 that we have before us today?

4 DAVID KARNOVSKY: As we mentioned  
5 earlier, we initiated the process with this  
6 application... an application for the 7,000 square foot  
7 interior space and we did that because we thought an  
8 interior space could be attractive and provide a  
9 year-round climate-controlled environment and could  
10 be attractively designed. We proceeded into the  
11 process, we went to the community board, spoke with  
12 the borough president of course, spoke a number of  
13 times with the Council Member and got very strong  
14 feedback regarding what they felt was most consistent  
15 with the regulations as adopted in 2017 and what they  
16 wanted to see on the site and that was really  
17 twofold, one was that the space should be open air  
18 not enclosed and secondly that we should achieve the  
19 10,000 square foot requirement under the regulations.  
20 At that point we submitted an amended application to  
21 City Planning with a reconfigured open space that  
22 achieved those two goals. Both applications, the  
23 original and the amended were heard at City Planning,  
24 the original was withdrawn, the amended was approved

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2                   and that's why we're here today with a 10,000 square  
3                   foot space open to the air.

4                   CHAIRPERSON MOYA:   Great, and are you  
5                   aware of any other sites in the special district that  
6                   might be impacted by this text amendment?

7                   DAVID KARNOVSKY:   No, the text amendment  
8                   is geared to this site, it allows for the movement of  
9                   the space from the middle of the block in a situation  
10                  that is unique to this site, it has to do with the  
11                  size of the site at 80,000 square feet and the  
12                  presence of a rail mass transit entrance on... outside  
13                  the through block portion. With those two criteria in  
14                  place as the eligibility requirements for movement of  
15                  the space this is the only block in which it could  
16                  apply.

17                  CHAIRPERSON MOYA:   Great, thank you very  
18                  much. I now turn it over to Council Member Powers.

19                  COUNCIL MEMBER POWERS:   Thank you and  
20                  thank you for that testimony and thank you to Chair  
21                  for his questions. Can you talk about... this is the  
22                  first project to come out of the East Midtown  
23                  rezoning and obviously a very prominent one, can you  
24                  talk to us just simply about the options that you  
25                  were considering and the decision to stay in East

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2   Midtown and take advantage of the rezoning versus  
3   other options that JP Morgan was considering. I know  
4   there was some conversation about moving, maybe  
5   moving out or moving west and, and was... the, the  
6   decision to stay here and the influencing factors  
7   towards... you know around the East Midtown rezoning?

8                   DAVID CLUNIE:  So, I'll begin, and I'll  
9   let my colleagues follow up if necessary. So, part of  
10  this was that we looked at a number of options for,  
11  you know what would serve our purposes, we wanted to  
12  stay in, in East Midtown, we have an inefficient  
13  footprint currently across New York, we have 14  
14  locations, five in Midtown alone and there was  
15  nothing else in, in Midtown or anywhere else in  
16  Midtown that... Midtown East or otherwise that would  
17  serve our purposes in one building. Right now in 270  
18  Park Avenue you have aging infrastructure, it was  
19  designed in the 1950s to house 3,500 people, we had  
20  over twice that capacity and it... and it has  
21  inefficient elevators, electrical, restrooms,  
22  otherwise as well as at 383 Madison Avenue that's  
23  been over 20 years without any significant investment  
24  in, in that space and that's office space and trading  
25  floors that, that are in significant need of, of

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2 improvement. For us a big part of it was our talent  
3 and employee experience, this is a transportation  
4 hub, it's somewhere that's convenient for our clients  
5 and customers and we also want to continue to be a  
6 positive impact on this neighborhood, we need a 21<sup>st</sup>  
7 century modern space with open space, collaborative  
8 work space, more efficient, you know systems and.. so  
9 that was a, a big part of, of our decision making  
10 process and really this is a recommitment of JP  
11 Morgan Chase to New York City and, and in our, we  
12 think envisioning division that was embodied in the  
13 Midtown East rezoning which is modern office space  
14 and we hope that it will be a model for other  
15 developments.

16 COUNCIL MEMBER POWERS: Thanks for that  
17 and can you talk about your options you considered,  
18 you know in addition... for this location particularly  
19 around obviously you're, you're taking down the  
20 existing building and had you considered some other  
21 way to modify or renovate and what sort of led to the  
22 option to, to take down the building that's at 270  
23 today?

24 DEVIN MAYER: We did study a modification  
25 to the building, full gut renovation, you know

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2 structurally the building can accommodate an  
3 overbuild... cannot accommodate an overbuild and  
4 ultimately that was the reason why we chose to take...  
5 remove the existing building and redevelop the site.  
6 As David mentioned, you know the building today is  
7 designed... was designed for 3,500 people, we had until  
8 last Friday over 6,500 employees that worked out of  
9 that building and it, it was... it had reached it's  
10 limit from a... from a capacity standpoint and the  
11 infrastructure simply could not support it even if we  
12 were to strip everything out and, and start from  
13 scratch within that existing shell we simply could  
14 not meet the needs of our business.

15 COUNCIL MEMBER POWERS: Okay, thanks.

16 Talking about air rights purchasing, which is... which  
17 is a key component of the, the East Midtown rezoning,  
18 you, you mentioned you buying air rights from Grand  
19 Central Terminal, can you just restate them... the, the  
20 number of air... the square footage of air rights you  
21 bought and, and who you bought them from, was there  
22 any other entity that you got... you received or  
23 purchased air rights from?

24 DAVID KARNOVSKY: The amount is 666,766 I  
25 believe... [cross-talk]

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2 COUNCIL MEMBER POWERS: All from Grand  
3 Central?

4 DAVID KARNOVSKY: All from Grand Central,  
5 that was... as was mentioned earlier transferred  
6 pursuant to certification at the end of last year for  
7 purposes of the building.

8 COUNCIL MEMBER POWERS: And... okay,  
9 thanks. And, and, and just, just clarifying here,  
10 the, the amount that went into the public ground fund  
11 that goes to the East Midtown Governing Group because  
12 of that air purchase is 42 million dollars?

13 DAVID KARNOVSKY: Slightly less than 42...  
14 [cross-talk]

15 COUNCIL MEMBER POWERS: Slightly less  
16 than 42 million dollars. The... you're, you're seeking  
17 a waiver on retail space along Madison Avenue, can  
18 you talk to us whether there will be any retail  
19 incorporated into this site even if it's not on  
20 Madison Avenue?

21 DAVID KARNOVSKY: So, so Madison Avenue  
22 has a street wall requirement for the location of the  
23 street wall in close proximity to the street line as  
24 well as a retail continuity requirement, in order to  
25 build this space we're asking for a waiver of, of

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2 both of those requirements to permit the open air  
3 environment along the Madison Avenue frontage. In  
4 addition, the POPS rules which apply here by cross  
5 reference essentially require that there be retail  
6 frontage along the building edge that you see in the...  
7 in this illustrative rendering but as we talked about  
8 earlier the area adjacent to that façade is  
9 essentially taken up with the mechanical spaces and  
10 service spaces, this is the only Terra Firma on this  
11 site and we desperately need that space for those  
12 kinds of functions. So, rather than provide retail  
13 along that frontage we have written the text and City  
14 Planning approved it in this form to require a kiosk  
15 in the space for some activation of the space. So,  
16 whereas in the normal situation the kiosk is an  
17 option here it is a requirement and that will be...  
18 [cross-talk]

19 COUNCIL MEMBER POWERS: Any, any other  
20 planned retail in the building beyond the kiosk?

21 DAVID KARNOVSKY: Not on this frontage.

22 DEVIN MAYER: We're studying locations  
23 for a branch bank as we have in the existing building  
24 today, we have not yet settled on where that branch  
25 bank may be located.



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COUNCIL MEMBER POWERS: Okay. And in addition to the 42 million dollar contribution to public realm, realm fund and the upgrades to 47<sup>th</sup> Street can you just talk to us and elaborate a little more on your commitments to the MTA or on the metro north and any other commitments that you've made in terms of investing in public transportation to accommodate new density and new population and consolidation?

DEVIN MAYER: As you know Council Member we, we spent many, many months negotiating with the MTA to arrive at the, the framework which we've recently agreed upon that will govern the work, our work below 270 Park Avenue within the train shed and within the East side access project area. As part of that framework we have made commitments to perform work on their behalf, replacement of the viaduct adjacent to the building and helping to facilitate the entrance of 48<sup>th</sup> Street as you mentioned in your opening remarks. We are in daily discussions with them to make sure that we can co-exist, that their project can continue uninterrupted and that we can... we can launch our project and achieve the goals that we have as well so we, we feel very good about where

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2 we are in terms of progress made with the MTA and,  
3 and look forward to continued success with them.

4 COUNCIL MEMBER POWERS: And just, sorry,  
5 can you just enumerate what the public benefits will  
6 be here in terms of... related to transit from the air  
7 rights to... down to the recent commitments, just can  
8 you put them in a... [cross-talk]

9 DEVIN MAYER: So, as part of the air  
10 rights purchase there's ten million dollars that will  
11 be committed to preserving the landmark, Grand  
12 Central Terminal. The improvement that will be made  
13 to the, the train shed as you mentioned is... the, the  
14 financial framework of that is still being worked out  
15 as is the financial framework for the 48<sup>th</sup> Street  
16 entrance. In addition to that we have the existing  
17 entrance on 47<sup>th</sup> Street that's on our site that will  
18 be improved as part of our project, those, those  
19 plans are still being developed.

20 COUNCIL MEMBER POWERS: And then the, the  
21 money that was... the contribution to the fund as well.  
22 Okay, the... just, just on Park Avenue since we're  
23 talking about Madison Avenue here, have you  
24 considered any improvements on the Park Avenue side  
25 to public space, pedestrian space or even if there's

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2 been discussions around redoing the medians there to  
3 enliven them, have you given any consideration to the  
4 Park Avenue side in ways that you can enliven that  
5 space as well?

6 VISHAAN CHAKRABARTI: Council Member the  
7 design team is looking at that, we intend to have a  
8 beautiful entrance on Park Avenue, we are looking at  
9 widening sidewalks where we can and so forth and so  
10 we are still in the middle of the design process for  
11 that.

12 COUNCIL MEMBER POWERS: And when do you  
13 think you'll have a more concrete answer to that  
14 question?

15 VISHAAN CHAKRABARTI: Devin you want to...  
16 yeah, I mean what would you say Jeremy? Yeah, well  
17 no, no... so, Council Member we can certainly return to  
18 you as we're developing the building, there's a lot  
19 of design work going on that also... [cross-talk]

20 COUNCIL MEMBER POWERS: May, May 8<sup>th</sup>  
21 sounds like a good day to have an answer.

22 VISHAAN CHAKRABARTI: Okay...

23 COUNCIL MEMBER POWERS: The... talking  
24 about sidewalk space, part of this has you expanding  
25 the sidewalk space around the building, is it... is it...

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2 two questions, one is it mandatory under East Midtown  
3 rezoning or is that voluntary and then can you tell  
4 us how much space your adding into the sidewalk space  
5 to accommodate new pedestrians?

6 DEVIN MAYER: The required sidewalk  
7 widening takes place along the Madison Avenue  
8 frontage, we are not counting that of course as part  
9 of the 10,000 square foot POPS proposal. Taken as a  
10 whole not including the requirement we are increasing  
11 the open space at grade relative to what we have  
12 today by close to 150 percent. So, there are  
13 significant improvements over and above what is  
14 required that are going to be presented as part of  
15 our... [cross-talk]

16 COUNCIL MEMBER POWERS: Do you have a  
17 square footage number in terms of how much additional  
18 square footage you're adding in terms of like public  
19 realm and pedestrian area?

20 DEVIN MAYER: We're happy to provide that  
21 to you.

22 COUNCIL MEMBER POWERS: You have an  
23 estimate?

24 DEVIN MAYER: I, I don't off the top of  
25 my head, I'm sorry.

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COUNCIL MEMBER POWERS: Okay, if you can get that to us. The building I think is going to be closed for maybe five or six years as I understand it as you do... underdo your work which is going to lead to a lot of employee displacement here to your, your employees and contracted employees, can you tell us what the plans for where people are going in that time, what's happening to buildings staff that works in the building and what are the plans in that interim period for relocating staff and employees?

DEVIN MAYER: I, I can start with the... with our employees, we have now relocated 100 percent of the employees that were... that were assigned to 270 Park Avenue. As David mentioned we have... we have built close to a million and a half square feet of, of swing space that will serve as our interim headquarters across the neighborhood in five locations and that, that... those moves are complete as of Friday. We are incredibly proud to, to report that the building services staff all 120 of them have been relocated to interim sites or other JP Morgan Chase facilities in the city as part of this move and those who were... those employees... those service employees who were eligible for retirement were, were offered

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2 an enhanced package through the union and our  
3 partners, it's something that we feel incredibly good  
4 about, no one was displaced as part of this move.

5 COUNCIL MEMBER POWERS: So, anybody who's  
6 worked in the building today has a... has a continued  
7 job for that period as long as they're... [cross-talk]

8 DEVIN MAYER: That's correct.

9 COUNCIL MEMBER POWERS: Okay. Thank you  
10 for that. And the, the... do you have a... you also own  
11 the building I think right across the street on  
12 Madison Avenue, 383 Madison Avenue, are there any,  
13 any plans in the future... in the near term for what to  
14 do with that site?

15 DEVIN MAYER: It's one of... one of our two  
16 owned locations in Midtown, the other being 270 Park  
17 Avenue of course, you know as David mentioned it is a  
18 building that has not seen a lot of love over the  
19 years and it is now serving as our world headquarters  
20 while we redevelop 270 Park so we do plan to invest  
21 considerable amounts of capital into the building  
22 while we're there and while it serves as the interim  
23 headquarters and, and from that perspective, you know  
24 we have... we have nothing but the intent to, to  
25

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2 improve it and, and make sure it remains one of our  
3 two owned assets in Midtown.

4 COUNCIL MEMBER POWERS: Okay, thank you.  
5 I'm going to close some questions down here, I just  
6 wanted to just... some, some follow up comments here  
7 is... one is... and some clarity on Park... as we, you know  
8 as we kind of over the next few weeks some clarity on  
9 the Park Avenue side in terms of the design of it but  
10 also any ways to further enhance the Park Avenue side  
11 which I think... I think there's plans around the metro  
12 north to, to do some work around the medians and  
13 stuff like that, I know there's been discussion about  
14 how to bring Park Avenue a bit more to life  
15 especially as you're talking about the intentions of  
16 East Midtown rezoning which is to make it a good  
17 place for people to work and to make it a modernized  
18 space not just for folks on Madison Avenue but to  
19 really make Park Avenue a, a welcoming avenue as  
20 well. Two is, you know more definition if you can... as  
21 you can give it to me us on the MTA, your commitments  
22 around the MTA and I... you know I... we've... this has  
23 been a, a constant part... you know point of  
24 information between us is that we're going to be  
25 bringing a lot of people into that one specific site

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2 but also the East Midtown rezoning is... intention is  
3 and we know there's... you know I think four other  
4 sites that you... today being discussed maybe, maybe,  
5 maybe even more, maybe less but a lot of people that  
6 are coming to East Midtown the plan, you know asks  
7 for transit improvements and public realm  
8 improvements to accompany that but it's not to say  
9 that those are the minimum requirements, I, I commend  
10 you guys for going further than, than the minimum and  
11 making a real commitment underneath and around but I  
12 will... I will never stop asking for more around the  
13 MTA and public realm because its going to be  
14 congested and it's... we're in a... we're in a really  
15 necessary moment to address kind of critical  
16 infrastructure and MTA and, and last, I mean I, I, I  
17 wanted to commend you for some recent announcements  
18 around your decisions around invest... some certain  
19 investments related to private prisons and things  
20 like that and we, we commend you for being a good  
21 corporate partner and as your like long term  
22 trajectory here in, in New York City we, we, we  
23 really, you know view you as a... as a, a partner here  
24 in the city so those types of commitments to New York  
25 City being here is, is welcomed but we'll, you know



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2 always continue to look for ways to make sure there's  
3 a, a good partnership between New York City and, and  
4 a, a major employer like JP Morgan and I will... I will  
5 end my comments and my questions here, thank you to  
6 the Chair, thanks.

7 CHAIRPERSON MOYA: Thank you Council  
8 Member. Thank you very much to the panel, thank you  
9 for your testimony today. I will be calling up the  
10 next panel Davon Lomax; Rochelle patricof; Max  
11 Sheeron and Cassie Carillo.

12 [off mic dialogue]

13 CHAIRPERSON MOYA: If You could just  
14 please state your name you can begin your testimony.

15 DAVON LOMAX: Davon Lomax, is it  
16 afternoon yet? Good afternoon Chairman Moya on this  
17 Subcommittee, I'd like to thank everyone for giving  
18 me the chance... the opportunity to speak. My name is  
19 Davon Lomax, again I'm with District Council nine,  
20 the Painters and Allied Trades Union. We rise in full  
21 support, all 11,000 members of, of this union rise in  
22 support of this project, I submitted my testimony but  
23 I'm just going to speak freely. This project really  
24 is just about jobs for us, you know the construction  
25 industry is really in a boom right now, a lot of our

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2 members are working and really I wanted to just talk  
3 about apprenticeship and what... and I comment JP  
4 Morgan Chase for committing to building this project  
5 union... I mean committing to apprenticeship programs,  
6 I myself came from apprenticeship programs with  
7 district council nine and I could tell you a project  
8 like this... of this scale would mean a lot to our  
9 members that are apprentices now to get... to continue  
10 their training and continue their careers in  
11 construction, you know... you know this, this, this  
12 committee, you know sends a lot of projects through  
13 and again this one would mean a lot to us for our  
14 members. All across New York City we have pre-  
15 apprenticeship programs that will be working on this  
16 project from nontraditional employment for women to  
17 construction skills to veterans, helmets to hard hats  
18 for veterans and again this project would mean a lot  
19 to us to get passed so we, we, we're here in support  
20 of it. Thank you.

21 CHAIRPERSON MOYA: Thank you. Just make  
22 sure the red light is on. There you go.

23 ROCHELLE PATRICOFF: Good afternoon, my  
24 name is Rochelle Patricof, I thank you for the  
25 opportunity to present these comments on behalf of

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2 the Grand Central Partnership. The Grand Central  
3 Partnership enthusiastically supports the application  
4 by JP Morgan Chase requesting an amendment to the  
5 East Midtown zoning text to enable it to build a new  
6 state of the art open air publicly accessible  
7 privately owned public space on the Madison Avenue  
8 frontage of the newly planned 270 Park Avenue office  
9 tower that would be home to all of its global  
10 headquarter operations. As you know the partnership  
11 was pleased to have partnered with Manhattan Borough  
12 President Gale Brewer, former Council Member Dan  
13 Garodnick and other neighborhood stakeholders to help  
14 frame and shape the process for the rezoning of  
15 greater East Midtown. These zoning changes facilitate  
16 this new development and others to build modern  
17 office towers to accommodate the needs of businesses  
18 in the 21<sup>st</sup> century with new open energy efficient  
19 office towers. It's also responsible for the creation  
20 of public realm improvements, including much needed  
21 mass transit enhancements. East Midtown rezoning is  
22 enabling one of New York City's largest employers to  
23 demonstrate its long term commitment to New York City  
24 in greater Midtown East and the Grand Central  
25 neighborhood with a 21<sup>st</sup> century headquarters

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2 building that will be designed to not only meet the  
3 needs of its workforce and global business but to  
4 also contribute to the vitality of our community. The  
5 current application that is before the City Council  
6 today will enable JP Morgan Chase to introduce a  
7 spectacular open and accessible green, urban space  
8 for the benefit of the Midtown East community. In  
9 order to deliver this new POPS, JP Morgan Chase is  
10 asking for this text amendment to shift the location  
11 of a 10,000 square foot POPS from a midblock location  
12 to Madison Avenue. The text amendment also seeks to  
13 modify street wall, retail continuity and design  
14 regulations in order to permit this open green space  
15 at the alternate Madison Avenue location. The shift  
16 of the POPS to Madison Avenue will offer the  
17 community two significant and valuable benefits;  
18 first, improving pedestrian traffic along the heavily  
19 trafficked Madison Avenue and second, the  
20 cantilevered design of 270 Park Avenue rising above  
21 the POPS will provide additional sunlight to the open  
22 space, improve sightlines pedestrians walking along  
23 Madison Avenue. This area will also be the entrance  
24 to East Side Access and the gateway to Midtown East  
25 will benefit by an open and welcoming new public

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2 space. We commend JP Morgan Chase for hearing the  
3 comments and concerns of Community Board five and  
4 Borough President Brewer during this process and  
5 making dramatic and impactful positive modifications  
6 to the vision and reality of this proposed new public  
7 space. We're proud to join with the Borough President  
8 in supporting this application. We look forward to  
9 continuing to work with JP Morgan Chase, Council  
10 Member Keith Powers and our neighborhood's  
11 stakeholders on this exciting project... [cross-talk]

12 CHAIRPERSON MOYA: Thank, thank you...

13 [cross-talk]

14 ROCHELLE PATRICOFF: ...as we encourage the...

15 [cross-talk]

16 CHAIRPERSON MOYA: Thank you... [cross-

17 talk]

18 ROCHELLE PATRICOFF: ...approval of this

19 text amendment...

20 CHAIRPERSON MOYA: Thank you so much, I

21 just want to... [cross-talk]

22 ROCHELLE PATRICOFF: Thank you... [cross-

23 talk]

24 CHAIRPERSON MOYA: ...remind everyone to

25 please try to keep it to two minutes, we do have

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2   other hearings that we have to have here, and we have  
3   to be out of here by one o'clock so thank you so  
4   much.

5                   CASSIE CARILLO:   Good afternoon Chair  
6   Moya and members of the Subcommittee. My name is  
7   Cassie Carillo and I'm speaking today on behalf of  
8   SCIU 32 BJ to express our support for the proposed  
9   text amendment at 270 Park Avenue. As you know 32 BJ  
10   is the largest property service union in the country,  
11   we represent over 80,000 building service workers in  
12   New York City. JP Morgan Chase has a strong  
13   relationship with 32 BJ, and we are happy to support  
14   their project to build a state-of-the-art energy  
15   efficient tower in Midtown East. This project will  
16   allow our members to continue to build their skills  
17   in green buildings, offer a new privately-owned  
18   public space, and much needed mass transit  
19   improvements. Throughout this process JP Morgan Chase  
20   has shown their commitment to New York City and we  
21   recognize them as a responsible employer with a  
22   strong track record.. track record of creating good  
23   jobs. We respectfully urge you to approve this text  
24   amendment, thanks.

25                   CHAIRPERSON MOYA:   Thank you.

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MAX SHEERON: Good afternoon Council. My name is Max Sheeron, I'm a Business Agent with Local 638 Steamfitters. I'll submit my testimony, but I'd rather speak frankly. A lot of things were said today, and I take my hat off to you Councilman Powers for thoroughly going over this whole text amendment. I'll just say this, as a business agent on the East Side of Manhattan I couldn't think of a more responsible company to lead the way in the Eastside rezoning process here. I've seen a lot of companies come and go but JP Morgan has always been responsible with wages and the community, they've always employed the highest wages possible, that means a lot to my members, over 8,000 members with their families, we have retirees that built this iconic city skyline that we would like to continue doing in the future and I would just rise in support of this text amendment. I appreciate your time.

CHAIRPERSON MOYA: Thank you and always good to see our brothers and sisters from DC nine, the Steamfitters and 32 BJ all together in one, this is a very good project I think when we can have organized labor all come together for something as critical as this so it's always good to see our

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2   brothers and sisters here participating in these  
3   hearings. Thank you so much to the panelists. We're  
4   going to move to the next panel Lizette Chaparro from  
5   the Manhattan Borough President's Office and Joseph  
6   Colella.

7                   LIZETTE CHAPARRO:   Good afternoon Chair  
8   Moya and members of the Subcommittee of Zoning and  
9   Franchises. My name is Lizette Chaparro, I am an  
10  Urban Planner for Manhattan Borough President Gale  
11  Brewer and I'm here on her behalf to deliver a  
12  statement in support of the proposed text amendment  
13  for 270 Park Avenue. When the Mayor's Office proposed  
14  to rezone the East Midtown neighborhood in 2014  
15  Manhattan Borough President Gale Brewer joined then  
16  Garodnick along with members of the Community Board  
17  and other stakeholders in participate, participating  
18  in the East Midtown steering committee and it was  
19  truly a community planning process. The steering  
20  committee helped guide the rezoning by developing a  
21  list of priorities and recommendations for the  
22  district. A principle concern throughout that  
23  planning process was the public realm, a broad range  
24  of people including businesses, employees,  
25  preservation groups and the real estate industry all



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2 agreed that without quality public space in East  
3 Midtown we would not be fostering places where people  
4 would want to spend time and we would not be taking  
5 part in good planning. In light of those concerns the  
6 Department of City Planning required that sites like  
7 270 Park Avenue provide a publicly accessible space  
8 that is at least 10,000 square feet and that is open  
9 to the sky and that is why the Borough President was  
10 disappointed to learn that JP Morgan was proposing a  
11 space initially that would only be 7,000 square feet  
12 and would be... would be enclosed. While the Borough  
13 President was sensitive to the site constraints that  
14 JP Morgan was facing, she was not convinced that  
15 those constraints warranted an open space that  
16 deviated so far from those requirements. The Borough  
17 President believes that quality open spaces are an  
18 amenity that mediate the density of office, office  
19 uses in East Midtown and issued a recommendation in  
20 January because she believed that JP Morgan could fit  
21 a 10,000 square foot space on this site. The  
22 presentation here today calls for just that. The  
23 Borough President still has a few other  
24 recommendations to the applicant. She's pleased to  
25 see that there will be a new station entrance on East

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2 48<sup>th</sup> Street but urges the applicant to also look  
3 beyond the footprint of their building as they are  
4 planning improvements to the Grand Central train shed  
5 and also requests that there be further  
6 clarifications to the portions of section 3770 that  
7 the applicant is requesting to modify or get it  
8 exempt... [cross-talk]

9 CHAIRPERSON MOYA: Thank you, thank you  
10 so much, thank you... [cross-talk]

11 LIZETTE CHAPARRO: Sorry, sorry... [cross-  
12 talk]

13 CHAIRPERSON MOYA: ...for your testimony.

14 JOSEPH COLELLA: Hello, good morning. I'm  
15 Joseph Colella and I'm here on behalf of the New York  
16 Building Congress. We include more than 500  
17 constituent organizations in New York's design,  
18 construction and real estate industry. Thank you for  
19 this opportunity to testify on the application on  
20 behalf of the Building Congress. The Building  
21 Congress wholeheartedly supported the East Midtown  
22 rezoning when City Planning crafted it in 2017. Now  
23 we urge this body to support the zoning text  
24 amendment that will facilitate the construction of JP  
25 Morgan Chase's new world headquarters in East Midtown

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2 and better integrate the accompanying public space.

3 This project, the first major development of the 2017

4 East Midtown rezoning advances the key public policy

5 goals of the rezoning. The creation of meaningful

6 public spaces that residents and visitors will enjoy

7 and the development of modern sustainable office

8 space in a variety of methods. Firstly, this

9 application addresses unique constraints and this

10 specific site and will allow for the construction of

11 a 10,000 square foot open air, public plaza on

12 Madison Avenue that will revitalize the area and

13 provide substantial public benefits. JP Morgan Chase

14 has retained leading architects Norman Foster and

15 Partners and Vishaan Chakrabarti of PAU to design a

16 world class building with well-integrated public

17 spaces. The headquarters project demonstrates JP

18 Morgan Chase's commitment to New York City and its

19 diverse skilled workforce. The new building will

20 accommodate up to 12,000 JP Morgan Chase employees in

21 a wide range of high earning 21<sup>st</sup> century jobs. The

22 project will be governed by a project labor agreement

23 and will create approximately 8,000 union

24 construction jobs, it will also provide substantial

25 opportunities for minority and women owned businesses

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2 many of whom are members of the building community.

3 In addition, JP Morgan Chase has made a 42-million-

4 dollar contribution to the public realm improvement

5 fund which the East Midtown governing group will

6 determine how best to invest these funds to improve

7 public space in the area. Overall this text amendment

8 facilitates much needed advancement of spaces in the

9 public realm and the New York Building Congress urges

10 you to support it. Thank you.

11 CHAIRPERSON MOYA: Thank you so much,

12 thank you both for your testimony today. I'm calling

13 the next panel Lynn Ellsworth and Tara Kelly. Thank

14 you, just make sure your microphone is on and state

15 your name and you may begin.

16 LYNN ELLSWORTH: Can you hear me?

17 CHAIRPERSON MOYA: Yeah.

18 LYNN ELLSWORTH: Great. I prepared this a

19 little bit on the fly, I'm Lynn Ellsworth, I'm Chair

20 of the Tribeca Trust, I founded the Alliance for a

21 Human Scale City and the nonprofit I'm President of

22 its called Human Scale NYC and I'm here to raise

23 three policy points that I think that this project

24 fails to address that I would hope that the City

25 Council gets on. The first one is that this site was

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2   not included as a development site in the Midtown  
3   East rezoning so it didn't get the full treatment of  
4   the environmental review process so it's unable to  
5   escape that and so... which raises the policy question,  
6   how will you treat that in the future, will it just  
7   be case by case like this? The second issue has to do  
8   with POPS, I personally visited every single POPS  
9   below 14<sup>th</sup> Street and a large sample of POPS in  
10  Midtown and in other parts of the city as parts of a  
11  POPS review project. They are in terrible shape,  
12  property owners do not live up to what they promised,  
13  some of them putting lipstick on a pig would be a  
14  compliment in those cases. So, you get beautiful  
15  images, it's... you don't really know what you're  
16  really going to get and the issue that raises is that  
17  you don't have a regulatory framework to manage POPS,  
18  to enforce the rules on POPS and to make people live  
19  up to their promises and that's citywide so how would  
20  this be any different. And last I think that this  
21  case raises some important points about campaign  
22  finance, you know I sort of wonder why it wasn't  
23  included as a development site. There are a lot of  
24  other questions about this particular site but I do  
25  notice that JP Morgan's attorneys paid 186,000

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2 dollars in campaign contributions to Dan Garodnick  
3 over his cycle as Council Member and that's only that  
4 one, I didn't count SL Greens so the conclusion I  
5 have is there's an opportunity in the city charter to  
6 lower the campaign finance contribution to 500  
7 dollars and I would hope that the City Council...

8 [cross-talk]

9 CHAIRPERSON MOYA: Thank you, thank you...

10 [cross-talk]

11 LYNN ELLSWORTH: ...gets in on it... [cross-  
12 talk]

13 CHAIRPERSON MOYA: ...for your testimony...

14 [cross-talk]

15 LYNN ELLENSWORTH: Thank you.

16 CHAIRPERSON MOYA: Thank you. Thank you  
17 very much.

18 TARA KELLY: Good afternoon Chair Moya  
19 and Council Member Powers, I'm Tara Kelly with the  
20 Municipal Arts Society. Before the Council today is  
21 the first zoning text amendment under greater East  
22 Midtown. We'd be remiss if we did not take note that  
23 this proposal seeks to demolish the union Carbide  
24 Building, a treasured piece of New York's modernist  
25 history. Indeed, MAS has been advocating for the

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2 preservation of this building for years. As we wrote  
3 in our 2013 report, a bold vision for the future in  
4 East Midtown quote, "built for the union Carbide  
5 Company 200... 270 Park Avenue is one of the greatest  
6 buildings of that era, at the time of completion the  
7 Union Carbide Building was the tallest stainless  
8 steel clad building in world and Park Avenue's  
9 tallest skyscraper as well as Manhattan's tallest  
10 building constructed since 1933". Now it will be the  
11 tallest building ever intentionally torn down. At the  
12 very least it's replacement should be a significant  
13 improvement to the public realm. East Midtown as we  
14 all know desperately needs open space. One of the key  
15 recommendations from the steering committee was the  
16 requirement for buildings larger than 30,000 square  
17 feet to include a POPS. As a result, 16 new POPS  
18 could potentially be built in this neighborhood.  
19 Therefore, we have great interest in ensuring that  
20 this first new POPS in East Midtown is truly  
21 effective and inviting setting a precedent for those  
22 to come in the future. While we commend JP Morgan  
23 Chase for being responsive to comments from community  
24 board five and the borough president's office, we  
25 have great concern about the proposed location of the

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2   POPS. Madison Avenue is congested and narrow, it  
3   includes five major bus routes with stops on the  
4   eastern side of the street. Moreover, the east side  
5   Madison Avenue is typically shrouded in shadow for  
6   large portions of the day throughout the year.  
7   Meanwhile the Park Avenue side of the proposed  
8   building is more inviting, Park Avenue has sufficient  
9   sidewalk space to accommodate an infinitely more  
10  appealing open space. The east and west sides of Park  
11  Avenue in the vicinity are popular locations for  
12  workers and visitors to eat lunch, lunch, rest,  
13  socialize in a sunny location, traffic would be  
14  further away from POPS visitors. As such we find Park  
15  Avenue to be a significantly more conducive location  
16  for an enjoyable public space. Given the prominence  
17  the new headquarters will have, this POPS represents  
18  and opportunity to create quality open space, thank  
19  you.

20                   CHAIRPERSON MOYA: Thank you, thank you  
21  both for your testimony. Are there any other members  
22  of the public who wish to testify? Seeing none, I now  
23  close the public hearing on this application... oh, I'm  
24  so sorry.



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COUNCIL MEMBER POWERS: I just... thank you, I, I wanted to just... I just wanted to address one of the, the... just a couple of things here. One is on the EIS question because it's a good question around the EIS and whether the East Midtown anticipated one side or the other because there will be others that come... will come before this Council that were not anticipated sites but the... but the zone was anticipated and the land use and the... and the finite amount of air rights that are available here was anticipated so the EIS covers it, may, may not anticipate one particular site but certainly anticipates the zone. I'm not going to address the comments about the campaign contributions, I just will refute and dismiss that I, I don't think that's an intention here and I, I, I don't want this to be clouded any... and any, you know concern around motivations or intentions, I think this was brought forward by the Bloomberg Administration, my predecessor and the Borough President did a good job of slowing that process down as they exited and to make it a more deliberate process with much more public input and that public input for what it's worth has led to the POPS going from an, an enclosed

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2 POPS to being a, a... an open air, it's a very good  
3 point though around maintenance of the POPS and we  
4 will have to, you know talk to JP Morgan about how  
5 they will prepare to maintain that open space but it  
6 was really from the, the open... there was a discussion  
7 around whether it would be private or public and the...  
8 I mean... I'm sorry, I'm sorry open or unopened and the  
9 concern was that it would be private if it was  
10 enclosed and so we asked for it to be something that  
11 would be more open to the public but I... it's a good  
12 comment, I'll take that back to them about how to do  
13 maintenance on that public space in the future, thank  
14 you.

15 CHAIRPERSON MOYA: Thank you Council

16 Member. Are there any other members of the public who  
17 wish to testify? Seeing none, I now close the public  
18 hearing on this application, and it will be laid  
19 over. Our last public hearing for today is on the  
20 Preconsidered LU item for the residential mechanical  
21 voids text amendment in Council Districts one through  
22 nine; 16, 26 and 27. The Department of City Planning  
23 seeks approval of a zoning text amendment for  
24 residential buildings in high density tower districts  
25 to discourage the use of excessive, tall mechanical

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2 floors that elevate upper, upper story residential  
3 units above the surrounding context. The proposed  
4 change would apply to residential towers in non-  
5 contextual R9 and R10 residential districts and their  
6 equivalent commercial districts. As of today, members  
7 of the City Council have collectively received  
8 hundreds of letters from constituents as part of the  
9 public review process. The zoning resolution is meant  
10 to provide consistency and predictability for  
11 developers, community groups, policy makers and all  
12 New Yorkers. When we and our communities are asked to  
13 accept additional density through rezonings, we also  
14 need clear and transparent laws to address legitimate  
15 concerns about the circumventing of our zoning rules.  
16 It is our duty as lawmakers to create rules that  
17 promote responsible growth. Today luxury housing  
18 developers throughout the city are shaping our  
19 skyline in ways that were not anticipated or imagined  
20 by the original drafters of our current zoning laws  
21 and that is a problem. We remain committed to working  
22 with our community advocates to strengthen our  
23 existing rules and update them to reflect changes in  
24 design and engineering. I now want to open this  
25 public hearing on this application but first I'd like

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2 to turn it over to Council Member Kallos for some  
3 remarks.

4 COUNCIL MEMBER KALLOS: Thank you to  
5 zoning Chair Moya and to the land use staff for all  
6 the hard work on this. I want to start by thanking  
7 the Department of City Planning for doing an enormous  
8 study and being responsive to the community. In  
9 Manhattan and in parts of the city where towers can  
10 be built which is largely on the avenues on the upper  
11 east, upper west sides, Midtown and Lower Manhattan  
12 we started to see a situation where tall buildings  
13 that were 20 or 30 stories did not necessarily  
14 translate to 200 or 300 feet. We saw 432 Park Avenue  
15 with Rafael Vinoly where 25 percent of that building  
16 was empty and then he came back at 249 East 62<sup>nd</sup> and  
17 put a 150 foot space, initially we pursued a, a  
18 straight height cap which is something that City  
19 Planning had already rejected at East River 50s  
20 Alliance but working with friends of the Upper East  
21 Side historic districts landmark west I, I see some  
22 other groups including the East 60... sorry, the West  
23 64<sup>th</sup> through 66 Street block association and Save  
24 Central Park all of us... and, and historic district  
25 council, many of us have been working together along

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2 with elected officials throughout the borough of  
3 Manhattan on trying to close this loophole and hoping  
4 to be the first of many so I just want to thank  
5 everyone for their partnership. I believe it is a, a  
6 step in the right direction, I'm hoping that there  
7 will be further steps and I know a lot of folks are  
8 here to testify about ways we were hoping for some  
9 improvements and I will leave the rest for some of my  
10 questions.

11 CHAIRPERSON MOYA: Thank you. I now turn  
12 it over to Council Member Powers for his remarks.

13 COUNCIL MEMBER POWERS: Thank you, I'll  
14 be... I'll be brief. I wanted to first thank Council  
15 Member Kallos for his leadership around this issue  
16 and many of the groups in my district, I may ask  
17 friends of the Upper East Side and others who have  
18 been, you know creating clarity around this  
19 mechanical void and Council Member Rosenthal as well,  
20 you know in, in contrast to the East Midtown rezoning  
21 which created rules of the road moving forward I  
22 think that the concern many of the Manhattan members  
23 have including myself are that when we create the  
24 rules of the road we should... we should make sure  
25 people follow them and in the instances where the

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2 people are building, you know very, very large voids  
3 and taking what we think is a, a back door around  
4 the, the zoning... the zoning text and zoning in the  
5 city we... you know we get concerned about really...  
6 about what the rules of the road are so, I, I thank  
7 City Planning for being her. I believe like others I  
8 think we could be even more ambitious with this  
9 proposal, cover more territory, do more in terms of  
10 where we are today but I, I am appreciative of having  
11 this before us and, and I'll just say that, you know  
12 we can have a real conversation around how high and  
13 how big in, in this city and we should when we have  
14 things like needing to build housing and needing to  
15 address critical needs in this city. It gets harder  
16 with the public and the public has a hard time  
17 trusting having a real conversation, letting the  
18 elected officials lead that conversation when we find  
19 people being creative in terms of how they build  
20 around what we set forward for them. So, I am... I am  
21 supportive of, of what we have here today but I do  
22 think that we could go further and I, I do hope that  
23 we will be back here in the future talking in more...  
24 in more detail about other ways to continue to do  
25 this loophole and other loopholes and with that being

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2 said I, I just want to again thank my colleagues and  
3 Community Board eight here as well who have been  
4 leading this conversation here and thank you to Chair  
5 Moya again.

6 CHAIRPERSON MOYA: Thank you. I now call  
7 Edith Hsu-Chen and Christopher Hayner, Hayner. One  
8 second please. Yeah, I'm going to turn it over to  
9 Council Member Rosenthal for a few comments.

10 COUNCIL MEMBER ROSENTHAL: I appreciate  
11 that Chair, sorry to slip in at the last moment there  
12 and certainly am looking forward to hearing from City  
13 Planning but I too have been working on this issue of  
14 the mechanical void space and the ridiculous  
15 loopholes that developers keep taking advantage of,  
16 you know so I'm going to read a statement that is  
17 really directed toward the larger concern of what it  
18 means when a developer takes advantage of a loophole  
19 or creates a loophole or, you know reads something  
20 that's out of context and out of the spirit of what a  
21 community needs and wants and that's what I'm  
22 addressing here today. So, amidst the significant  
23 community concern and feedback in 2018 De Blasio  
24 Administration committed to look into closing  
25 loopholes that allow developers to artificially

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2 inflate the height of buildings including regulating  
3 excessive mechanical voids. The super tall buildings  
4 which result from these excessive voids serve no  
5 public policy goal and that's really the heart of  
6 what I want to talk about. There's no affordable  
7 housing that's coming out of the use of this loophole  
8 so what, what started this conversation was the  
9 developer saying they were going to build a building  
10 really tall and in order to make it even taller have  
11 160 foot mechanical void space thereby not using up  
12 any technical speaking FAR. Fine, now we're getting  
13 basically what would normally be... oh, I didn't  
14 realize I was on the clock... [cross-talk]

15 CHAIRPERSON MOYA: You're fine...

16 COUNCIL MEMBER ROSENTHAL: Thank you,  
17 what would normally be something like a 70 story  
18 building, you know with the... what would normally be  
19 and what is in context would be a 20 story, 25 story  
20 building but with 160 foot mechanical void space the  
21 lawyers and the developers fix... figured out a way to  
22 get luxury condominiums up higher so a building that  
23 is ostensibly 77 stories tall will only have about  
24 120 units, 120 apartments all luxury condominium.  
25 There's no affordable housing, there's no attempt at



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2   supporting affordable housing so what we're getting

3   is a high rise for no public policy goal and no help

4   from the administration to limit the height which is

5   completely out of context for the Upper West Side but

6   now I'll stick to my written remarks. More and more

7   frequently around the city we see... [cross-talk]

8                   CHAIRPERSON MOYA: I'm, I'm sorry

9   Council... [cross-talk]

10                  COUNCIL MEMBER ROSENTHAL: I'm sorry, I

11   will submit... [cross-talk]

12                  CHAIRPERSON MOYA: ...we, we... [cross-talk]

13                  COUNCIL MEMBER ROSENTHAL: ...my remarks

14   for the record... [cross-talk]

15                  CHAIRPERSON MOYA: Thank you... [cross-

16   talk]

17                  COUNCIL MEMBER ROSENTHAL: ...and you get

18   what I'm saying... [cross-talk]

19                  CHAIRPERSON MOYA: It's two minutes for...

20   [cross-talk]

21                  COUNCIL MEMBER ROSENTHAL: Thank you...

22   [cross-talk]

23                  CHAIRPERSON MOYA: ...for everyone. Thank

24   you.

25

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2 COUNCIL MEMBER ROSENTHAL: Appreciate  
3 you.

4 CHAIRPERSON MOYA: Yep, absolutely.  
5 Counsel can you please swear in the panel.

6 COMMITTEE CLERK: Do you swear or affirm  
7 that the testimony you are about to give will be the  
8 truth, the whole truth and nothing but the truth and  
9 that you will answer all questions truthfully and  
10 please state your name as part of your response?

11 EDITH HSU-CHEN: Edith Hsu-Chen, yep, I  
12 do. Excuse me, Edith Hsu-Chen, yes, I do.

13 CHRISTOPHER HAYNER: Christopher Hayner,  
14 yes, I do.

15 CHAIRPERSON MOYA: Thank you.

16 EDITH HSU-CHEN: Thank you. Good  
17 afternoon Chair Moya and all Council Members. My name  
18 is Edith Hsu-Chen, I'm the Director of the Manhattan  
19 Office at the Department of City Planning. I'm here  
20 with my colleague, Chris Hayner of the Zoning  
21 Division, we are here to present to you our proposal  
22 on residential tower and mechanical voids. In recent  
23 years some developments have been proposed or built  
24 that use mechanical floors that are much taller than  
25 necessary in order to boost upper story residential

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2 units above the surrounding context and to improve  
3 views for those units. These excessively tall  
4 mechanical spaces are called mechanical voids, this  
5 practice has emerged in large part because current  
6 zoning does not count mechanical floor space as part  
7 of zoning floor area calculations and there's no  
8 explicit height limit on these spaces. Last year upon  
9 the request from communities and elected officials,  
10 the Mayor asked DCP to examine the issue of  
11 excessively tall mechanical spaces in residential  
12 areas and to provide a recommendation by the end of  
13 2018. We in the administration concur with many  
14 members of the public and elected officials that this  
15 practice is an abuse of current zoning. DCP conducted  
16 an exhaustive citywide analysis of construction in  
17 the last decade to better understand the mechanical  
18 needs of residential buildings and to assess where  
19 these excessive mechanical spaces are being used. We  
20 examined building permits for 800 buildings in R6  
21 through R10 zoning districts and their commercial  
22 equivalence; in R6, R7 and R8 districts we found no  
23 examples of excessive mechanical spaces and this is  
24 because building heights are effectively limited by a  
25 rule called the sky exposure plane. We also examined

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2 buildings in R9 and R10 tower districts where towers  
3 are allowed to penetrate the sky exposure plane and  
4 the vast majority of them exhibited consistent and  
5 perfectly reasonable configurations of mechanical  
6 floors. However, in these R9 and R10 tower districts  
7 we did find a handful of towers that contained  
8 extremely tall mechanical spaces singular or stacked  
9 spaces. So, let's take a moment to look at a tower  
10 with typical mechanical space configuration, excuse  
11 me I see there's something funny happening on the  
12 monitor, but I believe the Council Members you have  
13 printouts. Let's see... I, I apologize for that glitch.  
14 Here on the lower portion of the tower you would see  
15 a red band, I think... as you can kind of see it there,  
16 you will... you will find the mechanical floor at lower  
17 levels usually between the nonresidential and  
18 residential segments of the building. Taller towers  
19 often have one or two additional mechanical floors in  
20 the middle of the tower which helps to distribute  
21 mechanical needs more efficiently. Finally, there's  
22 usually a larger mechanical bulk head at the top of  
23 the building. Now let's take a look at examples of  
24 what is not typical. On the example on the left you  
25 will see one very tall singular space; on the right

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2 you will see a clustering of multiple mechanical  
3 floors. In both cases these mechanical void spaces  
4 are lifting residential units higher, commanding  
5 better views and higher prices for the developer.  
6 These excessively tall mechanical spaces make bad  
7 neighbors in residential areas, they are blank walls  
8 or empty spaces and do not engage with the  
9 surroundings. We regard the practice of providing  
10 excessive mechanical voids as an abuse of the zoning  
11 regulations and we propose to put an end to this  
12 practice. So, our goals for the proposal are to limit  
13 the use of artificially tall residential mechanical  
14 voids and encourage residential buildings that  
15 actually engage with their surroundings while also  
16 recognize the need for reasonably sized and  
17 appropriately distributed mechanical spaces in  
18 residential buildings and we also do need to continue  
19 to support the flexibility for architectural  
20 expression and innovations and sustainability. Before  
21 I get to describing the proposed rules, I'd like to  
22 note that during the public review process the City  
23 Planning Commission heard and received testimony  
24 from engineering, architecture and building industry  
25 experts that stated our original proposal to limit

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2 mechanical space to 25 feet in height may be too  
3 restrictive and they recommended an, an increase in  
4 height. These experts noted that best practices for  
5 future energy conservation, resiliency and  
6 sustainability might require more flexible mechanical  
7 spaces. Taking this expert input into account, the  
8 CPC modified the Department's proposal by adding five  
9 feet to the height changing the maximum mechanical  
10 space allowance from 25 feet to 30 feet. Okay, so  
11 let's get to our proposal. First, the most basic  
12 rule, any mechanical floor that has a height greater  
13 than 30 feet would be counted as zoning floor area  
14 and the taller the mechanical void gets the bigger  
15 the penalty. It's important to underscore that this  
16 is a major change in zoning policy and regulations.  
17 For the first time ever, mechanical space would be  
18 charged against allowable FAR, this rule is a huge  
19 disincentive for any developer to provide a  
20 mechanical space taller than 30 feet. So, here on  
21 this slide we have an example, if a mechanical void  
22 is 132 feet that space would count as floor... excuse  
23 me, four floors of zoning floor area. The math is 132  
24 feet divided by 30 feet you get 4.4, the developer  
25 loses four floors. I would also like to note that

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2   mechanical penthouses above the highest residential  
3   floor is not subject to our proposed regulation. So,  
4   just very quickly this chart shows, again, the taller  
5   the mechanical void the bigger the penalty. So, just  
6   for an example, a 31-foot mechanical void would  
7   result in a one floor penalty, if you have 150-foot-  
8   tall mechanical void that would result in five floors  
9   knocked off the building. Okay, next we proposed an  
10   anti-clustering rule. So, if a mechanical floor is  
11   located within 75 feet of another mechanical floor  
12   then their heights are aggregated and if that  
13   aggregate is more than 30 feet then it is counted,  
14   counted as zoning floor area, this is regardless of  
15   the height of each individual floor. So, in, in this  
16   example, the cluster mechanical spaces results in a  
17   penalty of three floors, it's a total of 80 feet  
18   here. For mixed use buildings, mechanical spaces  
19   serving residential floor space would be subject to  
20   the proposed regulations and mechanical spaces  
21   serving commercial or community facility uses would  
22   also be subject to the same anti-clustering rule if  
23   those uses occupy less than 25 percent of the  
24   building. This is a summary page of our... of, of the  
25   major moves so again, any mechanical void that's

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2 taller than 30 feet will count as zoning floor area  
3 and we are providing a mechanical... excuse me, we are  
4 providing an anti-clustering rule. These rules would  
5 apply residential towers in R9 and R10 tower  
6 districts and their equivalent commercial districts,  
7 they also apply to special zoning districts that use  
8 the tower floor regulations. For example, part of the  
9 Lincoln Square special district. It also applies to  
10 special districts that impose special tower bulk  
11 regulations such as part of West Chelsea and part of  
12 Clinton. As you can see on this map, our proposal  
13 applies to areas in Manhattan and to very small areas  
14 in Queens and the Bronx. Finally, in response to  
15 additional concerns from communities and elected  
16 officials we heard in the past year we are also  
17 committed to the following; one, DCP, we will propose  
18 a second phase of this proposal to address  
19 residential tower and mechanical voids in central  
20 business districts specifically in Lower Manhattan,  
21 Midtown, Hudson Yards, downtown Brooklyn and Long  
22 Island City and DCP, we will also conduct a study on  
23 unenclosed voids in residential buildings to  
24 understand how these features are used and whether  
25 they warrant regulation. Thank you very much for the



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2 opportunity to present our proposal and Chris and I  
3 are glad to take your questions. Thank you.

4 CHAIRPERSON MOYA: Thank you. Just a  
5 couple of question before I turn it over to my  
6 colleagues. The two buildings that came up again and  
7 again as we know, the 33 West 66<sup>th</sup> Street and then  
8 249 East 62<sup>nd</sup> Street, I understand DCP included this  
9 in their study, is that... is that correct?

10 EDITH HSU-CHEN: That's correct.

11 CHAIRPERSON MOYA: Okay and could you  
12 describe what was learned about the void spaces in  
13 those buildings?

14 EDITH HSU-CHEN: What we learned in the  
15 West 66<sup>th</sup> Street space was that there is... there was a  
16 mechanical void proposed of 160 feet, we heard from  
17 the community, we heard from local electives, Council  
18 Member Rosenthal and we, we shared the concern that  
19 this 160 foot void was... the sole purpose was to vault  
20 the upper units to command better views and better  
21 prices for the developer. We did not believe that  
22 this void contributed to the neighborhood because it  
23 is a, a blank space with mechanical space on, on the  
24 floor, that, that is what we found in our research

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2 for West 66<sup>th</sup> and excuse me Chair Moya, the, the  
3 second building you cited, the address?

4 CHAIRPERSON MOYA: It was 249 East 62<sup>nd</sup>  
5 Street.

6 EDITH HSU-CHEN: We, we reviewed the  
7 preliminary plans for that building as well and we  
8 found a mechanical void of.. I do not recall the total  
9 height.. excuse me, I do not recall the total height  
10 but again, excessively tall, much taller than  
11 necessary to provide the mechanical.. for mechanical  
12 purposes.

13 CHAIRPERSON MOYA: So, will this text  
14 amendment be applicable to the voids.. the void spaces  
15 in these buildings or no?

16 EDITH HSU-CHEN: The, the text will be  
17 applicable provided that the buildings have not  
18 vested meaning that foundations have not been  
19 constructed pursuant to the proposal.

20 CHAIRPERSON MOYA: Okay..

21 EDITH HSU-CHEN: I, I, I am.. I am not  
22 aware of the exact status of where those buildings  
23 are in the permitting process.

24 CHAIRPERSON MOYA: Okay, so it's, it's my  
25 understanding that DCP has committed to follow action

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2 to expand the area of applicability for this text  
3 amendment, is that correct?

4 EDITH HSU-CHEN: We are following up on a  
5 study, yes, absolutely first to... in... by the end of  
6 summer, this summer, 2019 we will take on a second  
7 phase of this proposal and look at the central  
8 business districts that I mentioned; Lower Manhattan,  
9 Hudson Yards, Midtown, Long Island City and downtown  
10 Brooklyn.

11 CHAIRPERSON MOYA: Okay, could you just  
12 describe the scope of what that commitment looks  
13 like?

14 EDITH HSU-CHEN: We would look at  
15 residential towers in the R9 and R10 districts and  
16 the commercial equivalents and, and, and do the... and  
17 do study that essentially does the same that we have  
18 done here for phase one.

19 CHAIRPERSON MOYA: Okay and at, at this  
20 time can you commit to addressing the unenclosed  
21 structural voids, a.k.a stilts in the follow up  
22 action?

23 EDITH HSU-CHEN: I think it's, it's  
24 pretty much sure to commit to an action per se but we  
25 are 100 percent committed to a study to look at these

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2 unenclosed spaces. These unenclosed spaces are... have  
3 a very different nature and characteristic than the  
4 in... than the enclosed spaces, we have a much wider  
5 variety of unenclosed spaces, some of these spaces  
6 people really don't like, some of these spaces, these  
7 unenclosed spaces people love, we're talking about  
8 spaces that may be terraces or arcades or... you know  
9 you think of the City Group building, think of the  
10 Alosha at one Centre Street, it is... it is a, a body  
11 of spaces that has a much wider variety, a much  
12 higher degree of subjectivity with respect to whether  
13 it's, you know a good thing, a bad thing, liked, not  
14 liked. We would do an exhaustive study at the  
15 unenclosed spaces and residential towers, I do  
16 believe it's, it's premature to commit to an action.

17 CHAIRPERSON MOYA: So, no?

18 EDITH HSU-CHEN: Pardon?

19 CHAIRPERSON MOYA: So, no?

20 EDITH HSU-CHEN: It's, it... we would... we  
21 are committing to a study.

22 CHAIRPERSON MOYA: Okay... [cross-talk]

23 EDITH HSU-CHEN: That's pretty much... yes.  
24  
25

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2 CHAIRPERSON MOYA: In the interest of  
3 time I'm going to turn it over to my colleague  
4 Council Member Kallos... [cross-talk]

5 EDITH HSU-CHEN: Uh-huh... [cross-talk]

6 CHAIRPERSON MOYA: ...who has some  
7 questions.

8 COUNCIL MEMBER KALLOS: Thank you to the  
9 Department of City Planning for studying the issue of  
10 mechanical voids and recommending a limit of  
11 mechanical space heights of 25 feet every 75 feet, I  
12 feel it's a step in the right direction. As, as you  
13 are aware, I testified for a little bit further and I  
14 think that is something that every community board  
15 also agreed to and more... nearly half a dozen elected  
16 officials. Now what was surprising was that the City  
17 Planning Commission ignored your recommendations and  
18 your research and actually went the other direction  
19 from what everyone was asking for at least from our  
20 side and went to 30 feet, do you stand by your  
21 recommendation of 25 feet, would D... or would DCP  
22 support the Council if we were to amend the proposal  
23 back to the 25 feet that you had recommended?

24 EDITH HSU-CHEN: We, we would support the  
25 City Council modification, the 25 feet was a part of

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2   our original proposal, the City Planning Commission  
3   did take into consideration input from expert  
4   petitioners and, and made the modification but we  
5   believe 25 feet would, would be... would be sufficient  
6   to accommodate..

7                   COUNCIL MEMBER KALLOS:  In, in your  
8   research did you come across any existing spaces that  
9   were exactly 30 feet where that extra five feet was  
10  necessary?

11                  CHRISTOPHER HAYNER:  We did not but we  
12  actually heard a lot of testimony from engineers that  
13  actually challenged us to beat... to future proof this  
14  and to look forward a little bit and they told us to  
15  be cognizant of coming changes to the energy code  
16  that would actually put more stringent standards on  
17  HVAC equipment and one thing they also doted was to  
18  also be cognizant of, you know the impending climate  
19  change and the need in flood zones to actually  
20  elevate large mechanical equipment out of the sub..  
21  out of the cellar and sub-cellar.  So, with those two  
22  kinds of things in mind I think that's really what  
23  the, the Commission was looking at and the reason for  
24  the change.

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COUNCIL MEMBER KALLOS: But there's no current buildings with 30 foot mechanical... [cross-talk]

CHRISTOPHER HAYNER: Not that we have seen in our historic, you know look backward ten years.

COUNCIL MEMBER KALLOS: And right now, we're looking at 25 feet which would be generous but it... we don't necessarily need to future proof everything because legislation is iterative and you could... we could come back and change it if we needed to, is that correct?

EDITH HSU-CHEN: That's a correct statement.

CHRISTOPHER HAYNER: That's correct, yeah.

COUNCIL MEMBER KALLOS: Okay, as we consider this zoning text one of the buildings with a 150 foot mechanical void at 249 East 62<sup>nd</sup> Street the developer just pulled the sides off their mechanical space, I want to thank you for your commitment today under oath that you will be studying the unenclosed mechanical voids also known as stilts, when does the

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2   Department of City Planning expect to have the  
3   results of this study?

4                   EDITH HSU-CHEN:  It is... again it would be  
5   an exhaustive study, it would be comprehensive and  
6   this study that we looked at for enclosed spaces took  
7   us a year, over a year so I think it would be fair to  
8   say that a study of the unenclosed spaces would take  
9   at least that.

10                  COUNCIL MEMBER KALLOS:  Okay, that is...  
11   that is helpful to know at least for our purposes and  
12   planning and whether you're on the preservation side  
13   or the development side at least there's I think fair  
14   notice and I guess one thing I would just distinguish  
15   is at the municipal building the, the space there,  
16   the archway, the vaults are public spaces with an  
17   enhanced subway entrance, at the city group landmark  
18   it is an enhanced public space with an enhanced  
19   subway entrance that is open to the general public  
20   and help preserve a church, there is a mall but it is  
21   all usable by people from the general public who are  
22   not tenants of the existing space and it is usable  
23   space that enhances the street, street scape and I  
24   guess I, I mentioned it at the hearing but I would  
25   reiterate do you see a difference between spaces that



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2 are created at the ground level that can create an  
3 enhanced street scape and spaces that are created now  
4 at 249 East 62<sup>nd</sup> Street where it is a roof deck,  
5 which is not accessible to anyone because it is a  
6 mechanical roof deck or, or what have you, would... is  
7 that... its fair to distinguish between the two?

8 EDITH HSU-CHEN: Sure, absolutely, that's  
9 a very...

10 COUNCIL MEMBER KALLOS: And I guess the  
11 other last question, I appreciate the Chair for his  
12 indulgence, is just we made a, a lot of  
13 recommendations and I think when first set down with  
14 the study from Friends of the Upper East Side  
15 Historic Districts, we were looking at the floor to  
16 ceiling heights, we were looking at the mechanical  
17 voids, we were looking at gerrymander zoning lots,  
18 also some of the amenity spaces, we're now going to  
19 see buildings being built with 60 foot transparent  
20 slides which I believe are the next set of voids. Why  
21 did DCP focus on that one issue and what about the  
22 other issues that we did bring to your attention in  
23 terms of future studies on those items?

24 EDITH HSU-CHEN: This, this... the, the  
25 practice of mechanical... excessive mechanical voids

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2 was something that was emerging and real and they  
3 were seeing it. There were some other issues that  
4 were raised. For example, floor to ceiling heights or  
5 the zoning lot merger that you raised that warrant  
6 much, much, much more extensive studies. The, the  
7 definition of a zoning lot is a fundamental building  
8 block of New York City's zoning resolution to take a  
9 look at... a re-definition of that is a massive  
10 undertaking. With respect to floor to ceiling  
11 heights, you know New York City we've never regulated  
12 floor to ceiling heights before and we have to take  
13 into consideration that there's a wide variety of  
14 floor to ceiling heights, different buildings have  
15 different needs, there's also historic, you know tall  
16 floors, you have parlor floors in brownstones. Floor  
17 to ceilings heights was a matter that we did not  
18 believe was appropriate to be regulated by zoning.

19 COUNCIL MEMBER KALLOS: My, my last  
20 question this round is just my, my land use attorneys  
21 at the City Council advised that the best way to  
22 regulate the shape and form of buildings and  
23 development in this city is the zoning code. One of  
24 the things that is happening and, and I actually do  
25 support the legislation in Albany carried by Senator

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2 Robert Jackson and Assembly Member Linda Rosenthal  
3 would be for Albany to use the multiple dwelling law  
4 to define the heights of the buildings if we can't do  
5 it through the zoning process. Is DCP considering the  
6 fact that if we aren't able to do this as a city  
7 that Albany might take that power from us?

8 EDITH HSU-CHEN: The... there is a proposed  
9 state law and that proposed state law would alter the  
10 most basic definition in the city's zoning resolution  
11 which is floor area in a way that effectively caps  
12 floor to ceiling heights in new construction at nine  
13 to ten feet and renders thousands and thousands of  
14 existing buildings overbuilt, so again this applies  
15 to brownstones and to towers and everything in  
16 between. So, we at City Planning we really cannot  
17 overstate how blunt and far reaching and frankly  
18 problematic the effects of this... of a state bill  
19 would be on the city.

20 CHAIRPERSON MOYA: Thank you, thank you  
21 Council Member Kallos. I want to turn it over to  
22 Council Member Rivera for some questions.

23 COUNCIL MEMBER RIVERA: Thank you so  
24 much. I want to get a couple of comments on the  
25 record, we're clearly very disappointed that the

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2 Department of City Planning did not consider what we  
3 think is a truly encompassing text amendment when  
4 they first began examining these mechanical voids.  
5 This text amendment should have addressed a number of  
6 concerns and we brought some of them up today; the  
7 enclosed open spaces, mechanical voids greater than  
8 75 feet apart and the exploitation of these loopholes  
9 in non-covered residential and commercial districts.  
10 So, specifically in my district community board five  
11 is still going to be prime for void, void  
12 exploitation after the passage of this text amendment  
13 and that just... regard... it, it seems just imbalanced  
14 and so you spoke a lot about the outreach you did in  
15 speaking to the elected officials and the community  
16 boards and we just feel like all of the feedback  
17 that, that we all gave, the advocates, the numerous  
18 groups, some of them which are here in the crowd just  
19 was not taken into account. So, clearly we're all  
20 pushing for modifying the proposal to bring the FAR  
21 threshold for the space back down to 25 feet, we're  
22 all going to be fighting for that ongoing and we will  
23 not quit and, and furthermore the Department of City  
24 Planning's mission statement is to plan for the  
25 future of New York City but we feel like the text

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2 amendment that is before us is a reactive solution  
3 and it's not a planning solution. So, other cities  
4 have found ways to limit and predict what these types  
5 of spaces look like and New York has to catch up and,  
6 and be comprehensive when they're really addressing  
7 building trends that we're seeing just going forward.  
8 So, we really do feel like further discussion is  
9 warranted, we do not feel like our comments were  
10 taken seriously and I just want to know why warrant  
11 some of the things like enclosed open spaces,  
12 mechanical voids greater than 75 feet, why weren't  
13 they included before the scope of the text amendment  
14 was set?

15 EDITH HSU-CHEN: Hello Council Member,  
16 just one clarification, this, this proposal does deal  
17 with enclosed mechanical spaces... [cross-talk]

18 COUNCIL MEMBER RIVERA: Okay... [cross-  
19 talk]

20 EDITH HSU-CHEN: ...and then with respect  
21 to the other items that you raised and Council Member  
22 Kallos has raised there, there were many, many... there  
23 were several other things that we were asked to look  
24 at. We had an opportunity to address an issue that is  
25 very real and happening now and it's something that

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2 we would... we want to put a stop to; we believe it's  
3 an abuse of the existing zoning regulations. The, the  
4 other items that you addressed I believe I, I covered  
5 in my response to Council Member Kallos, but we do  
6 understand, we hear, and we understand the, the  
7 frustration from, from you and... [cross-talk]

8 COUNCIL MEMBER RIVERA: It's just why,  
9 why do we need predictability in some areas and not  
10 others, we're, we're trying to figure out your, your  
11 decision making during this entire process and we  
12 feel like some of what was concern... what, what are...  
13 some of the things that were addressed are the  
14 concerns of, of developers and not necessarily the  
15 community. So, after you do pass... you know after the  
16 passage of this text amendment what's going to stop  
17 developers from using structural voids in a similar  
18 fashion to mechanical voids? We're just trying to do  
19 a little bit of, of predictions and make sure that  
20 our communities are protected.

21 EDITH HSU-CHEN: We believe that  
22 developers will not provide excessive mechanical  
23 voids after this proposal, it is such a huge  
24 disincentive to have the most valuable floor area,  
25 you know taken off to, to not be able to build one,

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2 two, three, four, five floors of the building, it is  
3 a... it's a big financial disincentive, it's a big hit  
4 to developers. We believe this is a... an effective...  
5 it's a very effective disincentive to see these  
6 future types of mechanical voids.

7 COUNCIL MEMBER RIVERA: Okay, so... and  
8 again how much time for the, the, the study that  
9 you've committed to as a follow up to Council Member  
10 Kallos' question, I just didn't hear, you said it  
11 was going to be extensive... [cross-talk]

12 EDITH HSU-CHEN: It's a... it's a much more  
13 complicated subject, the subject of unenclosed voids  
14 because it runs a whole... a much wider gambit of types  
15 of spaces, spaces that people like, that people don't  
16 like, it's a much wider variety of spaces. So, this  
17 study here... the study that led to this proposal took  
18 us one year, I... so I think it'd be very fair to say  
19 that a study on unenclosed voids would take at least  
20 that.

21 COUNCIL MEMBER RIVERA: Well if... you... I  
22 guess thank you for your testimony, again, you know  
23 visiting community boards together, feedback and we,  
24 we feel like not a single piece of that feedback is  
25 included in the text amendment is incredibly

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2 disappointing but you know thank you for answering  
3 our questions and thank you to Chair Moya for, for  
4 giving this much time.

5 CHAIRPERSON MOYA: Thank, thank you so  
6 much Council Member Rivera. I now want to turn it  
7 over to Council Member Rosenthal for a few questions.

8 COUNCIL MEMBER ROSENTHAL: Thank you so  
9 much Chair and we've covered a lot of ground so I'm  
10 not going to ask you to say a lot of it again and I  
11 think within the narrowest scope of enclosed  
12 mechanical voids this is certainly from a structural  
13 engineering perspective, technically a step in the  
14 right direction or if not the answer so I thank you  
15 from a, a tiny technical structural what is the right  
16 thing to do as an environmentalist but I... but what's  
17 lost is the spirit of the question in the first  
18 place, right? The spirit of the question in the first  
19 place, gee there are a lot of things going on that..  
20 loopholes that developers and their lawyers are  
21 taking advantage of how do we address this and the  
22 Mayor's answer was well let's shift it over to City  
23 Planning, you know you did technically this thing,  
24 terrific but it really is... I think what you're  
25 hearing today is meant for policy makers, right, that



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2 this is not... this doesn't help us from a public  
3 policy point of view and just getting to the point of  
4 the gerrymander zoning lot for example which my  
5 colleague brought up which I'm very disappointed, we  
6 had asked that you look at that and that was not  
7 brought up, look, you know a few weeks ago a supreme  
8 court judge said that the BSA decision on the zoning  
9 lots at 200 Amsterdam were... that they should look...  
10 that they're ruling about them not being  
11 gerrymandered, the court asked them to put out an  
12 injunction and asked them to look at it again with  
13 the implication meaning that the court thinks that  
14 the lots were gerrymandered. So, this is an issue  
15 that the administration has known about for two years  
16 that we've been doing this fight, I mean again, you  
17 know if we put it in the tiny little box of City  
18 Planning, yes, we're asking you to look and we'd like  
19 a commitment from you that we would ask you to look  
20 at gerrymander zoning lots not... and right away  
21 because already the supreme court of New York is  
22 saying that they look gerrymandered to me and they've  
23 asked the BSA to look at it again, I would imagine  
24 this would raise some red flags from City Planning,  
25 no?

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EDITH HSU-CHEN: I believe that project is going through a due process for deliberations and I just respectfully restate that this, this proposal before us is really about stopping a current abuse of the zoning resolution and... [cross-talk]

COUNCIL MEMBER ROSENTHAL: Right, so again and I'll wrap it up because I... my colleagues have questions and we want to hear from the public. Technically this is a step in the right direction, from a public policy point of view it misses the point wildly and I would ask the Mayor to come in and address the public policy issues at hand. We've got these developers building at all hours of the night because they're trying to get it done before, you know bureaucracy of city work stops them because they know it's wrong and so they're building at midnight and so in a residential neighborhood we have these high rises going up, I'll get off my high horse but the larger administration needs to address at least the issue of after hour work variances which are given out like candy to children which is what's happening now and, and address each of the other issues that a year ago we asked the administration to address like gerrymandered zoning lot which is

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2   allowing a developer right now to build a 60 story  
3   building on a location that should be a 20 story  
4   building. So, you hear my frustration and you know  
5   it's just not directed at City Planning, I, I mean  
6   City Planning did its technical job, thank you,  
7   that's your job but boy I hope the administration is  
8   hearing that this City Council member and the  
9   district I represent are none to pleased..

10                   EDITH HSU-CHEN:   Okay... [cross-talk]

11                   COUNCIL MEMBER ROSENTHAL:   Thank you very  
12   much.

13                   CHAIRPERSON MOYA:   Thank you... [cross-  
14   talk]

15                   EDITH HSU-CHEN:   Thank you Council..  
16   [cross-talk]

17                   CHAIRPERSON MOYA:   ...Council Member..  
18   [cross-talk]

19                   EDITH HSU-CHEN:   ...Member, I, I hear your..  
20   we hear your frustration and it is certainly,  
21   certainly worth looking at, we agree.

22                   CHAIRPERSON MOYA:   Thank you, I know  
23   Council Member Chin has a question.

24                   COUNCIL MEMBER CHIN:   Thank you Chair.  
25   Thank you for the testimony. My concern is that, can

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2 you make a commitment to start phase two as quickly  
3 as possible because Lower Manhattan is not included  
4 in this phase one and we're getting tall buildings,  
5 one taller than the other and I think that we need  
6 protections and you have to really expand the area  
7 that, that you look at and I think when you talk  
8 about, you know including Lower Manhattan in phase  
9 two we want to see if you can do that as soon as  
10 possible?

11 EDITH HSU-CHEN: Absolutely Council

12 Member Chin, you have our commitment that, that we  
13 are looking... that we will look at this right away and  
14 the commitment would be that the study will be  
15 completed by of the summer, this summer.

16 COUNCIL MEMBER CHIN: Okay, thank you.

17 EDITH HSU-CHEN: Thank you... [cross-talk]

18 COUNCIL MEMBER CHIN: Thank you Chair.

19 CHAIRPERSON MOYA: Thank you. Okay, I'm  
20 going to turn it over to Council Member Levine for a  
21 couple of questions.

22 COUNCIL MEMBER LEVINE: Thank you Mr.

23 Chair for your great work on this issue. Building on  
24 Council Member Rosenthal's comments I fear we have  
25 gotten lost in the technicalities and are losing

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2 sight of the big picture here and the big picture is  
3 that we have a zoning code from 1961 that used the  
4 floor area limitations within the constraints of  
5 technology of that time, the financing realities of  
6 the real estate markets at that time and the existing  
7 legal techniques and was in effect a very successful  
8 limit on height and the size of buildings and  
9 technological changes and financial changes and  
10 evermore acrobatic legal maneuvers have totally  
11 upended what any fair person understands as the  
12 intent of, of the last major citywide zoning regime  
13 that we established in 1961. And the use of these  
14 large voids is, is undoubtedly the most extreme  
15 egregious example of undermining the intent here and  
16 I think part of the disconnect for some of the  
17 Council Members is that the developers don't really  
18 care about large contiguous voids, we in a sense  
19 don't really care about large contiguous voids, this  
20 is a battle over height and if you close one  
21 technical route to excessive height while leaving  
22 several more open developers are simply going to  
23 divert to the other avenues. So, closing the option  
24 of adding height with a large contiguous void of 100  
25 plus feet while leaving it possible to have many

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2 voids spaces throughout the building or to simply  
3 remove the façade around those voids and call them  
4 unenclosed, leave, leaving even bigger loopholes in  
5 commercial areas, it's just going to divert their  
6 technique and, and so our, our frustration is not  
7 that you haven't fulfilled the narrow mission of  
8 limiting large contiguous voids because what you're  
9 proposing from what I can tell would crack down on  
10 that and that is welcome step in the right direction  
11 but just like water finds a way to flow downhill,  
12 developers are going to find other routes to do  
13 exactly the same thing which is undermining the  
14 intent of the existing regiment and as a city we may,  
15 may be no better off and we may see just as many out  
16 of scale buildings as we're currently seeing. I, I, I  
17 just want to ask one question and then I'll pass it  
18 back to the Chair, if you can explain the  
19 circumstances in commercial districts and... for mixed  
20 use buildings, there's a, a major trend as you well  
21 know in putting residential buildings in commercial  
22 areas, most notably in FiDi but elsewhere around the  
23 city and so if we don't tackle that we're leaving a  
24 huge door open and if you could explain the, the, the  
25 circumstances in which a mixed use building would be

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2 exempt because I fear again that developers would put  
3 just enough of a mix of commercial versus residential  
4 to once again avoid the new constraints?

5 CHRISTOPHER HAYNER: Sure, I can answer  
6 the, the, the degree that a mixed building will be  
7 captured by the rules. So, the, the way that the  
8 rules work are if the.. if a building is providing  
9 less than 25 percent of its floor area as commercial  
10 or community facility or some other non-residential  
11 use, the entire building is captured by that. That  
12 actually captures the majority of the project area  
13 because the majority of the project area is a C1 or  
14 C2 district that only permits two FAR of commercial  
15 use. So, inherently if your residential district from  
16 is 10 FAR or 12 FAR depending on whether you're  
17 providing inclusionary housing your kind of capped at  
18 20, 20 percent automatically. The remaining area is..  
19 allows, you know significant, significantly more  
20 commercial FAR but as you say we've been seeing a lot  
21 of residential being developed in those districts and  
22 we think that that will predominately be the  
23 prevailing use in those buildings so that they will  
24 be captured by the rule, that they will provide more  
25 than 70 percent of their floor area as residential.

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2   We've carved out the buildings that don't provide  
3   more than 70... 75 percent just so that we are not  
4   inadvertently capturing community... buildings that are  
5   providing community facilities in large amounts so we  
6   don't want to capture research facilities, we don't  
7   want to capture schools, we want to let them be but  
8   the ones that are doing something small we want to  
9   capture the entire building.

10                   EDITH HSU-CHEN: Thank you.

11                   COUNCIL MEMBER LEVINE: Alright, thank  
12   you, thank you Mr. Chair.

13                   CHAIRPERSON MOYA: Thank you, thank you  
14   very much for your testimony today. I'd like to call  
15   up the next panel; Ed Bosco; Holly Rothkopf; William  
16   Brightbill; Seema Reddy and Lizette Chaparro.

17                   [off mic dialogue]

18                   CHAIRPERSON MOYA: Lizette we'll start...  
19   we'll start with you if you can just make sure the  
20   microphone is on and just state your name you can  
21   begin and we're... I just want to let everybody know  
22   we're limiting it to two minutes, we have a large  
23   number of people that want to testify so please try  
24   to be as close to two minutes as possible, thank you.

25



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2 LIZETTE CHAPARRO: Understood. Good

3 afternoon again Chair Moya and Council Members. My  
4 name is Lizette Chaparro and I'm here on behalf of  
5 Manhattan Borough President Gale Brewer to deliver a  
6 testimony in support of this text amendment. Our  
7 office has looked at 16 developments, developments  
8 throughout Manhattan that all employ or propose to  
9 employ a variety of zoning loopholes and we're here  
10 to highlight that the mechanical void is really just  
11 one of those zoning loopholes. The proposed zoning  
12 text here itself should be strengthened in addressing  
13 that one loophole. DCP's own study stated that  
14 mechanical floors are located typically either midway  
15 through a building or quote, "regularly located every  
16 ten to 20 stories", unquote. Given that finding and  
17 the Borough President believes that the clustering  
18 threshold should be raised from 75 feet to 90, 90  
19 feet which is about nine stories and that the  
20 rounding provision should be eliminated when  
21 calculating floor area, there are plenty of zoning  
22 districts throughout the city that have decimals in  
23 their FAR calculation. As was mentioned just earlier,  
24 the 25 feet was raised to 30 feet and the Borough  
25 President believes it should remain at 25 feet and

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2 that this text should apply as has been discussed as  
3 well to enclosed area floor areas and that the text  
4 apply to the area that's known as billionaires row.  
5 Just two weeks after certifying this application  
6 developers filed for demolition on two sites in this  
7 area and if no action is taken at this juncture, we  
8 may see exactly the kind of development that this  
9 text aims to prevent. And finally, the Borough  
10 President is calling for a more comprehensive  
11 approach to this issue and to address other zoning  
12 loopholes.

13 CHAIRPERSON MOYA: Thank you.

14 WILL BRIGHTBILL: Thank you, my name is  
15 Will Brightbill, I serve as the District Manager of  
16 Community Board eight in Manhattan and I'm here to  
17 read a statement on behalf of Alida Camp, our Chair.  
18 Thank you, Chair Moya and members of the Council, for  
19 hearing our testimony. We hope that the suggestions  
20 will be taken into consideration when examining this  
21 and any future text amendments on this topic. First,  
22 we want to thank Council Members Kallos and Council  
23 Member Powers and Friends of the Upper East Side for  
24 their leadership on this issue. On February 20<sup>th</sup>,  
25 Community Board eight overwhelmingly approved a

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2 resolution in support of the proposed zoning text  
3 amendment for mechanical voids, with recommendations  
4 for changes to... for changes and the closure of  
5 additional loopholes. I've provided a copy of that  
6 resolution with our testimony. Community board eight  
7 recognizes the need for closing loopholes that has...  
8 that have been exploited to... for the construction of  
9 tall and out of context buildings. The board believes  
10 that by curtailing the use of mechanical voids to add  
11 to building height the proposed amendment takes a  
12 correct... a correct initial step to maintain New York  
13 City as a livable city. However, CB8 also believes  
14 that there is more work that should be done in  
15 closing these loopholes and other loopholes. As  
16 technology changes necessary, necessary mechanical  
17 equipment can often fit into smaller and smaller  
18 spaces and we believe that this should be reflected  
19 in the amendment. While we believe that the height of  
20 the voids should have been brought closer to the  
21 average of 12 to 15 feet, we understand that is  
22 outside of the scope on this conversation therefore  
23 CB8 urges the Council to return the height of the  
24 voids to 25 feet as was presented to community boards  
25 by City Planning earlier this year. CB8 also is

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2   concerned that the language in the amendment provides  
3   a blueprint for developers on how to continue to use  
4   voids to add additional significant and inappropriate  
5   height to their buildings. While the future  
6   development might, might comply with the letter of  
7   the law, we risk providing a road map that would  
8   damage our neighborhoods and communities. In  
9   addition, CB8 believes that unenclosed spaces,  
10   terraces and patios should be a part of the amendment  
11   because as has been threatened with the proposed  
12   development in CB8, all that has to be done for the  
13   void to remain is strip the exterior cladding. We  
14   also recommend that it even apply to commercial  
15   districts as well as residential districts and  
16   finally the board urges the city to close additional  
17   loopholes such as the use of stilts, Gerrymander,  
18   Gerrymander zoning lots, inappropriate floor to  
19   ceilings heights and any other loopholes that are  
20   used to create inflated building heights. We call for  
21   a mindful conscientious approach to permissible  
22   construction that is contextual... of contextually  
23   sized buildings. Manhattan Community Board eight  
24   along with Manhattan Borough President have all  
25   raised concerns with the proposal in their

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2 recommendations and have called for additional and  
3 tighter protections for our communities. We look  
4 forward to the Council responding to these proposals  
5 as we... these... as, as this proposal moves forward,  
6 thank you.

7 CHAIRPERSON MOYA: Thank you, just one,  
8 one quick announcement, sanitation has been moved to  
9 the 16<sup>th</sup> floor at 250 Broadway so if anyone is here  
10 for that committee please head over to the 16<sup>th</sup> floor  
11 at 250 Broadway, thank you and apologies for that.  
12 You may proceed.

13 SEEMA REDDY: My name is Seema Reddy and  
14 I speak today on behalf of Manhattan Community Board  
15 seven representing the Upper West Side as Co-Chair of  
16 the Land Use Committee. I want to thank our elected  
17 officials, Council, Council Members Mark Levine,  
18 Helen Rosenthal and particularly Ben Kallos for their  
19 support and leadership on this issue. We  
20 wholeheartedly approve of the Department of City  
21 Planning's intention to address the loophole of  
22 excessively tall and mechanical voids in residential  
23 buildings but after extensive discussion amongst the  
24 experts on our board and with our neighbors we found  
25 the text amendment did not go far enough to address

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2 even current development in our district much less  
3 the looming future. Depending on your reading of the  
4 original proposed text amendment a quarter to a third  
5 of every 100 feet could still be allocated to  
6 mechanical voids. The revisions of the text amendment  
7 that was approved by City Planning Commission further  
8 relaxes the breakpoint of the original text amendment  
9 to 30 feet instead of the original 25. We at CB7  
10 issued a resolution that among other things requested  
11 the maximum height of an allowed mechanical void to  
12 be 20 feet and that such voids be limited to no more  
13 than 40 feet in height however distributed within the  
14 building. The vast majority of the testimony to the  
15 City Planning Commission requested that the text  
16 amendment be made more stringent in the interest of  
17 adequately closing this loophole. We are however left  
18 with a proposal that went in the other direction not  
19 fully addressing the loophole at all. Put in a  
20 difficult position, CB7 recognizes that having this  
21 text amendment is better than having nothing at all  
22 however we support a rollback to the original  
23 proposed end study 25-foot maximum height limit for  
24 voids and hope you take this into consideration.

25 Thanks.

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2 HOLLY ROTHKOPF: My name is Holly

3 Rothkopf, I'm here representing Save Central Park NYC

4 and I'd like to read my statement... our statement. We

5 believe that undermining of the zoning resolution in

6 order to maximize profits requires immediate action.

7 We need growth and predictability that makes sense.

8 Empty space does not address the need for more growth

9 and this text amendment ignores the intent of zoning

10 regulations. We cannot fathom how the Department of

11 City Planning's text amendment has such a limited

12 scope. It appears that the outcome was determined at

13 the outset. Their own research contradicts what will

14 be the final result. While we applaud the city for

15 finding a framework to address the mechanical void

16 loophole, the void text amendment that DCP has issued

17 in response falls short of providing meaningful

18 relief in closing zoning loopholes, including

19 mechanical voids. The Mayor himself assured us last

20 June that the Department would look at all voids. The

21 DCP mechanical void text allows for 30 feet of void

22 space for mechanicals before the space is counted

23 towards FAR and allows the voids to be separated by

24 75 feet. This result is not supported by City

25 Planning's own research of 796 buildings since 2007

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2 which showed that only a limited number had  
3 mechanical floors and that those floors were  
4 typically only 10 to 12 feet in height. Seven  
5 buildings used voids, six of which were obscenely  
6 excessive. Nor is it supported by other facts.  
7 Rather, the real estate industry's proposed 30 foot  
8 no count, for mechanicals is premised on a  
9 hypothetical future need for taller equipment when we  
10 are increasingly living in a world in which equipment  
11 can be and is made smaller. We urge you to make DCP's  
12 text amendment as strong as possible. Unfortunately,  
13 we've been told by specialists that 25 feet rather  
14 than 30 feet allowed for mechanical voids is the only  
15 change you can make at this time. We urge the City  
16 Council to push for more substantive measures,  
17 including changing the allowable no count void  
18 height... sorry, specifying an area that includes  
19 additional, additional blocks at West 56<sup>th</sup> and West  
20 58<sup>th</sup> between 5<sup>th</sup> and 6<sup>th</sup> that are now threatened,  
21 unenclosed spaces, terraces and open voids, floor  
22 area calculations should not be rounded. We look to  
23 you to ensure that this first loophole is closed in a  
24 meaningful way. The original zoning resolution was  
25 enacted to protect our right to light, air and open



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2 space in response to a too tall building in 1916.

3 With new building techniques, we need this protection  
4 now more than ever.

5 CHAIRPERSON MOYA: Thank you.

6 HOLLY ROTHKOPF: Thank you.

7 ED BOSCO: Ed Bosco, I'm here on behalf  
8 of the American Council of Engineering Companies. We  
9 represent 300 engineering firms across the state that  
10 design and supervise the construction of these  
11 buildings. I've been an engineer for more than 30  
12 years; I've chaired the ACOMMITTEE CLERK Mechanical  
13 Code for five years and with about 50 of our members  
14 I've been on the committees that have rewritten the  
15 New York City building codes since 2005. So, I came  
16 with a lot of statements but really, I think it's a  
17 simpler one. We're talking about buildings, we're  
18 talking about going backwards, we're talking about  
19 buildings that were built in the past ten years and  
20 over the past ten years the city of New York has  
21 really recognized that we need to build buildings  
22 differently. So, we've been spending these years  
23 advancing energy codes, figuring out better ways to  
24 build these buildings and the buildings are not going  
25 to look the same as they used to. Typically, 20 years

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2 ago we would put an air handler in, we'd run the air  
3 up, we'd blow the toilet exhaust out the top of the  
4 building. The future codes are going to require that  
5 we bring that toilet exhaust back to the same floor  
6 where the air handler was, take the energy out of it,  
7 put it into the air we're bringing into the building  
8 to save energy. That's the equipment that's bigger  
9 than the equipment we have today and that's what led  
10 us to the 30-foot requirement. We know we can do it  
11 in about 20 feet if we start building it on the  
12 transfer floor which is a floor where the column grid  
13 a commercial space changes to the column grid of a  
14 residential space we lose about ten or 15 feet just  
15 to that and the original text as it was written when  
16 we testified back at City Planning the text was  
17 measuring a distance from the floor slab to the  
18 underside of structure which we believe needed to be  
19 30 feet. If you look at the current text of this,  
20 this draft it now measures floor to floor which is  
21 taking that 10 or 15, potentially 20 feet of  
22 structural beam girder pushed it back into the  
23 mechanical space so the current text of this  
24 amendment leaves you with potentially five feet of  
25 mechanical space to work in on these floors so the,

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2 the document is flawed as it is but we are... we, we  
3 came here to solve a problem that's about five, six,  
4 700 feet of overbuild and we're talking about a foot  
5 or two either way now. So, we really thought there  
6 was no point in trying to, to argue down one or two  
7 feet smaller on the floor to floor when our problem  
8 was much bigger than that and we should really be  
9 addressing that and the, the CPC document solved  
10 that. We, we believe that the, the disincentive  
11 provided by the original document was enough to stop  
12 what we're seeing and really being... objecting to what  
13 we're...

14 CHAIRPERSON MOYA: Thank you, next. I'm  
15 going to turn it over to Council Member Kallos for a  
16 few questions.

17 COUNCIL MEMBER KALLOS: I want to thank  
18 the zoning chair for his indulgence, he's pointed out  
19 there are a number of people waiting so customarily  
20 ask a lot of questions but I'm just going to try to  
21 do one question per panel. Both Manhattan Borough  
22 President... Borough President Gale Brewer's Office,  
23 Community Board eight and Save Central Park and  
24 others have asked for us to amend further than 25  
25 feet, I've been advised that the furthest we can get

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2 is 25 feet, we can't go to 12 or 15, do any of you  
3 have any, anything to support it whether in the law  
4 or in testimony that would allow us to, to be more  
5 aggressive and as aggressive as we'd like?

6 LIZETTE CHAPARRO: Council Member Kallos  
7 just a clarification, the Borough President did not  
8 comment on the 25 feet that were originally proposed,  
9 that figure seemed fine to us. We did hear a lot of  
10 testimony in support of a 25-foot mechanical floor.

11 COUNCIL MEMBER KALLOS: Okay. Board  
12 eight?

13 WILL BRIGHTBILL: Yes and thank you  
14 Council Member Kallos, in our original resolution  
15 which you guys have a copy of we did ask for, for  
16 tightening that, that number but it is my  
17 understanding that, that within the scope that, that  
18 you guys have the going back to 25 is as far as it  
19 can go so we thank you if you will move it to 25.

20 COUNCIL MEMBER KALLOS: And, and is CB8  
21 currently considering a zoning text amendment for 210  
22 feet for affordability?

23 WILL BRIGHTBILL: Yes, that is under  
24 consideration, we're working with our local elected  
25 officials and nonprofit advocacy groups in our

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2 neighborhood on exploring a height cap or downzoning  
3 in certain areas of our district where we are seeing  
4 exploitation of these sorts of loopholes so that  
5 would be another opportunity that we could have to  
6 curtail some of these, these loopholes but, but right  
7 now the, the project in front of us is this and we  
8 really thank you for bringing it forward, thank you  
9 to City Planning and the Council.

10 COUNCIL MEMBER KALLOS: Okay and thank  
11 you to CB7 as well, that's it, thank you.

12 CHAIRPERSON MOYA: Thank you... thank you.  
13 Thank you very much for your testimony today. I would  
14 like to call up the next panel; Rachel Levy; Simeon  
15 Bankoff; Josette Amato; and Gus Ipsen. If you can  
16 just turn on the microphone, state your name and, and  
17 you can begin your testimony.

18 RACHEL LEVY: Good afternoon Chair Moya  
19 and Council Members. My name is Rachel Levy and I'm  
20 with Friends of the Upper East Side Historic  
21 Districts. We are pleased that DCP has put forth a  
22 proposal to address one piece of the void problem and  
23 although it is a critical first step in curtailing  
24 the scale and frequency of excess mechanical void  
25 space, it is far too narrow to fully address the, the

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2 mechanical void issue and as you know it does not  
3 begin to address the other zoning loopholes. We are  
4 particularly disappointed that the City Planning  
5 Commission further weakened the threshold for  
6 exemption to 30 feet disregarding the DCP's staff's  
7 own study which found no examples of buildings with  
8 legitimate mechanical space needs at this scale. We  
9 now look to the City Council to roll back the 30-foot  
10 language and continue to hold DCP accountable to a  
11 meaningful up action. As you've heard this amendment  
12 does not address unenclosed voids or stilts and it  
13 will therefor not impact 249 East 62<sup>nd</sup> Street which  
14 is particularly absurd from our perspective as this  
15 building has been a leading catalyst for both Friends  
16 and DCP's work on the issue. Unenclosed voids and  
17 stilts present the very same issues of  
18 predictability, public safety and scale as their  
19 enclosed counterparts and they serve no functional  
20 purpose apart from artificially boosting upper  
21 stories. Until such spaces are counted towards zoning  
22 floor area the amendment will undoubtedly incentivize  
23 the use of this loophole. Additionally, we look to  
24 the City Council to support a broader application of  
25 this text, one that impacts broader geographies and

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2   uses including commercial buildings. Exploitation of  
3   zoning loopholes is complex and requires a  
4   multipronged approach, the void text amendment is  
5   weak though it can be... can and should be made  
6   stronger by the City Council. In phase two we urge a  
7   broad expansion of scope to look at more of the  
8   zoning loopholes including a thorough study of  
9   alternative policy proposals as well as solutions  
10  used in other municipalities. If such steps are  
11  taken, we believe this can be a positive first step  
12  in the city addressing these issues. Friends supports  
13  an approval of the zoning text amendment with  
14  modifications as the city's first step to address  
15  this package of civic concerns. Thank you.

16                   SIMEON BANKOFF: Good afternoon Council  
17  Members, Simeon Bankoff, Historic Districts Council.  
18  First of all, I would like to thank the Council  
19  particularly Council Member Kallos and Manhattan  
20  Borough President Brewer for her... for their  
21  leadership on this issue and also my colleagues in  
22  the preservation and civic world for their attention  
23  to it. I'm here today to support this amendment to  
24  say that it does not go far... nearly far enough. We  
25  look forward to seeing stronger more robust reforms

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2 from city government in order to guide the  
3 development of the city in order to encourage growth  
4 and continue the vitality while protecting,  
5 protecting and preserving our city's historic  
6 neighborhoods. We are depending on those reforms to  
7 be brought forward and are... by City Planning's  
8 statements on these... on that issue however we are  
9 concerned about the scheduling, we hope that the  
10 follow up action will be scheduled sooner rather than  
11 later, the initial survey took more than a year, if  
12 we bridge that out at a similar timeline it could be  
13 a race to get this accomplished by the end of this  
14 administration. With regard to the specifics of the  
15 slight proposal before you now, CPC's revision to  
16 allow... revision to allow 30 foot voids instead of the  
17 already too generous 25 foot allowance, is absurd  
18 although this is a citywide text change you might not  
19 see many community members from the other boroughs  
20 here today. It is not because this specific proposal  
21 only effects high rise districts, it's because they  
22 don't understand the very notion of allowable  
23 mechanical voids. I've been talking about this too  
24 involved community members from across the city for  
25 the past few months and it has been met with vast



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2 incredulity, the people I've been speaking with can't  
3 believe that this abuse of mechanical voids was  
4 allowable to begin with. These are the homeowners who  
5 are proud of their neighborhoods, who invest in their  
6 neighborhoods and when united in mass to oppose the  
7 proposed increase of ten feet in contextual zones on  
8 the adopted MIH ZQA rezoning, they honestly did not  
9 believe that this current loophole existed. While an  
10 additional five feet might seem academic to high rise  
11 districts of the city and to the people who deal with  
12 real estate development every day, the difference of  
13 five feet matters to people on the street and people  
14 who care about their neighborhoods. Five feet of  
15 additional height and especially a series of  
16 cumulative five foot increases in height and that's  
17 what we're really talking about here, blocks the sky  
18 and erodes the notion of rational planning in that it  
19 values a maximization of private land value over  
20 public goods, that's not right. Please return the  
21 allowable spaces to the maximum of 25 feet as it was  
22 originally intended and please do all you can to  
23 ensure the administration of City Planning do  
24 everything, they can do to fix this endemic and  
25 egregious problem.

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2 JOSETTE AMATO: Good afternoon Chair

3 Moya, Council Members. I'm Josette Amato, the  
4 Executive Director of Westend Preservation Society. I  
5 come before you today to ask you to modify the City  
6 Planning Commission's findings and restore some  
7 sanity into the current situation. A few architects  
8 and developers have exploited current regulations if  
9 not technically breaking the rules they are most  
10 certainly breaking their spirit to favor the few at  
11 the expense of the many. We are grateful the City  
12 Planning Commission recognized this abuse and  
13 endeavor to right the wrong. However, their result is  
14 woefully inadequate. Instead of heeding their own  
15 research and the overwhelming recommendations at the  
16 public hearing, they ignored almost every point. The  
17 only voices heard, were from industry  
18 representatives. The majority of their research... the  
19 majority of speakers based on research requested the  
20 mechanical void threshold be reduced. Their answer  
21 was to increase the height. The Commission believed  
22 it was important the text amendment not hinder a  
23 resilient or energy efficient building but there  
24 would be no hinderance because nothing prohibits a  
25 developer from incorporating any size void they need

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2   or want. It's just that anything above the cap would  
3   count toward FAR. We request that the clustering of  
4   voids be expanded to the outside limit of DCP's  
5   research, 200 feet. The 75-foot limit remains. If  
6   passed, this Council will produce all new buildings  
7   with 30-foot voids every 76 feet. We need more  
8   housing and we'd be thrilled to see exciting designs  
9   creating a beautiful streetscape but that's not  
10   what's happening. We are truly building castles in  
11   the sky. We are condemning great swathes of land and  
12   people to darkness so an elite few can bask in the  
13   light. These regulations will do nothing to prevent  
14   empty space in the center of buildings for the sole  
15   purpose of increasing height for more expensive  
16   views. We ask your help in strengthening these  
17   amendments. Thank you.

18                   GUS IPSEN: Hello, my name is Gus Ipsen,  
19   I'm here to read a statement on behalf of Assembly  
20   Member Linda B. Rosenthal who represents the Upper  
21   West Side and parts of Hell's Kitchen in the 67<sup>th</sup>  
22   assembly district. I testified in March 2019 of the  
23   Department of City Planning hearing on the proposed  
24   text amendment stating then that the proposal was far  
25   too developer friendly doing little but codify an

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2 existing loophole. Unfortunately, the inadequate plan  
3 presented then has only further weakened, with  
4 developers now being allowed 30 feet of mechanical  
5 space every 75 feet. All this despite the fact that  
6 not a single building the city studied in the year  
7 and a half it took to prepare this amendment,  
8 required mechanical space of 30 feet. The City  
9 Council has a critical opportunity and an urgent  
10 priority to drastically strengthen the text amendment  
11 as presented. New York City is in a housing  
12 affordability crisis; nearly half of our city's  
13 tenants are rent burdened. We simply do not have any  
14 space in this great city for super towers filled with  
15 empty space that use the generosity of our zoning  
16 code to perch penthouses on stilts. To move ahead  
17 with the plan presented today would invite developer  
18 exploitation to a degree we have only seen previously  
19 in isolated instances. DCP has thus far identified  
20 seven buildings with void space between 80 feet and  
21 190 feet but approval of the plan as presented would  
22 guarantee the right of every new developer in our  
23 city to increase their total building height nearly  
24 30 percent without being docked any floor area ratio  
25 allotment. While I encourage the city to carry out a

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2 phase two of this amendment process, there is no  
3 reason to not tackle this loophole right now. At the  
4 state level, I have introduced legislation that seeks  
5 to comprehensively address the mechanical voids issue  
6 while also addressing some of the broader challenges  
7 of exploitive development. The legislation, which  
8 amends the multiple dwelling law is currently  
9 sponsored by more than 30 state representatives, the  
10 vast majority of whom represent districts within the  
11 five boroughs. My legislation will require that all  
12 void space exceeding 20 feet or five percent of total  
13 building height be counted towards total FAR with  
14 each additional 12 feet of void space being counted  
15 as an additional floor afterwards. The legislation  
16 will count any residential ceiling height in excess  
17 of 12 feet as an additional floor and will ensure  
18 that open space such as balconies, stilt... spaces on  
19 stilts and terraces not bordered by four walls be  
20 counted towards the, the total FAR. In conclusion I  
21 would just ask that... we would just ask that the  
22 Council look at DCP's variant data and we, we  
23 appreciate the opportunity to testify here today and  
24 look forward to working with you.

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2 CHAIRPERSON MOYA: Thank you. One, one  
3 question please.

4 COUNCIL MEMBER KALLOS: Thank you all for  
5 your testimony in particular to Assembly Member  
6 Rosenthal, thank you for the partnership in trying to  
7 get this done on the state level if we can't get  
8 something more aggressive done on the local level. To  
9 Friends and HDC your organizations have been focused  
10 on this since the beginning, why focus on the  
11 loophole versus a 210-foot height cap and how does  
12 this improve versus the status quo which I think the  
13 Save... the Westend... what's the group?

14 JOSETTE AMATO: Preservation Society.

15 COUNCIL MEMBER KALLOS: Westend  
16 Preservation Society I think touched on as well.

17 RACHEL LEVY: So Friends had originally  
18 studied a 210 foot height cap proposal as well in  
19 looking at how we might limit overdevelopment on the  
20 Upper East Side in particular and through study I  
21 think we found that going at this through the  
22 loopholes would be able... would accomplish a greater  
23 impact in terms of the change and, and really close  
24 the fundamental issues that are contributing to  
25 overdevelopment in our neighborhood without the

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2 unintended consequences that a height cap may, may  
3 bring along with it.

4 SIMEON BANKOFF: Well I'm relying mostly  
5 on Friends as the report but regardless the fact is  
6 that once you start talking about absolute height  
7 caps it becomes a, a very difficult situation and  
8 people find their ways around it by determine... by  
9 determining loopholes that violate those height caps  
10 more often than not. Additionally, looking at it from  
11 a citywide perspective I very much agree with what  
12 Rachel says that it's in the loopholes of... this is  
13 only one of them that is afflicting the kind of  
14 unregulated development throughout our city and there  
15 are many other issues; subdivisions, etcetera that  
16 also need to be dealt with.

17 CHAIRPERSON MOYA: Thank you, thank you  
18 very much for the... your... panel... for the panel and  
19 your testimony. I'm now going to call up the next  
20 panel which is Mark Diller; EJ Kalafarski and Chris  
21 Giordano. Just make sure that the red light is on so  
22 that your microphone is on and just please state your  
23 name and you can begin your testimony.

24 MARK DILLER: Thank you, my name is Mark  
25 Diller, I'm a member of Community Board seven on the

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2 Upper West Side of Manhattan although our official  
3 testimony was provided by the Chair of our Land Use  
4 Committee Seema Reddy so I'm speaking on my own  
5 behalf. The, the problem that we're confronting here  
6 arises out of what, what, what I heard first as an  
7 old joke which was when you run short of money the  
8 developer wants to build only half the building, the  
9 top half and what we have here is a first step at  
10 trying to confront a realization of that conundrum  
11 that's now come to pass certainly in my district and  
12 we've heard in many others as well. It is however  
13 only a first step and I know you've heard testimony  
14 on this before so I'll just reiterate the, the...  
15 emphasize the one point that, that, that we've  
16 described in our resolution which I believe you have  
17 that a 30 foot void out of every 100 would still  
18 allow a building to be about a third taller than you  
19 would expect reasonably that building to be. The  
20 floor to floor ceiling heights combined with these  
21 voids could create enormous buildings that are out of  
22 character in a number of our areas. I Chair our  
23 Historic Preservation Committee and the effects of  
24 these towers on our historic structures is also quite  
25 real. The vice that we're trying to confront here is



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2 the rush to have an as of right solution for every  
3 problem and my, my suggestion to you is that that's  
4 not always possible, that creating an as of right  
5 solution especially one where you have... you're,  
6 you're providing for the extreme case in the general  
7 rule is one that is bad policy and should be avoided,  
8 there should be a streamlined process to address  
9 outlying conditions. So, for those reasons I join  
10 with my colleagues on Community Board seven in  
11 recommending approval of this text amendment and  
12 seeking additional protections. Thank you very much.

13 EJ KALAFARSKI: Good afternoon, my name  
14 is EJ Kalafarski and I'm a member of Manhattan  
15 Community Board five. Community Board five supports  
16 the closure of the... of the mechanical voids loophole  
17 and we urge the City Council to vote on the text as  
18 soon as possible but we absolutely believe that the  
19 text must go further allowing 25 foot mechanical  
20 rooms is excessive, 30 feet is certainly unacceptable  
21 and goes against the findings of the DCP experts who  
22 conducted the citywide survey of mechanical spaces in  
23 the first place. Allowing mechanical rooms every 75  
24 feet is also excessive, in essence it will codify the  
25 loophole rather than closing it. It will still allow

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2 excessively tall buildings using this artifice and  
3 the numbers should be much more conservative. It's  
4 essential to note that the text does not restrict or  
5 prohibit anything, it merely makes, makes excessively  
6 large mechanical spaces count towards FAR therefore  
7 developers would still have total design freedom. A  
8 revised formula with more conservative numbers would  
9 produce shorter buildings that would be less  
10 impacting to their surroundings than the ones studied  
11 in the EAS therefore reducing the size of standard  
12 mechanical floors is within the scope of this  
13 proposal. Given that the EAS prepared by DCP  
14 carefully surveyed 800 buildings citywide and is not  
15 site specific, it's also clear that any areas in R9  
16 and R10 and their commercial equivalents are part of  
17 the scope of the zoning text amendment. Community  
18 Board five is unfortunately ground zero for  
19 mechanical voids, out of the seven problem buildings  
20 identified by the Department of City Planning in  
21 their survey, four are in CB5. These are the monster  
22 towers that everybody hates on 57<sup>th</sup> Street yet the  
23 current amendment does not include 57<sup>th</sup> Street, it is  
24 of enormous importance that this current proposal  
25 addresses the issue where the issue is actually

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2 occurring. A minor map modification would achieve  
3 this urgent purpose. We urge the City Council to vote  
4 on this text as soon as possible and to support... and,  
5 and we support a strong follow up action by DCP that  
6 will eliminate all the zoning loopholes; enclosed  
7 mechanical rooms, unenclosed areas and all the  
8 subterfuges that allow ridiculously tall buildings in  
9 our district. Thank you.

10 CHRIS GIORDANO: My name is Chris  
11 Giordano, I'm here on behalf of the 64 through 67  
12 streets block association. We thank you for hearing  
13 the concerns of our neighborhoods, neighborhoods all  
14 over New York City and considering this text  
15 amendment to New York City's zoning resolution. With  
16 regard to our neighborhood, which is facing a  
17 building, 36 West 66<sup>th</sup> Street, planned with hundreds  
18 of feet of void space, we feel it necessary to remind  
19 City Planning and the Council here that just 26 years  
20 ago our community went through the process of  
21 creating the Lincoln Square special district zoning  
22 resolution at which time City Planning is on record  
23 as stating that the controls in place should  
24 predictably regulate the heights of new development  
25 and these controls would sufficiently regulate the

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2 resultant building form and scale even in the case of  
3 development involving zoning lot mergers. People  
4 speak of the importance of predictability and  
5 reliability in zoning regulations. Our community  
6 thought it had solved for predictability and  
7 reliability 26 years ago. And then the developers  
8 began exploiting these loopholes. And now City  
9 Planning proposes that you codify these loopholes. We  
10 believe that voids do nothing to create housing for  
11 our city's growth, density to solve housing  
12 affordability, neighborhood amenities to support  
13 infrastructure and quality of life, nor is it the  
14 missing tool for architects to express themselves  
15 more creatively. Further, it is a slap in the face to  
16 what our community worked hard to establish in the  
17 Lincoln Square special district zoning resolution.  
18 Countless community board meetings, discussions with  
19 elected representatives and even City Planning's own  
20 research pointed towards the need for 12-foot  
21 mechanical spaces with 200 feet of space between  
22 them. At the City Planning hearing nobody testified  
23 to the benefit of void space. Ultimately, our  
24 community sees this as a moral issue. We don't want  
25 to be judged by history as the society that allowed

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2 buildings with hundreds of feet of vertical space..  
3 with hundreds of vertical feet of unused space to be  
4 built. Council Members we're in it for the long haul,  
5 let's get it right, please don't make a bad situation  
6 worse. Thank you.

7 CHAIRPERSON MOYA: Thank you, thank you  
8 very much for your testimony today. Before I call up  
9 the next panel, I just wanted to turn it over to  
10 Council Member Rosenthal who wants to make a few  
11 comments.

12 COUNCIL MEMBER ROSENTHAL: Sorry, I'm in  
13 two hearings at the same time and I don't know that  
14 you can see that but I'm also over at the contracts  
15 hearing right now where I have an important piece of  
16 legislation to bring our contract costs under control  
17 so I'm going back and forth between the two, I really  
18 want to thank my community for coming out and  
19 testifying, I'm sorry I missed some of their  
20 testimony, of course I had somebody here in the room  
21 listening and we appreciate all the advice that, you  
22 know you've... it's been a pleasure working together  
23 with you over the last months. Thank you very much,  
24 thanks Chair.

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2 CHAIRPERSON MOYA: Thank you. Thank you  
3 very much. I want to call up the next panel; I want  
4 to call up Tara Kelly; Lynn Ellsworth; Joseph  
5 Colella; and Gary Pomerantz.

6 [off mic dialogue]

7 CHAIRPERSON MOYA: Thank you very much if  
8 you can state your name and you may begin, thank you.

9 RACHEL MAZUR: Good afternoon Council  
10 Members. I'm Rachel Mazur, I'm the Menapace Fellow at  
11 the Municipal Arts Society. MAS believes that the  
12 residential tower mechanical void text amendment to  
13 the zoning resolution proposed by DCP is a step in  
14 the right direction towards regulating excessive void  
15 space in residential buildings in high density tower  
16 districts. However, the proposal does not go far  
17 enough to close zoning loopholes and comprehensively  
18 regulate mechanical and structural voids. We  
19 recommend modifications to the current proposal to  
20 broaden its physical and geographical scope and  
21 maximize its potential effectiveness. MAS would  
22 support the text amendment proposal if the following  
23 recommendations were included; first that  
24 restrictions apply to unenclosed structural voids  
25 including stilts, terraces and outdoor spaces in

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2   addition to mechanical voids. Second, that the  
3   geographical scope of the provisions of the text  
4   amendment is extended citywide. Third, that  
5   provisions of the text amendment apply to commercial  
6   buildings as well as residential buildings. Fourth,  
7   that an oversight committee or task force comprising  
8   representatives from DCP and DOB is formed to ensure  
9   that new regulations are enforced and finally, that  
10   for each mechanical floor, DOB will assess, based on  
11   volumetric plans submitted by each applicant, whether  
12   a percentage of space occupied by mechanical  
13   equipment is justified. A percentage of overall space  
14   or threshold will be established by DCP and met by  
15   each applicant. We urge DCP to define the percentages  
16   slash thresholds in coordination with DOB and input  
17   from construction industry and engineering sources  
18   before the next iteration of the text amendment in  
19   fall of 2019. We appreciate the effort of the city..  
20   that the city has made to amend the zoning resolution  
21   to regulate mechanical voids. It is a good first step  
22   in a much larger discussion involving decision  
23   makers, the public and stakeholders to arrive at a  
24   real... at realistic solutions ensuring that the text  
25   amendment is truly effective. Thank you.

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2                   CHAIRPERSON MOYA:  Yes, you may begin.

3                   JOSEPH COLELLA:  Good afternoon, hello  
4 again.  I am Joseph Colella and I'm here on behalf of  
5 the New York Building Congress which includes more  
6 than 550 constituent organizations in New York City's  
7 design, construction and real estate industry.  Thank  
8 you for this opportunity to testify on the proposed  
9 text amendment on behalf of the Building Congress.  We  
10 agree with the goal of advancing new regulations  
11 regarding the allowable height of mechanical spaces  
12 in New York City.  However, it is vital to ensure that  
13 any significant change to zoning law goes through the  
14 proper process for evaluating the impacts of such a  
15 change.  We feel strongly that the current proposal  
16 has not gone through the thorough vetting that is  
17 customarily afforded to substantial changes in zoning  
18 law.  In the past months a significant number of  
19 architects, engineers and other members of the  
20 Building Congress have raised serious concerns about  
21 this proposal.  Experts have noted that the proposed  
22 25-foot height limit on mechanical spaces on the  
23 prohibition on stacking of mechanical spaces do not  
24 align with industry best practices and would make it  
25 far more difficult to advance many new projects.  It



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2 is now clear that the most appropriate step would be  
3 to withdraw the current proposal and take additional  
4 time to engage with architects, engineers and other  
5 experts to gather recommendations and determine a  
6 more sensible path forward. The standard review  
7 process around potential zoning changes should  
8 remain, this could establish a dangerous precedent  
9 for as of right development moving forward. As we  
10 have previously noted if the development pipeline  
11 suffers a slowdown and new project cannot get off the  
12 ground the city would also lose out on a much-needed  
13 tax revenue and many new construction jobs. It is our  
14 suggestion that the Council pause and revise the  
15 plans starting with the feedback gathered here today.  
16 We recognize that the City Council has already made  
17 incredible strides to build a stronger city but since  
18 we cannot support this proposal in its current form,  
19 we sincerely hope that the Council will make the  
20 right decision and explore alternatives. Thank you  
21 again for the opportunity to testify on the issue of  
22 such importance to our community.

23 CHAIRPERSON MOYA: Thank you.

24 LYNN ELLSWORTH: Is that better. I'm Lynn  
25 Ellsworth with Human Scale NYC. I'll skip over the

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2   introductory part but I want to point out that one of  
3   the effects of these loopholes is often not talked  
4   about, they lead even ordinary developers to dump  
5   their mechanical equipment at the level of the street  
6   wall creating noise, pollution and entire blocks of  
7   dead space, it's the antithesis of a Jane Jacobs  
8   advocated for cities and the anti-clustering part of  
9   this will do nothing to solve it because we're  
10  talking about clusters of 30 feet which is everything  
11  you see at the street wall. And I am broken hearted  
12  to have to break with some of my colleagues and  
13  allies here, speak the truth as I understand it. The  
14  proposal will do nothing to fix the problem, it  
15  literally represents a needless and unnecessary give  
16  away to developers, it codifies the worst not the  
17  best practice and will likely result in hundreds of  
18  new building that will not... that will be built to  
19  take advantage of what will turn out to be a new 30  
20  foot or 25 foot loophole. It might solve the problem  
21  for a single building on the Upper East Side, but it  
22  will help no one else. At the DCP hearing all of us  
23  asked for a 12-foot height cap on the mechanical  
24  floors, REBNY stood up and said they wanted 35 feet  
25  and now mysteriously the number is 30 feet. DCP

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2 ignored all pleas for reason in transparency, you  
3 should not ignore that. Another point is that even  
4 the 12 foot height number was a giveaway and here's  
5 why and this is something I really need to elaborate  
6 on, of the 800 buildings built over the past ten  
7 years that City Planning claims to have done research  
8 on only seven had floors devoted to voids. DCP has no  
9 knowledge whatsoever of the height of mechanical  
10 floors because they did not do the research to  
11 measure those floors, they did not measure the volume  
12 of void space, they did not measure the number of  
13 void spaces, they did not separate mechanical spaces.  
14 As a researcher, I am a researcher, I would fire  
15 whoever did that. Now they're going around the city  
16 claiming they did research and we're all like oh,  
17 they did research, I'm sorry but we have been exposed  
18 to massive misrepresentation at the part of this so  
19 called research that DCP did so how can they do  
20 better research in the year to come on the void  
21 spaces. We urge you to just kill this, start over.  
22 Thank you.

23 CHAIRPERSON MOYA: Thank you.

24 GARY POMERANTZ: Two minutes... good  
25 afternoon, I'm Gary Pomerantz, the Executive Vice

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2 President at WSP Engineers. I've been practicing  
3 engineering for 40 years. I'm going to have to do  
4 this faster. I'd like to say... start by saying that  
5 the 20, 25, 30 foot is kind of arbitrary and an  
6 inadequate minimal permitted height to say. If we  
7 have to pick a height, I would start at 35 feet, why,  
8 buildings now are mixed use and more complicated,  
9 each space has to have its own mechanical systems  
10 either by code or by good practice which takes area  
11 and it takes height in the building. Structural  
12 transitions often occur in the mechanical spaces and  
13 the deal with them there are usually very large D-  
14 beams, 10, 15 feet deep in the area under the beam if  
15 we had a 25-foot height it might be as low as ten  
16 feet, inadequate. At 25... at 30 feet it might be 15  
17 feet high so by the time we put two foot diameter of  
18 pipes and three foot high ducts under it again the  
19 floor to floor height is inadequate that's why we're  
20 pushing for a minimum of 35 feet not that we're going  
21 to use it in all cases. I'll get to that in a minute.  
22 Also due to different ownerships in buildings where a  
23 rental apartment zone ends the condominium zone  
24 starts it's usually either by law or by the lawyers  
25 requirements to have different mechanical systems

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2 serving the different parts of the building, you  
3 don't do one floor, you do two floors of mechanical,  
4 two floors is going to add up to more than the  
5 requirements that are being proposed by, by the  
6 Council or by the city, energy code be one over but  
7 I'm going to just conclude because we have 30 seconds  
8 left. So, really buildings should be designed to  
9 serve the current requirements and try to anticipate  
10 and be adaptable for future requirements, right. The  
11 MER space should be appropriate to allow for proper  
12 maintenance, the proper original installation and the  
13 safe operation of the buildings, setting the maximum  
14 height to, to 25 feet, 20 feet even 30 feet it may  
15 not provide the, the adequate space that's required.  
16 If we have to choose a height like I said 35 feet  
17 would be more appropriate to serve these spaces but I  
18 will say except for one building I fight for every  
19 inch of height in every building I do and every  
20 square foot of floor area, it's not an issue about  
21 fixing mechanical room heights in buildings and  
22 spacing it's a more fundamental issue that should not  
23 explicitly limit the height of the mechanical rooms.  
24 I invite the Council to come to our buildings that

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2   I've designed and see how tight the mechanical rooms  
3   are.

4                   CHAIRPERSON MOYA: Thank you, I will now  
5   turn it over for a brief question from Council Member  
6   Kallos.

7                   COUNCIL MEMBER KALLOS: I thank the  
8   Zoning Chair for the indulgence. I want to thank Lynn  
9   Ellsworth for your advocacy and your research and  
10   testimony. In your testimony you note a building I'm  
11   actually familiar with and I'm going to direct it to  
12   the other folks, this is going to be the largest  
13   passive house residential building in America, I  
14   believe it's being built by... proposed by Fetner for  
15   infill in my district and if you look at the diagram  
16   and Lynn is showing it to other panelists it has no  
17   mechanical floors in the building, it is 49 stories  
18   so to the building Chris and the architect why do you  
19   need a 35 foot or larger mechanical space if brand  
20   new state of the art best passive house, best  
21   environmental building in the country doesn't even  
22   have them?

23                   [off mic dialogue]

24                   JOSEPH CORELLA: Thank you.

25

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2 COUNCIL MEMBER KALLOS: Thank you Lynn  
3 for the research.

4 JOSEPH CORELLA: So, your question again  
5 is if this building has the... does not have a  
6 mechanical floor why should we have a 35-foot  
7 allowance?

8 COUNCIL MEMBER KALLOS: Yes.

9 JOSEPH CORELLA: Honestly this is the  
10 first building that we've seen that doesn't have this  
11 mechanical floor, but this isn't the norm in New York  
12 City, no.

13 COUNCIL MEMBER KALLOS: I walk around New  
14 York City every day and most buildings have the  
15 mechanicals up top...

16 JOSEPH CORELLA: Yes... [cross-talk]

17 COUNCIL MEMBER KALLOS: The new  
18 mechanicals in between is a new occurrence.

19 JOSEPH CORELLA: Yes, well we just ask  
20 that the Council pause and revise the plans based on  
21 that, thank you.

22 COUNCIL MEMBER KALLOS: Thank you.

23 CHAIRPERSON MOYA: Thank you, thank you  
24 very much to the panelists for their testimony today.  
25 I am now going to bring up Basha Gerhards, Gerhards;

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2 Andrea Goldwyn; Andrew Berman. Thank you. Let's start  
3 with you Andrea.

4 ANDREA GOLDWYN: Yes. Good afternoon  
5 Chair Moya and Council Member Kallos. I'm Andrea  
6 Goldwyn speaking for the New York Landmarks  
7 Conservancy. The Conservancy is pleased that the  
8 Department of City Planning heard the voices of  
9 elected officials, advocates and residents from  
10 across the city who have seen out of scale, out of  
11 context buildings rise in their neighborhoods. These  
12 towers bend the intentions of the zoning resolution  
13 with voids, stilts and gerrymandered or sculpted  
14 zoning lots, among other loopholes. This amendment  
15 addresses one of the most egregious examples by  
16 limiting excessive mechanical voids in residential  
17 buildings in some communities. But it is much too  
18 permissive. The original proposal called for limiting  
19 voids to 25 feet. We asked for that to be reduced to  
20 12 instead it's gone up to 30. At the very least, we  
21 call for the Council to limit the space that is not  
22 counted against FAR to 25. We heard the testimony of  
23 engineers at the City Planning Commission hearing and  
24 ask that any voids above 25 feet be... excuse me, be  
25 accounted against FAR. As in almost every other



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2 technology, this should incentivize innovation and  
3 equipment that fits in a smaller space with adequate  
4 clearance. The Department has promised to expand the  
5 geographic area that the amendment covers, it should  
6 be expanded in other ways to include commercial as  
7 well as residential, it should be citywide, it should  
8 look at all of the ways developers manipulate zoning  
9 to boost building heights and count those ways  
10 against FAR. The Conservancy is not against tall  
11 buildings, we're not against adequate space for  
12 mechanical equipment, what we are against are  
13 loopholes that developers use when they see the upper  
14 limits of the zoning resolution as a starting point  
15 for what they want to build. We always hear that  
16 developers need certainty. Residents do as well. We  
17 urge City Planning to come back with a more holistic  
18 amendment that creates comprehensive certainty and  
19 predictability in zoning. Thank you.

20 CHAIRPERSON MOYA: Thank you.

21 ANDREW BERMAN: Good afternoon, I'm  
22 Andrew Berman testifying on behalf of Village  
23 Preservation, the Greenwich Village Society for  
24 Historic Preservation. Unfortunately, the City  
25 Planning Commission's voids text amendment would not

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2   only do little if not nothing to solve the problem it  
3   proports to address, it could arguably make it worse.  
4   And shockingly, City Planning actually expanded the  
5   gigantic loophole it would grant developers from the  
6   original version of this proposal. The plan  
7   explicitly allows one 30-foot-tall mechanical floor  
8   every 75 feet thus enshrining in law that new towers  
9   can be over 30 percent empty voids since it does not  
10  include the mechanical pent houses regardless of  
11  whether or not the space serves any function  
12  whatsoever meriting zoning exception. It also... it  
13  allows unlimited enclosed voids to be added to  
14  buildings to increase their height and it allows  
15  developers to continue to include an unlimited amount  
16  of enclosed mechanical void space, space without  
17  accounting towards zoning square footage as long as a  
18  fraction of the building is dedicated to commercial  
19  space and the mechanical void is labeled as  
20  commercial rather than residential. What's so  
21  particularly shameful about this proposal is that a  
22  fair, clear and rational system which actually did  
23  address this problem would be so easy to produce. We  
24  could for example set an appropriate limit on the  
25  percentage of a building which can count as zoning

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2 exempt mechanical spaces without any amount which  
3 exceeds that counting towards the... with any amount  
4 which exceeds that counting towards the zoning. We  
5 could define what is necessary mechanical equipment  
6 for residential building and only allow such  
7 equipment and the volume necessary to house it to be  
8 exempt from zoning. We could make sure these limits  
9 apply to mixed use buildings and not just purely  
10 residential ones. And certainly, we could raise the  
11 required distance between mechanical floors from a  
12 meager 75 feet to something much more reasonable like  
13 200 feet. Arguably, legislation is not even needed to  
14 do much of this but could simply be done by  
15 promulgating new Department of Buildings rules  
16 providing a clear definition of mechanical voids, and  
17 not allowing spaces which don't conform to be exempt  
18 from zoning. In summary, we urge the Council to do  
19 whatever you can which is within your power with this  
20 proposal and to push for more and additional measures  
21 that would truly address the problem.

22 CHAIRPERSON MOYA: Thank you. I'm going  
23 to turn it over to Council Member Kallos.

24 COUNCIL MEMBER KALLOS: Thank you again,  
25 I believe this is the last panel. My question to both

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2 is your... you, you checked off opposition, both of you  
3 provided conditions so to New York Landmarks  
4 Conservancy if the Council does in fact amend from 30  
5 back to 25 would that satisfy your concerns and then  
6 to GVSHHP, in addition to changing it to 25 we've  
7 gotten a commitment for them to come back this summer  
8 for the commercial spaces in the FiDi, Midtown and  
9 Hudson Yards as well as a brand new commitment  
10 announced at this hearing to conduct a study of  
11 unenclosed voids a.k.a stilts which would be in the  
12 next year or so. Are those... would those be adequate  
13 if we were able to accomplish those?

14 ANDREA GOLDWYN: Well at City Planning  
15 our testimony... when... at City Planning when 25 feet  
16 was presented as the proposal we actually asked for  
17 it to be lower, we understand that now to stay in  
18 scope it can only be raised... it, it was raised to 30,  
19 it can only go back down to 25 so we think at the  
20 very least it should go to 25 and we... as I said this  
21 has been an issue that a lot of communities, a lot of  
22 advocates, a lot of neighbors have been concerned  
23 about and we are pleased that City Planning is taking  
24 steps. Overall, we don't they're enough, we're not

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2   going to say don't do this but there needs to be a  
3   lot more.

4                   ANDREW BERMAN:   And I would say from our  
5   perspective, I mean first of all politics is the art  
6   of the possible and I know who you're dealing with  
7   here with this administration, if they really cared  
8   about this issue we wouldn't even have to be here  
9   because they could just enforce the regulations in a  
10   rational way and you wouldn't be able to have a room  
11   that's 200 feet tall with little or no mechanical  
12   equipment in it and have it count as zoning exempt.  
13   So, I understand the desire to get something done  
14   that will make some improvements given who you have  
15   to work with. With that said I think that just coming  
16   back and extending the geographic scope certainly  
17   doesn't fully address the problem though that may be  
18   the best you're going to get out of this  
19   administration. I also think that unenclosed spaces  
20   are important, what concerns me about this approach  
21   is that you're writing into the law that it's  
22   explicitly allowable that you can have empty spaces  
23   with no real criteria for what function they serve  
24   and as long as you just label them as mechanical  
25   space they're zoning exempt and that shouldn't be the

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2 case, there should be a much more... there should be a  
3 different approach that doesn't allow you regardless  
4 of whether its 30 feet, 100 feet or 12 feet if it's  
5 not necessary it shouldn't count.

6 COUNCIL MEMBER KALLOS: Agreed... [cross-  
7 talk]

8 ANDREA GOLDWYN: Yeah, I, I... [cross-talk]

9 COUNCIL MEMBER KALLOS: ...thank you...  
10 [cross-talk]

11 ANDREA GOLDWYN: ...just like to add to  
12 that, it's been our understanding that this has  
13 primarily been an issue in Manhattan, we are  
14 concerned that once this is codified it if it sort of  
15 does set a blueprint for buildings outside the areas  
16 we've been talking about and for the entire city to  
17 say everyone should have at least a 25 foot void.

18 COUNCIL MEMBER KALLOS: Just as a point  
19 of clarification this is only available in R9 and R10  
20 tower districts and the vast majority I think, 80 to  
21 90 percent have height protections. Thank you.

22 CHAIRPERSON MOYA: Thank you, thank you  
23 for your testimony today. Are there any other members  
24 of the public who wish to testify? Seeing none I now  
25 close the public hearing on this application, and it

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2   will be laid over. This concludes today's meeting and

3   I would like to thank the members of the public, my

4   colleagues and of course the very hard-working land

5   use staff who have done a tremendous job. I want to

6   thank Raju, Julie, Amy and of course Arthur and all

7   the land use staff that make this committee move

8   smoothly. Thank you again and this meeting is hereby

9   adjourned.

10                   [gavel]

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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

May 12, 2019