

2 CITY COUNCIL
3 CITY OF NEW YORK

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5 TRANSCRIPT OF THE MINUTES

6 Of the

7 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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11 HELD AT: Council Chambers - City Hall

12 B E F O R E: KAREN KOSLOWITZ
13 Chairperson

14 COUNCIL MEMBERS:

- 15 ADRIENNE E. ADAMS
- 16 ADRIENNE E. ADAMS
- 17 ROBERT E. CORNEGY, JR.
- 18 RAFAEL L. ESPINAL, JR.
- 19 VANESSA L. GIBSON
- 20 COREY D. JOHNSON
- 21 RORY I. LANCOUNCIL MEMBERAN
- 22 STEVEN I. MATTEO
- 23 RITCHIE J. TORRES
- 24 MARK TREYGER
- 25

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COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

David Burney
Nominee for City Planning Commission

2 [gavel]

3 CHAIRPERSON KOSLOWITZ: Election... my name
4 is Karen Koslowitz and I am Chair of this Committee.
5 Before we begin this hearing, I would like to
6 introduce the Council Members of this Committee who
7 have joined us today. We have Minority Leader Steven
8 Matteo, Vanessa Gibson from the Bronx, Adrienne Adams
9 from Queens, Margaret Chin from Manhattan, Robert
10 Cornegy the tallest... the tallest elected official in
11 the world from Brooklyn, Council... yeah... okay.
12 Council, Council Member Ritchie Torres and Council
13 Member Mark Treyger and we will be joined by others
14 shortly. I would also like to acknowledge who is
15 Committee Counsel, Elizabeth Guzman and the staff
16 members of the Council's Investigation, Investigative
17 Unit Chuck Davis, Chief Compliance Officer and Andre
18 Johnson Brown Investigator. Today the Rules Committee
19 will consider the nomination of Mr. David Burney to
20 the New York City Planning Commission. Pursuant to
21 the New York City Charter the Planning Commission
22 must consist of 13 members, the Mayor appoints seven
23 members including appointments of Commission Chair,
24 the Public Advocate appoints one and each of the five
25 Borough Presidents appoints one. With the exception

2 of the Commission Chair appointments to the Planning
3 Commission are subject to the advice and consent of
4 the Council. Planning Commission members serve for
5 staggered five-year terms and may serve as... an
6 unlimited number of terms. The Chair receives an
7 annual salary of 214,413 dollars, the Vice Chair a
8 salary of 65,121 dollars and members a salary of
9 54,150 dollars. Planning Commission members have
10 several responsibilities including the city planning
11 for future development, assisting the Mayor in
12 developing capital programs, overseeing environmental
13 reviews, preparing zoning and planning reports.
14 Should candidate Burney be appointed to the Planning
15 Commission he will fill a vacancy and serve the
16 remainder of the five-term expiring June 30th, 2019.
17 I would like Mr. Burney sworn in at this time.

18 COMMITTEE CLERK: Good morning. Do you
19 swear or affirm to tell the truth, the whole truth in
20 this testimony you are about to give?

21 DAVID BURNEY: I do.

22 COMMITTEE CLERK: Thank you.

23 CHAIRPERSON KOSLOWITZ: Okay.

24 DAVID BURNEY: Thank you, I have an
25 opening statement I'd like to make if I may. Good

2 morning Chairman Koslowitz and members of the Rules,
3 Privileges and Elections Committee. My name is David
4 Burney. I'd like to thank Mayor De Blasio for
5 nominating me to this position and Speaker Johnson
6 for the opportunity to appear before the Committee as
7 a nominee to the New York City Planning Commission.
8 I'd like to begin by describing my background, I'm a
9 registered architect, I've worked in private practice
10 and in public service. Since 1990, I've worked in the
11 city in various capacities under four very different
12 Mayors. I was the Chief Architect for the New York
13 City Housing Authority then NYCHA for 14 years and
14 then I served as the Commissioner of the New York
15 City Department of Design and Construction for a
16 decade ending in 2014. My philosophy has always been
17 that good architecture and design should be available
18 to everyone not just the wealthy and despite the
19 financial constraints that NYCHA labored under we
20 were able to deliver a number of well designed
21 community and senior centers for residents like that
22 one, the Melrose Vandyck and Stapleton Houses as well
23 as a modest amount of good housing on vacant HPD
24 owned sites such as Lower East Side three and Stanton
25 Street in Manhattan. During my tenure at the DDC I

2 continue the same philosophy that public work should
3 be well designed and that in fact given the
4 importance to the city streets and public buildings
5 design excellence in public work is actually
6 essential. Through my work at NYCHA and DDC, I've
7 come to understand the intricacies of the City
8 Planning processes and deepen my interest in urban
9 development issues in the city. Currently I'm a
10 professor in the Graduate Center for Planning in the
11 environment at Pratt Institute in Brooklyn where I
12 founded a master's program that focuses on the design
13 and management of successful public space. Our
14 programs at the Graduate Center focus on community-
15 based planning and aim to provide graduates with the
16 technical expertise to navigate complex planning
17 issues and processes. In fact, a number of graduate's
18 work in, in, in the city administration including the
19 Council's Land Use Division. My program concentrates
20 specifically on public space covering the design and
21 community engagement processes that lead to
22 successful public spaces including streets, plazas
23 and parks. So, the mission of the City Planning
24 Commission is to make comprehensive strategic and
25 thoughtful land use decisions that will improve all

1 of the city's communities. However, many new
2 development proposals including many as of right
3 projects fail to thoroughly address basic urban
4 design questions such as how buildings interact with
5 and support street life or how the design of the
6 buildings can compliment rather than overwhelm
7 existing neighborhoods. And to further compound this,
8 environmental impacts are complex technical documents
9 that require careful consideration if mitigation can
10 be effectively addressed. So, should I be approved, I
11 would commit to using environmental impacts as a
12 guide to thoughtful mitigation planning that
13 addresses critical urban design questions. My
14 background as an architect, public servant and a
15 professor of planning I hope to give me the unique
16 experience and expertise to contribute to the work of
17 the City Planning Commission from a design
18 perspective particularly with respect to the impact
19 of new development on our communities. I thank you
20 for the opportunity to discuss my nomination to the
21 CPC and if provided advice and consent I look forward
22 to working with the City Council and I'd be happy
23 any... answer any questions that you may have.
24
25

2 CHAIRPERSON KOSLOWITZ: Thank you. I have
3 a few questions I'd like to ask. Previous
4 neighborhood rezonings have been conducted in areas
5 that are predominately communities of color such as
6 East New York and East Harlem, do you believe that
7 city led neighborhood rezoning initiatives have
8 targeted minority communities?

9 DAVID BURNEY: I, I wouldn't use the word
10 targeted, I, I think that zoning is a tool in the
11 planning process and I think that we have found in
12 many of the rezonings, for example, in East New York
13 and Jerome where communities and elected officials
14 have worked with the administration in a more
15 holistic way to look at those rezonings but the
16 outcomes have been beneficial to those communities.

17 CHAIRPERSON KOSLOWITZ: That they're
18 being beneficial?

19 DAVID BURNEY: I believe so and they
20 certainly can be, but I think it does require an
21 effort both on the part of the community, the elected
22 leadership and the administration to, to make sure
23 that the process is, is beneficial.

24 CHAIRPERSON KOSLOWITZ: Have you read the
25 Council Report on planning for school capacity and

2 what do you think of the recommendations we laid out
3 to make sure we're building enough schools to meet
4 our future needs?

5 DAVID BURNEY: My apologies, I have not
6 read that report. I do know that the Department of
7 Education plan is... tries to plan ahead but I'm not
8 familiar with the contents of that report, I'm sorry.

9 CHAIRPERSON KOSLOWITZ: Okay, because I
10 know personally in my neighborhood, they're building
11 so much building going on that you worry about the
12 infrastructure of the community and certainly there
13 are not enough schools for the children to go to with
14 all this building going on in my community.

15 DAVID BURNEY: Right, right.

16 CHAIRPERSON KOSLOWITZ: So, you know I'm,
17 I'm a little frustrated in how this is being handled.

18 DAVID BURNEY: Uh-huh, yeah.

19 CHAIRPERSON KOSLOWITZ: And what are your
20 thoughts on public, private partnerships for land use
21 planning and development here in New York City, do
22 you see opportunities for growing these types of
23 relationships in the future?

24 DAVID BURNEY: I think public, private
25 partnerships have a part to plan, I don't know if you

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2 have any specific ones in mind but I think on a case
3 by case basis they can be... they can be useful where
4 city dollars can leverage more money from the private
5 sector I think it can be beneficial.

6 CHAIRPERSON KOSLOWITZ: Okay. I want to
7 call on Councilman Torres.

8 COUNCIL MEMBER TORRES: Thank you Madam
9 Chairwoman. Mr. Burney it just struck me that you
10 were formerly the Chief Architect for the New York
11 City Housing Authority and, and as you know well
12 public housing has a... towers in the park design which
13 disconnects the residents from street life, there's a
14 lack of retail and, and it seems to me the city has
15 no real strategy for fostering a mixture of uses and
16 ground floor retail in public housing... [cross-talk]

17 DAVID BURNEY: Uh-huh... [cross-talk]

18 COUNCIL MEMBER TORRES: ...so, I guess what
19 are your thoughts on what the city can do... [cross-
20 talk]

21 DAVID BURNEY: Yeah... [cross-talk]

22 COUNCIL MEMBER TORRES: ...to improve the
23 diversity of uses in, in public housing?

24 DAVID BURNEY: Yeah... [cross-talk]

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2 COUNCIL MEMBER TORRES: And that's my
3 only question so...

4 DAVID BURNEY: Yeah, it's... that's an
5 excellent question and, and this is a longer
6 conversation that I could... [cross-talk]

7 COUNCIL MEMBER TORRES: Yeah... [cross-
8 talk]

9 DAVID BURNEY: ...talk about for a while
10 and in fact when the Housing Authority first started
11 in, in the 30s if you look at Williamsburg Houses,
12 Harlem River Houses there's not any residential, it
13 was retail at street level... [cross-talk]

14 COUNCIL MEMBER TORRES: Yep, that's
15 right.

16 DAVID BURNEY: ...there were day care
17 centers, there were health centers, there's even a
18 branch of library at Harlem River Houses but when the
19 federal government got into the process and, and HUD
20 took over they would not allow the construction of
21 those things, a very short-sighted policy. So, you
22 were building large developments with thousands of
23 units, with no retail and none of the support
24 facilities and I think now the challenge has been,
25 you know where does the money come from to actually

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2 provide them and I think... there were studies done... in
3 fact when I was at NYCHA we did a study at Baruch
4 Houses to actually reinstate some of the retail
5 along... there's a Columbia by the time you get... you
6 know if you look at Peter Cooper, Stuyvesant's
7 there's retail on the streets and then you get down
8 to the public housing and it disappears... [cross-talk]

9 COUNCIL MEMBER TORRES: Yeah... [cross-
10 talk]

11 DAVID BURNEY: ...and it's because of that
12 policy so we were actually looking at ways to bring
13 in again public, private partnerships to try to
14 develop retail on that stretch, it, it didn't come to
15 pass, that was in the Giuliani administration,
16 didn't, didn't come to pass but you know I think
17 from, from a planning perspective I think it's a, a
18 good thing that could be done. The issue is probably
19 how to finance it.

20 COUNCIL MEMBER TORRES: Yeah, I just hope
21 that within the constraints of your position if you
22 could make this a priority for City Planning because
23 everyone recognizes the need for diversifying uses in
24 public housing.

25 DAVID BURNEY: Yes... [cross-talk]

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2 COUNCIL MEMBER TORRES: ...but it's been
3 languishing.

4 DAVID BURNEY: Yes, agreed.

5 COUNCIL MEMBER TORRES: So, thank you.

6 CHAIRPERSON KOSLOWITZ: Okay, Council
7 Member Cornegy.

8 COUNCIL MEMBER CORNEGY: Good morning Mr.
9 Burney, how are you? Thank you so much... thank you so
10 much for your many years of service in various
11 capacities. I have concern with retail as well, much
12 of the administration's focus if not all has been on
13 affordable housing and not much... I think as a matter
14 of, of City Planning there should have been in tandem
15 opportunities for affordable commercial as well as
16 affordable retail. There, there are places in the
17 city in Brooklyn in particular where an emphasis has
18 been paid to affordable housing and then there's no
19 services to match and then the quality of life is
20 decreased for individuals even in, in places. So,
21 what we've done in my district is we've used the
22 ULURP process very strategically in an effort to also
23 get commercial, you know affordable commercial. I
24 want to know if you see that as a viable strategy or
25 even as a priority for the administration going

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2 forward to, to make sure that there are opportunities
3 for affordable commercial where there is affordable
4 residential to improve the quality of lives of New
5 York citizens?

6 DAVID BURNEY: Yeah, no, no I agree
7 entirely and as I said earlier I think, you know
8 zoning is a tool and a process and I think we, we do
9 need to think holistically about neighborhoods, it's
10 not just about providing additional housing, it is
11 about supporting the infrastructure, support
12 services, you know this discretionary about schools,
13 I mean all of these things have to be included in the
14 planning for the neighborhoods so I agree that that's
15 part of the process.

16 COUNCIL MEMBER CORNEGY: So, so I'm not a
17 city planner but because I formerly was the Chair of
18 Small Business and am currently the Chair of Housing
19 and Buildings I have that intersection for me and
20 have really a desire for city planning to be what it
21 was, like I've been around long enough to know the
22 viability of actual city planning when it was at its
23 hay day... [cross-talk]

24 DAVID BURNEY: Uh-huh... [cross-talk]
25

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2 COUNCIL MEMBER CORNEGY: ...and a revisit
3 of that based on your resume was what I got excited
4 about so I'm hoping that we can... [cross-talk]

5 DAVID BURNEY: Yeah... [cross-talk]

6 COUNCIL MEMBER CORNEGY: ...begin to have
7 more dialogue about the intersection between
8 affordable, commercial and affordable retail to make
9 the city in general more viable.

10 DAVID BURNEY: I'd be very happy to have
11 that discussion, yes.

12 COUNCIL MEMBER CORNEGY: Thank you.

13 CHAIRPERSON KOSLOWITZ: Council Member
14 Adams.

15 COUNCIL MEMBER ADAMS: Thank you Madame
16 Chair. Good morning Mr. Burney, thank you so much for
17 appearing before this committee this morning. I
18 represent portions of Southeast Queens and am a
19 former Co-Chair of the Jamaica Now leadership
20 Council. The area... the downtown Jamaica Corps is
21 undergoing substantial development right now;
22 reassessment, refurbing you name it, beautification
23 all of that. I was looking at the answers to your
24 questions, your pre-hearing questions and I'd just
25 like for you to expound for the Committee more of

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2 your thoughts on the most troubling areas of concern
3 for the CPC?

4 DAVID BURNEY: Expanding on my... which
5 question were you referring to?

6 COUNCIL MEMBER ADAMS: That would be
7 question number three.

8 DAVID BURNEY: Question number three..

9 COUNCIL MEMBER ADAMS: ...in your pre-
10 hearing questions.

11 DAVID BURNEY: Yes, yes. Okay..

12 COUNCIL MEMBER ADAMS: Where you spoke
13 about density.

14 DAVID BURNEY: Yes, on density... [cross-
15 talk]

16 COUNCIL MEMBER ADAMS: ...and development.

17 DAVID BURNEY: Yes, well you know as I
18 mentioned earlier I, I, I do think that the zoning
19 and the zoning process, zoning is a tool in the
20 process and I do think that it behooves us to look at
21 nichoids holistically to engage communities, to
22 engage elected officials as part of that process so
23 that we understand the implications of what we're
24 doing, that we address unforeseen consequences and
25 that we're... and we participate fully in that process

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2 and I think that's one of the challenges of the CPC,
3 yes.

4 COUNCIL MEMBER ADAMS: In your estimation
5 do you feel that the community or communities
6 surrounding growth and areas of growth are given
7 enough participation leeway in decision making and
8 planning?

9 DAVID BURNEY: I, I, I think it's
10 important that they do, I think that it's, it's hard
11 to say how much is enough and how much is too much.
12 There's obviously a challenge between and for the
13 matter of time and wanting to move on with, with,
14 with the process. I think we have to do a better job
15 at inclusion not just... not just in, informing but
16 including and I think there's a responsibility there
17 for communities and elected officials to, to make
18 that process more effective.

19 COUNCIL MEMBER ADAMS: I would agree with
20 you, I'm the former Chairperson of Community Board 12
21 Queens and would love to... would love to see more of a
22 balance between planning, other aspects of management
23 and the community involvement so, thank you very
24 much.

25 DAVID BURNEY: Great.

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2 CHAIRPERSON KOSLOWITZ: Council Member
3 Treyger.

4 COUNCIL MEMBER TREYGER: Thank you Chair
5 and congratulations Mr. Burney. Just a quick question
6 with regards to community boards, I'm curious to hear
7 your thoughts on how do we help community boards
8 build further capacity in the planning process? Many
9 boards rightfully so complain that they are just
10 simply in receipt of applications, most... mainly
11 private applicants who visit city planning and look
12 to make either, either obtain variances or start a
13 zoning change and they are simply just reactionary
14 bodies or... rather than being pro-active bodies. So,
15 what are your thoughts on how do we build capacity,
16 your thoughts on providing planning experts embedded
17 into boards that serve the community's interest and
18 not the interest simply of a private applicant
19 because many times what we see there's a pattern
20 where applicants hire the same zoning lawyers over
21 and over and over again that really know at times how
22 to gain the system rather than how to really educate
23 and empower people on making important community
24 decisions so I'm just really curious to kind of hear
25 your thoughts on that and having planning experts

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2 actually... funding experts to serve on the board as
3 well?

4 DAVID BURNEY: Uh-huh, yeah. No, good,
5 good question and good point and I think... I mean
6 originally community boards were called community
7 planning boards and one of their functions was to
8 asses. In fact, they... they're still responsible for
9 doing a needs assessment for their community and I
10 think you're right, they often lack the technical
11 expertise to fulfill that role. The, there has been
12 recent increased funding to allow boards to employ
13 that skill and I know some Pratt graduates actually
14 are now working in, in community boards and then at
15 the other end of the process you, you'll remember
16 when the 197-A plans were being generated, when the
17 community boards were delivering was the city
18 actually listening so we, we have to have a
19 communication system that, that really works so
20 technical expertise for the community boards and the
21 mechanism whereby what they produce is actually
22 incorporated into the process I think is the answer.

23 COUNCIL MEMBER CORNEGY: I, I would just
24 flag for you, I don't have the data in front of me
25 but I'd be interested in knowing how many zoning

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2 recommendations or changes were really born out of a
3 community board without the city or a private
4 applicant coming to them looking for changes... [cross-
5 talk]

6 DAVID BURNEY: Uh-huh... [cross-talk]

7 COUNCIL MEMBER CORNEGY: I don't know of
8 many, certainly not in my neck of the woods and
9 whenever the question comes up we're... they're always
10 discouraged or it takes years and years and years, a
11 lot of money to raise and that really tilts the
12 system in favor of people of people with, with money
13 and connections and so I, I think we have an
14 obligation to help build capacity at the local level,
15 I think there should be planning experts embedded in
16 boards not at... not at their expense but at the city's
17 expense... [cross-talk]

18 DAVID BURNEY: Uh-huh... [cross-talk]

19 COUNCIL MEMBER CORNEGY: ...to help build
20 capacity but I... again I, I appreciate your service to
21 the city and congratulate you on your nomination.

22 DAVID BURNEY: Thank you.

23 COUNCIL MEMBER CORNEGY: Thank you Chair.

24 CHAIRPERSON KOSLOWITZ: Thank you. I'm
25 going to interrupt questions to take a vote on Mr.

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2 Burney because some of the Council Members have to
3 leave. We've also been joined by Council Member
4 Rafael Espinal. Okay, let's call the roll for a vote.

5 COMMITTEE CLERK: William Martin,
6 Committee Clerk, roll call vote Committee on Rules,
7 Council Member Cornegy?

8 COUNCIL MEMBER CORNEGY: [off mic] I vote
9 aye.

10 COMMITTEE CLERK: Torres?

11 COUNCIL MEMBER TORRES: I vote aye.

12 CHAIRPERSON KOSLOWITZ: Okay, thank you.
13 [off mic dialogue]

14 CHAIRPERSON KOSLOWITZ: Council Member
15 Chin.

16 COUNCIL MEMBER ESPINAL: Okay, can I...
17 [cross-talk]

18 CHAIRPERSON KOSLOWITZ: Oh... [cross-talk]

19 COUNCIL MEMBER ESPINAL: Yes.

20 CHAIRPERSON KOSLOWITZ: Council Member
21 Espinal wants to vote.

22 COUNCIL MEMBER ESPINAL: I vote aye.

23 CHAIRPERSON KOSLOWITZ: Council Member
24 Chin.

25

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2 COUNCIL MEMBER CHIN: Okay, I want to ask
3 my question first.

4 CHAIRPERSON KOSLOWITZ: Oh, can I
5 interrupt you one more minute?

6 COUNCIL MEMBER CHIN: Oh, okay...

7 CHAIRPERSON KOSLOWITZ: Second actually.

8 COMMITTEE CLERK: Council Member Matteo?

9 COUNCIL MEMBER MATTEO: Yes.

10 CHAIRPERSON KOSLOWITZ: Okay, continue, I
11 promise not to interrupt.

12 COUNCIL MEMBER CHIN: Thank you, thank
13 you Mr. Burney. You know I represent Lower Manhattan,
14 district one... [cross-talk]

15 DAVID BURNEY: I know.

16 COUNCIL MEMBER CHIN: And I'm sure you
17 know that, and we have a lawsuit, the Council because
18 we disagree with Department of City Planning... [cross-
19 talk]

20 DAVID BURNEY: Yeah... [cross-talk]

21 COUNCIL MEMBER CHIN: ...on the two bridges
22 area with the development that was going in there
23 that the Department classified as a minor
24 modification... [cross-talk]

25

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2 DAVID BURNEY: ...so that the development
3 doesn't have to go through ULURP and right now it's
4 in court but my question is relating to what my
5 colleagues have asked in terms of really assisting
6 communities and community boards in neighborhood
7 planning, community planning because there were
8 efforts in that area but it was not supported by City
9 Planning and there was like years and years of
10 meetings and we might have prevented what happened
11 with these major developments coming in and the
12 attraction to the administration is that oh, they're
13 gong to be offering so many affordable units and in
14 reality it's going to destroy that area because it's
15 going to more than double the population and I know
16 one of the questions that you answered talked about
17 possibility of displacement, I mean there's all these
18 issues that it's going to happen in this
19 neighborhood and it's going to change overnight and
20 they're not really bringing in any kind of amenity
21 that really helps the neighborhood. So, my question
22 to you is that how do you see in terms of city
23 planning really taking a more active role to assist
24 community and community boards to sort of like really
25 do some planning going into the future that will

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2 benefit the neighborhood, that will improve the
3 neighborhood and I would love to, to hear your
4 response to that?

5 DAVID BURNEY: Yeah, yeah. Well as, as I
6 mentioned earlier I support Council Member Treyger's
7 suggestion about better technical expertise at the
8 community board level and I think it's really
9 necessary, I think the, the 197-A process when it was
10 active was, was useful and, and I absolutely agree
11 with you that community involvement, effective
12 community involvement with technical support is...
13 would definitely be beneficial and hopefully we can
14 move in that direction.

15 COUNCIL MEMBER JOHNSON: Good to see you,
16 good morning. I just want to follow up on, on Council
17 Member Chin's question related to two bridges. There
18 is a level of frustration from the Council that the
19 City Planning Commission doesn't always work with us
20 on not, not on all things, on most things they work
21 with us but when there is a disagreement, when there
22 is what we believe to be a rational case for there to
23 be a difference of opinion it doesn't always seem
24 like that the Commission is willing to entertain what
25 we think are rational reasonable issues that are

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2 flagged now, mind you, you know this because of your
3 background and expertise 99 percent of ULURP
4 applications that are certified go through, they're
5 approved, they're negotiated, they go to the
6 Community Board and the Borough President and the
7 Commission and then they come to Council and the
8 final product is typically one that everyone can live
9 with whether it's an individual... an individual
10 rezoning or a neighborhood wide rezoning and I just
11 want to understand given that your nomination is by
12 the Mayor how you would define independence, do you
13 see it as your role because it's very rare that any
14 Mayoral appointee ever votes no on anything...

15 DAVID BURNEY: Right, right...

16 COUNCIL MEMBER JOHNSON: Ever... [cross-
17 talk]

18 DAVID BURNEY: Uh-huh... [cross-talk]

19 COUNCIL MEMBER JOHNSON: Sometimes the
20 Borough President's appointments do it, sometimes the
21 Public Advocate's appointee does it, the Mayoral
22 appointments they don't... they don't vote no and I
23 don't know if that's because there is a pressure
24 given that your appointed by the Mayor and it's
25 something his administration supports so I want to

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2 understand how you would see your role as a
3 Commissioner and working with Council Member when
4 there are not knee jerk but substantive, serious
5 issues of consideration not come up and how you would
6 define your independence just because you're
7 appointed by the Mayor what does that mean?

8 DAVID BURNEY: Uh-huh. Thank you, thank
9 you Council Member. Well I would say two things,
10 first of all my door if I'm approved would always be
11 open to you and to other Council Members to discuss
12 those issues, I, I don't believe that it should ever
13 be closed I think the dialogue is, is essential. In
14 terms of independence, I've served in the city under
15 four different Mayors, my term would outlive the
16 present Mayor, I believe I'm... my nomination was based
17 on my technical and professional expertise and that
18 is what I would exercise and use judgement on the
19 matters and not be influenced by political
20 considerations.

21 COUNCIL MEMBER JOHNSON: So, what if a
22 Commissioner or a member of the Department asked you
23 David, we, we really need you to vote in favor of
24 this but you had some serious reservations about
25 that, what would you do?

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2 DAVID BURNEY: Well I was assured in my
3 nomination process that that would not happen...

4 [cross-talk]

5 COUNCIL MEMBER JOHNSON: Okay, that's
6 good...

7 DAVID BURNEY: Which is good and if it
8 did, I would have to say that my professional
9 judgement has to prevail in every situation.

10 COUNCIL MEMBER JOHNSON: There's been a
11 conversation at the currently empaneled charter
12 revision commission looking at the land use process
13 rent large on one of the... there are many
14 recommendations, one of the recommendations that
15 people have been debating back and forth is whether
16 or not the city should have a comprehensive ten year
17 plan as it relates to land use planning to understand
18 that we're not doing things block by block or
19 neighborhood by neighborhood but we actually have a
20 plan on how we're siting things, what certain
21 neighborhoods are getting but other neighborhoods are
22 not and taking a real fulsome look at the entire land
23 use process around the whole city. What do you think
24 of a comprehensive ten-year plan?

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2 DAVID BURNEY: I'm not actually familiar
3 with the details of that proposal but you know as a
4 planner obviously I think planning is beneficial and
5 I'd be really interested to learn more about it, it
6 sounds like a reasonable idea.

7 COUNCIL MEMBER JOHNSON: And when we talk
8 about rezoning we typically are focusing on as we
9 should because we have a housing crisis in New York
10 City, we typically focus on affordable housing but
11 what are... what are some of the other things that when
12 we're both doing neighborhood wide rezonings and
13 individual rezonings on a single lot, what are the
14 other key things that you think we should be looking
15 at in that process not just affordable housing but
16 affordable housing and, and what?

17 DAVID BURNEY: I think we need to take a
18 holistic approach to neighborhood planning, you know
19 the affordable housing is obviously an essential
20 component but that often brings with it density and
21 increased pressure on infrastructure, we need support
22 services that, that compliment the neighborhood, we
23 need to be concerned about issues of displacement
24 which can often happen. So, I think, you know the
25 zoning is a tool to improve a neighborhood, but I

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2 think we need to look at those changes in a more
3 holistic way.

4 COUNCIL MEMBER JOHNSON: And what, what
5 are some of the other things that we look at, would
6 it be open space, would it be school seats, would it
7 be... [cross-talk]

8 DAVID BURNEY: Transit... [cross-talk]

9 COUNCIL MEMBER JOHNSON: ...transit
10 improvements, what... [cross-talk]

11 DAVID BURNEY: Exactly... [cross-talk]

12 COUNCIL MEMBER JOHNSON: ...else?

13 DAVID BURNEY: Transit, schools, open
14 space, health centers, libraries, all of the above.
15 If you... if you think about a community all of the
16 components that make that community healthy and
17 successful.

18 COUNCIL MEMBER JOHNSON: And those are
19 things that we should look at for every project?

20 DAVID BURNEY: Absolutely.

21 COUNCIL MEMBER JOHNSON: And are you
22 familiar with value capture?

23 DAVID BURNEY: Yes, some... slightly, I'm
24 not an expert on that topic.

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2 COUNCIL MEMBER JOHNSON: So, one instance
3 recently where there was a, an opportunity to do
4 significant value capture was the Vanderbilt rezoning
5 next to Grand Central Station where the developer, SL
6 Green was required to put in hundreds of millions of
7 dollars into transit improvements, platform widening,
8 elevators, escalators, egress and entrance into Grand
9 Central to have the circulation be better for strap
10 hangers that use that station every single day. What
11 are your thoughts generally on value capture?

12 DAVID BURNEY: Actually I was part of the
13 facilitation team that went through the East Midtown
14 rezoning so I'm somewhat familiar with that, that
15 policy and I think part of the approach there was if
16 there's going to be an increase in density how do you
17 mitigate some of the impacts particularly the
18 additional people in transit, pressures on public
19 space and part of that rezoning was actually to
20 capture some of that value. The, the transfer of
21 development rights, there's a fee being paid to the
22 city to pay for public space and transit
23 improvements, those developments that are astride
24 transit, subway entrances and so on are obliged to

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2 contribute to those improvements so I think that was
3 a, a viable plan.

4 COUNCIL MEMBER JOHNSON: Should we look
5 to do that in other places?

6 DAVID BURNEY: I, I believe so, yes, yes.

7 COUNCIL MEMBER JOHNSON: I mean I think
8 there's been some legitimate concern from the Mayor
9 which I am sympathetic to that if you don't craft,
10 craft value capture in the appropriate way you could
11 have a lot of potential city revenue be diverted in a
12 way that the city doesn't have control over and that
13 could create budget issues for the city so my own
14 personal feeling is we have to craft value capture in
15 a way that doesn't harm the city's budget and bottom
16 line but still gets transit improvement, upgrades in
17 necessary areas...

18 DAVID BURNEY: Right, right, well I, I
19 would agree with that, I think there's, there's money
20 there and it can be equitably distributed between
21 public benefit and, and private, yeah.

22 COUNCIL MEMBER JOHNSON: One of the
23 things that I called on a few weeks ago in, in my
24 state of the city address was we have hundreds of
25

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2 inaccessible subway stations across the entire
3 system... [cross-talk]

4 DAVID BURNEY: Uh-huh... [cross-talk]

5 COUNCIL MEMBER JOHNSON: ...which is just
6 blatantly unfair for people with mobility issues,
7 people who are in wheelchairs and we deserve a, a
8 subway system that's accessible to everyone but we
9 don't have the money right now to do that and so one
10 of the things that we floated that I floated was
11 looking at developments that happen near you could
12 create a distance near an inaccessible subway station
13 and as they're going through a rezoning process you
14 could actually make part of the, the benefit, the
15 give back to the community putting in an elevator,
16 putting in an escalator, putting in something that
17 works for people with mobility impairments, is that
18 something you'd be open to discussing?

19 DAVID BURNEY: Absolutely, in fact in, in
20 a previous life I was the project architect for
21 Zechendorf Towers on 14th Street and that development
22 paid for elevators in the 14th Street subway adjacent
23 so, yes, it's... it can be done.

24 COUNCIL MEMBER JOHNSON: Okay, and
25 lastly, I see from your very accomplished bio and

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2 your service to the city over many years that you're
3 interested in good architecture and good design,
4 that's right?

5 DAVID BURNEY: Indeed.

6 COUNCIL MEMBER JOHNSON: Why do we have
7 so many ugly buildings in New York City and what are
8 you going to do to fix that?

9 DAVID BURNEY: They, they should all be..
10 [cross-talk]

11 COUNCIL MEMBER JOHNSON: Immediately.

12 DAVID BURNEY: ...subject to... they should
13 all be subject to the ULURP process so then we'll
14 make them better, then we're as of right.

15 COUNCIL MEMBER JOHNSON: I'm... as a
16 Commissioner I hope that during the process you will
17 actually seek to make them better because there are
18 so many ugly buildings that get approved and I hope
19 that someone with an architectural eye and is a... and
20 I mean this in a loving way, is a design geek will
21 actually do things to improve the materials and the
22 look of the buildings and everything about them so
23 that you don't have these horrible buildings that get
24 put up and that 30 years from now or 20 years from

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2 now or two years from now we'll say how the hell was
3 that building approved.

4 DAVID BURNEY: Yeah. I pledge to do my
5 utmost in that regard.

6 COUNCIL MEMBER JOHNSON: Madame Chair I
7 turn it back to you.

8 CHAIRPERSON KOSLOWITZ: Thank you. And
9 with that we're going to continue the vote, we had
10 some members voting before because there's a lot of
11 committee hearings going on with votes and that's why
12 they had to leave. So, can we call the roll?

13 COMMITTEE CLERK: Continuation of roll
14 call, the Committee on Rules and 140, Chair
15 Koslowitz?

16 CHAIRPERSON KOSLOWITZ: I vote aye and
17 welcome.

18 DAVID BURNEY: Thank you.

19 COMMITTEE CLERK: Gibson?

20 COUNCIL MEMBER GIBSON: Congratulations,
21 looking forward to working with you, I vote aye.

22 DAVID BURNEY: Thank you.

23 COMMITTEE CLERK: Chin?

24 COUNCIL MEMBER CHIN: I vote aye.

25 DAVID BURNEY: Thank you.

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2 COMMITTEE CLERK: Treyger?

3 COUNCIL MEMBER TREYGER: Aye.

4 COMMITTEE CLERK: Adams?

5 COUNCIL MEMBER ADAMS: Aye.

6 DAVID BURNEY: Thank you.

7 COMMITTEE CLERK: Speaker Johnson?

8 COUNCIL MEMBER JOHNSON: I want to
9 congratulate you and I look forward to working
10 together on projects that matter to the Council and
11 to the entire city and with that I vote aye and
12 congratulations.

13 COMMITTEE CLERK: By a vote of ten in the
14 affirmative, zero in the negative and no abstentions
15 the item has been adopted by the Committee.

16 CHAIRPERSON KOSLOWITZ: Okay, thank you,
17 thank you very much and with that the meeting is
18 adjourned.

19 [gavel]

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C E R T I F I C A T E

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



Date April 15, 2019