

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PARKS AND RECREATION

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November 12, 2015
Start: 10:12 a.m.
Recess: 12:25 p.m.

HELD AT: 250 Broadway - Committee Rm.
16th Fl.

B E F O R E: MARK LEVINE
Chairperson

COUNCIL MEMBERS: Darlene Mealy
Fernando Cabrera
James G. Van Bramer
Andrew Cohen
Alan N. Maisel
Mark Treyger

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

Carl Weisbrod, Chairman
City Planning Commission

Alyssa Cobb Konon Assistant Commissioner
Planning and Parklands
Department of Parks and Recreation

Kate Slevin, Vice President
Policy and Planning
Municipal Art Society of New York (MAS)

Kate Wood, President
Landmark West

Tupper Thomas, Executive Director
New Yorkers for Parks

Lailah Logisico (sp?), Chair
Central Park Sunshine Task Force
Community Board Five

Olive Ford, President
Committee for Environmentally Sound Development

Eleanor Fine
Central Park Volunteer

Luke Wilson, Architect
Kohn Pedersen Fox

Howard Yourow
Four-Borough Neighborhood Alliances

Ren Richmond, Director
People for Green Space

Leslie Doyle, Co-President
Save Chelsea

Liz Volchek appearing for
Carol Willis, Founder, Director and Curator
Skyscraper Museum, Lower Manhattan.

2 [sound check, pause]

3 CHAIRPERSON LEVINE: Well, we've got the
4 Andy Cohen quorum back. So I'm ready to start. One
5 is good enough for me. Welcome everybody. I'm Mark
6 Levine, Chair of the City Council Committee on Parks
7 and Recreation. Today we're going to be hearing
8 Intro No. 737, a bill that would require the creation
9 of an interagency taskforce to study the effect of
10 shadows cast by tall buildings over city parkland. A
11 new generation of super tall skyscrapers is emerging
12 on Central Park's southern edge. No fewer than seven
13 towers are complete are underway in the 57th Street
14 Corridor. Six of these measure over 1,000 feet in
15 height. One, the so-called Nordstrom tower will top
16 out at a stagger 1,775 feet, just a few inches
17 shorter than 1 World Trade Center. At least five
18 other mega towers are in some stage of planning or
19 financing, and if these are realized, it would bring
20 the total number in the 57th Street vicinity to 12.
21 The effect of all these new structures on Central
22 Park would be dramatic. Models of the showers--
23 models of the shadows they will cast show that vast
24 stretches of the park will be covered in shade during
25 much of the day and through much of the year. These

2 new shadows will be so long that they will reach as
3 far as the Great Lawn and 72nd Street on the east
4 side, affecting the Heckscher Playground, the Central
5 Park Zoo and many of the park's ball fields. Parks
6 need sunlight to thrive, and people need sunlight in
7 parks, particularly in Manhattan where the narrow
8 street grid means many blocks only have direct
9 sunlight for a few hours per day. We go to the park
10 to get a precious dose of sunrays especially when the
11 weather is cold, but in winter air temperatures
12 inside of building shadows can drop by as much as 20
13 degrees, effectively rendering those areas unusable.
14 The forest of super tall structures emerging on the
15 southern edge of Central Park will thus tangibly
16 diminish the value of our green space. And it's not
17 just Central Park, which is at risk. A tower
18 recently built on the southern edge of Madison Square
19 Park cast a shadow over much of the park's six acres.
20 Small parks in places like the lower east side, which
21 are surrounded by lots with significant unused
22 development rights are at an even greater risk. How
23 did it come to this? New York City enacted
24 groundbreaking zoning rules in 1916 and 1961 in no
25 small part as a reaction to the loss of sunlight

2 caused by the rapidly increasing height and bulk of
3 buildings in those areas. But in recent years a
4 combination of transferrable development rights,
5 zoning lot mergers, and new building technologies has
6 enabled super tall structures that would have been
7 inconceivable a half century ago, effectively
8 rendering previous zoning law impotent. The stunning
9 fact is that every one of the super tall towers
10 emerging around Central Park South is being built as
11 of right. This gives the public almost no opportunity
12 for input. With each new tower effectively presented
13 to the public as a fate accompli. And while shadow
14 assessments are required as part of the City's
15 Environmental Quality Review Process for projects
16 that need discretionary approvals or permits from the
17 city agency or for city funding, no such assessments
18 are required for the type of as-of-right development
19 now occurring around 57th Street. Other cities
20 including Boston, Fort Lauderdale and San Francisco
21 have active zoning ordinances--ordinances that afford
22 a measure or protection for green space. One common
23 technique is to apply a shadow budget to development
24 around parks to shape development in ways that
25 minimize shadow impact. It's high time New York City

2 takes more actions. Intro 737 would create a task
3 force to explore how we can do just that. The bill
4 would require the Parks Department to establish a
5 body to study the effect of shadows cast on public
6 parks by construction of nearby buildings, and to
7 issue a report on measures the city can take to
8 mitigate the negative consequences of park shadows.
9 The task force would be chaired by the Parks
10 Commissioner and its members would include the
11 Commissioners of Buildings, Environmental Protection,
12 Housing Preservation and Development and the
13 Chairperson of the City Planning Commission, all the
14 representatives. The Chairperson would also be
15 empowered to assign other members to the task force
16 including advocates and outside experts.

17 I look forward to a robust discussion on
18 this topic with the Administration, advocates and
19 members of the public who have come here today to
20 testify. Thank you. And I would like to now up
21 Commissioner Weisbrod from the City Planning
22 Commission. [pause] Welcome, Commissioner.

23 CHAIRMAN WEISBROD: [off mic] It's a
24 pleasure to be here, Mr. Chairman.

2 CHAIRPERSON LEVINE: Thank you. One
3 formality. I'm going to ask our Committee Counsel to
4 read the affirmation.

5 LEGAL COUNSEL: Chris Sartori, Committee
6 Counsel. Do you affirm to tell the truth, the whole
7 truth, and nothing but the truth in your testimony
8 before this committee?

9 CHAIRMAN WEISBROD: [off mic] I do.

10 LEGAL COUNSEL: Thank you.

11 CHAIRMAN WEISBROD: Is this on?

12 CHAIRPERSON LEVINE: Yeah.

13 CHAIRMAN WEISBROD: Okay. Thank you.

14 Good morning Chairman Levine and members of the
15 committee and Council Member Cohen. I'm here this
16 morning to testify about Intro 737, and I am joined
17 by my colleague from the Department of Parks and
18 Recreation. So I understand that this bill would
19 require the Parks Department to establish a task
20 force, as you indicated, Mr. Chairman, to study the
21 effects of shadows cast on public parks by new or
22 proposed buildings. The proposed task force would
23 issue a report on steps the city can take to mitigate
24 negative consequences. As the city's planning and
25 land use agency, the Department of City Planning's

2 role is to develop land use policies and apply zoning
3 designations that are appropriate for a growing city.
4 Through this process, which is informed by input from
5 the public, from civic organizations, from elected
6 officials, as well as interested and involved
7 agencies through both open hearings and technical
8 environmental review, we have found that in some
9 cases there are significant shadow impacts. However,
10 we believe that there are appropriate safeguards in
11 the existing Uniform Land Use Review Procedure,
12 ULURP, and through the city's--City Environmental
13 Quality Review Process, CEQR, to address identified
14 impacts. The proposal that is the subject of this
15 hearing would allow this new task force to act as in
16 effect a shadow zoning agency without benefit of the
17 robust multi-layered public input that ULURP
18 currently provides. In my view this is unnecessary
19 and would establish a dangerous precedent of
20 splintering and diffusing our environment and land
21 use processes use, which would add increased
22 uncertainty to an already complex process.

23 Most discretionary land use actions
24 considered by the City Planning Commission are
25 subject to CEQR. Pursuant to state and local law,

2 CEQR identifies any potential adverse environmental
3 effects of the proposed action, assesses their
4 significance, and proposes measures to avoid or
5 mitigate significant impacts. Shadows are one of the
6 potential environmental impacts required to be
7 assessed under CEQR. There is also an established
8 methodology for doing that assessment and standards
9 for determining whether impacts from shadows are
10 significant and can feasibly be mitigated. CEQR lead
11 agencies work with interested involved agencies in
12 assessing and mitigating those potential impacts. So
13 the collaboration between the agencies that this bill
14 hopes to achieve is already required and happening.
15 The State Environmental Quality Review, SEQRA,
16 regulations, require that an agency in taking a
17 discretionary action take a hard look at the
18 environmental effects of the action by identifying
19 the relevant areas of environmental concern,
20 thoroughly analyzing such areas to determine whether
21 an action has the potential for significant adverse
22 impacts and supporting its determination with a
23 reasoned elaboration. The proposed bill by requiring
24 shadows analyses outside of CEQR would inevitably
25 lead to conflicts with the lead agency's

2 determination and interfere with the CEQR process and
3 accepted methodologies for analyzing potential
4 shadows' impacts. This could result in costly
5 litigation, and unnecessary delays due to the
6 ambiguity that would be created. With respect to
7 shadows on parks, I do want to underscore that the
8 Department of Parks and Recreation is, of course, one
9 of the agencies that the lead agency always consults
10 with on its environmental review.

11 The Department of City Planning has heard
12 from individuals, civic organizations and elected
13 officials particularly about the impact of shadows on
14 Central Park. We know also that this is an issue of
15 some concern throughout the five boroughs. With
16 respect to Central Park, I note that Midtown
17 Manhattan has always been appropriately a high
18 density, high bulk area due to its concentration of
19 mass transit and its role as the city's premier
20 business district. The new high-rise buildings south
21 of Central Park were built pursuant to existing build
22 and density regulations. No new floor area
23 allowances either through rezoning or bonus were
24 created for these super tall developments. In view
25 of the important role Midtown Manhattan plays in the

2 city's economy, the City has no immediate plans to
3 reduce the current as-of-right density or bulk
4 requirements. The super tall buildings occur due to
5 a redistribution of available development bulk from
6 neighboring rights through zoning lot mergers, which
7 are typically the result of private transactions.

8 Shifting the available bulk on the entire merged
9 zoning lots from one portion to another means that
10 the portion from which the bulk is coming from is
11 restricted with respect to its future development.

12 Super tall buildings created due to zoning lot
13 mergers have the effect of preserving existing sites
14 on neighboring sites, which usually also means that
15 buildings with different heights and of different
16 eras, even if not of landmark quality, are much less
17 likely to be demolished. This is often leads to a
18 more interesting streetscape and pedestrian
19 experience as well as an incredibly dynamic iconic
20 skyline that is the envy or the entire world. It
21 avoids a solid wall of bulky very tall, albeit not
22 super tall buildings along certain streets and
23 avenues. The 57th Street Corridor has always had a
24 mixed height character, which these new additions
25 actually may help preserve by sponging up the as-of-

2 right development otherwise available to many
3 existing buildings. The lowest scale fabric that is
4 maintained also allows for more light and air to the
5 streets and sidewalks. We share your concern about
6 the effects of shadows on Central Park, which we all
7 recognize is an invaluable unique public resource.
8 As we think about the effects of these new buildings
9 on the park, we note that the shadows of tall slender
10 buildings, in fact, move much more swiftly and
11 efficiently than those of squatter buildings with a
12 similar built FAR. We should not lose sight of the
13 fact that buildings, which may not be considered
14 skyscrapers or super tall skyscrapers could also have
15 shadow impacts on parks. There have been examples of
16 land use applications where shorter, bulkier
17 structures have created much more significant shadow
18 impacts requiring mitigation that was developed in
19 conjunction with the Parks Department. Thus, there
20 are trade-offs between slender buildings, which cast
21 a shadow deeper into the park in certain periods of
22 the year, but for a much shorter period of time as
23 opposed to a wall of somewhat less tall buildings
24 like the wall of apartment hotel buildings along
25 Central Park South that cover a segment of the

2 southern portion of the park for much of the day
3 throughout the year. This is a rather complex
4 balancing of impacts that we will continue to
5 consider in our review of proposals for new
6 developments that affect not only Central Park but
7 other parks and open spaces as well.

8 Shadows have been a perennial development
9 issue not only in New York Central Park, but also
10 throughout the history over its--or throughout the
11 city over its development and evolution. The direct
12 catalyst for our pioneering 1960 zoning resolution,
13 as you alluded to, Mr. Chairman, was the speculative
14 development of 120 Broadway, also know as the
15 Equitable Building in Lower Manhattan. When it was
16 built, its height inspired fear and anger among
17 neighboring property owners, and for many years after
18 construction it was a skyscraper that was despised by
19 planners and the civic community generally. Today,
20 120 Broadway is a much beloved city landmark. Thus,
21 goes the ebb and flow of planning and architectural
22 taste. And I might, Mr. Chairman, just add the same
23 exact thing can be said about the Chrysler Building
24 when it was built, now perhaps the most famous
25 building in New York.

2 From a brief glimpse of our skyline here
3 in New York, you can see our city is flourishing. We
4 have record numbers in gross city product, tourism,
5 transit ridership and job growth. Both our
6 population and our private sector jobs are at all-
7 time highs. Our economy is more diversified than
8 ever reflecting the appeal of New York to individuals
9 of talent from all over the world. New central
10 business districts are emerging and we see new
11 skylines growing in areas like Long Island City and
12 Downtown Brooklyn. As a city, we have to ensure that
13 this new growth is accompanied by quality transit, a
14 livable street environment and appropriate
15 infrastructure. In the Vanderbilt Corridor the first
16 phase of our strategy for East Midtown a new 67-floor
17 state-of-the-art office building will rise, and along
18 with it comes \$220 million in developer funded and
19 built improvements to the surrounding transit
20 infrastructure and public ground. And in this
21 regard, I want to commend the work of the East
22 Midtown Steering Committee co-chaired by Council
23 Member Dan Garodnick and Manhattan Borough President
24 Gale Brewer, which has now recommended an approach in
25 East Midtown that preserves the as-of-right nature of

2 our Midtown zoning while ensuring that greater
3 density and significant shifts in where height and
4 density can go is accompanied by appropriate public
5 realm improvements. But from the days of 120
6 Broadway, a century ago, there has always existed a
7 degree of tension among New Yorkers between pride and
8 what our skyline represents, and fear that continued
9 construction of ever-increasingly taller buildings
10 will block out the sun, strain our infrastructure,
11 and ultimately dwarf and overshadow some of our most
12 treasured and cherished landmark skyscrapers.

13 Clearly, unconstrained height is not appropriate
14 everywhere. We've established and we continue to
15 protect contextual zones in neighborhoods throughout
16 the city where we have fixed height limits. It is
17 our responsibility in government and as city planners
18 to strike the right balance to continue to allow new
19 buildings to reflect the commercial dynamism and
20 architectural creativity of the city's commercial
21 centers while ensuring that the city as a whole
22 contains a mix of bulk, density, architectural
23 variety and is embraced by all as a desirable place
24 to work, to visit, and most importantly to live. To
25 the extent the mechanisms are our zoning resolution,

2 which among other things allow bulk to be transferred
3 from adjoining sites to a development site, and some
4 resulting developments to rise to great heights,
5 ensures the variety and delight of the New York City
6 skyline. There is no question that height, shadows
7 and open space are very important issues. To us as
8 urban planners there are essential considerations
9 that must be weighed in evaluating specific
10 development proposals and broader land use plans in
11 general to ensure that New York is a thriving
12 attractive and equitable global city for years to
13 come. Thank you very much, Mr. Chairman, and I would
14 be happy along with my colleague to answer your
15 questions.

16 CHAIRPERSON LEVINE: Thank you for your
17 testimony, Mr. Chairman. I want to be clear that I--
18 I believe the city has to continue to grow. I
19 believe we have to continue to build. That's part of
20 what makes this a dynamic metropolis. I also believe
21 that there's a right and wrong way to build, and a
22 right and wrong way to grow, and that we've got to
23 take into account scale and character of
24 neighborhoods. And when it comes to parks I feel
25 that sunlight is an essential public resources, and

2 that the loss of that resource should not be taken
3 lightly. And that appears to be built into the
4 environmental reviews that are--may have been under
5 the CEQR Protocol, correct?

6 CHAIRMAN WEISBROD: That is correct.

7 CHAIRPERSON LEVINE: Could you tell us a
8 little bit about the kind of shadow impact analysis
9 done in such reviews. When--when we started
10 requiring them, why we're requiring--why are we
11 requiring them?

12 CHAIRMAN WEISBROD: Well, I think we
13 require them and I'll turn to my colleague here for
14 additional information on this, but I think we've
15 required them really ever since CEQR has been in
16 existence and that goes back decades now, and
17 certainly shadows analysis as an important part of
18 virtually every EIS that we--that we undertake or
19 that any lead agency undertakes when--always the lead
20 agency. And, that analysis is done pursuant to a
21 technical manual that gets updated periodically, a
22 professional technical manual that has--establishes
23 the--the exact things that we or the environmental
24 review has to look at in whole host of areas from
25 transportation to school seats, to day care seats, to

2 open space generally, and certainly to shadows. And-
3 -and I can only speak for City Planning. When we are
4 the lead agency certainly if shadows are an impact or
5 a potential impact, and they can in any way affect
6 open space, we turn to our colleagues in the Parks
7 Department and ask for their review and involve the
8 agency. And they are I can assure you not shy about
9 expressing their view.

10 ASSISTANT COMMISSIONER KONON: Hi. Do
11 you want me to state my name for the record.

12 CHAIRPERSON LEVINE: Please.

13 ASSISTANT COMMISSIONER KONON: Alyssa
14 Cobb Konon, Assistant Commissioner for Planning and
15 Parklands for the Department of Parks and Recreation.
16 Thanks for having me today. I'm just going to echo
17 what Chairman Weisbrod said that the CEQR technical
18 manual has been around since 1993, I believe and has
19 recently been updated as of 2010, and in that update
20 there was even more robust measures put in around
21 shadows, which included a more detailed analysis of
22 park features, specific park feature as well as the--
23 the type of analysis that's mandated. The sort of
24 computer programs where you see the types of shadows
25 that go across the park.

2 CHAIRPERSON LEVINE: I applaud City
3 Planning and the Parks Department for performing that
4 kind of analysis in CEQR cases, but if it makes sense
5 to ask those tough questions for some buildings, why
6 doesn't it make sense to ask those questions for a
7 90-story tower building up on 57th Street?

8 CHAIRMAN WEISBROD: Well, you know, I'll-
9 -I'll say this, those questions get asked every time
10 we create a--a zoning scheme or an amendment to the
11 Zoning Resolution, which isn't necessarily for
12 individual projects, but frequently it's for a
13 neighborhood or an area, and when we do that, we are
14 required to do an environmental impact analysis for
15 that entire neighborhood. And that's part of the--of
16 the review. It becomes very complicated. We're
17 going to have to study one block or the potential for
18 one building. We're discussing the potential for a
19 whole area, and what could be built there. And in
20 those instances, again, we at City Planning are
21 considering the zoning for an entire area. We'll
22 turn to our colleagues in the Parks Department for
23 their--their views, their sense of the impacts and
24 the like, and then we will have to address them. Once
25 we do, and once that--and once that rezoning is

2 passed in its initial form or modified because of
3 impacts that are unveiled in the environmental
4 review, then developers can build as or anyone can
5 build as of right, but that environmental review will
6 have occurred in the broader areas.

7 CHAIRPERSON LEVINE: Right. Before I
8 follow up on that quest, I want to acknowledge we've
9 been joined by our colleague from Brooklyn Council
10 Member Alan Maisel. So in other words, the last time
11 we considered the shadow impact of the area south of
12 59th Street was in 1961 when they rezoned that
13 neighborhood, is that right.

14 CHAIRMAN WEISBROD: Well, I don't
15 remember exactly when the last time we--we looked at
16 a rezoning--(coughs) Excuse me--in that particular
17 neighborhood, but that's certainly the last time we
18 would have analyzed it. I will say (coughs) we are
19 now looking for example at East Midtown and that--and
20 that will certainly be an issue in our EIS there.

21 CHAIRPERSON LEVINE: Right, but in 1961
22 the engineering technologies of that day allowed a
23 tower that we'll say was 75 feet wide to go how tall?
24 Could it be a 100 stories?

2 CHAIRMAN WEISBROD: Um, I don't know.

3 We, you know, we have--

4 CHAIRPERSON LEVINE: [interposing] Or 50
5 stories?

6 CHAIRMAN WEISBROD: We have the Empire
7 State Building it went 110 stories.

8 CHAIRPERSON LEVINE: [interposing] But it
9 took up a full city block.

10 CHAIRMAN WEISBROD: And the Chrysler
11 Building, which does--it wasn't a--not quite a full
12 city block.

13 CHAIRPERSON LEVINE: Right on that one,
14 but--

15 CHAIRMAN WEISBROD: But I--I don't know,
16 you know, particularly on what size site that would
17 have--that would have occurred. Clearly building
18 technology has improved and changed, but on the other
19 hand we also know that to build the kind of building
20 you're alluding to would require that bulk from
21 adjoining sites be shifted, and those sites no longer
22 could cast the same--(a) could not longer cast the
23 same shadows that they could before because they--
24 their development rights would be severely
25 restricted. And (b) we get the secondary benefit of

2 those--those buildings mostly from a different era
3 being preserved forever producing a much more varied
4 streetscape, street environment and skyline, which we
5 believe is also very valuable.

6 CHAIRPERSON LEVINE: Right, but and then
7 maybe we can get this clarified by an engineer on a
8 later date, but I--I--I'd be pretty confident in
9 saying that the technology available in 1961 would
10 not allow towers of the slender width that we're
11 seeing on 57th Street to half as tall, maybe only a
12 quarter as tall. I wouldn't be surprised if they
13 couldn't go more than 20 stories. We--we can
14 determine that, but, right so we--

15 CHAIRMAN WEISBROD: [interposing] I
16 just--it really does depend on the size of the
17 building site and ultimately--

18 CHAIRPERSON LEVINE: [interposing] Right.

19 CHAIRMAN WEISBROD: --how much bulk is
20 shifted to that site--

21 CHAIRPERSON LEVINE: [interposing] But--
22 but--

23 CHAIRMAN WEISBROD: But I--I don't
24 disagree--

25 CHAIRPERSON LEVINE: [interposing] Okay.

2 CHAIRMAN WEISBROD: --that technology has
3 changed.

4 CHAIRPERSON LEVINE: Right and shadow
5 impact studies done in 1961 have been rendered
6 irrelevant by the march of technology that allows us
7 to go so tall on streets that otherwise would have
8 had no impact on the Central Park shadow footprint.
9 You--you did talk extensively about betrayal between
10 essentially wider building and a taller building
11 that's been--where the air rights have rolled over.
12 And you made lots of valuable points on the
13 streetscape, but this--this hearing is about park
14 shadows, and a building, which is 30 stories tall on
15 57th Street even if it's very, very wide it's going
16 to have virtually no shadow impact on Central Park
17 just because there's already a lot of buildings right
18 there, right. You only begin to have a shadow impact
19 on the park if you can breach the exiting roofline of
20 those buildings. So from the perspective of shadow
21 impact, we could build a wider buildings that could
22 create just as many construction jobs, creates just
23 as many apartments, contribute just as much economic
24 rate to the vibrant Midtown community, but have
25 little to no shadow impact, correct?

2 CHAIRMAN WEISBROD: You--whether it's
3 59th Street or Fifth Avenue, or Central Park West or
4 any of the streets that surround the park. We see
5 that the shadows from those still tall, but not as
6 tall buildings are leaving a much--a much longer
7 shadow or more permanent shadow on sections of the
8 park than tall slender buildings where those shadows
9 yes do reach deeper into the park, but are there for
10 a very short period of time. That's just the nature
11 like a sundial.

12 CHAIRPERSON LEVINE: Right. I'm going to
13 pause to allow my colleagues to ask questions. I
14 just wanted to make a point, which I will return to
15 in a minute, which is that when the zoning was
16 envisioned years ago, the--the ability to roll over
17 height from adjacent lots by mergers or if you
18 transferred all the right, was relatively benign
19 based on the technology of the day because you just
20 couldn't go that tall on a slender lot. And
21 technology has created an unintended, unforeseen
22 consequence that's having an undeniable impact on
23 Central Park and other parks potentially around the
24 city. I'm going to pause and I believe that my
25 colleague Council Member Cohen--Oh, we've also been

2 joined by Council Member Mark Treyger from Brooklyn,
3 and Council Member Cohen has a question.

4 COUNCIL MEMBER COHEN: Thank you, Chair.
5 Chairman Weisbrod. I know that there's currently a
6 lot on your plate. So I appreciate you coming here
7 today--

8 CHAIRMAN WEISBROD: [interposing] My
9 pleasure, Council Member.

10 COUNCIL MEMBER COHEN: --to personally
11 give us your testimony. Just to build on--and I
12 realize that this is a Parks Committee, but I'm not
13 really sure that I understand the rationale for the
14 transfer of air rights. In other words, if we as a
15 city decide we want--well, basically, essentially,
16 land owners are getting together and deciding how
17 tall they can build as opposed to it being an
18 expression of public policy. What was the rationale
19 for doing this? I mean, I guess essentially there is
20 no height limit as to what you could build on West
21 57th Street if you can get the air--if you can
22 accumulate the air rights to do that?

23 CHAIRMAN WEISBROD: Um, well, let me say
24 that the notion of zoning mergers, and the ability to
25 transfer air rights through a zoning merger has

2 probably been part of the City Zoning Resolution
3 since time immemorial and not just in New York City.
4 It's pretty true in cities around the country, and
5 around the world, and zoning lot mergers as of right,
6 that is part of the parties getting together and
7 doing a zoning lot merger is pretty standard in
8 zoning around the country and around the world even
9 in cities that don't have the same robust growth
10 objective as we have to have in New York for a
11 variety of reasons and should have in New York. So
12 this has been a pretty standard device for probably
13 as far back as there's been a zoning resolution.

14 COUNCIL MEMBER COHEN: I appreciate that,
15 but can you sort of explain again the rationale for
16 it. I mean if--if we--if you're allowed to currently
17 build say 500 feet, what is the fact that your
18 neighbor's cooperative suddenly mean that you should
19 be able to build a thousand feet?

20 CHAIRMAN WEISBROD: [interposing] Because
21 your--

22 COUNCIL MEMBER COHEN: Like why is that
23 the case?

24 CHAIRMAN WEISBROD: --your neighbor then
25 can--it gives up its right to build that 500 feet,

2 and it's--we're looking at overall growth in the city
3 in a reasonable--in a reasonably constrained way. So
4 we're not increasing in anyway development rights.
5 We're just allowing them within a certain area to
6 shift, and let me say that this is not as a practical
7 matter available to the same extent in many, many
8 parts of the city because there are height limits in
9 many, many parts of the city. But, you know, a
10 central business district, which 57th Street is
11 certainly one or, you know, Lower Manhattan, we--we--
12 we do want to see the kind of growth and particularly
13 in commercial buildings--in commercial buildings
14 that--that is appropriate for a world--a world global
15 city. And--and that has produced some of the most
16 cherished buildings in the city.

17 COUNCIL MEMBER COHEN: But in other parts
18 of the city if you want to build taller than you're
19 currently--your as-of-right, you go to DSA, there's
20 some other process. You go to ULURP here. I'm just
21 not clear as to why it's the public policy that the
22 two property owners could decide together that we
23 want to build something--

24 CHAIRMAN WEISBROD: [interposing] I just
25 want to be clear. Two property owners can decided

2 together to merge their zoning lots everywhere in the
3 city because of other zoning constraints including--
4 and that's--they can do that as-of-right. But
5 because of the kinds of zoning constraints that we
6 do--and appropriately do have in many neighborhoods,
7 which are principally residential neighborhoods,
8 which are not part of the essential business
9 districts, because of height limitations and other
10 factors that we impose through zoning to create
11 contextual districts, it's not--it's not possible to
12 do that now. They could go to BSA, but--but--but,
13 you know, maybe they can get relief there, or maybe
14 not. But in--we have long really since the Zoning
15 Resolution has been established and that's 100 years
16 now we've had a pretty strong policy that Midtown
17 Manhattan, Lower Manhattan and to some extent
18 increasingly some of the central business districts
19 like Downtown Brooklyn are the engines of our economy
20 and we want to see growth there. And by imposing a--
21 a--a discretionary process, which is very expensive.
22 It takes a long time in those areas would be highly
23 discouraging. And frankly, in my view
24 counterproductive to what we need to do as a city to
25 grow. There is a balance here to be sure, and I

2 think we create that balance by what we do in our
3 neighborhoods to protect our neighborhoods throughout
4 the city while being more permissive in our central
5 business districts, which really are the muscle that
6 gives the revenue to provide the resources and
7 services that we need throughout the City of New
8 York. Now, having said that, as a matter of policy,
9 obviously we also continue to look at the effects of
10 what we're doing in--in Midtown. That's one of the
11 reasons why we ask Council Member Garodnick and
12 Borough President Gale Brewer to create a steering
13 committee, which is made up of a very broad cross-
14 section of interests to look at how we can actually
15 increase density in--in East Midtown without
16 sacrificing the as-of-right nature of that. And they
17 have actually come up with recommendations that are
18 creative and do I think try to balance all of those
19 goals.

20 COUNCIL MEMBER COHEN: I don't disagree
21 with your testimony of our need for growth. I do
22 wonder that your--I think your statement is curious
23 in that, you know, rather than paying millions and
24 millions of dollars to a neighbor for air rights,
25 that you think that is more cost effective than going

2 through some kind of uniform land use process where
3 we could assess whether or not a building should be
4 that high or not. I just want to circle back to the
5 actual legislation itself. I'm not sure if there was--
6 --you know, the legislation is really about studying
7 the issue at large. It's not going to put in place a
8 burden on a project-by-project. You know, the task
9 force is not going to review individual buildings,
10 but rather look at the issue at large. I'm not sure
11 from your testimony if that is--if that is clear that
12 you understand that? I mean essentially it's a
13 similar idea to a task force that would look at the
14 east side.

15 CHAIRMAN WEISBROD: Well, again as I--as
16 I indicated in my testimony I think we have a process
17 that is effective right now that does in--in cases
18 where we--where we are analyzing changes that looks
19 literally on an intensive basis at precisely the
20 issue that this legislation is seeking to address
21 and, um, and to do it through some sort of alternate
22 means I think would be confusing, and frankly
23 counterproductive in my view.

24 COUNCIL MEMBER COHEN: Again, thank you
25 for coming today. I personally appreciate it.

2 CHAIRPERSON LEVINE: Thank you, Council
3 Member Cohen. I just want to--I do want to read the
4 relevant section of the bill, which is that Intro 737
5 would establish a task force to study the effect of
6 shadows cast on public parks by buildings constructed
7 in the vicinity of such parks. The task force will
8 study the effect of these shadows and issue a report
9 on steps the city could take to mitigate the negative
10 consequences. So, it doesn't give the city a veto
11 power over individual projects, but some of us here
12 might actually support that. But this--this bill is
13 about finding solutions such as the shadow budget
14 paradigm that I mentioned in our cities. I want to
15 acknowledge that we've been joined by Council Member
16 Cabrera, and I believe--Fernando Cabrera from the
17 Bronx--and I believe that we have a question from
18 Council Member Treyger.

19 COUNCIL MEMBER TREYGER: Thank you, Chair
20 Levine for holding this important oversight hearing,
21 and I welcome Chair Weisbrod, and just to expand on
22 our conversation, shadows and beyond I want to also
23 talk about how we think about development in terms of
24 even resiliency emergency planning. Chair Weisbrod,
25 are you familiar with a--plans to build a 40-story,

2 um, monstrosity in Trump Village Shopping Center and
3 Neptune Avenue in West 5th in Brooklyn?

4 CHAIRMAN WEISBROD: No.

5 COUNCIL MEMBER TREYGER: So, it's
6 physically--physically in Councilman Deutsch's
7 district, but it affects both of our districts. Are
8 you familiar with Wabash in Trump Village in Luna
9 Park, the high-rises there?

10 CHAIRMAN WEISBROD: Yes, yes, in general
11 yes.

12 COUNCIL MEMBER TREYGER: Right. These
13 are--these are high-rise buildings. Trump Village
14 and Wabash just to give you context they're 23
15 stories high. During Sandy we had enormous
16 difficulty evacuating people particularly people--
17 seniors and people with disabilities. People were
18 stranded there for a long time. Infrastructure
19 problems have plagued the Southern Brooklyn peninsula
20 for many, many years and we--we learned through the
21 media, not through any type of notification through
22 developers of city agencies, through the media that
23 there are plans to demolish vital retail, pharmacies
24 and--and stores in this shopping center. And to
25 build--construct a 40-story glass tower, and

2 certainly will--might block some people's views of
3 the beach and parkland as well, but that's probably
4 as big a concern for me as the issue of emergency
5 planning and resiliency. Every single expert that I
6 speak to about evacuations and about resiliency says,
7 you don't increase and build density in areas that
8 are prone to these types of emergencies. And if we
9 had difficulty evacuating and dealing with 23-story
10 towers, how are going to deal with a 40-story tower.
11 And I just want to say that the term as of right
12 doesn't make it right. As of right doesn't mean that
13 it's smart. Some of these policies were designed at
14 a different era, different time. I think as far as
15 in my neighborhood Sandy was a game changer, and I
16 think that we need to really lessons learned. So I
17 would appreciate if maybe your agency could look into
18 this development because I--I think that it is
19 certainly going to exacerbate quality of life issues,
20 infrastructure issues, and from an emergency planning
21 standpoint, a resiliency standpoint, 40 stories in an
22 area that had difficulty evacuating 23-story
23 buildings, I think this is an issue that we really
24 need to look at very seriously. I appreciate your
25 comments.

2 CHAIRMAN WEISBROD: Yeah, I--I-we will--
3 we will look into it. I was unfamiliar with it
4 Council Member. We'll look into it. As you know, we
5 have been very, very actively working with City
6 Planning on resiliency issues, and particularly
7 resiliency issues related to public safety. Most
8 recently we did approve at City Planning and the
9 Council approve an amendment to the Zoning Resolution
10 that required increased public safety in very tall
11 commercial buildings, precisely for the reason that
12 you--you indicated and--and as you know, we are
13 particularly--particularly cognizant of resiliency
14 issues in your district, which we know really do
15 require a lot of attention. So we will look at it,
16 and we will get back to you. I'll speak to our--

17 COUNCIL MEMBER TREYGER: [interposing]
18 And I want--I want you just to be aware as well for
19 the record that the developer or the owner, I think
20 it's Sharone (sp?) Development I believe it is, they
21 really have not come down directly themselves and
22 addressed the community. We've had--there's been a
23 number of meetings. They always send someone and
24 they have very vague answers or incorrect answers.
25 There are many senior citizens who live in this area.

2 Those pharmacies are critical to them. They're being
3 told that they'll be relocated to an area that we're
4 not sure about. The post office in the area as well
5 you can't just move these things without
6 accommodating people. So there's been very little to
7 poor communication with this developer. And quite
8 frankly, City officials should have to find out
9 through the media about these types of things. And
10 again, from an emergency planning standpoint, when we
11 had difficulty evacuating 23-story buildings, how in
12 the world would we deal with a 40-story glass tower?
13 And so, I just want to read that part of the record,
14 and I look forward to following up with you after
15 this hearing. Thank you, Chair, for this time.

16 CHAIRPERSON LEVINE: Thank you, Council
17 Member Treyger. Commissioner Cobb Konon, you're our
18 resident parks expert, can you tell us how at all you
19 believe that when parks are cast in shadow for
20 significant periods of the day or year, it affects
21 the ecosystem of the park?

22 ASSISTANT COMMISSIONER KONON: Um, I'm
23 going to speak a little bit to the CEQR Technical
24 Manual and how we analyze impacts of shadows on
25 parks, and once we look at a park that has potential

2 to have shadows cast on it, I think the--the metrics
3 you really look at is whether it has 46 hours or
4 sunlight during the growing period. And that's
5 really the tipping point when we go into a
6 significant impact. It's something that goes beyond
7 that. Um, and that's based on science from our
8 Natural Resource Group and input over the years what
9 might--what might be the impact.

10 CHAIRPERSON LEVINE: Four to six hours of
11 sunlight during the growing period?

12 ASSISTANT COMMISSIONER KONON: Sunlight
13 established basically March to April.

14 CHAIRPERSON LEVINE: Got it.

15 ASSISTANT COMMISSIONER KONON: I'm sorry,
16 March to October. I'm sorry. I thinking of--yeah.

17 CHAIRPERSON LEVINE: Oh, yes. Okay.

18 ASSISTANT COMMISSIONER KONON: Yes, that
19 makes a lot more sense.

20 CHAIRPERSON LEVINE: Very good.
21 Understood. Okay. What about usability factors?

22 ASSISTANT COMMISSIONER KONON: Yeah, so
23 there's--there's two things that we look at. If
24 there--if it does look like there's a significant
25 impact, this is in realm of the CEQR analysis, we

2 look at vegetation, the-the sort of the same topic
3 you just suggested as well as usability. Um, and so
4 we look at sensitive resources, whether it's a pool,
5 or fields or vegetation as you mentioned to see
6 whether it has the capacity to still be used, and
7 it's a more subjective breed at that point.

8 CHAIRPERSON LEVINE: Well, is it possible
9 that, um, increase in shadows cast could change the
10 type of flora, which can survive in a given park?

11 ASSISTANT COMMISSIONER KONON: Um, yes, I
12 think it's possible. Again, we sort of look at--
13 through the technical manual we look at that tipping
14 point of four to six hours of sunlight. I think in
15 some cases in other projects where we've done reviews
16 and we have found significant shadow impacts, in some
17 cases we do look for payments or other types of
18 compensation that might be for a change of flora to
19 be planted in that same area.

20 CHAIRPERSON LEVINE: Have you seen cases
21 where increased in shadows in the park has changed
22 usage patterns or frequency of use?

23 ASSISTANT COMMISSIONER KONON: Not in a
24 way that's been documented. I can't--I can't say.

2 CHAIRPERSON LEVINE: I don't know if it's
3 been documented, but you go to a park on a cold day
4 and the benches in the sun have lots of people, and
5 the benches in the shade have almost none. Just to
6 give you one--

7 ASSISTANT COMMISSIONER KONON:
8 [interposing] Uh-huh.

9 CHAIRPERSON LEVINE: --pretty obvious
10 example.

11 ASSISTANT COMMISSIONER KONON: Right. I
12 don't think--I don't know if that's been documented.

13 CHAIRPERSON LEVINE: Okay, well, maybe
14 that will be the next the next bill. so, I--I find
15 it reassuring that you're doing this kind of analysis
16 on projects that require this kind of environmental
17 review. Why--why would the Parks Department not want
18 to do this on every project that impacts parkland in
19 a significant way?

20 ASSISTANT COMMISSIONER KONON: Um, well,
21 I think Chair--Chairman Weisbrod spoke to it a little
22 bit I mean from a Parks perspective. Obviously,
23 we're here to help plan and build for and care for
24 our parks and we advocates for the protection and
25 enhancement of these really critical resources. But

2 we do recognize that this is within a balanced
3 environment where there are people who live in the
4 city and should be here to help enjoy the parks. And
5 so I think that, you know, there may be instances
6 where shadows should be looked at more seriously.
7 Not--but notwithstanding that in the context of
8 zoning and orderly development of the city that's
9 really City Planning's rule, and that we do that in
10 partnership with City Planning.

11 CHAIRPERSON LEVINE: But you use the word
12 balance and balance to me would be that you look at
13 the economic benefits of development and other
14 factors on the one hand, and you look at the--the
15 impact on parkland on the other hand and you balance
16 it out, right. But what we have on all these as-of-
17 rights projects is a balance because there's zero
18 regard for one-half of that equation. We're not even
19 considering, not even evaluating as a city shadow
20 impacts. So there's--there's--there's no hope of
21 achieving balance. It's driven only by the economic
22 forces with no counter balance consideration for
23 impact on parks. That's not really a question. You
24 don't have to answer. It sort of so you have
25 something you have something to elaborate on, but

2 balance is what I'm seeking. And it does appear we
3 have something like that where there's a CEQR. I
4 guess my question on that front would be if you could
5 talk about the kinds of remedies--

6 ASSISTANT COMMISSIONER KONON:

7 [interposing] Sure.

8 CHAIRPERSON LEVINE: --that typically are
9 recommended in--in--when you're doing an
10 environmental impact review.

11 ASSISTANT COMMISSIONER KONON: Yeah.

12 Sure I can speak to that, and I will give a couple of
13 case studies where we did--where--where we had
14 compensation. It might be helpful for this
15 committee, and also in Manhattan as well as--as well
16 as Brooklyn. One example is the Fordham University
17 expansion. You may be familiar with that. There is
18 the incremental shadow impact of five to seven hours
19 affecting passive recreation, and in that case we got
20 the payment for maintenance and horticulture care and
21 damaged park and the grove (sic). That's just one
22 example. Another one is Rockefeller University, East
23 River Esplanade. I'm sure you're familiar with.
24 Again, an incremental increase of three to five hours
25 of shadow on the Esplanade, and in that case we--we

2 got an upgrade to a portion of the Esplanade as the
3 12-year commitment on maintaining the planting. Sort
4 of back to the question you asked me before about
5 vegetation and maintaining vegetation. A couple of
6 other examples, if that's helpful, includes Stewart
7 Park where we're--where we have the commitment to
8 replace bushes and the medians should they--should
9 they need to be done to instead have a more shade
10 tolerance species. Right now there's rose bushes
11 there. And lastly the Domino Sugar rezoning. Lots of
12 different things in that environmental review, but
13 specifically around the shadows. Again, an increment
14 of up to six hours during the mid-day, and in that
15 case there's monitoring and maintenance of plantings
16 in Grand Ferry Park and replacement with shade
17 tolerance species is necessary. I think it give you
18 a little sense of the kinds of things that come out
19 of these shadow analyses. More specifically about
20 what kinds of mitigations might come out of an
21 environmental review should there be found to be a
22 significant impact, there are different things. I
23 think I read you some of the things that often
24 happen, but in some cases there might be an
25 reorientation of building bulk or height. Looking at

2 alternative technologies, relocation of sun-sensitive
3 features within an open space. We're replacing and
4 monitoring vegetation or placing--or providing
5 replacement for--

6 CHAIRPERSON LEVINE: [interposing] So I
7 find this that you detailed about a half a dozen
8 agreements--

9 ASSISTANT COMMISSIONER KONON:
10 [interposing] Yes.

11 CHAIRPERSON LEVINE: --in cases where new
12 developments received reviews by the City.

13 ASSISTANT COMMISSIONER KONON:
14 [interposing] Uh-huh.

15 CHAIRPERSON LEVINE: --and impacted the
16 park. It seems to me the action taken in every case
17 was only more resources for the park. Not any
18 changes of the bulk or profile of the building. Did
19 I miss--did I miss a case?

20 ASSISTANT COMMISSIONER KONON: I think
21 that's right in those particular cases. Yes.

22 CHAIRPERSON LEVINE: I'm all for--

23 ASSISTANT COMMISSIONER KONON:
24 [interposing] But we need to check with City

2 Planning to make sure that that was the case, but I
3 think that's right.

4 CHAIRPERSON LEVINE: I'm all for any new
5 resources going into parks whether it's provided by
6 developers or others. That's great but to me, in not
7 one of the cases you described did you actually solve
8 the problem. If you didn't limit the shadow impact.
9 But in what other cities are doing is they are
10 requiring the reorientation of buildings. Um, not in
11 a way that means they'll be no building or no growth,
12 but simply through things like setbacks or different
13 arrangements of the bulk [coughs] you can minimize
14 the shadow effect. Even varying which side of a park
15 you bought no here. Northern sides of parks don't
16 generate the kind of shadow impact that the southern
17 side does.

18 ASSISTANT COMMISSIONER KONON: Right.

19 CHAIRPERSON LEVINE: So, it sounds like
20 in theory the city has the ability to change the
21 scalability, but we're not doing it in practice.

22 ASSISTANT COMMISSIONER KONON: I think it
23 would be helpful in--in sort of your line of
24 questioning is that there is a fair amount of back
25 and forth with City Planning before certification

2 with the developer looking at a variety of
3 characteristics. I think they're probably--probably
4 going to be able to draw on more specific examples
5 where maybe the bulk or the height has changed prior
6 to going into ULURP and--and that shadows may be one
7 of those--those features that's analyzed at that
8 point. Certainly, we have a lot of back and forth
9 with City Planning before something goes into ULURP,
10 which looks at a variety of elements and shadows
11 being one of them, but open space resources, visual
12 corridors or other things that are again balanced in-
13 -in a project before it gets certified.

14 CHAIRPERSON LEVINE: So it's possible
15 that the buildings that you described reflected
16 already a re-orientation.

17 ASSISTANT COMMISSIONER KONON: They may
18 and I also think there's probably other examples
19 where that may be the case in advance of what goes
20 into ULURP.

21 CHAIRPERSON LEVINE: [interposing] The
22 hours a day you were describing the shadow impact on
23 the parks still sounded really significant. So I
24 guess I'd like to understand better just what kind of
25 standards we're seeking and how much--how much re-

2 orientation we're willing to--to demand. If--if
3 those are the final results after negotiation, I
4 shudder to think what the original proposals were.
5 But all that matters is that in the end we get to a
6 good place that as I said before is a balance between
7 the need to build and to grow and the need to protect
8 our green spaces. That's all right, Commissioner
9 Weisbrod, if you wanted to jump in.

10 CHAIRMAN WEISBROD: Well, I just want to
11 say that as Commissioner Konon said there are many
12 instances we have an urban design unit at City
13 Planning. One of the issues is that they look at
14 certainly when an application comes in, particularly
15 a private application or a rezoning of a particular
16 area where a developer has a very specific in mind.
17 They do look at what is the best--how--how a project
18 can be shaped and changed that will reflect the needs
19 of the community more generally including looking at
20 its orientation, shadows, et cetera. And as
21 Commissioner Konon said, frequently takes place even
22 before certification, before the formal environmental
23 review starts so that as a matter of good urban
24 design and good planning that's one of the things we
25 do. And there have been other very specific

2 instances in respect to Morningside Heights and the
3 Columbia project a few years ago where City Planning
4 actually took--took height off of--of buildings
5 because of shadow issues. And so that process does
6 happen for sure, and will continue to happen.

7 CHAIRPERSON LEVINE: Well, you mentioned
8 Morningside Heights, and we're now starting to see
9 the same dynamic that as we're seeing in Midtown
10 where people are acquiring multiple adjacent lots and
11 rolling them over, and we're fearful of some very,
12 very tall towers emerging there. They are being
13 developed by some of the same developers who are in
14 Midtown. But the only reason I know that is because
15 some very enterprising technology savvy activists
16 from Community Board 5, which has a super impressive
17 sunlight task force. I assume some of the are here
18 and will be speaking, had become very adept at
19 monitoring from this based on what you can dig
20 through on the website. But unless someone who's
21 very skillful and takes the time to look, there's no
22 way for the public even [coughs] to know--let alone
23 shape the final result. But even to know when we're
24 facing this kind of rollover leading to very tall
25 towers. Is that correct?

2 CHAIRMAN WEISBROD: Well, again, I mean I
3 think Morningstar Heights is an example of that.
4 That is an area that went through a rezoning not very
5 long ago, and that EIS did require a look at what
6 might happen, what could happen. It wasn't a very
7 long time ago, and so the purpose of a rezoning is to
8 provide--is to take a hard look at what the impacts
9 are, address those impacts that have to be mitigated
10 in a variety of different way. In that--in that
11 situation it did result in buildings losing some
12 money. In other situations, as Commissioner Konon
13 indicated, it may result in some other form of
14 mitigation. But once that's enacted to then require
15 every single endeavor to come back again, I think
16 would--would really destroy the balance that I think
17 we all would like to see.

18 CHAIRPERSON LEVINE: All right, well,
19 Morningside Heights has not one but two 40-story
20 towers that are--appear to be in development right
21 now. That's a subject for another hearing, though.
22 I--I do want to ask you, Commissioner, about the
23 neighborhoods which the city is up-zoning, and whether
24 in those neighborhoods the kind of rigorous shadow

2 analysis on park space is going to be conducted for
3 all new buildings there.

4 CHAIRMAN WEISBROD: Yes.

5 CHAIRPERSON LEVINE: So, is it possible
6 that--

7 CHAIRMAN WEISBROD: I mean all of those
8 neighborhoods that require extensive environmental
9 review, and they're all proceeding in a--a very
10 careful thoughtful way that addresses the range of
11 potential impacts and--and to be--to be candid about
12 it, it's much more difficult honestly when we're
13 doing an area of wide rezoning because we have so
14 many factors, and so many possibilities to take--to
15 take into account. And--and that makes those reviews
16 in many ways even more rigorous.

17 CHAIRPERSON LEVINE: For those of us who--
18 --who love parks, and are worried about the impact of
19 tall buildings in these up-zoned neighborhoods, how
20 can we participate or follow the kind of discussions
21 and analysis that are taking place on this topic?

22 CHAIRMAN WEISBROD: I think in--in those
23 neighborhoods, you will see first of all each of
24 those potential re-zonings will come before the City
25 Planning Commission, ultimately come before the

2 Council with their full environmental reviews. I--I
3 think you will--you will see that in all of those
4 neighborhoods, which are principally--principally
5 residential--some mixed use, but principally
6 residential, these kinds of issues are less likely to
7 rise because you'll see the--you'll see the--the--the
8 zoning schemes for those--for those areas. Well, I
9 will say just--just to add to that, we do--just to go
10 to the issue of balance, we--I think we all agree
11 that balance in all of what we do, and that is the
12 essence of planning where we--it is crucial, and that
13 balance is two ways: One, what the balance is in any
14 particular neighborhood, and then again what the
15 balance is between neighborhoods. There's a real
16 difference in, um, what the balance is in our central
17 business district than what the balance is in our
18 residential neighborhood where--where different
19 factors apply. So, we're--we're very, very conscious
20 of--of both of those balances.

21 CHAIRPERSON LEVINE: As a related matter,
22 where--where I personally am concerned about whether
23 there will be adequate open space, public green space
24 in the up-zone neighborhood as we increase the
25 population, I know--I know this is on your mind as

2 well. We're hopefully going to be doing a future
3 hearing on this I believe in conjunction with Council
4 Member Greenfield's committee. Just looking at
5 provisions for green space in our up-zoned
6 neighborhoods.

7 CHAIRMAN WEISBROD: Now, let me just--I
8 would--we--we welcome that and I would like to say a
9 word about that because, as you know, we're--as we
10 look at the neighborhoods where we are looking at
11 rezoning, we're not--and I said this repeatedly
12 almost like mantra from the day I arrive a City
13 Planning, we're not a--we're the Department of
14 Rezoning. We're the Department of Planning and an
15 important part of planning is--is open space, and
16 creating a neighborhood that is not just rezoned, but
17 also is a livable neighborhood where people want to
18 be and that as you know, among the issues that we are
19 looking at is not just increasing density in
20 neighborhood but also providing the public
21 investments that are crucial for a--for a healthy
22 neighborhood. And--and open space, quality open
23 space is very high among them. We were working on
24 that front also very, very closely with the Parks
25 Department. And as you know, in an unprecedented

2 way the de Blasio Administration has established in
3 our Ten-Year Capital Plan a--a neighborhood
4 development fund to help fund precisely these kinds
5 of public improvements in the neighborhoods that--
6 that we are looking at closely. So we certainly
7 share your concern and the concern of every
8 neighborhood that we want our neighborhoods to be
9 livable and open spaces is an essential part of that.

10 CHAIRPERSON LEVINE: Council Member Cohen
11 I believe has a follow-up question.

12 COUNCIL MEMBER COHEN: Thank you. Did
13 City Planning have to take any action on--
14 specifically on 57th Street in order for these
15 buildings to go up?

16 CHAIRMAN WEISBROD: No.

17 COUNCIL MEMBER COHEN: Again, as a matter
18 of public policy, in my district, which I like, if we
19 want to cut down a tree I have to go to City
20 Planning. I mean literally if you want to move a
21 tree in significant portions of the 11th Council
22 District, you have to go to City Planning.

23 CHAIRMAN WEISBROD: Would like us to
24 change that, Council Member?

2 COUNCIL MEMBER COHEN: No, I would not,
3 but I--I--I think that you might want to put in your
4 two cents--

5 CHAIRMAN WEISBROD: [interposing] Right,
6 right.

7 COUNCIL MEMBER COHEN: --when someone
8 wants to build a 1,500 foot skyscraper. Lie I--I
9 like the fact you are protecting my--my neighborhood
10 and I like--I feel like it's just an abdication that
11 you're like build as high as you want in Midtown with
12 no with no--it just doesn't make sense to me as--as
13 public policy.

14 CHAIRMAN WEISBROD: Well--well, again I
15 mean that's part of the--the issue of balance and the
16 different functionality of different--of different
17 neighborhoods, and--and--and just to say in Midtown
18 Manhattan, we're not increasing the available--we're
19 not increasing at all the available development
20 rights. It can be shifted, but we're not increasing
21 it, and frankly we think that in many instances as
22 we've seen from the shadows that would be cast by
23 what--by no zoning mergers are frequently a lot worse
24 than the shadows would be cast by 12 slender
25 buildings. But that--that said, I--I would say we--

2 we--we do want to see, and particularly frankly for
3 commercial development, we do want to see this city
4 being--continuing to be the global city that it is.

5 COUNCIL MEMBER COHEN: I--I just don't
6 think it's overly burdensome to have, you know, in a
7 billion dollar project you may need--maybe we should
8 just check in with City Planning before you go to
9 the, you know, as high as you can possibly go. Thank
10 you.

11 CHAIRPERSON LEVINE: Council Member
12 Treyger.

13 COUNCIL MEMBER TREYGER: Yeah, I--I echo
14 the comments of my colleague Council Member Cohen in
15 the sense where I mean it--it seems that in our chair
16 if you were briefed on what happened--what's
17 happening in my neck of the woods, particularly an
18 area that is still recovering from the worst storm to
19 hit our city, and this is a very pressing issue in my
20 district and actually Councilman Deutsch's district
21 as well. And just to add one more piece to--to the
22 case there is that, um, they--the developer can't
23 even build until National Grid completes an
24 environmental remediation because there used to be a
25 gas station at that site, and there's some very bad

2 stuff down there. And there is still not clarity
3 about how they plan to even clean that up. So I
4 would appreciate our offices to touch base after this
5 hearing to discuss this. But, you know, I appreciate
6 the conversation that we're having now about--your
7 agency is not the Department of Rezoning, it's City
8 Planning. And I know that for example the rezoning
9 of parts of Coney Island happened prior to this
10 administration. I'm fully cognizant of that, but
11 having said that I--I would grade that as an
12 incomplete from the last administration because when
13 you mentioned a livable neighborhood, we still have
14 some of the worst sewers in New York. We still have
15 a difficult time moving masses of people particularly
16 during the seasonal months in Coney Island. The MTA
17 in 2000--the year after the rezoning in Coney Island,
18 which was in '09, the MTA decided to remove express
19 bus service to Coney Island on the weekends. The
20 busiest time of--of the year they removed
21 transportation options to my district. Also, the
22 administration in its initial rollout of the ferry
23 plan seemed to not include Coney Island either.
24 We're in some sort of future draft plan down the
25 road. And so, the most pressing challenges for us,

2 Chairman Weisbrod, is that we have major a
3 transportation gap. It takes residents in my
4 district almost an hour to get from one end of the
5 peninsula to the other during the seasonal months,
6 particularly on the weekends. We have--they can't
7 build anything even with the rezoning to build hotels
8 they can't build a hotel. Why? Because the sewer
9 system doesn't allow you to build over two stories.
10 And in my neighborhood they were so focused on this
11 small radius of blocks, they forgot to look at the
12 greater neighborhood of Coney Island where people
13 live in the western end where the main bank, Chase
14 Bank, is now saying they're leaving. Sandy damaged
15 their building. They--they claim that they're
16 leaving at the end of this year. So--so my residents
17 and--and my small businesses and--and non-profit
18 groups and houses of worship are now going to lose
19 their main bank, and we're feverishly working on
20 trying to get a bank back in Coney Island. We don't
21 even have a bakery right now on Mermaid Avenue. We
22 don't have a clothing store. So when you mention a
23 livable neighborhood that is where I think
24 historically City Planning has not done a good job in
25 my district. But I think that we need to re-engage

2 working with your agency on how to do you fix the
3 mistakes of the past because even though the rezoning
4 happened in the past administration, this
5 administration is responsible for the rollout and the
6 implementation of things that happened in the past,
7 but we have to get this right. So I am--I am really
8 interested in working very closely with your--with
9 your department and others to make sure that my--at
10 least in my district we do have a livable
11 neighborhood not just for the seasonal ones, but for
12 residents who call Coney Island home all year round
13 to have a neighbor, to have a bakery. Basic things
14 that we take for granted may be--where we living many
15 residents in my district don't have, and I look
16 forward to working with you on that.

17 CHAIRMAN WEISBROD: Likewise, Council
18 Member. I would just say, as you know, we--we
19 certainly think that Coney Island has got
20 extraordinary potential, and while I'm well familiar
21 with the challenges that your area has had for a very
22 long time, I--I do think that the Economic
23 Development Corporation now has accelerated the sewer
24 construction in--in Coney Island. So I hope that
25 will be extremely helpful. That is something that we

2 really did want to see. It's for all the reasons
3 that you indicated, and I think as you are well aware
4 our--this administration any admin--the City of New
5 York's influence over the MTA is limited. But we
6 will do our because I think we share your concerns.

7 CHAIRPERSON LEVINE: Thank you and I
8 believe that Council Member Cabrera has a question.

9 COUNCIL MEMBER CABRERA: Thank you so
10 much. Welcome Mr. Chairman. I just want to get back
11 to a question related to the bill, and I was reading
12 over your statement, and I just want to get some
13 clarity. Basically, what you're stating is that
14 there is already a process. So my--my follow-up
15 question with that is that all this work and the
16 premise that you can't make good decision with bad
17 information. And how would having added good
18 information that will come from--potentially from
19 this taskforce be hurtful--or that that it would be
20 helpful?

21 CHAIRMAN WEISBROD: Because I think
22 whenever we engage in a review of our--our zoning and
23 our land use patterns, we go through an
24 extraordinarily intensive process. Certainly, as you
25 in part of your district we are looking--for example,

2 Jerome Avenue Corridor as part of that effort. And,
3 by the way, an area that we know is--needs more and
4 better open space. That has been something that we
5 are working with the Parks Department and others as
6 we plan for that--that area. So that--that process
7 is going to be extraordinarily deep and intense, and
8 it will do more than what a separate task force would
9 do because it's really going to be focused on--on--on
10 that neighborhood. Whereas, what concerns me as we
11 go through these processes is we have a separate
12 parallel different examination of these kinds of
13 issues, it will create more problems than it will
14 solve.

15 COUNCIL MEMBER CABRERA: Well, first, Mr.
16 Chairman, let me [background comments]. First of
17 all, let me just say that I have been more than
18 satisfied with the process that we're going through
19 in Jerome Avenue. The Bronx Unit has been amazing.

20 CHAIRMAN WEISBROD: That's very good to
21 hear. Thank you.

22 COUNCIL MEMBER CABRERA: Yeah, I mean
23 really elated and I'm just very, very with the
24 process--

25 COUNCIL MEMBER COHEN:

2 CHAIRMAN WEISBROD: [interposing] Thank
3 you.

4 COUNCIL MEMBER CABRERA: --so far. I'm--
5 I'm just thinking in terms of if you have for example
6 that process that we're going through right now from
7 the beginning if you had information already provided
8 it would be a good catalyst, starting point that will
9 actually maybe even save you time. Or, it might even
10 look at things that maybe it's possible to be missed
11 during the ULURP process.

12 CHAIRMAN WEISBROD: Well, as I--as I
13 understand the bill, um, it would be much more
14 general in scope and so what we're--what we're doing
15 in your district or doing in all the areas that--that
16 we're looking at is so much deeper and so much more
17 intense, and so much more frankly collaborative. Not
18 just--I mean principally on open space issues, and
19 parks issues with the Parks Department, but with
20 literally all of the agencies that are risk--are in--
21 I just think again, we don't want to diffuse our
22 efforts. We want them to be as focused and as
23 concentrated and intense and substantive as possible.

24 COUNCIL MEMBER CABRERA: Well, thank you,
25 Mr. Chairman. Again, I thank you for your efforts

2 and for your staff. You're doing a fantastic job.

3 In Jerome we're looking for a tremendous outcome. We

4 need it, and thank you for all the considerations

5 that have been taken with you. I believe the--

6 CHAIRMAN WEISBROD: Thank you, Council

7 Member.

8 COUNCIL MEMBER CABRERA: Okay, thank you.

9 Well, thank you so much at this moment. Thank you

10 for--I know we've been at it for an hour and a half,

11 but we have so many others that are coming, and so

12 thank you so much.

13 CHAIRMAN WEISBROD: Thank you. It seems

14 like five minutes.

15 COUNCIL MEMBER CABRERA: [laughs] When

16 you're having fun.

17 [background comment, pause]

18 COUNCIL MEMBER CABRERA: Okay, I'm going

19 to call up Kate Slevin, Diane Buxbaum, and Kate Wood.

20 You'll have three minutes each. Se we'll have the

21 sergeant-at-arms have the timer on, and you may begin

22 as soon as you're ready. [pause] Good morning, I

23 think we're missing someone.

24 KATE SLEVIN: Good morning.

25

2 COUNCIL MEMBER CABRERA: I think--let me
3 just--just make sure. We have Kate Wood, Kate Slevin
4 and Diane Buxbaum. [background comments] Okay. She
5 can come right up. Thank you so much. You may
6 begin.

7 KATE SLEVIN: Thank you for the
8 opportunity to testify today. My name is Kate Slevin
9 and I'm the Vice President of Policy and Planning at
10 the Municipal Art Society of New York, 123-year-old
11 organization that works for a more livable city. We
12 strong support Intro 737 and applaud Council Member
13 Levine for taking a lead on addressing the impacts of
14 new buildings on our treasured public spaces. MAS'
15 longstanding concern about protecting our parks has
16 been heightened by the super tall towers rising south
17 of Central Park. Most of them are being constructed
18 as of right without any public or environmental
19 review, even though they will be among the tallest
20 structures in the western hemisphere and cast deep
21 shadows into Central Park. Beyond Central Park, out-
22 of-scale development can cast shadows--can shadow
23 entire playgrounds or pocket parks, and negatively
24 affect the surrounding community. We are not anti-
25 development. New York City must grow and change, but

2 we believe new developments should be of benefit to
3 the surround community, preserve access to light and
4 air, and make the streets more vibrant places.

5 Regarding the specifics of the bill, a proposal that
6 somehow puts the responsibility on the developer
7 rather than the Parks Department or City Planning to
8 disclose shadow impacts of new buildings could be
9 explored as negotiations continue. We also believe
10 that small pieces of land like green streets should
11 be exempt from provisions in the task force study.

12 As our city grows, this is an excellent first step to
13 address the issues of out-of-context development.

14 But ultimately, the de Blasio Administration needs to
15 take action and address this in a more holistic way.

16 The Administration should pursue regulatory changes
17 requiring buildings that use development bonuses
18 above a certain threshold, say 20% more than the
19 underlying zoning allows, and be subject to some
20 level of public review. In the meantime, the city
21 could consider steps like issuing a temporary
22 moratorium on new building permits for super tall
23 towers that aren't already subject to public review.

24 It could also pursue procedural changes that would
25 notify elected officials and community boards when

2 new merged zoning lots are created. MAS supports
3 advancing policies that protect New York City's
4 neighborhoods, parks and streets from adverse effects
5 of irresponsible development practices. In light of
6 these concerns, we have developed a series of online
7 resources including free accessible maps, which show
8 the availability of development rights across the
9 city. They can be found on our website at
10 www.mas.org. We look forward to continuing to work
11 with the Council on this important issue. Thank you.

12 KATE WOOD: Thank you very much for the
13 opportunity to testify on this critical issue. I'm
14 Kate Wood. I'm the President of Landmark West. Here
15 in New York City we are hurdling towards a future
16 where our skyline is an anonymous thicket of mega
17 towers, our parks dark and lifeless. This future is
18 the antithesis of the city beautiful. It is the city
19 unlivable. We often hear that New York City has no
20 real planning, only zoning. This is generally true
21 at the municipal level, but at the neighborhood level
22 communities have been planning. We have been working
23 for decades to secure balanced growth using every
24 tool at our disposal from zoning to landmarks
25 preservation to small business and affordable housing

2 protection policies. Too often we are placed on the
3 defensive when shortsighted interests find ways to
4 manipulate and avoid these protections. Too often it
5 takes a crises--a crisis or a series of crises before
6 sound planning policies are introduced. Entire
7 blocks of Lower Manhattan were cast in shadow before
8 we got a zoning ordinance in 1916. It took the
9 devastating loss of Pennsylvania Station before we
10 got a landmarks preservation law. In each case, task
11 force--task forces were set up to study the need for
12 policy reform, and each day those task forces
13 labored, the city was steadily diminished.

14 Landmark West applauds the goal of
15 interagency collaboration and focus on the crucial
16 problem of shadows in our parks, but we urge you not
17 to tarry at the task force stage. Study must be
18 accompanied by action. Clearly, the existing
19 reactive safeguards referred to by Chair Weisbrod are
20 not working. We need to get proactive. I highly
21 recommend Bill Moyer's compelling and inarguable
22 documentary *The Long Dark Shadows of Plutocracy* to
23 anyone who doubts the crisis we face. Studies
24 already show and predict dramatic impacts of shadows
25 on Central Park. In 2007, eight years ago Landmark

2 Wet conducted a study of development potential around
3 Central Park West and identified ten soft sites where
4 towers could rise. Given current construction
5 technology, economics, the untracked transferability
6 of development rights and the Mayor's political
7 endorsement of super tall buildings the area of
8 impact is significantly broader than we once thought
9 possible. For smaller parks, all it would take is
10 one large building even one blocks away to destroy it
11 as a functional public asset. Many civic and
12 political voices across the city have united in
13 support of a moratorium on tall buildings while
14 policy reform is deliberated in advance. Please make
15 that your top priority. We've already sacrificed
16 enough. In addition, we urge you to make a sunshine
17 ordinance, such as San Francisco a focus of your
18 study. Finally, we need to set the record straight
19 on who owns the sky. We must have a transparent
20 [bell] publicly accessible means of tracking
21 development rights. There must be tighter limits on
22 those development rights travel, and we should
23 explore tools modeled on rural land trusts
24 established to re-appropriate development rights
25 where their use goes against the public interest.

2 And I'll just conclude by saying we talk about
3 development rights, but they are not an entitlement.
4 Like all other aspects of property ownership, they
5 are subject to rules and regulations designed to
6 protect the public interest, the sky, our parks,
7 our communities. These are our commons. You are
8 entrusted with their safekeeping. Thank you.

9 DIANE BUXBAUM: My name is Diane Buxbaum,
10 and I am representing the Sierra Club. [coughs] The
11 Sierra Club is an organization that at every level
12 has worked to preserve parks at national, state and
13 local levels. We strongly oppose any kind of
14 construction that would cause damage to any park. We
15 have opposed building of residential buildings in
16 parks, and certainly oppose [coughs] the construction
17 that's being proposed here that would damage a park
18 as important as the jewel of New York City, Central
19 Park. The proposed buildings would damage our park.
20 One Saint John in the New York Times October 23,
21 2000--October 28, 2013 said that studies had shown
22 that [coughs] on the Winter Solstice September 22nd
23 the shadows of the larger planned buildings would be
24 half a mile into the park during midday, and a mile
25 into the park as it grew later, quote "Darkening

2 playgrounds and ball fields as well as paths and
3 green space like sheet metal." He pointed out that
4 at that time already Heckscher Playground on the
5 south side of the park was cut out from sun by
6 midday--at midday by the shadows of the Extel 157,
7 which is 1,005 feet tall. That's a fifth of a mile.
8 According to a Municipal Arts Society report in 2013,
9 there were seven planned very tall buildings for the
10 area south of Central Park, and as we learned today,
11 it's not seven, it's twelve. [coughs] This area is
12 sometimes called Billionaire's Belt. The impact of
13 these very tall structures will change the very
14 nature of Central Park making it less inviting and
15 useful to all of us who enjoy our park and making it
16 less frequented by visitors to our city. There may
17 be a profound effect on--impact on vegetation and
18 animal life in the park. We must not allow damage to
19 our nature whether it be animal or plant. We must
20 protect our park. In addition, there is not apparent
21 concern for the impacts of such buildings on local
22 density, traffic movement, public schools, public
23 transit. All of these will be negatively impacted by
24 building such mega buildings. We have outdated
25 zoning laws that give developers great leeway in

2 planning mega buildings. These laws must be updated
3 to protect all of us, residents and users of our
4 city. We must not allow voracious people to take
5 over. The feeding frenzy of real estate developers
6 must not be allowed to damage the jewel of New York
7 City. We must guard not only our jewel of Central
8 Park, but every park in New York City whether
9 Manhattan or any of the outer boroughs. The Sierra
10 Club was founded to protect our nature nationally and
11 locally to protect the environment. This is the
12 founding principle of the club. Diane Buxbaum,
13 Conservation and Culture, New York City Groups,
14 Sierra Club.

15 CHAIRPERSON LEVINE: Thank you, Diane.
16 Thank you all. I apologize I had to duck to check
17 into to the Housing Committee meeting. It's a very
18 busy day at the City Council. Diane, so you
19 mentioned the impact not only flora but fauna, right.
20 So could you say a little bit more about how--what
21 that could be impacted?

22 DIANE BUXBAUM: We have a lot of nature.
23 We have squirrels. We have occasional coyotes
24 wandering in. I know we have raccoons because I've
25 met them near the Museum of Natural History when I've

2 gone to evening events in that area, and big fat
3 ones. I don't know what changes in vegetation would
4 actually impact them, but I think [coughs]
5 particularly our birds, our migratory birds and even
6 our residents birds. If vegetation has to be changed
7 to make it more shade tolerant, this might have a
8 profound impact on the nutritional aspects of what
9 can grow there. Shade tolerant trees may not provide
10 [coughs] food for our--food for the animals that our
11 hawks feed on for instance. And I think we may--I
12 don't know. I know we have some--in the northern
13 part of Manhattan, we had an eagle here or there. I
14 hope that we get them in Central Park, but what they
15 feed on, the animals that are herbivores will
16 certainly be impacted if the flora changes a great
17 deal. And that I think we've heard from City
18 Planning and from the Parks is a very strong
19 possibility.

20 CHAIRPERSON LEVINE: Thank you. And Kate
21 Slevin, I missed your remarks, but I understood you
22 were pointing out some of the potential pitfalls of a
23 task force, which I understand. Do I have that
24 correct? Not exactly, no?

2 KATE WOOD: [off mic] I was the one who
3 said that.

4 CHAIRPERSON LEVINE: Sorry, it was Kate
5 Wood. Sorry, okay.

6 KATE WOOD: No, we support the bill.

7 CHAIRPERSON LEVINE: Great. I--I welcome
8 any thoughts you have for how--if you think that this
9 bill could be strengthened in a way to give it more
10 teeth, or do you think that just task force is not
11 the way to go.

12 KATE WOOD: No, I--we support the bill as
13 well. My point was that we should not spend--we need
14 to hasten towards action because I think that from
15 the testimony that we heard from the City Planning
16 Chair as well as the Parks Commissioner, the--the
17 reactive tools that we have to analyze these impacts
18 are not working, and we need to get proactive. And
19 so, I see this task force as a necessary first step,
20 but everyday that the task force works and studies
21 and labors over this, the city is continually
22 diminished. So I think that a major priority of this
23 task force should be to recommend a moratorium until
24 policy reform can be--while policy reform is studied
25 and enacted.

2 KATE SLEVIN: And just to add to that, I
3 mean I think you--you heard some examples of how the
4 process does work when there is a process. The
5 problem is when there isn't a process, there's no
6 opportunity for the city to have a discussion about
7 this, and for the public to have a discussion.
8 Alyssa, Assistant Commissioner from Parks pointed out
9 some--a number of examples, Rockefeller University,
10 Fordham expansion where because of the public
11 dialogue and the discussion the development with the
12 city, you're able to get some mitigation measures.
13 And at the very least we should be having that
14 discussion.

15 CHAIRPERSON LEVINE: I completely agree.
16 I think that Council Member Cabrera had a question.

17 COUNCIL MEMBER CABRERA: Yes, thank you
18 so much, Mr. Chairman. First, let me just mention
19 you'll be happy to hear that I had a--I introduced a
20 bill and we had a hearing on a bill that would inform
21 council members and community boards when ever a
22 developer or anyone for that matter applies for a
23 building permit. That way, we could be proactive and
24 it looks like we're going to finally get it passed at
25 the end of this year. So now the community is going

2 to be informed. We're not going to be cut off guard
3 as we normally are. I have two questions. How do
4 you--how do you respond to the interaction I had with
5 the Chairman regarding he basically stated that there
6 is already a process, that this will be duplicating
7 the process?

8 KATE SLEVIN: Well, we have a lot of
9 respect for City Planning. They have a tough job
10 right now. We support their Housing New York Plan,
11 and support their goals of the agency to expand
12 affordable housing. We absolutely think New York
13 City should grow and change, but I think the question
14 here is how many developments in our city should
15 receive some sort of public review. And I think
16 there's--In our case we think the towers along 57th
17 Street there should have at least been a public
18 review, a public discussion about them, and as our
19 city continues to grow and change I think we can
20 learn from that as we move forward. So, I, you know,
21 I agree there's processes in place, but perhaps it's
22 time to consider which developments actually go
23 through those processes.

24 KATE WOOD: Council Member Cabrera, I
25 just wanted to say that I--I loved your statement

2 about you can't make good decisions with bad
3 information. So I think the idea that it would not
4 be helpful to have as much information and as much
5 communication among agencies and others who are--care
6 about these resources, to me that gives a message
7 from the City Planning Commission that they don't
8 want people looking over their shoulder, which means
9 that we absolutely must look over their shoulder.
10 Thank you.

11 COUNCIL MEMBER CABRERA: I mean the first
12 time I saw this bill introduce by the Chairman that
13 was the first thought that I had was oh, you're just
14 going to give at the very least more information.
15 What people do with that information is--is--is, you
16 know, it's the next step. But this is, you know, we
17 should never be afraid to get more information. I was
18 going to ask you last of all how many parks? Has
19 there ever been a study on how many parks have been
20 overshadowed right now by buildings?

21 KATE WOOD: You know, that's something
22 that the task force can look into when it's
23 established. [laughs]

24 COUNCIL MEMBER CABRERA: Okay. Very
25 quickly, and then we have to move on.

2 DIANE BUXBAUM: I just want to say that
3 once the--the shovels are in the ground--

4 COUNCIL MEMBER CABRERA: If you could get
5 the mic, please.

6 DIANE BUXBAUM: Once the shovels are in
7 the ground it's really too late, and I do hope this
8 task force comes into existence and has a very strong
9 impact on information dissemination.

10 CHAIRPERSON LEVINE: We agree. Thank you
11 and thank you panel.

12 KATE WOOD: Thank you.

13 KATE SLEVIN: Thank you.

14 CHAIRPERSON LEVINE: Next up we're going
15 to call Tupper Thomas from New Yorkers for Parks, and
16 then we also have Megan Douglas from New Yorkers for
17 Parks. No? Okay. So it's just going to be Tupper.
18 We have Mayala Disaco (sp?) from Community Board 5,
19 and Olive Freud from the Committee for
20 Environmentally Sound Development. [background,
21 pause] Tupper, you want to start us off?

22 TUPPER THOMAS: Yes, hi. Good morning.
23 I'm Tupper Thomas from--Executive Director for New
24 Yorkers for Parks, and I want to thank the Committee
25 on Parks and Recreation for bringing up this really,

2 really important issue. New Yorkers for Parks
3 absolutely supports the creation of this task force
4 to study the effects of shadows on New York City
5 Parks and open spaces. Over the years, we have seen
6 many examples of high-rise buildings completely
7 changing the nature of our open space through
8 shadows. The impact of shadows can have a profound
9 effect on our public parks and gardens. They change
10 the micro climates, sustain plant life--but sustain
11 plant life. We know that this issue is actually of
12 citywide concern, and that's one of the things we are
13 the most worried about is that the city is looking at
14 dense--making more dense across the--across the
15 country--across the city many, many neighborhoods,
16 which are filled with small parks, and community
17 gardens and other things that will be very
18 significantly affected by buildings. Not--they're
19 not going to be the stories tall that they are on
20 57th Street, but the are--the shadows issue has got
21 to become much more of an issue where there's limits
22 and there's conversation, and there's real
23 information out there for developers to understand
24 what's going to be allowed and not allowed. And so,
25 as we change the neighborhoods and we up-zone, all of

2 which is going to be important to do to keep going as
3 a city, and all of us support that. But the real
4 issue here is what in the long term can be the
5 effects of building too densely, and building with
6 shadows across our parklands and open spaces. You
7 cannot grow a tomato in the shade. So these
8 community gardens and small parks are the life blood
9 of these communities, and I think that it is not only
10 the Central Park issue, which is totally important,
11 but it is parks like 11 Sycamore on the Upper East
12 Side, which is so teeny and it only has, you know, 11
13 trees one of which I think has died. So, you know,
14 what will happen for that little park? What will
15 happen to these smaller parks as the shadows start to
16 fall across them because they will just be finished.
17 And so, I think the task force has to bring this to
18 the light because that is--that's what we need to do
19 now. It is time for us to rethink how CEQR works,
20 and how those other issues work and how will that
21 affect the quality of life in our city.

22 CHAIRPERSON LEVINE: Thank you. A very,
23 very important point. Lailah, do you want to go
24 next?

2 LAILAH LOGISICO: Good morning and thank
3 you for the opportunity to testify on this very
4 important issue. My Lailah Logisico (sp?) and I'm
5 the Chair of the Central Park Sunshine Task Force of
6 Community Board 5. As you know, the majority of the
7 super tall towers are being constructed around
8 Central Park and Community Board 5. Before I go into
9 my statement, I would just like to go off script for
10 a second to address some of the comments that were
11 made by Chair Weisbrod and the Deputy Commissioner of
12 Parks. We agree that the CEQR Manual is a very, very
13 good document and very thorough document that allows
14 for the very, very thorough review of development in
15 the city. I just want to make it clear that none of
16 the buildings being built on 57th Street are subject
17 to any public review. So there is a public review,
18 and it is a great public review, but it does not
19 apply to these particular buildings. I would also
20 mention that land that--the business district should
21 be treated differently. I also want to emphasize
22 that all of these buildings are residential. 100% of
23 these buildings are residential with some commercial
24 retail use at the base, but the bulk of the use is
25 residential. And then finally, I was actually a

2 little puzzled by the examples of mitigations that
3 were used by Parks Department in buildings that did
4 have a shadow impact on open space, and I heard a lot
5 the use of shade tolerance plants. And I want to
6 make it clear that humans will not become shade
7 tolerant. Therefore, it is really a pressing issue.

8 Now, to my testimony, I want to emphasize
9 that Community Board 5 published a report in May of
10 this year that underscores a number of issues brought
11 by these buildings. They include impact to the
12 parks, impact to our infrastructure, the lack of
13 public review and the lack of transparency. The new
14 glass towers have become the epitome of capacity in
15 so many ways. It's hard to say where the next one
16 will be. Developers are not required to disclose
17 their intentions. The majority of these buildings
18 are as of right. Capacity when it comes to who owns
19 the condos in these apartments, the New York Times
20 produced an investigative report that sheds much
21 needed light into the shady arrangements that shroud
22 ownership of these condos. Opacity that literally
23 blocks access to sunlight in our parks. So what
24 exactly is the problem here? You've heard it
25 countless times, and REBNY published a report

2 yesterday that repeats fallacious argument the towers
3 are tall. They produce long shadows that travel
4 quickly. So they don't have an impact. The problem
5 with this assertion: When there's the cumulative
6 impact of numerous towers gets taken into account
7 under the current zoning resolution and that includes
8 CEQR never, [bell] and this has to change. It is of
9 utmost importance that the shadow impact be taken
10 into account and mitigated. Thank you.

11 CHAIRPERSON LEVINE: Thank you, and
12 thanks to you and your colleagues on Community Board
13 5 and the Task Force, the work you've done has just
14 been inspirational, and it's helped a lot of
15 policymakers and elected officials understand this
16 very important issue. So, hats off to you.

17 LAILAH LOGISICO: [off mic] We
18 appreciate your support with this bill. Thank you.

19 CHAIRPERSON LEVINE: You got it. Okay.
20 Olive.

21 OLIVE FORD: I'm Olive Ford, President of
22 the Committee for Environmentally Sound Development,
23 and thank you for holding the hearing on the shadows.
24 The time is of the essence in this matter. My
25 committed has advocated for quality of life issues

2 for decades, and we are going to continue to do it.

3 Intro No. 737 proposes a study--two studies, the

4 effects of shadows on parks, but truly we already

5 know the effects: Loss of sunlight. In densely

6 over-congested Manhattan, there are now scant places

7 where you can find and enjoy a bit of sun. Our

8 streets have become narrow and dark wind tunnels

9 because of shadows. Truly, there is no question

10 about the negative effects of shadows. The question

11 rather is how to minimize their presence. In civic

12 minded San Francisco, no new buildings may be

13 constructed if they will cast a shadow on a park.

14 And you must strongly recommend likewise for New York

15 City amendment to local laws. Only construction that

16 does not further darken a neighborhood should be

17 allowed. Of course, that varies with different

18 neighborhoods. I am advocating for Midtown, the

19 Upper East and West Side where bad things are

20 happening. Tall buildings are stealing our sunlight

21 as we speak. We are subject to 100 plus story

22 buildings and mile-long shadows in Central Park

23 without any discussion on their environ--

24 environmental impact and quality of life issues. We

25 all know that increased density means more traffic

2 congestion, water, garbage and sewage and the rest of
3 that. This is an emerging--an emergency and calls
4 for a moratorium on construction so that we can
5 address these problems before they become worse, and
6 then irremediable. We need bound zoning. Manhattan
7 does not need growth, that is growth figure. What it
8 need is growth for better. The Moratorium might not
9 apply to construction of buildings under 26 stories
10 or to replacements of current structures. To
11 determine proper regulations in laws in zoning, we
12 must set a limit on height, demand a sunshine clause
13 that prohibits shadows in parks caused by new
14 construction. Require an environmental impact study
15 for all buildings over 25 stories. None of this as
16 of right business. We need an environmental study.
17 The new building on 57th Street did not go through
18 the--any EIS. Also they are residential buildings,
19 to what the Council Member Mark--to what the
20 Commissioner said. We have to adhere to the public
21 trust and open space doctrine. As it is, we do not
22 comply. New York City does not comply with open
23 space. [bell] Require operable windows. Tall
24 buildings have glass walls. Hence, to get some fresh
25 air you have to use power. There buildings are

2 energy guzzlers. Really, there ought to be a study
3 on what they're doing. Designate land work with
4 these sites and ensure contextual zoning in historic
5 districts. We must adhere to more--to a moratorium
6 with a long-term city view for the health of our
7 parks that belongs to our city. We do not want to be
8 remembered as the administration that ruined the
9 jewels of our city, our parks and our open spaces.
10 In a related matter, the Amendment, Zoning for
11 Quality and Affordability, would enhance quality by
12 limiting height and forbidding new shadows on parks.
13 Affordability should not be obtained at the expense
14 of livability, but rather by retraining the existing
15 stock.

16 CHAIRPERSON LEVINE: Thank you.

17 OLIVE FORD: That's just my little
18 addition there.

19 CHAIRPERSON LEVINE: Okay, thank you very
20 much and thank you to our panel. I appreciate it.
21 Next up we have Eleanor Fine. She's still here. We
22 have I think it's Luke Wilson, if I have that
23 correctly, and this one is very difficult to read. I
24 think it Hocks Yourow. I apologize, but this looks

2 like your handwriting? You got it? Is that you,
3 sir?

4 MALE SPEAKER: Yes, it is.

5 CHAIRPERSON LEVINE: Okay, great. All
6 right. Why don't you start us off.

7 ELEANOR FINE: Yes. Hi, I'm Eleanor
8 Fine. I was born in the city. Can you hear me?

9 CHAIRPERSON LEVINE: Yeah.

10 ELEANOR FINE: Okay. I was born in the
11 city and I've been a volunteer in Central Park for 28
12 years. I happen to live on East 57th Street. I just
13 want to say a few things about Mr. Weisbrod's
14 statements. Doug Blonsky who is the head of the
15 Central Park Conservancy was asked by David Dunlop of
16 the New York Times, "What do you think about these
17 shadows?" And Mr. Blonsky responded, "I only take
18 care of things inside the park." And the writer
19 responded, "But this is in the park." And I think
20 the only green that Mr. Blonsky is concerned with is
21 the green that comes out of donors' wallets. About
22 the subway system, the \$220 million that we're going
23 to get improve the subways at 42nd and Vanderbilt,
24 that 67-story building at Vanderbilt is going to go
25 from Vanderbilt over to Madison, and eventually

2 they'll build up Vanderbilt. You cantilever
3 buildings over a little rail cut, et cetera. And I
4 wrote to Mr. Garodnick and I said, How can you widen
5 the subway platforms, make the staircases narrower so
6 you have bottlenecks on the staircases. Remove the
7 sheathing around the pillars, and will all those new
8 people working in that tower ride their bicycles to
9 work? I don't know about technology, but I know soon
10 they'll have the technology to build a mile high
11 building. Anyway, I'll get on with my remarks
12 because I could take up a lot of time just talking
13 about Mr. Weisbrod's remarks. I have to hold it
14 down?

15 ELEANOR FINE: Okay. Our city is growing
16 darker and darker. The canyons of Wall Street are
17 moving uptown and are now occupying Midtown. Who
18 knows how far north they will travel. There is no
19 longer a sunny side of the street. The towers on
20 57th Street will create shadows in Central Park
21 during the winter months that will extend as far as
22 north as 72nd Street and creating so much density
23 that it is virtually impossible to get around the
24 city. The behemoth at the Park Avenue will be over
25 90 stories tall. If we don't do something,

2 technology will soon allow for mile high buildings.

3 What mother would want to bring her children to a

4 darkened playground in the park? Let's remember that

5 Central Park was created to give New Yorkers who

6 don't have country homes a way to escape. What

7 allows for this? Zoning with all its variances and

8 the sale of air rights. When the law came into being

9 100 years ago, do you think they realized that

10 buildings could be 90 stories tall? Transferring air

11 rights to areas of greater density is not the

12 solution. New Yorkers are living all over the city.

13 Why should one part of town be burdened with this

14 plague while another goes scot-free? In the 1920s,

15 prohibition laws were in enacted and soon after

16 repealed. Our zoning laws are not written in stone.

17 [bell] They did not come down with roses? They are

18 manmade. They can be changed and must be changed to

19 maintain the city that we New Yorkers cherish and to

20 provide residences for those who work in the city and

21 call New York Home. Our city should not serve as a

22 bank, a safety deposit box for shell corporations

23 Reganomics (sic) who are looking for a good

24 investment and a safe place for their cash. These

25 zoning laws and the sale of air rights have created a

2 monster. We must change them before they breed even
3 bigger progeny. What is ironic is that we are giving
4 up so much and getting so little in return.

5 CHAIRPERSON LEVINE: And that's fine if
6 you can wrap up quickly, please.

7 ELEANOR FINE: I will. While the
8 developers become rich, their apartments come with
9 tax abatements so that the buyers of multi-million
10 pay--homes pay next to nothing in taxes. Because the
11 vast majority of these owners don't make the city
12 their home, they spend little time here, and don't
13 spend much on goods and services. I call upon the
14 Mayor, the Planning Board--

15 CHAIRPERSON LEVINE: [interposing] Thank
16 you.

17 ELEANOR FINE: --and other groups. Let's
18 declare a moratorium on over development.

19 CHAIRPERSON LEVINE: Thank.

20 ELEANOR FINE: Let's bring a halt to this
21 abomination. Let's get these laws changed for the
22 benefit of New Yorkers, not developers, groopers, real
23 estate agents--

24 CHAIRPERSON LEVINE: [interposing] Thank
25 you for your time.

2 ELEANOR FINE: --and lawyers.

3 CHAIRPERSON LEVINE: Thank you for your
4 time.

5 ELEANOR FINE: Unlike pictures at an
6 exhibition--

7 CHAIRPERSON LEVINE: I need to ask you to
8 wrap up, please.

9 ELEANOR FINE: --these programs are not
10 taken down after three weeks. They are up for a
11 lifetime. We must protect the special character and
12 fabric of the city before it disappears.

13 CHAIRPERSON LEVINE: [interposing] All
14 right, thank you.

15 ELEANOR FINE: Once it's gone, it will
16 not come back.

17 CHAIRPERSON LEVINE: You can submit your
18 statement for the record. Folks, we--we lose this
19 room before--before long, and I want to be respectful
20 to everyone who came out and asked to testify. So
21 please if you can be respectful to our time limits.
22 Mr. Wilson, you're up.

23 LUKE WILSON: Thank you, Mr. Chairman.
24 My name is Luke Wilson, and I work at the
25 architectural firm, Kohn Pedersen Fox. It's an

2 international firm know for large scale work such as
3 skyscrapers and master plans. Here in New York we
4 are designing Hudson Yards and 1 Vanderbilt, which
5 has been discussed previously, and my work at KPF
6 focuses on how global cities regulate the impact of
7 new development on public spaces. The key question
8 today is whether shadows cast by tall buildings need
9 to be regulated citywide. Assuming that regulations
10 beyond existing zoning height and setback
11 requirements are necessary, who does the review and
12 what is the criteria used for evaluation. My
13 research has show that height alone is not the only
14 consideration. In Boston the city can regulate new
15 buildings based on the duration of new shadow
16 created. They quantify the continuous one-hour
17 shadow cast on specified areas. They duration of
18 continuous shadow is directly related to parkgoer
19 comfort level. They do this in certain cases where
20 the proposed building will exceed the zone bulk for
21 the site. In a comparative analysis between the
22 super talls south of Central Park for the Time-Warner
23 Center using this criteria I found that the
24 cumulative impact of the new super talls was very
25 similar to the impact of the Time Warner Center.

2 Given the same amount of built area, tall, skinny
3 buildings have a much smaller noon shadow duration
4 impact as compared with short wide buildings. In
5 fact, as is the case with the super tall south of
6 Central of South is the bottom 25% of the towers that
7 have the greatest impact on shadow duration. This
8 implies that the absolute height as the reason for
9 which buildings need to be evaluated is counter to
10 the intent of the proposed legislation. For New York
11 it would be beneficial to determine what an
12 acceptable level of new shadow on parks would--would
13 be for certain sites given their current zone as of
14 right FAR. This would create performance based
15 criteria that protects the comfort level of the parks
16 while providing certainty to developers who know that
17 a project will be approved if it meets the specified
18 criteria. I will end with a few recommendations.
19 Based on current zoning, we need to determine which
20 parks are near potential towers that may cast
21 significant shadows on the parks. If only a few
22 parks across the city get identified, then a citywide
23 solution may not be appropriate. Given parkgoer
24 comfort levels a primary concern, the distinction
25 between shade, which is desirable during summer

2 months puts a shadow, which you want to avoid during
3 winter months is important to consider. Related to
4 this, we need to determine not only impact relative
5 to comfort levels but impact relative to park use.
6 This can be done using time dependent geo-locates
7 social media data such as Twitter or Facebook check-
8 ins to determine when both time of year and time of
9 day people are using what parts of parks. Along with
10 the Computer Science Department at NYU, we are
11 currently developing a software platform to analyze
12 citywide shadow impact on new development, and would
13 be happy to help the city study this issue. I'd like
14 to thank the Committee on Parks and Recreation for
15 their time.

16 CHAIRPERSON LEVINE: Thank you, Mr.
17 Wilson. Thank you for this report, which you
18 distributed to us, which is packed with helpful
19 renderings and data. We really appreciate your
20 contribution. Thank you. Okay, sir, if you could
21 tell us how you pronounce your name for the record.

22 HOWARD URAL: Yes, it's Howard Yourow.

23 CHAIRPERSON LEVINE: Got it. Okay.

24 HOWARD YOUROW: I'm speaking as a
25 concerned citizen and also as a member of the Four-

2 Borough Neighborhood Alliances. The preservation is
3 specifically concerned with issues outside of
4 Manhattan, and I'm happy to say that we're the found
5 member of a new coalition we call the Citizens for a
6 Human Scale in New York City. I think you'll be
7 hearing more from it about that coalition later.
8 Just a very few things. Of course, we support the
9 task force. We want to make the point again, which
10 has already been made that the issue of 57th Street,
11 of course, is but one example of a universal issue
12 and, of course, it's universal in the city. All the
13 boroughs now must be concerned with a new generation
14 of skyscrapers, super tall skyscrapers and shadows.
15 I want to thank you, Mr. Chairman, for your excellent
16 opening statement, and also the support of all of the
17 excellent statements that our colleagues have so far
18 submitted. Chairman Weisbrod I'm speaking personally
19 now, I know he's a fine fellow and an excellent
20 administrator but, of course, he's an apologist for
21 an administration, which is in bed with REBNY and the
22 large development interests. There's no doubt about
23 it. He personally and the administration talks a
24 good game but, of course, we know where the bread is
25 buttered. We won't go into all that politics.

2 That's just quite obvious. We favor the moratorium,
3 of course. I just want to conclude with a very
4 slight soliloquy on the word shadow, which, of
5 course, comes from the German word schatten, which
6 means shadow. And they have--those words have root
7 in the word schande in German, which, of course,
8 translates as shame. Thank you.

9 CHAIRPERSON LEVINE: All right. A little
10 linguistics here in the City Council today.
11 Fascinating. Thank you both very much. Our next
12 panel will be Cleo Dana from Friends of Damrosch
13 Park; Lynn Richmond from People for Green Space
14 Foundation; Leslie Doyle from Safe Chelsea. I hope I
15 got that right, and let's a fourth person in, in our
16 four chairs, Lyn Ellsworth from the Tribeca Trust.
17 [background conversation, pause] I want to
18 acknowledge we've been joined by the Majority Leader
19 Jimmy Van Bramer, who probably has to be in three
20 committees simultaneously today. So we understand.
21 Ms. Daniels, would you like to start us off?

22 CLEO DANIELS: Yes.

23 CHAIRPERSON LEVINE: Okay.

24

25

2 CLEO DANIELS: A picture is worth--worth
3 a thousand words. I'm preaching to the converted
4 here.

5 CHAIRPERSON LEVINE: If you could speak
6 into the mic just for the recording purposes.

7 CLEO DANIELS: [off mic] Okay.

8 CHAIRPERSON LEVINE: Is the right button
9 on?

10 CLEO DANIELS: Oh.

11 CHAIRPERSON LEVINE: There we go.

12 CLEO DANIELS: The Parks Department has
13 spoken about--I think they alluded to what happened
14 with Fordham Construction as an example of mitigation
15 policies put in place. This is post-litigation. The
16 park is entirely in shadows, and this is Damrosch
17 Park, once a little jewel in Lincoln Center. Post
18 that, you know, a swath--you know, nothing. A time
19 lapse picture once CEQR is out and the park is
20 restored after the decimation by Fashion Week. If
21 you have a time lapsed picture in spite of the study
22 that showed that--that the buildings--Lincoln Center,
23 Fordham build, Glenwood on Fordham property have
24 absolutely ruined the vegetation that was there. If
25 you have a time lapsed picture, all you see is people

2 scurrying away from the shadows into the sun early in
3 the day until they're up against the Metropolitan
4 Opera House wall where a little sunshine remains.
5 The fund that was created by Damrosch Park by Fordham
6 to bring in new growth--new types of vegetation in
7 Damrosch Park has done absolutely nothing for the
8 park and it's a mistake to think that having those
9 mitigation laws take place, this is the result. You
10 know, I pass this on, and this from 19--this was
11 taken last week and a study--the Environmental Impact
12 Study was made in 2011. Nothing is there. Nothing.
13 That's it. We hope that in addition to the study you
14 can prevent these. You know, we've already discussed
15 this. It's not enough to say, oh, we'll create a
16 fund because this is the result. Thank you.

17 CHAIRPERSON LEVINE: I'm really glad you
18 brought this to our attention, and it's very
19 important to remember it's not only Central Park it's
20 a risk. In fact, some of the smaller parks stand to
21 lose even more because one building could blot out
22 the sun to the entire park. So thank you for sharing
23 with us. Mr. Doyle, is that correct?

24 REN RICHMOND: Richmond.

2 CHAIRPERSON LEVINE: Sorry, sorry.
3 Great. Please, take it away.

4 REN RICHMOND: I'm the Director for
5 People for Green Space. Condos Casting Shadows Over
6 Parks. In Brooklyn we're trying to prevent what
7 happened in Central Park from happening our park.
8 The city-controlled non-profit, the Brooklyn Bridge
9 Park Corporation wants to break its public commitment
10 and put an unnecessary 300-foot plus--foot condo
11 tower inside the Brooklyn Bridge Park on top of the
12 children's playground and blocking the main southern
13 entrance to the park at Atlantic Avenue. This area
14 is in a flood zone. It was devastated by Hurricane
15 Sand, and given the massive development in Downtown
16 Brooklyn, this parkland is every more precious. A
17 long list of elected officials, area neighborhood
18 associations have expressed opposition. I leave it
19 in my testimony, but it includes people like Daniel
20 Squadron, Congresswoman Nydia Velazquez, Public
21 Advocate Letitia James, Council Members Brad Lander
22 and Steven Levin, and long list of community groups.
23 Parks matter. As we build a more dense and
24 affordable city public park space becomes ever more
25 precious. It is time to take meaningful steps to

2 protect our important public spaces. I applaud the
3 creation this task force as a small but important
4 first step. Thank you.

5 CHAIRPERSON LEVINE: Was an environmental
6 review required in that case?

7 REN RICHMOND: It was more--more than a
8 decade ago, and as you know, there has been
9 tremendous development and other changes in Downtown
10 Brooklyn. We launched a lawsuit more than a year ago
11 to get an updated review, and that's one of the areas
12 where I think our public review process could be
13 helped dramatically by just putting an expiration
14 stamp on these public reviews. You should go ten
15 years without new review.

16 CHAIRPERSON LEVINE: And did you--I
17 assume the original review included a shadow
18 analysis?

19 REN RICHMOND: It did--it did include a
20 shadow analysis.

21 CHAIRPERSON LEVINE: And has any--will
22 there be any--any reshaping of the scale or
23 remediation for the shadow then proposed?

24 REN RICHMOND: No.

2 CHAIRPERSON LEVINE: So not even the
3 types of substitution of--of--of plant that's been
4 implemented at all there?

5 REN RICHMOND: Yeah, I mean they--the
6 chose the building site. It cast a shadow. There
7 are other developments in the park, and a lot of the
8 shadow goes across the building. So they cited the
9 building with an attempt to minimize it, but you
10 still have shadow going across the park, and it's a
11 massive building.

12 CHAIRPERSON LEVINE: Okay. Thank you
13 very much.

14 REN RICHMOND: Thank you.

15 LESLIE DOYLE: Do you want me to--

16 CHAIRPERSON LEVINE: [interposing] Not
17 yet.

18 LYNN ELLSWORTH: Press?

19 CHAIRPERSON LEVINE: Yeah.

20 LYNN ELLSWORTH: There you go. I'm Lynn
21 Ellsworth. I'm Chair of the Tribeca Trust, a civic
22 organization in Tribeca. I'm also find myself as one
23 of the founders of the New Yorkers for Human Scale
24 City, which is brand new, just a couple weeks old. I
25 have some written remarks I'm going to go through,

2 which I--I--which are short but I have a couple of
3 digressions brought by Chair Weisbrod's comments.
4 There first is that, you know, people keep talking
5 about growth in real estate in New York and there is
6 no consensus among economists that economic is--real
7 estate production creates economic growth. It is
8 best thought of as a brief stimulus mechanism for the
9 construction industry, but there is no correlation in
10 literature. And for people's abilities to read books
11 on the theory of economic growth. The second thing
12 is about this issue of we already have an
13 environmental review process, and that's good enough.
14 That I want to say the work of a legal scholar who
15 wrote a book recently that came out on *Nature's*
16 *Trust*, but it's more of an EPA oriented review. But
17 how the regulatory framework that just requires an
18 environmental review doesn't result in any particular
19 policy change. It's based on a collusion (sic)
20 theory that, you know, a little remediation here and
21 there is fine, but it doesn't actually change the
22 game. And I think in this situation we need a game
23 changing approach to the problem. And the third
24 point, I wanted to bring up the Tribeca Park
25 experience, Washington Market Park is our only small

2 little park down there. It's been around for a
3 while. With all the new construction on South and
4 North Street (sic) it got shadowed and there was
5 public outcry. Everybody was upset. They did a
6 study. It was mitigated to it's not really going to
7 do anything. Well, now you really can't grow grass
8 on the commons there any more. You know, it's a
9 combination of the increased shadow and the increased
10 density in Tribeca, which had a tripling of
11 population growth, but it all little kids. So what
12 used to be grass is now mostly wood chip and it's
13 closed off a good chunk of the year during
14 summertime. So they fence it off to get the grass to
15 grow until almost July, and then they have to fence
16 it off again. I think this could happen everywhere.
17 Also, we have lots of little tiny green triangle
18 parks in Tribeca because we don't have a lot of open
19 space, and we see these as potential park space. So
20 we kind of disagree with the Municipal Art Society
21 that such space issue would be exempt from any
22 proposed task force investigation. The last comment
23 is simply that all the discussion that the city is
24 generating over density, density isn't an interesting
25 word unless there's a really good adjective in front

2 of it, and the one that I'm thinking about that is
3 interesting for future debate in the city is what the
4 range of optimal density for a livable city, and
5 there is a tipping point when it's [bell] no longer
6 good. So my other remarks just real fast that the
7 shadow problem in my neighborhood presents itself not
8 just on parkland, but on the public streets, the
9 sidewalks, the plazas and indeed our entire
10 neighborhood as eight new out-of-scale towers rise in
11 and around out small historic districts. In
12 economics this overbuilding phenomenon is called the
13 free rider problem. And in this case developers take
14 advantage of the quality of the public amenities in
15 the historic district. They're overbuilding at the
16 borders on purpose. This is documented by Edward
17 Glazer's recent study. This overbuilding happens
18 everywhere at all borders of public amenities be they
19 parks, historic districts or river views. And what
20 is on top of this a tragedy of the common, the
21 developers end up incrementally destroying these
22 amenities at the same time. So the only solution is
23 to clarify that our light, our air, our historic
24 fabric and our economic views are part of a public
25 commons and use of them must be regulated. And I am

2 delighted that you are trying to get going on that.

3 But for this reason--

4 CHAIRPERSON LEVINE: Okay, can you--if
5 you could summarize since we're over time.

6 LYNN ELLSWORTH: Well, we want you to go
7 more aggressive. Much more aggressive. We're with
8 everybody. Let's do away with TDRs. Let's do away
9 with zoning lot mergers. Let's have a demolition
10 moratorium, and historic fabric. So just be more
11 aggressive.

12 CHAIRPERSON LEVINE: All right, I'm going
13 to punch to the point where I--very good. And
14 finally, Ms. Doyle.

15 LESLIE DOYLE: Yes, thank you. [coughs]
16 First of all, well, I'm Co-President of an
17 Organization called Save Chelsea, and first of all, I
18 should thank you for the new park that we have just
19 been celebrating.

20 CHAIRPERSON LEVINE: I think you want to
21 thank your local council member.

22 LESLIE DOYLE: I do. I wish he was
23 sitting here. [laughs] So he's not.

24 CHAIRPERSON LEVINE: I'm very, very happy
25 that you got desperately needed green space.

2 LESLIE DOYLE: Yes, it is. Indeed in a
3 part--in a very poor area. Save Chelsea is a
4 coalition of Chelsea organizations now it its tenth
5 year, and we support Intro 737 and task force and
6 agree with those. I thought I would just read a
7 little bit of a cautionary tale here, which is
8 quoting from Above Grade: On the High Line by
9 Phillip Lopate who said back in 2011, "Much of the
10 High Line's present magic from its passing through--
11 from its passing through an historic industrial
12 cityscape roughly the same age the viaducts,
13 supplemented by private tenant back yards and the
14 poetic grunge of taxi garages. It would make a huge
15 difference if High Line walkers were to feel trapped
16 in a canyon of spanking new high-rise condos
17 providing antlike visual entertainment for once
18 physical betters lolling balconies. The High Line
19 exemplifies a preservation conundrum: How do you
20 protect not only the oldest structure itself through
21 intelligent adaptive reuse, but also retain the
22 flavor of its original surrounding context. A
23 certain amount of luxury highlights--high-rise will
24 inevitably occur along this route. The question is
25 how much. Only strict zoning regulations might

2 prevent a forest of new apartment buildings from
3 flagging the High Line, but the city seems to be
4 encouraging more rather than less high-rise
5 residential development on the far west side. We can
6 only pray that the current recession, which has
7 temporarily brought a halt to some new construction
8 will last as long as possible. While wringing our
9 hands we should also remember that when the High Line
10 was built one of its initial purposes was to spur air
11 rights below and over the sight, which is the zoning
12 text called the Special West Chelsea District. In
13 2012, CB4 Land Use Committee member David
14 Hallocust(sp?) said--and show has done extensive
15 shadow studies especially around Chelsea Market,
16 which was up-zoned recently, "The Special West
17 Chelsea District might as well be called the special
18 district to ensure that light, air and views are
19 preserved along the High Line open space." For the
20 number of times that these words are repeated in the
21 zoning text. Yet, much of the High Line Park has
22 become a shadow canyon of blocked and greatly
23 diminished views. So too late for much of the High
24 Line but for New York's other parks we support this
25 bill wholeheartedly, a goal that should be more

2 aggressive and have also joined New Yorkers for a
3 Human Scale City. [bell] Timing.

4 CHAIRPERSON LEVINE: Impeccable timing.
5 Excellent.

6 LESLIE DOYLE: [laughs] Thank you.

7 CHAIRPERSON LEVINE: Thank you all very
8 much, panel. We appreciate it.

9 LESLIE DOYLE: Thank you.

10 CHAIRPERSON LEVINE: And our final
11 witness and maybe two people. I'm not sure. Carol
12 Willis from the Skyscraper and I'm not sure if there
13 is--

14 FEMALE SPEAKER: [off mic] I think she
15 is upstairs in probably the lobby.

16 CHAIRPERSON LEVINE: Oh, not a--are you
17 here? Wonderful. Are you Liz.

18 LIZ VOLCHEK: Yes.

19 CHAIRPERSON LEVINE: Liz Volchek, please.
20 Glad you made it up. [pause]

21 LIZ VOLCHEK: Okay. Good afternoon. I'm
22 here on behalf of Carol Willis of the Skyscraper
23 Museum. Good afternoon. My name is Carol Willis and
24 I am the Founder, Director and Curator of the
25 Skyscraper Museum in Lower Manhattan. Although I

2 speak here today not in that role, but as an
3 individual. I'm an Architectural and Urban Historian
4 who is published widely on the history of skyscrapers
5 and on the New York City Zoning Law, and for the past
6 two years I've been studying and writing about the
7 tall and slender towers that are your concern today.
8 I would emphasize that these towers represent a new
9 type in skyscraper history that is both
10 characteristic of and unique to New York. In the
11 past year, I've been invited to speak about this new
12 New York type of group--to groups of architects and
13 engineers in China, Canada and Australia. My point
14 in mentioning this is around the world people are
15 excited by the innovation and aspiration of these
16 super slender towers represented. Unfortunately,
17 many New Yorkers seem to see the towers only in
18 political terms of good versus evil, rich versus
19 poor, and sunlight versus shadows. There is no way
20 to argue with the certainty of such beliefs. But let
21 me try to quickly make some points about why it does
22 not make sense to change the existing as-of-right
23 zoning and other zoning rules in order to omit and
24 other regulate the one single criterion, the height.
25 People generally confuse the concepts of tall and

2 big. However, the key characteristic of this new
3 type of luxury tower is slenderness. As City Council
4 Members know, the City Zoning Law limits FAR, which
5 is the maximum amount of floor area allowed on a
6 given lot. The tall slender condo towers achieve
7 their height by rearranging their assembled FAR as
8 high in the sky as possible. In doing so, they leave
9 open space and sunshine in the block's lower zones.
10 FAR is finite. It's a Cap and Trade system. As a
11 consequence, these tall, thin buildings have slender
12 shadows that move quickly across the ground or street.
13 These super slenders are dramatically changing the
14 skyline by punctuating with excited exclamation
15 points the middle and mass of high rises produced in
16 the Post-War period after the 1961 Zoning Law
17 effectively limited the heights of commercial
18 buildings to the range of 40 to 50 stories. But it
19 must be emphasized these towers will not increase the
20 density of the city's--of the city by one single
21 square foot beyond the existing FAR. The City's as-
22 of-right provision, which has been in place for more
23 than five decades has served the city well in both
24 economic and aesthetic terms. It produces the
25 glorious variety and vitality of the Manhattan

2 Skyline, amplified by the ability to purchase and
3 pilot air rights. The combination of regulation plus
4 opportunity creates buildings, like it or not,
5 express the quintessence of the competitive and
6 aspirational character of New York. Since Circa
7 2007, a new type of skyscraper has been born of the
8 native conditions in Manhattan. Its high land
9 values, sophisticated design and engineering and
10 heightened demand for trophy properties. The
11 industry of the super slender towers connects them
12 both to storied narratives of Robert Barron (sic)
13 mansions, and to the romance of the Rainbow Room and
14 the Chrysler Building Spire. In 2050, when these
15 slender towers are eligible for landmark protection,
16 I have no doubt that some, such as 432 Park Avenue
17 and 111 West 57th Street will be designated as
18 superior examples of the iconic forms characteristic
19 of New York and the 2010s. If we truly value the
20 richness and history of the Manhattan Skyline, we
21 should celebrate these extraordinary 21st Century
22 skyscrapers or look to other means, especially taxes
23 to ensure the whole city benefits from multi-family
24 housing for millionaires and billionaires. Thank
25 you.

2 CHAIRPERSON LEVINE: Thank you, Liz, and
3 thank Carol for us, and this concludes our hearing.
4 Thank you all very much. [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 November 19, 2015