

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

----- X

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

4

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,
21 Manhattan

22 EJ Kalafarski
23 Member of Community Board Five, Manhattan

24 Chris Giordano
25 Representing the 64th thru 67th Streets Block
Association

Rachel Mazur
Menapace Fellow at the Municipal Arts Society

Gary Pomerantz
Executive Director at WSP Engineering

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

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

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

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

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

15 FAYANNE BETAN: Fayanne Betan, I do.

16 COMMITTEE CLERK: Thank you.

17 RICHARD LOBEL: Chair thank you for
18 having us here. Majority Leader thank you for your
19 kind comments, this has indeed been the culmination
20 of many efforts; side bar conversations and phone
21 calls and we're happy to, to be here as well. Once
22 again Richard Lobel of Sheldon Lobel PC and I'm with
23 Fayanne Betan of my office and we're here for the
24 1050 Pacific Street rezoning. So, the rezoning area
25 as you can see circled is currently in an M1-1

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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...

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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?
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

RICHARD LOBEL: 103 units of two-bedroom apartments.

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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, Fyianne Betan and Domenic Recchia,
24 good to see you former Council Member Domenic Recchia
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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?

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 14th,
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 47th
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 48th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 DWORZEN: 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.
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

4 DAVID CLUNIE: Good morning Chairman
5 Moya, Majority Leader Cumbo, members and staff of the
6 Subcommittee on Zoning and Franchises. I'm David
7 Clunie, Head of State and Local Government Relations
8 at JP Morgan Chase and Company, I'm joined today by
9 Devin Mayer, Project Manager for JP Morgan Chase;
10 David Karnovsky, our Council from Fried Frank; Jeremy
11 Dworken from the architect for this project, Foster
12 Partners and Vishaan Chakrabarti, our Design
13 Consultant from PAU. My colleagues and I are pleased
14 to appear before you today to discuss the proposed
15 text amendment that would facilitate the, the
16 building of a world class headquarters for JP Morgan
17 Chase at 270 Park Avenue. JP Morgan Chase is one of
18 New York City's largest private sector employers with
19 a best in class workforce of more than 20,000 workers
20 in the city, five million consumer customers and
21 500,000 business customers that we serve in more than
22 350 branches across this great city. We are proud of..
23 we're proud to be a part of the fabric of New York
24 City our home for more than 200 years. New York City
25 is special to us, it's not only the financial capital

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 building will provide a 21st 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 47th and 48th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 which allowed us to create a 10,000 square foot open
3 air public space along Madison Avenue and a portion
4 of 47th 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 47th 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 47th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 47th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 21st
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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]

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 48th Street
16 entrance. In addition to that we have the existing
17 entrance on 47th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 8th
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...

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 21st 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 21st century headquarters

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

2 48th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 21st 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 14th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 62nd 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 64th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 66th Street and then
8 249 East 62nd 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 66th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

4 CHAIRPERSON MOYA: It was 249 East 62nd
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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 62nd 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 62nd 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 20th,
25 Community Board eight overwhelmingly approved a

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 16th floor at 250 Broadway so if anyone is here
10 for that committee please head over to the 16th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 56th and West
20 58th between 5th and 6th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 62nd 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 67th
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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 57th Street yet the
23 current amendment does not include 57th Street, it is
24 of enormous importance that this current proposal
25 addresses the issue where the issue is actually

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 66th 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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;

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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 GVSHP, 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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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]

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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