

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDING

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April 2, 2014  
Start: 10:00 a.m.  
Recess:

HELD AT: Council Chambers  
250 Broadway - Hearing Room, 14th  
Fl

B E F O R E: JUMAANE D. WILLIAMS  
Chairperson

COUNCIL MEMBERS:

Peter A. Koo  
Ydanis Rodriguez  
Steven Matteo  
Rorbert E. Corney, Jr.  
Helen K. Rosenthal  
Mark Levine  
Rosie Mendez  
Rafael Espinal

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

John Lee  
Deputy Director  
Green Buildings and Energy Efficiency  
Mayor's Office of Long-Term Planning and  
Sustainability

Thomas Eisele  
Parts Advisor  
Mayor's Office of Long-Term Planning and  
Sustainability

James Colgate  
Assistant Commissioner for Technical Affairs  
Department of Buildings

Christine Johnson  
Assistant Commissioner for Chronic Disease  
Prevention and Tobacco Control  
Department of Health and Mental Hygiene

Russell Unger  
Executive Director  
Urban Green Council

Cecil Scheib  
Chief Program Officer  
Urban Green Council

Laure Kerr  
Director, City Energy Project  
National Resources Defense Council

Victor Nazario  
Resident Manager/Superintended  
Whitney Condominiums

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

Howard Styles  
Training Director of International Union of  
Operating Engineers, Local 94's Training  
program.

Hani Salama.  
Secretary of BOMA  
Executive Vice President  
Monday Properties

Mary An Rothman  
Executive Director  
Council of New York Cooperatives and  
Condominiums

Matthew Ararich  
Business Manager  
Heat & Frost Insulation

Nora Sherman  
CUNY Building Performance Lab

Catherine Rangel  
New York Electrical Contractors Association

Yantin Lee  
Director  
New York City Sustainability Program

2 CHAIRPERSON WILLIAMS: Good morning  
3 everyone and thank you for coming. Council Member  
4 Jumaane Williams, Chair of the Committee of Housing  
5 and Buildings, and I'm joined today by Peter Koo of  
6 Queens, Ydanis Rodriguez of Manhattan; Council Member  
7 Matteo from Staten Island; Council Member Cornegy  
8 from Brooklyn; Council Member Rosenthal from  
9 Manhattan; and Council Member Levine from Manhattan.

10 Today, we'll be holding a hearing on  
11 eleven -- Oh, I'm sorry. I think I'm bad. Council  
12 Member Rosie Mendez from Manhattan. Today, we'll be  
13 holding -- The best for last, absolutely. Today,  
14 we'll be holding a hearing on 11 boroughs, most of  
15 which based upon recommendations of the Green Codes  
16 Task Force. As many of you probably know, the Green  
17 Codes Task Force was a group of industry experts,  
18 union representatives, tenant applicants,  
19 environmentalists, academic developers, building  
20 owners and government officials that convene and put  
21 together a list of 111 recommendations for greening  
22 the City's construction codes. We've got a lot to  
23 cover. So I'm going to give a brief overview of the  
24 bills before us, and then we'll hear from the  
25 Administration and members of the public.

2           The first item before us is Intro 13:  
3 Coast -- Sorry. Intro 13 sponsored by Council Member  
4 Koslowitz. This bill would require that individuals  
5 who are responsible for operating base building  
6 systems like heating, hot water, electrical systems,  
7 and other critical systems receive training for a DOB  
8 approved energy efficiency program. The bill would  
9 apply to buildings over 50,000 square feet in size,  
10 and will cover new buildings starting on January 1,  
11 2015, and it will apply to existing buildings on  
12 January 1, 2017.

13           The second item before us is Intro 14 co-  
14 sponsored by Council Member Levin. This bill is  
15 intended to ensure that building systems and  
16 equipment are properly sized and operate efficiently.  
17 The bill would require that construction documents  
18 show the specific heating and cooling load  
19 calculations for different building systems.

20           The third before us is Intro 16 sponsored  
21 by Council Member Levin. This bill is intended to  
22 deal with uninsulated pipes, which can cause over-  
23 heating and energy waste. The bill require that  
24 portions of uninsulated piping, which is exposed  
25 during alterations of repair work must be insulated.

2           The fourth bill before us is Intro 93  
3 sponsored by Council Members Matteo and Ignizio at  
4 the request of Staten Island Borough President Oddo.  
5 The bill is aimed at mold. It will require the use  
6 of mold resistant material like cement board in  
7 showering and back areas and other areas prone to  
8 moisture. This bill would apply to new construction  
9 alterations.

10           The fifth item before is Intro 184  
11 sponsored by Council Member Chin. This bill is aimed  
12 a preventing heat loss in buildings. It would  
13 require that building designers minimize heat loss  
14 through (1) the areas where exterior walls meet the  
15 foundation, and (2) the areas where mechanical  
16 equipment, such as an air conditioner penetrates an  
17 exterior wall. The bill would apply to new  
18 construction.

19           The sixth item before us is Intro 2000 --  
20 Excuse me. Intro 0202 is sponsored by Council Member  
21 Koo. This bill would generally require that building  
22 occupants have access to stairs that they can use to  
23 get from floor to floor within the building. The  
24 bill would apply to new construction, and to  
25

2 alterations that cost more than 60% of the building's  
3 value.

4           The seventh item before us is Intro 203  
5 sponsored by Council Member Koo. This bill would  
6 allow buildings to have stairway doors that are held  
7 open, and close automatically in the event of smoke -  
8 - to have -- this bill would allow buildings to have  
9 stairway doors that are held open, and close  
10 automatically in the event of smoke or fire.

11           The eighth item before us is a pre-  
12 considered bill sponsored by Council Member Levin.  
13 This bill would require that major energy using  
14 systems and newly constructed buildings be tested for  
15 efficiency, or commissioned. This bill would apply  
16 to all new commercial buildings and residential  
17 buildings taller than three stories.

18           The ninth item before us is another pre-  
19 considered bill sponsored by Council Member Levin.  
20 This bill would impose energy efficiency standards on  
21 temporary construction site lighting.

22           The tenth item before us is a pre-  
23 considered bill sponsored by best to last Council  
24 Member Mendez at the request of Manhattan Borough  
25 President Brewer. This would require that sidewalk

2 sheds built near trees in the public right-of-way  
3 comply with Parks Department rules concerning tree  
4 protections.

5           The Committee will also be considering  
6 Intro 181, which I sponsored. This bill will require  
7 that construction plans for a hotel be considered at  
8 a public hearing of appropriate community vote before  
9 those plans are approved by DOB. The genesis of this  
10 bill was solely based on the experience in my  
11 district, District 45 where the community had to ban  
12 together to successfully defeat what we believe would  
13 have been a hot sheet motel built in an as-of-right  
14 area. Come to find out that we did not find out  
15 about this hotel, and had to spend a lot of time  
16 pushing it back because it was as-of-right, and no  
17 information was given to the community.

18           Right now, Council Members Matteo and Koo  
19 have indicated that they'd like to give a statement  
20 about the bill, and I'd like to call both of them,  
21 Council Member Matteo and Council Member Koo to give  
22 a statement, an opening statement at this time.

23           COUNCIL MEMBER MATTEO: Thank you, Mr.  
24 Chair. I want to express my appreciation to Chair  
25 Williams and the members of the Committee on Housing



2 and Buildings for having this hearing on this  
3 important piece of legislation, Intro 93. It was not  
4 long after the tidal surges brought by Sandy receded  
5 when people began returning to what was left of their  
6 neighborhoods that we realized the true challenge.  
7 The challenge of rebuilding our communities had only  
8 just begun.

9           Many homes in the Sandy impacted areas  
10 had been built decades ago under building standards  
11 that have been outdated for nearly as long. It is no  
12 surprise to me that the buildings that proved most  
13 vulnerable were built under iterations of the  
14 Building Code that are farthest removed from today.  
15 I think we can take that as a reliable indication  
16 that if we improve standards, we will improve  
17 resiliency as well.

18           It was also apparent that we faced a very  
19 real health risk for residents, and for the many  
20 first responders and volunteers that were working in  
21 the area. That risk -- that health risk was mold.  
22 Many homes quickly became covered with it as  
23 homeowners and tenants struggled to understand their  
24 options. It was also not clear to what extent  
25 government has the ability to enter properties to

2 address the issue, which is an issue I hope they  
3 still address.

4           It is clear that we need to make sure  
5 that homes we rebuild in these areas and indeed any  
6 part of the city are sufficiently resistant to mold.  
7 Whether it is new construction or homes undergoing  
8 alterations, we need to protect the darkest and most  
9 moisture prone parts of the house from mold. These  
10 areas are at risk for mold accumulation even when  
11 there is no flooding in the home.

12           While the mandated materials may be  
13 moderately more expensive than was currently  
14 required, the costs should not be difficult to bear.  
15 We are requiring it for only certain parts of certain  
16 spaces in the home, and ultimately, I believe this  
17 will save the homeowner money long term. The costs  
18 of mold remediation is expensive, and failure to  
19 notice mold can lead to health complications that are  
20 even more burdensome. As such, I am confident that  
21 this is the right policy for the City to adopt, and I  
22 urge my colleagues in this community to keep the  
23 challenges of Sandy in mind as they consider this  
24 legislation. I look forward to hearing testimony.  
25 Thank you.

2 COUNCIL MEMBER KOO: Thank you, Mr.  
3 Chairman, and thank you for holding today's important  
4 hearing. As mentioned, I'm the prime sponsor of two  
5 pieces of legislation being heard today. The first  
6 bill, Intro 202 will mandate properly accessible  
7 stairways and shortened buildings. Now our long-term  
8 spring doors to end the use of stairs returning  
9 physical activities and fitness. My bill will  
10 encourage stair rules and will increase public safety  
11 by mandating stair doors to be unlocked, signs with  
12 stair rules, and they provide for the entry  
13 information will be posted. And make the doors to  
14 public access stairs includes includes glass.

15 My second bill Intro 202 allows the use  
16 of hold-open devices and automatic closing of access  
17 doors in chosen stairways. This legislation is also  
18 intended to encourage the use of stairs by making the  
19 systems and location clear, and it would help public  
20 safety. These devices will be closely monitored so  
21 that, for example, if smoke is detected, it would de-  
22 activate so the door is able to close.

23 I believe that this is common sense and  
24 enforce, and that they are environmentally affirming  
25 and cause people to be more active and promotes

2 public safety. I look forward to hearing today's  
3 testimony, and I would like to again thank my  
4 Chairman Williams for holding today's hearing. Thank  
5 you.

6 CHAIRPERSON WILLIAMS: Are there any  
7 other sponsors that want to give a statement? With  
8 that said, I'd like to call for representatives who  
9 are on the first panel from the Administration. I'd  
10 like to remind everyone that would like to testify  
11 today to please fill out a card with the sergeant at  
12 arms. We're going to first have a hearing and  
13 testimony with questions on the Green Bill and then  
14 we'll -- on the Green Bills, and then we'll do the  
15 same for the Hotel Bill. So please raise your right  
16 hand. Right hand please.

17 Do you swear or affirm to tell the truth,  
18 the whole truth, and nothing but the truth before the  
19 committee today.

20 MALE SPEAKER: I affirm.

21 MALE SPEAKER: I affirm.

22 MALE SPEAKER: I affirm.

23 CHAIRPERSON WILLIAMS: Please go ahead at  
24 your leisure at your leisure and your --

25

1                   JOHN LEE: Thank you. Good morning Chair  
2  
3 Williams and members of the Committee. I am John Lee,  
4 Deputy Director for Green Buildings and Energy  
5 Efficiency at the Mayor's Office of Long-Term  
6 Planning and Sustainability. I'm also a registered  
7 architect in the State of New York. I'm joined today  
8 -- on my left is Thomas Eisele, Parts Advisor at the  
9 Mayor's Office of Long-Term Planning and  
10 Sustainability. To my right is James Colgate,  
11 Assistant Commissioner for Technical Affairs at the  
12 Department of Buildings, and Christine Johnson to my  
13 far right who is Assistant Commissioner for Chronic  
14 Disease Prevention and Tobacco Control at the  
15 Department of Health and Mental Hygiene. We are  
16 available to answer any questions you may have.

17                   Thank you for the opportunity to testify  
18 today on ten bills that address a variety of  
19 sustainable issues related to design and  
20 construction. These are training of building  
21 operators in energy efficiency practices, ensuring  
22 that proper sizing of insulation of heating and  
23 cooling equipment in buildings; the insulation of  
24 pipes in existing buildings when the walls are  
25 exposed; the control of mold growth in moisture prone

2 locations; the thermal performance of exterior walls  
3 and other building components. In support of public  
4 stair use in buildings promotes increased physical  
5 activity; lighting on construction sites, and the  
6 protection of street shoes.

7           Seven years ago, the City set forth Plan  
8 PlaNYC, a comprehensive plan to reduce greenhouse gas  
9 emissions and improve our environment. Because New  
10 York City's buildings consume the vast majority of our  
11 energy and have a major impact on the City's  
12 environment. The greening of the City's codes will  
13 help the City achieve many of PlaNYC's goals,  
14 including cleaner air, the reduction of waste in the  
15 landfills, and a goal of 30% reduction in citywide  
16 greenhouse gas emissions by 2030. And this goal was  
17 codified by Local Law 22 of 2008.

18           In order to go to the effort of greening  
19 City Codes, Urban Green Council, the local chapter of  
20 the U.S. Green Building Council assembled and managed  
21 the Green Codes Task Force, which was charged with  
22 generating proposed changes to New York City Codes  
23 and Rules to increase the sustainability of a growing  
24 sector, and reduce energy consumption in buildings.  
25 Out of that effort came 111 proposals, 48 of which

2 have already been incorporate into New York's laws,  
3 rules or practices. The ten bills pertaining to  
4 Green Codes under consideration today originated as  
5 Green Codes Task Force Proposals.

6           The Mayor's Office of Long-Term Planning  
7 and Sustainability was pleased to testify in general  
8 support of today's joint use bills. However, our  
9 support is tempered by some caveats and suggestions  
10 for refinements that will help make the bills more  
11 workable or that would address inconsistencies with  
12 the current regulatory climates and industry  
13 practices. These introductions will help achieve the  
14 City's sustainability goals in measurable ways.  
15 Improvements and efficiencies in the City's largest  
16 buildings will result in greenhouse gas emission  
17 reductions, and increase annual energy expenditures  
18 citywide.

19           Reduced demand for energy will not only  
20 result in cost savings for New Yorkers, but also  
21 result in the reductions of emissions of air  
22 pollutants from the burning of fossil fuels within  
23 buildings, and electrical power plants yielding  
24 cleaner air and improved health. Indoor air quality  
25 and public health can also improve through better

2 construction materials and designs that encourage  
3 active lifestyles.

4           The comments that we are presenting today  
5 represent our initial thoughts about these  
6 introductory bills, including some suggestions for  
7 refinements. We are looking forward to hearing the  
8 testimony of today's other witnesses as well to  
9 ensure that we fully understand the technical issues  
10 raised by each of them.

11           First Intro 0013: Train building  
12 operators in energy efficiency would improve the  
13 operations of building systems by ensuring that a  
14 person in the position of direct responsibility for  
15 the operation of that building has been trained in  
16 energy efficiency best practices. When fully  
17 implemented, this regulation alone has a potential to  
18 reduce the City's greenhouse gas emissions by nearly  
19 three percent across the entire city by the year  
20 2030. As such, this is the single most impactful  
21 proposal on the City's carbon footprint with all the  
22 Green Codes Task Force proposals.

23           We support this important energy proposal  
24 with the understanding that some details concerning  
25 acceptable training curricula and Credentialed



2 Maintenance still need to be resolved. We advocate  
3 for a board of directors comprised of stakeholder  
4 interests and industry experts to be convened to work  
5 through these details as administrative rules to  
6 implement the law are developed.

7           Furthermore, we recommend extending the  
8 compliance date in order to provide the industry  
9 adequate time to educate operators. We look forward  
10 to working with council members of the Department of  
11 Buildings on these refinements.

12           Intro 0014: Improve heating and cooling  
13 and load estimates at time of design would help  
14 ensure that the mechanical systems used to heat and  
15 cool buildings are correctly sized for the buildings  
16 they are to serve, offering designers and engineers  
17 who use rules of thumb to select the size of  
18 equipment to be used in a particular building design.

19           Intro 0014 would require applicants for a  
20 building permit to indicate on the application  
21 documents the calculated heating and cooling loads  
22 for the project, and the corresponding performance  
23 values of the relevant equipment selected. We  
24 support this Council Bill as a means for the  
25 Department of Buildings to validate and enforce

2 quality engineering practices that produce buildings  
3 that function at an optimum level.

4           Intro 0016: Requiring the insulation of  
5 existing concealed pipes that are exposed during  
6 alterations or repair would require that uninsulated  
7 pipes in existing buildings that carry hot and cold  
8 water and other fluids as part of the mechanical  
9 systems of the building be covered with insulation  
10 and exposed during renovations. Uninsulated pipes  
11 cause thermal losses in fluids traveling within them  
12 leading to increased use to maintain the intended  
13 temperatures at the end of the pipeline.

14           Current codes require that mechanical  
15 systems piping be insulated. However, pipes that  
16 were installed many decades ago before our current  
17 codes may not be covered with insulation. Intro 0016  
18 would require such existing pipes be covered with  
19 insulation when those pipes are exposed during the  
20 course of construction.

21           The other extreme solution will lead to  
22 reduced energy use in existing burners by preserving  
23 the temperature of the fluid within pipes and wall.  
24 We support this Council bill.

2 Intro 0093: Requiring more resistant  
3 chips and board and cement board and moisture  
4 permutations will amend the City's Building Code. And  
5 require the use of cement board in shower areas and  
6 bath surrounds, and require the use of chips and  
7 board and cement board with mold resistance rating of  
8 10 in accordance with ASTM D 3273 in areas of  
9 continuous high humidity or direct exposure to water.

10 Molds can grow on almost any surface as  
11 long as moisture and oxygen are present, and are  
12 known allergens, irritants, and producers of toxins.  
13 In New York City where an asthma hospitalization rate  
14 in some neighborhoods is four times as high as the  
15 national average, complaints of mold immunizations  
16 continue to rise. While it is impossible to  
17 eliminate all of mold and its spores in the indoor  
18 environment, mold growth can be controlled.

19 Cement board has better long-term  
20 performance than professional wallboard materials  
21 because it does not mildew and it will not provide a  
22 food source mold growth, nor physically break down in  
23 the continued presence of mold or leaks. Adoption of  
24 this measure will result in significant improvement  
25 of indoor air quality with the associated reductions

2 of illnesses and related losses of productivity and  
3 better quality of life.

4           We wish to point out that the provisions  
5 of this bill pertaining to the use of cement board in  
6 wet areas such as showers and water closet  
7 requirements is included in Local Law 141 of 2013,  
8 which was recently signed into law and amends the  
9 Building Code. This particular introduced bill also  
10 requires the use of mold resistant materials for  
11 other moisture prone area such as laundry rooms and  
12 basement. We generally support this bill. We  
13 recommend that be reviewed for coordination with the  
14 NAPA provisions of Local Law 141 of 2013.

15           We look forward to working with Council  
16 and the Department of Buildings on this necessary  
17 reconciliation.

18           Intro 0184: Amending heat loss to the  
19 exterior walls will result in efficiency of the  
20 City's Energy Conservation Code Requirements for  
21 exterior walls of buildings. The exposed floor slab  
22 edges of the exterior walls and the sleeves for  
23 through-wall equipment, are not necessarily -- are  
24 not presently required to be accounted for in the  
25 thermal design and reporting requirements of the

2 Energy Code. Heat loss occurs of exterior walls  
3 through exposed slab edges and air infiltration into  
4 the through-wall equipment sleeves. By requiring  
5 that the thermal performance of these elements be  
6 accounted for in the building design, all exterior  
7 wall elements will be held to the highest performance  
8 standards. And building owners will save energy,  
9 while building occupants will be more comfortable at  
10 lest cost.

11 We support the intent of this Council  
12 bill. However, the proposed methodologies for  
13 calculating the thermal impact of slab edges, and  
14 impacts of through-wall sleeves on building thermal  
15 performance need refinement. And the cost  
16 implications of these requirement warrant further  
17 study, particularly with respect of affordable  
18 housing.

19 We also wish to point out that this bill  
20 amends Section 10 of the New York City Energy  
21 Conservation Code. New State is moving to enact a  
22 new energy code, which by law must be adopted by the  
23 City. It is expected that the new State Energy Code  
24 will be enacted sometime this summer. We recommend  
25 that the Council delay action on this bill until the

2 language of this bill can be coordinated with the  
3 current Energy Code and that the effective dates of  
4 this bill coincide with effective dates of the new  
5 Energy Code. We look forward to working with Council  
6 and the Department of Buildings to further refining  
7 the technical provisions of this bill.

8           Intro 0202: Public Access Stairs seeks  
9 to promote public health and prevent obesity by  
10 requiring new buildings and existing buildings that  
11 undergo significant renovation to designate a public  
12 access stairway. In order to ensure that the public  
13 access stairway is open, accessible and functional,  
14 and also impose requirements on those buildings  
15 regarding first, access to the stairway; second, fire  
16 rated vision glass on the stair door or in the wall  
17 next to the door; and third, signage providing  
18 directions to the public access stairs. And  
19 reminders to building occupants to take the stairs.

20           The legislation would amend the  
21 Administrative Code and Building Code as amended by  
22 Local Law 141, 2013. Basically, it has reached  
23 epidemic levels when half of New York City adults are  
24 overweight or obese, and are at high risk for many  
25

2 chronic diseases, and these risks are exacerbated by  
3 physical inactivity.

4           Merely two additional minutes of stair  
5 climbing per day can burn enough calories to prevent  
6 the average annual weight gain of typical U.S.  
7 adults, and climbing about three to four flights --  
8 three to five floors per day on average can decrease  
9 stroke risk, promote greater lower limb strength and  
10 improve cardiovascular health.

11           Visibility of stairs and stair prompt  
12 signs that encourage their use by the health benefits  
13 placed by others have been shown to considerably  
14 increase stair use with a median increase by 50%  
15 across multiple studies. Additional benefits of  
16 stair use include lower building operational  
17 maintenance costs due to reductions in elevator and  
18 escalator use, and improved familiarity with  
19 emergency and fire and safety protocols with  
20 increased knowledge of stair location.

21           We are in support of the intent of this  
22 Council bill. We are looking forward to working with  
23 the Council and the Departments of Health and the  
24 Departments of Building to finalize this bill.

2 Intro 0203: Hold-open devices and  
3 automatic closing of exit doors serving verticalized  
4 enclosures would amend the Building Code and Fire  
5 Code to permit limited voluntary use of hold-open  
6 devices on stairway active doors in order to improve  
7 accessibility and visibility of stairways, thereby  
8 encouraging their use. It would permit such devices  
9 to be used on one exit stairway per building to  
10 connect no more than three levels, which must be  
11 consecutive, and require such device to comply with  
12 testing inspection and monitoring and fire safety  
13 requirements.

14 This legislation would also require such  
15 devices to close the door automatically in the event  
16 that the building's fire alarm or smoke detection  
17 systems have been activated. Measures that increase  
18 the visibility of stairs have been shown to increase  
19 their use. However, other jurisdictions have  
20 successfully adopted the use of hold-open devices.  
21 They are permitted by the International Building  
22 Code, and various other local building codes around  
23 the country.

24 Accordingly and consistent with the  
25 recommendations of the New York City Green Codes Task



2 Force, this legislation is being proposed in  
3 conjunction with the Public Access Stairway  
4 Legislation to promote stairway use in New York City  
5 by making stairs more accessible, visible, and  
6 functional, and thereby promotion physical activity  
7 and public health.

8           As with Intro 0202, Public Access to  
9 Stairs we support this Council bill. Pre-  
10 Consideration T0245 Building System Commissioning  
11 would require that new buildings and major  
12 renovations include replacement of mechanical  
13 equipment and have current systems commissioned to  
14 current -- and confirm that these systems perform as  
15 designed.

16           Requiring system commissioning for new  
17 building systems ensures that these systems are  
18 functioning as intended and the building is using the  
19 least amount of energy necessary. Proper building  
20 system commissioning would lead to a healthier more  
21 comfortable interior environment for the building's  
22 occupants while maintaining control of energy use and  
23 costs.

24           We support this Council bill, but note  
25 that the requirements need to be direct and more

2 detailed. We look forward to working with Council  
3 and the Department of Buildings and identifying and  
4 refine the systems and procedures required by this  
5 bill. We also wish to point out that this bill  
6 amends sections of the New York City Energy  
7 Conservation Code, and again, New York state is  
8 moving to enact a new Energy Code, which by law must  
9 be adopted by this City.

10 It is expected that the new State Energy  
11 Code would be enacted sometime this summer, and we  
12 strongly recommend that the language of this bill be  
13 in accordance with the current Energy Code and  
14 effective dates of this bill coincide with effective  
15 dates of the new energy code.

16 Pre-Consideration T0553: Construction  
17 Site Lighting will amend the City's Building Code to  
18 set minimum illumination efficacy standards for  
19 temporary construction site lighting, meaning that  
20 highly efficient light bulbs would be allowed with  
21 the requirement. New York City Construction sites  
22 are commonly illuminated with inefficient  
23 incandescent light bulbs. Typically, temporary  
24 construction site lights remain on at all times. The  
25 Building Code does not presently mandate minimum

2 energy efficiency standards by temporary construction  
3 lighting and power as it does for permanent  
4 installations. The high efficacy lamps specified in  
5 this proposed legislation use 65 to 75% less energy  
6 than incandescence lamps to provide the same amount  
7 of light, and can last up to ten times longer.

8           Implementing this proposed legislation  
9 will save substantial energy, reducing greenhouse  
10 emissions, and improve air quality in the process.  
11 We support this Council bill.

12           Pre-Consideration T0794: Protecting  
13 Street Trees During Construction activities would  
14 safeguard street trees from damage due to  
15 construction activities and the related installation  
16 of temporary sidewalk bridges. The Mayor's Office of  
17 Long-Term Planning and Sustainability is working with  
18 the Department of Parks and Recreation to establish  
19 rules that would required practices by contractors  
20 and building owners during construction activities in  
21 the vicinity of street trees. This bill would  
22 establish a mechanism in the Building Code to aid in  
23 the enforcement of these rules. We support this  
24 Council bill, and look forward to working with the

2 Department of Parks and Recreation and the Department  
3 of Buildings in the refinement of this legislation.

4 Thank you for the opportunity to testify  
5 on this important legislation, and I'm happy to  
6 answer any questions that you may have at this time.

7 CHAIRPERSON WILLIAMS: Thank you for the  
8 testimony. The majority of my questions are actually  
9 on Intro 1 of these four, which are recommending  
10 delay on. I have some cost questions, but I'm going  
11 to let the members of the committee as a couple  
12 questions first. I think we have Council Member  
13 Levine? Council Member Levine, you have some  
14 questions.

15 COUNCIL MEMBER LEVINE: Thank you so much  
16 for your testimony, Mr. Lee. Could you discuss for  
17 us the extent to which these -- this legislation  
18 would apply to buildings of all sizes, or whether it  
19 would be exclusively for larger buildings.

20 JOHN LEE: The majority of these bills  
21 would apply to buildings of all sizes. Intro 0013,  
22 which would require the certification in energy  
23 efficiency for building operators would only apply to  
24 buildings that measure 50,000 -- buildings that  
25 measure larger than 50,000 square feet.

2 COUNCIL MEMBER LEVINE: So every other  
3 proposal here is entitled to buildings no matter how  
4 small even a four-unit apartment complex?

5 JOHN LEE: Now, that is true. Now certain  
6 -- some of these bills may not operable to smaller  
7 buildings by the mere fact that they do not have  
8 certain mechanical equipment type, for example. But  
9 by and large, the remainder of the bills will apply  
10 to all buildings across the board.

11 COUNCIL MEMBER LEVINE: And what's the  
12 logic on excluding smaller building from Intro 13?

13 JOHN LEE: Intro 13 is related to another  
14 set of laws, that are collectively known as the  
15 Greener, Greater Buildings Plan where the -- where  
16 the scope of the buildings that there's -- those laws  
17 apply to are buildings that are larger than 50,000  
18 square feet. These tend to be larger buildings.  
19 These larger buildings tend to have much more complex  
20 mechanical systems, and the benefit to the building  
21 and also to the efficiency goals of the  
22 administration are much greater within this universe  
23 of large buildings. There is a -- certainly a need  
24 for this kind of efficiency training for operators of  
25 smaller buildings, though those quite smaller

2 buildings may not number in size to be as near as  
3 significant, and this bill aligns much more with the  
4 current Greener, Greater Buildings Plan legislation  
5 plan that they affect the larger buildings.

6 COUNCIL MEMBER LEVINE: What portion of  
7 new buildings in the City up to 2,000 or smaller  
8 roughly?

9 JOHN LEE: So the -- in terms of the  
10 existing buildings, I'd say that the vast majority of  
11 buildings are under 50,000 square feet in terms of  
12 their count of buildings. And there is something to  
13 the order of nearly 98% of the buildings in New York  
14 City are under this 50,000 square foot threshold.  
15 However, the amount of built floor area is  
16 concentrated in these buildings that are larger than  
17 50,000 square feet. And approximately 45% of the  
18 built floor area in new York City is concentrated in  
19 these two percent number of buildings.

20 COUNCIL MEMBER LEVINE: SO that means  
21 that more than half of the energy use I assume is in  
22 this smaller cohort of buildings for 2,000 feet or  
23 smaller, is that right?

24 JOHN LEE: Yes, you could say that.

2 COUNCIL MEMBER LEVINE: So we're  
3 excluding the majority of energy production from this  
4 building, correct?

5 JOHN LEE: No, we are capturing the  
6 majority of energy consumption in this. So this  
7 pertains to building operators that are operating a  
8 system that serves a major building. A significant  
9 share of the energy consumed in New York City are in  
10 small buildings, which we would call one to four  
11 family homes. And these homes do not have the types  
12 of systems that would benefit -- they don't have the  
13 types of systems that are under the control of a  
14 building operator, nor are they of a size that would  
15 necessarily benefit from the kind of training that  
16 we're proposing in this bill.

17 COUNCIL MEMBER LEVINE: So you routinely  
18 perform an energy audits, correct? On buildings of  
19 all sizes? Is that correct?

20 JOHN LEE: I'm sorry. Are you saying I  
21 do or ... ?

22 COUNCIL MEMBER LEVINE: Well, yeah, the  
23 City. Sorry.

24

25

2 JOHN LEE: The City in terms of the  
3 maintenance of the City's building yes, energy audits  
4 are required for City buildings.

5 COUNCIL MEMBER LEVEINE: And do those  
6 audits apply to buildings of all sizes, are again are  
7 smaller buildings excluded?

8 JOHN LEE: That requirement for City  
9 owned buildings applies to buildings that are larger  
10 than 10,000 square feet in size.

11 COUNCIL MEMBER LEVINE: And what's the  
12 rationale for excluding smaller buildings from the  
13 audits?

14 JOHN LEE: The legislative history behind  
15 that went to -- there was much negotiation to find  
16 the sweet spot number there. The City took the lead  
17 by example to set a different threshold, but through  
18 engagement with stakeholders, and in order to be  
19 sensitive to the costs and the benefits that are  
20 associated with this is how we are doing it on the  
21 50,000 square foot non-city-owned building.

22 COUNCIL MEMBER LEVINE: Okay. I'm not  
23 going to take up any more of the Committee's time,  
24 but just suggest that we push the envelope on this  
25 and push as far as possible into smaller buildings



2 because so much of the energy consumption is  
3 occurring there.

4 JOHN LEE: Right. Thank you for that  
5 suggestion.

6 CHAIRPERSON WILLIAMS: So I was -- You  
7 know we had a pretty good briefing, and I think a lot  
8 of our questions were answered, which I appreciate  
9 it. I just have some other questions. I thought  
10 that most of these were building 50,000 square feet  
11 or more. So which ones are for 50,000 square feet  
12 and more? Which one is for our building?

13 JOHN LEE: Intro 0013 applies to  
14 buildings that are larger than 50,000 square feet.  
15 The remainder of the bills apply to buildings  
16 irrespective of their size. Again, some of the bills  
17 may not have any relevancy to a single-family home.  
18 For example, the stair -- the Public Access Stair  
19 Bill.

20 CHAIRPERSON WILLIAMS: 0013, you said?

21 JOHN LEE: Yes.

22 CHAIRPERSON WILLIAMS: Which one is that?

23 JOHN LEE: Training of Building Operators  
24 and Energy Efficiency.

25

2 CHAIRPERSON WILLIAMS: So I just want to  
3 go -- I'm going to go through all of them, and one --  
4 my main question is still, What would it cost me?  
5 And just keep in mind, which I was glad to know that  
6 this most of them I think for new constructions or  
7 when alterations are being made. Is that correct?

8 JOHN LEE: Most, not all of them, no.

9 CHAIRPERSON WILLIAMS: Okay, let's go with  
10 Intro 13, Energy Efficiency Certification. What  
11 would be the cost to the building?

12 JOHN LEE: The cost to the building would  
13 be the cost of the training curriculum as well as the  
14 lost time for the --

15 CHAIRPERSON WILLIAMS: I'm sorry. One  
16 second.

17 [Pause]

18 CHAIRPERSON WILLIAMS: I'm sorry. Go  
19 ahead with your --

20 JOHN LEE: The cost associated with Intro  
21 0013 would be incurred in the paying for the  
22 curriculum to train the building operator, and the  
23 lost productivity of the building operator during the  
24 time that he attended the courses. The courses in  
25 general are in the order of magnitude of a few

2 hundred dollars to pay for the course. For buildings  
3 that are -- where the staff is in the Union, by and  
4 large the union dues paid for the building owner have  
5 already covered the cost of the training. In the net  
6 the operational savings that would be gained by  
7 having the building operator undergo this training  
8 would far outweigh the cost of the training itself.

9 CHAIRPERSON WILLIAMS: What would the  
10 cost of the training be?

11 JOHN LEE: Again, it depends on the  
12 training course itself. It can be several hundred  
13 dollars for the course. Again, for the union  
14 members, it would be essentially free. It's already  
15 been paid for in their deal.

16 CHAIRPERSON WILLIAMS: It's a couple  
17 hundred dollars or free?

18 JOHN LEE: Yes.

19 CHAIRPERSON WILLIAMS: I'm going to come  
20 back to for the other boroughs. Council Member  
21 Rosenthal, do you have some questions?

22 COUNCIL MEMBER ROSENTHAL: Thank you  
23 Council Member Williams. I'm sorry I have to run off  
24 to a delegation meeting. And I just have a quick --  
25 sort of quick question, and statement of concern.

2 There was a bill that was passed with all good  
3 intentions a number of years ago about backflow in  
4 buildings. And while it made sense for most of the  
5 major buildings in the city, it put an undue burden  
6 on many of the small brownstones. That at the end of  
7 the day, unlike the situation that Council Member  
8 Levine was just talking about.

9 But in this particular situation at the  
10 end of the day did not have a big impact. This was  
11 environment. Have you looked at these bills with an  
12 eye toward how the single family brownstones are  
13 going to have to implement these ideas? I mean for  
14 support of them, and especially like the inflating  
15 it. I think we can go a long way by inflating our  
16 buildings better, and everybody you described was  
17 great. But has there been consideration for, or will  
18 there be for notifying and startup for a smaller  
19 dwelling?

20 JOHN LEE: Absolutely. To the extent that  
21 it does affect smaller dwellings and you would engage  
22 in an aggressive education campaign along with the  
23 Department of Buildings. Especially as one of these  
24 bills affect the Building Code. And the Department  
25 of Buildings maintains a robust average program in

2 which they notify the public about changes to the  
3 Building Code. And I would like to point out that  
4 not many of these bills would say pertain to smaller  
5 buildings. A couple of them have a direct  
6 correlation, for example, to mold build, and mold  
7 build, of course. And I think there's very much to  
8 gain on the city side to do a very aggressive  
9 education campaign particularly due to the health  
10 benefits that we can gain by implementing this well.

11 COUNCIL MEMBER ROSENTHAL: Here again,  
12 I'm looking at all that. I guess it all depends on  
13 the aggressive education that the Department of  
14 Buildings does, and on enforcement and consideration  
15 of fines. And what it means to enforce these rules,  
16 and how much help the city gives to small buildings  
17 that may not be able to comply as easily. That's it.  
18 Thank you.

19 JOHN LEE: Thank you.

20 CHAIRPERSON WILLIAMS: Thank you. Back  
21 to some of the questions. Intro 14. Oh, sorry, of  
22 course, Intro 13 is the only you said had to do with  
23 50,000 square feet, correct?

24 JOHN LEE: Correct.

2 CHAIRPERSON WILLIAMS: Okay, so Intro 14,  
3 the costs.

4 JOHN LEE: So this requires the engineer  
5 that is sizing mechanical equipment to be put into  
6 the building to actually declare the calculations on  
7 the construction documents. This was a prior  
8 requirement, a much older Building Code that dates  
9 back into the '60s. And in a sense this bill  
10 resurrects that requirement and then states it as  
11 part of the construction document approval  
12 requirements.

13 This should not have any direct impact on  
14 the cost, except that the engineer who has -- who is  
15 doing the calculations now actually has to write it  
16 down on the construction documents. Again, this is  
17 something that they ought to have been doing anyway,  
18 and the Code does require that calculations be  
19 performed. The Code just doesn't require that the  
20 calculations be declared.

21 So there is sort of an administrative  
22 time increase on the part of the engineer to put this  
23 -- glue this on the drawing. And then also on the  
24 part of the Department of Buildings to review that  
25 the calculations have actually been declared. But

2 they should have no net increase of the costs, and  
3 should also bring down the overall costs in the long  
4 run because the equipment has been sized properly and  
5 is not wasting energy.

6 CHAIRPERSON WILLIAMS: And what about  
7 the, If it is the wrong size?

8 JOHN LEE: If it is the wrong size, then  
9 that should be apparent to both the engineer, and the  
10 Department of Buildings at the time of application.  
11 And the engineer would be obliged with it occurred to  
12 redo calculations under a new sizing so that optimal  
13 equipment has been specified.

14 CHAIRPERSON WILLIAMS: Any the amount  
15 that the cost would be to correct?

16 JOHN LEE: Well, that's -- the cost would  
17 be incurred because it was the fault of the engineer  
18 that they hadn't done the calculations correctly to  
19 begin with.

20 CHAIRPERSON WILLIAMS: Do you have any  
21 idea of what the costs would be to correct?

22 JOHN LEE: The engineering fees depending  
23 on how much they charge per hour, and I don't think I  
24 could fairly speak to what the typical engineer would  
25 charge. Again, this cost would range pretty vastly

2 given the scale of the building. A single-family  
3 home has a much smaller air conditioning system  
4 versus a million square foot office building. And so  
5 the range is going to be reflective of that building  
6 size range.

7 CHAIRPERSON WILLIAMS: So this is for new  
8 construction, and applies to all buildings?

9 JOHN LEE: Applies to all buildings under  
10 new construction. This also applies to major  
11 renovations in which the mechanical system is being  
12 changed.

13 CHAIRPERSON WILLIAMS: And that's -- so  
14 major alterations is over 60%?

15 JOHN LEE: The threshold is 50% --

16 CHAIRPERSON WILLIAMS: 50%.

17 JOHN LEE: -- of replacement value.

18 CHAIRPERSON WILLIAMS: Fifty percent of  
19 replacement value?

20 JOHN LEE: Yes.

21 CHAIRPERSON WILLIAMS: And Intro 16?  
22 What will it cost the -- ? And this is only if  
23 they're doing repairs, right?

24 JOHN LEE: Correct.

25



2 CHAIRPERSON WILLIAMS: We can skip that.  
3 And this is for everybody if it's for all building?

4 JOHN LEE: That's correct.

5 CHAIRPERSON WILLIAMS: How is DOB going  
6 to know if there's a pipe that is exposed?

7 JOHN LEE: If it's within the inspection  
8 regime of the Department of Buildings, then the  
9 Department of Buildings' Inspector would be known.  
10 There is also much of the verification is deferred to  
11 the professional. So the professional would be  
12 asserting to the Compliances Code.

13 CHAIRPERSON WILLIAMS: I'm going to pass  
14 to Council Member Matteo for the next question.

15 COUNCIL MEMBER MATTEO: Thank you, Mr.  
16 Chairman. In terms of Intro No. 93, can you explain  
17 the benefits of the mold resistant gypsum board, the  
18 cement board and how it compares what's currently  
19 being used?

20 JOHN LEE: The mold resistant materials  
21 are inherently moisture resistant. Typical  
22 professional wallboards are made of a combination of  
23 gypsum and paper, and they have the tendency to  
24 retain moisture. And by having moisture and putting  
25 it into the material and exposure of the oxygen that

2 promotes the mold growth. These mold resistant  
3 materials are either in company or with other  
4 materials that are inherently mold resistant  
5 materials themselves and, therefore, they never  
6 create the environment that is optimal for mold  
7 growth.

8 COUNCIL MEMBER MATTEO: So, after Sandy  
9 we had tons of mold issues in my District, and I can  
10 understand how people were rushing to take the mold  
11 out. Would this mold resistant movement hold on much  
12 better in a storm such as Sandy, and just in everyday  
13 wear as well?

14 JOHN LEE: In terms of resistance to  
15 mold, yes.

16 COUNCIL MEMBER MATTEO: And do you have -  
17 - How much -- Know how much more expensive those  
18 products are compared to what you have now, a cost  
19 analysis?

20 JOHN LEE: We did do a cost analysis.

21 COUNCIL MEMBER: [off mic]

22 JOHN LEE: So on a per square foot basis  
23 for the material itself, it can be two to three times  
24 more. Now, we're also talking about to the order of  
25 28 cents per square foot for a conventional material

2 versus 41 cents per square foot for the mold  
3 resistant material. Now this doesn't apply to the  
4 entire building.

5 COUNCIL MEMBER MATTEO: Just to the  
6 locations?

7 JOHN LEE: Right.

8 COUNCIL MEMBER MATTEO: I understand.  
9 That's good. I appreciate it. Thank you, John.

10 CHAIRPERSON WILLIAMS: So you said two to  
11 three times more --

12 JOHN LEE: Than the material itself.

13 CHAIRPERSON WILLIAMS: What would that be  
14 in a two-family home. If you were going to build a  
15 two-family home, how much more would that be?

16 JOHN LEE: Yeah, I could do back of the  
17 envelop calculation in my head, but just as stock or  
18 single family or two family home, if they have two to  
19 four bathrooms for the entire building it could  
20 increase the cost of the construction of the entire  
21 building by the order of a couple hundred dollars.

22 CHAIRPERSON WILLIAMS: And this again is  
23 for new construction with alterations over 50%?

24 JOHN LEE: Yes.

25

2 CHAIRPERSON WILLIAMS: Thank you.  
3 Council Member Espinal.

4 COUNCIL MEMBER ESPINAL: Thank you,  
5 Chairman. I have a question in regards to Intro 202.  
6 I have to go on record by saying that 250 Broadway  
7 has the worst elevator that's in the City of New  
8 York. One of the scariest rides I go through every  
9 morning when I'm here. Is there something hindering  
10 buildings from opening up the stairways, or is anyone  
11 able just to access stairways if they please to?

12 JOHN LEE: No, there isn't anything that  
13 inherently prohibits, and these boroughs have been  
14 designed in order to actually encourage the public  
15 access use.

16 COUNCIL MEMBER ESPINAL: Okay. So  
17 management is able to actually open up the stairways  
18 currently if they choose to, correct?

19 JOHN LEE: Well, so, they can't just  
20 simply open the stairways. Most of the stairways  
21 have been designed where the fire door does actions  
22 that the stair must remain closed. And this is in  
23 order to segregate smoke and fire from infiltrating  
24 the emergency exit. There are acceptable devices  
25 that can be used. There's, for example, this hold-

2 open device, which is activated, and forces the door  
3 closed during a smoke condition. And that's one of  
4 the functions of this bill is to enable the uses of  
5 those kind of devices.

6 COUNCIL MEMBER ESPINAL: What would be  
7 the cost of a building like 250 Broadway to put in  
8 all these devices in place?

9 COUNCIL MEMBER: [off mic]

10 JOHN LEE: Well, there is a cost  
11 associated with it. Again, the way -- the extent to  
12 which it would be quantified depends on the size of  
13 the building. A building like 250 Broadway would be  
14 on the higher end given how large the building is.  
15 Now, it is just complicated in the sense that you  
16 have to have specialty professionals coming in  
17 because these devices such as the hold-open device  
18 must be connected with the fire alarm system. And so  
19 there's an electrical and life saving component to  
20 it. Suffice it to say that it is complicated, and  
21 there will be a cost incurred too?

22 COUNCIL MEMBER ESPINAL: All right, thank  
23 you.

24 CHAIRPERSON WILLIAMS: So I just wanted  
25 to go back a couple because I asked about the small

2 building. I also wanted to ask about some of the  
3 larger ones. So, with Intro 13 was my question in  
4 smaller buildings or larger ones? So a couple  
5 hundred dollars for Intro 13. Was that for a small  
6 building or a larger one Intro 13?

7 JOHN LEE: But this is per person  
8 charges.

9 CHAIRPERSON WILLIAMS: It doesn't matter.  
10 Okay. And for 93, is that -- It was a couple hundred  
11 dollars I think you said for a two-family. What  
12 about a building like 250?

13 JOHN LEE: Well, of course, the -- it  
14 scales up with the increased number of motion prone  
15 areas that that are in the building. It would depend  
16 on the use, but I would think it's safe to say that  
17 there is a linear scale onto this.

18 CHAIRPERSON WILLIAMS: Average, well what  
19 do you think?

20 JOHN LEE: So 250 Broadway, and they have  
21 gang bottling for both sexes on every floor going up  
22 50 stories. It will increase the costs. Again,  
23 though, as a percentage of the entire construction  
24 costs, it would be nominal.

2 CHAIRPERSON WILLIAMS: Okay, do you have  
3 that number?

4 JOHN LEE: I would be happy to write you  
5 a number at another time in which I could sit in  
6 front of a calculator and come up with something I  
7 think.

8 CHAIRPERSON WILLIAMS: Okay. Do you have  
9 anybody that can calculate while we're talking?

10 JOHN LEE: Sure. We can look into that.

11 CHAIRPERSON WILLIAMS: Okay. Council  
12 Member Matteo.

13 COUNCIL MEMBER MATTEO: Okay. You talk  
14 about the increase in costs. Obviously for a few  
15 hundred dollars for a one or two family, and the  
16 increase obviously that you're going to find out.  
17 What's the savings, though, on the back end of making  
18 sure that we have these mold resistant materials in  
19 all these buildings. I mean we're saving money on  
20 the back end, if there's a problem. And God forbid  
21 there's another super storm like Sandy or something  
22 like that?

23 JOHN LEE: Well, that is very difficult  
24 to quantify. Here there is a savings, as you have  
25 planned out, and if there is an event, but maybe a

2 leaky pipe or something, a pipe burst that the cost  
3 of recovery will be vastly reduced. There's also a  
4 motivation here in this bill for the health benefit.  
5 And again, that is also very difficult to qualify --  
6 quantify. You know, I could say this seems to be  
7 immeasurable in that sense if we can preserve the  
8 health of our decisions.

9 COUNCIL MEMBER MATTEO: Great.

10 CHAIRPERSON WILLIAMS: All right, I think  
11 most of these have a benefit that I believe will  
12 outweigh the costs depending on what it is. But I  
13 still do want to have a perspective on what the cost  
14 may be to owners. One second, please.

15 [Pause]

16 CHAIRPERSON WILLIAMS: ... seeing what  
17 our costs were. Can you walk us through what's  
18 involved with commissioning a building?

19 JOHN LEE: Commissioning involves testing  
20 and calibration of the mechanical equipment after it  
21 has been installed. So during the course of design  
22 and construction, the mechanical engineer will  
23 calculate the necessary loads. They'll size the  
24 equipment. They'll install the equipment, and between  
25 design, and actual installation, there may have been



2 errors during the course of construction that can  
3 only be uncovered once you actually test the  
4 equipment. Right now, there is no commissioning  
5 requirement. And so many building owners who will  
6 occupy the buildings without fully understanding  
7 whether or not there had been deficiencies that  
8 occurred during the course of construction.

9           So commissioning is primarily a testing  
10 and verification that the equipment is being -- is  
11 performing as it is intended. Now, the -- I would  
12 say the most savvy building owners and developers do  
13 this today as a normal course of business. They're  
14 as prudent as a purchaser of anything that you get  
15 that you're paying for. So commissioning does occur  
16 today. This bill would require commissioning and  
17 verification through the department buildings that  
18 the commission has actually occurred.

19           CHAIRPERSON WILLIAMS: This is for all  
20 building also.

21           JOHN LEE: Yes.

22           CHAIRPERSON WILLIAMS: The same question  
23 the cost of two family ...

24           JOHN LEE: I'm sorry. I should have when  
25 we were talking about it. It applies to buildings

2 with the exception of residential buildings that are  
3 under three stories in height.

4 CHAIRPERSON WILLIAMS: I see.

5 JOHN LEE: That are three stories and  
6 under in height?

7 CHAIRPERSON WILLIAMS: What would be the  
8 cost for a building like 250?

9 JOHN LEE: A building like 250 will --  
10 the costs incurred, engineering services and if any  
11 corrections are needed then the contractor would have  
12 to come back. This ought to be included within the  
13 scope of services of any engineer and contractor.  
14 Then it's always buyer be ware that the owner ought  
15 to have accounted for the potential costs through  
16 commissioning in the original contracting. Again,  
17 today most good building owners and developers are  
18 doing this already. The cost incurred would be  
19 actually a protective measure for the owner.

20 CHAIRPERSON WILLIAMS: So basically, this  
21 is just to make sure that everything is working?

22 JOHN LEE: That is correct.

23 CHAIRPERSON WILLIAMS: Have we had issues  
24 with anything not working in buildings in New York  
25 City?

2 JOHN LEE: Yeah, that does occur. We also  
3 back in 2009 enacted a law called Retro  
4 Commissioning, which requires large buildings to go  
5 back and check again every once in a while to make  
6 sure that it's still working. This particular bill  
7 is making sure that everything is working at the time  
8 that it was installed.

9 CHAIRPERSON WILLIAMS: All right, the  
10 next Pre-consider Intro dealing with construction  
11 site lighting. What is the cost of that?

12 JOHN LEE: The cost would be nominal. At  
13 the end of the day, we're talking about light bulbs,  
14 and the savings that would be reaped by the owner  
15 from reducing major costs. Of course, construction  
16 would outweigh light bulbs results.

17 CHAIRPERSON WILLIAMS: So there's no  
18 requirements? But there have to be. There are  
19 probably lighting requirements for construction right  
20 now?

21 JOHN LEE: The code does require lighting  
22 on construction sites. The code does not specify  
23 what kind of lighting.

24

25

2 CHAIRPERSON WILLIAMS: The Pre-Consider  
3 Intro for protect streets trees. Any costs  
4 associated with that?

5 JOHN LEE: The direct costs that may be  
6 incurred are difficult to quantify because this has  
7 to do with the way a particular site may end up  
8 putting up the sidewalk bridges and what kind of  
9 trees are on those. So if there are no trees or one  
10 tree, then obviously the cost is very minimal. The  
11 cost here would be incurred directly by the erectors  
12 of the sidewalk bridges. And the way that the rules  
13 around the protection of street trees are heading is  
14 to essentially avoid this area around the street  
15 trees when erecting the sidewalk bridges.

16 CHAIRPERSON WILLIAMS: And this is for  
17 those -- I guess it could be for all building but I  
18 mean primarily it probably would be used on larger  
19 construction sites.

20 JOHN LEE: Yes.

21 CHAIRPERSON WILLIAMS: Okay. Thank you.  
22 I forgot. I didn't recognize Council Member Reynoso  
23 from Brooklyn. Council Member Rodriguez I think is  
24 here from Manhattan and Council Member Torres are  
25 from the Bronx is here as well. Did any other of my

2 colleagues have any additional questions? Hold on  
3 one second please.

4 [Pause]

5 CHAIRPERSON WILLIAMS: I think we were  
6 going to try to calculate one more cost.

7 JOHN LEE: Yes, there is some furious  
8 math going on behind my shoulder here.

9 MALE SPEAKER: Again, use this napkin as  
10 a typical example of 250 Broadway - -

11 CHAIRPERSON WILLIAMS: Sure.

12 JOHN LEE: -- to go from conventional gyp  
13 board to mold resistant board. So our building is  
14 about -- it's about \$80 per floor premium to go to  
15 mold resistant material. And maybe also note that a  
16 lot of these spaces are already addressed in Local  
17 Law 141, the update to the Zoning Code.

18 CHAIRPERSON WILLIAMS: Thank you. I  
19 appreciate the furious math that got us there. I  
20 want to thank you so much for your testimony. I  
21 appreciate you being here and providing the  
22 expertise. So thanks again.

23 JOHN LEE: Thank you kindly.

24 CHAIRPERSON WILLIAMS: Next I'd like to  
25 call up the next panel. Russell Unger and Cecil

2 Scheib from the Urban Green Council, and Victor  
3 Nazario. I think this is Laurie Kerr, NRDC; and  
4 Howard Styles. And the panel after that will be  
5 Angela Pinsky [phonetic] from REBNY; Hani Salama from  
6 BOMA; Dwayne Andrews, American Council of  
7 Engineering, and Rick Bell, American Institute of  
8 Architects.

9 [Pause]

10 CHAIRPERSON WILLIAMS: For the record, we  
11 have testimony from the Falcon Group [phonetic],  
12 React [phonetic], International Association of Heat  
13 Enforced Insulators and Allied Workers; Relay  
14 Plumbers and Local 1 Training Center; ASHRAE New York  
15 Chapter; Environment Defense Action Fund.

16 CHAIRPERSON WILLIAMS: [off mic]

17 [Pause]

18 MALE SPEAKER: Hello.

19 CHAIRPERSON WILLIAMS: You guys prepared?  
20 Ready? If you can raise your right hand, please. Do  
21 you swear or affirm to tell the truth, the whole  
22 truth and nothing but the truth before the committee  
23 today.

24 MALE SPEAKER: Yes.

25

2 CHAIRPERSON WILLIAMS: Great. If you can  
3 just get started in the order of your preference.

4 RUSSELL UNGER: Good morning, Chairman  
5 Williams and members of the Committee. My name is  
6 Russell Unger. I'm the Executive Director of Urban  
7 Green Council and served as the Chair of the New York  
8 City Green Codes Task Force, and with me today is  
9 Cecil Scheib who is Chief Program Officer of Urban  
10 Green. We're here to testify in support of the  
11 bills, which implement recommendations the task  
12 force. My comments will highlight some of the bills,  
13 but I'm going to spend most of my time talking about  
14 the importance of the Council's long standing support  
15 for Green Codes. That's might hide the depth of our  
16 technical knowledge, and Cecil is mentioned here. So  
17 any technical questions we could help with as well.

18 When folks like us think about people's  
19 health, clean air, environmental justice or economic  
20 development, we often think building codes. And that  
21 leaves a lot of other people scratching their heads.  
22 The Building Codes are essential to these issues  
23 because New York City is a city of buildings, and we  
24 spend most of our time at work, at home, at school  
25 inside a building. So building codes are the DNA of

2 those buildings, and they control what new buildings  
3 arise, and how existing ones grow and change over  
4 time.

5           So if you want healthier New Yorkers,  
6 make stairwells more accessible and inviting so those  
7 who want to walk can do so. If you want to reduce  
8 asthma kids, make sure the boilers are the right size  
9 and run efficiently so that it may not be releasing  
10 additional soot. Make sure drywall is mold  
11 resistant. If you want buildings to reduce  
12 pollution, help stop global warming while growing the  
13 green job sector of New York, require energy  
14 efficient training or building operators in large  
15 buildings.

16           So all the solutions are in the bills  
17 before you today. And if you want to have a city 20  
18 years from now where no child has to be bathe in a  
19 moldy bathroom and the air is clear, it has to start  
20 with codes that you work on today. So as you'll hear  
21 from other speakers, there's an extremely broad  
22 coalition supporting Green Codes. Interest as varied  
23 as real estate owners, unions, architects,  
24 environmental justice organizations are either here  
25 or provided testimony.



2 I'd also like to note that you'll hear a  
3 lot of conversations about costs, but part of what  
4 happens is leaders in the industry adopt clean  
5 practices, and there's a premium associated with them  
6 because they are new practices. When we codify them,  
7 all of sudden that mold resistant drywall, which is  
8 only used in say a quarter of the buildings is  
9 everyone is using them and the costs are going down.  
10 We've seen that time and time again.

11 So the Council has passed many Green  
12 Codes in the past, but today's bills are kind of a  
13 special case both because of the number being  
14 considered, and the problems with some of them.  
15 Perhaps most importantly are the bills with mold and  
16 energy efficiency training of building operators.

17 I would also like to note that again that  
18 as acting Councils being in the city as being I think  
19 council members' questions were on point that a lot  
20 of it has focused on large buildings for good  
21 reasons. And perhaps it's time to start thinking of  
22 smaller buildings because in other cities that have  
23 similar laws as New York City the threshold isn't  
24 50,000 square feet. It's 10,000 or 15,000.

2           So we have a few particular suggestions  
3 for tweaks and improvements of laws that stand with  
4 the industry in overwhelmingly general support to  
5 this. So I just want to commend the chair of the  
6 committee for moving forward to a hearing on this so  
7 early in the term, and we're eager to assist the  
8 Council in any way we can. Thank you.

9           CHAIRPERSON WILLIAMS: Thank you, and  
10 thank you for helping convene our Task Force. To  
11 begin with, I made a slight error. I did not set the  
12 time. So I want to be fair to everyone. We're  
13 probably going to set it very soon, probably around  
14 four minutes because as I said before, we don't want  
15 to be hard and fast. But just give a little thing to  
16 let you know that you've been speaking for four  
17 minutes. So if you can try to keep that in mind,  
18 that's what we're going for. Thank you.

19           [Pause]

20           LAURIE KERR: Hello. Chair Williams and  
21 members of the Committee, I'm delighted to be  
22 testifying today in favor of the slate of Green Code  
23 Ordinances that are being heard. My name is Laurie  
24 Kerr, and I work in the Natural Resources Defense  
25 Council wherein the Director of the City Energy

2 Project. I'm also a licensed architect in the State  
3 of New York. Full disclosure: I also participated  
4 in the development of many of these code provisions  
5 in my former role as Deputy Director of the New York  
6 City Mayor's Office of Long-Term Planning and  
7 Sustainability.

8           Before addressing the particular bills  
9 that are before us today, I want to touch on the  
10 importance of New York City's leadership from the  
11 national perspective. Currently, cities are being  
12 seen as the cauldron of change in America, the place  
13 where the very best ideas are being generated. This  
14 is particularly clear of New York, the nation's  
15 largest city, which has led the charge on policies  
16 promoting public health and a better environment. In  
17 fact, energy efficiency policies piloted in New York  
18 and a few other cities are now viewed as so  
19 beneficial that they're being tailored to ten other  
20 American cities, including Los Angeles, Chicago,  
21 Houston, and Atlanta in the project that I now  
22 direct.

23           And cities internationally are also  
24 studying this New York City policies. Now, that's  
25 impact. And to heed the warnings that came out

2 yesterday from the International Panel on Climate  
3 Change, impact is what we'll need if we want to  
4 protect the citizens of the City of New York and  
5 other cities from the catastrophic impacts of climate  
6 change. Still, are these eleven code proposals for  
7 New Yorkers now? I think that they are. They fall  
8 into three main categories with the exception of  
9 Intro 181 related to hotels that I won't comment on.  
10 Three of the proposals would improve public health.  
11 Intro 93 will help reduce mold growth in bathrooms  
12 and other damp places. And mold exacerbates the  
13 asthma, which afflicts so many New Yorkers,  
14 especially low income New Yorkers.

15 Intro 701 and 702 will help reverse the  
16 obesity and the epidemic, which seriously threatens  
17 the long-term health of so many New Yorkers. Making  
18 it easier for people to use the stairs is a simple  
19 common sense idea since integrating movement into  
20 everyday activities is the best way to keep people  
21 exercising. Six of the proposals will improve the  
22 energy efficiency of New York's buildings, which are  
23 responsible for almost three-quarters of New York's  
24 carbon emissions.

1  
2 I'm only going to discuss a few of these,  
3 but together these proposals will go a long way  
4 toward reducing the energy wasted in buildings that  
5 result in air and carbon pollution, and increase our  
6 cost of living. Two of these proposals, Intros 13  
7 and 245 will ensure that our buildings are running  
8 properly. Surely, the first thing that should  
9 happen. Intro 13 will do this by ensuring that  
10 building operators are trained in the energy systems  
11 they control.

12 And Intro 245 would ensure that buildings  
13 have been tuned to run properly when they're built.  
14 Intro 13 would also enhance a career path for many  
15 New Yorkers who operate buildings. By knowing how to  
16 run energy systems in a way that saves buildings  
17 money, they would become more valuable in the  
18 marketplace.

19 Finally, I want to mention Intro 695,  
20 which will ensure that our building facades are built  
21 to keep the heating and cooling -- for which we pay  
22 so dearly -- from rapidly leaking out. Finally, one  
23 proposal, Intro 794 will protect the street trees  
24 that make New York streets so pleasant to look at,  
25 and provide much needed shading and cooling in the

2 summer. The street trees are constantly endangered  
3 by sidewalk sheds that are erected every five years  
4 to protect our facades. Apparently, there are enough  
5 of these sidewalk shed to go from here to Baltimore.  
6 Our street trees don't need to be damaged in this  
7 way. We can have safe facades, and healthy trees if  
8 we just take reasonable precautions.

9           So while I'm generally in favor of the  
10 code proposals before you now, I have a few proposals  
11 for improvements. The initial proposal on street  
12 trees was stronger and clearer. I would urge the  
13 Council to return to the earlier version. Intro 553  
14 on Construction Light -- Site Lighting has omitted  
15 the requirement that all safety lights be turned off  
16 when workers have left. This requirement should be  
17 included to save energy and so that New Yorkers can  
18 sleep at night. Thank you very much for the  
19 opportunity to testify today.

20           CHAIRPERSON WILLIAMS: Thank you for your  
21 testimony. We can move to the next speaker. Please  
22 identify yourself before you speak.

23           VICTOR NAZARIO: Good morning, my name is  
24 Victor Nazario, Chair Williams, members of the  
25 Committee. I'm a member of Local 32BJ, SEIU, as well

2 as The Resident Manager/Superintended for the Whitney  
3 Condominiums located at 311 East 38th Street. 32BJ  
4 is affiliated with the Service Employees  
5 International SEIU and is the largest property  
6 service workers union in the country with more than  
7 120,000 members in eight states, and Washington, D.C.  
8 Seven thousands of our members are located in New  
9 York City and Long Island.

10 Our members include residential building  
11 service workers, security officers, door persons,  
12 window cleaners, and maintenance workers elevate  
13 their socio-economic standing by winning better  
14 compensation, job security, and education as well as  
15 resources. Although we support the Green Codes  
16 Initiative headed by the New York City Urban Green  
17 Council, we are still evaluating the legislative  
18 package in front of you, and we'll give you specific  
19 comments at a later time.

20 However, I'd like to take this  
21 opportunity to discuss one aspect of this  
22 legislation, which is the need for training building  
23 operators in energy efficiency. Over the course of  
24 my 20 years in the building service industry, I've  
25 learned that installing expensive equipment, and

2 automated systems can be important to building  
3 operations, but it doesn't always translate into  
4 greater efficiency. The best investment for  
5 efficiency is in the very people who run the  
6 buildings.

7           It doesn't matter how much money a  
8 building invests in an automated system if the staff  
9 is not involved or trained in its operation. As a  
10 superintendent, I happen to be the eyes and ears of  
11 the building. So I know the nuances of my building,  
12 and I'm often the first person to know if something  
13 is wrong. But having said that, one thing that is  
14 very clear today is the building service and  
15 maintenance industry is changing and becoming much  
16 more complex in nature. And we, as building  
17 operators, need to grow and evolve with these very  
18 changes.

19           32BJ has had the foresight and insight to  
20 provide cutting edge courses and training in quote,  
21 unquote "Green Buildings Strategies" for its member.  
22 And as a member, I have been privileged to take these  
23 pivotal and timely classes, and this has given me the  
24 needed information and knowledge to work along side  
25 of the Board of Directors of the Whitney Condominiums



2 where I work in the process of making their building  
3 more energy efficient. My job is not just about  
4 keeping the building clean safe. It's about managing  
5 energy.

6           If you want to make buildings more energy  
7 efficient, the operators need to learn the  
8 strategies, and concepts that will empower them to  
9 find the best policies and technologies for their  
10 buildings. Over the last several years, the 32BJ  
11 Training Program has developed a basic green supers  
12 training course to keep our workforce competitive.  
13 With support from the Realty Advisory Board and major  
14 property management companies, we've trained over  
15 2,000 of our members.

16           The course covers green building  
17 strategies, and the building envelope lighting  
18 efficiency and controls, HVAC efficiency strategy  
19 efficiency strategies and indoor environmental  
20 quality. And our training gives our members the  
21 opportunity to earn industry certification as energy  
22 efficient building operators. But beyond the  
23 training, our members apply what they learn to their  
24 buildings. And as you know, since I'm not only a  
25

2 32BJ Union member, but I am now also an instructor  
3 for the 32BJ Training Fund.

4 I can tell you first hand that training  
5 can transform the building operator into a strong  
6 advocate for making a building more efficient and  
7 healthy, saving money for the building, improving the  
8 quality of life for the residents, and reducing our  
9 carbon footprint on future generations. In a survey  
10 of thousands of members who completed our Green  
11 Supers Training, 64% reported making improvements to  
12 their buildings ranging from upgrading lighting to  
13 improving the building envelope to reducing water  
14 use, and more.

15 Our union members went back to the  
16 buildings, and found low cost or no cost  
17 opportunities such as installing a lighting sensor,  
18 or insulating pipes. They learn how to test the  
19 performance of the boilers, and how to track water  
20 use through sub-heating, and how to maintain logs on  
21 the mechanical systems. And they understood how to  
22 repair old boilers while fixing broken lighting  
23 fixtures, how that can be an excellent opportunity to  
24 upgrade more efficient equipment.

25

2 I hope these comments are useful in your  
3 evaluation of the legislation before you. Again, we  
4 will follow up with any specific comments on the  
5 legislation at a later time. I'm happy to answer any  
6 questions that you might have about our Green  
7 Building Training Program. Thank you very much for  
8 the opportunity.

9 COUNCIL MEMBER ULRICH/ACTING CHAIRMAN:

10 Thank you for your testimony, and your chairman is  
11 about to alleviate my command. So I'm going to turn  
12 the gavel back over to him.

13 CHAIRPERSON WILLIAMS: You look a little  
14 too comfortable over here.

15 COUNCIL MEMBER: [off mic]

16 CHAIRPERSON WILLIAMS: All right, thank  
17 you so much for that testimony, and all the work you  
18 put in. I appreciate it. Is Howard Styles here?

19 HOWARD STYLES: Yes.

20 CHAIRPERSON WILLIAMS: Okay, did you want  
21 to testify? Okay, you want to grab a chair or what?

22 [Pause]

23 CHAIRPERSON WILLIAMS: And thank you  
24 Council Member Ulrich. Fantastic job. I heard rave  
25 reviews.

2 [Pause]

3 CHAIRPERSON WILLIAMS: You didn't have to  
4 leave. You could have stayed. It's okay.

5 COUNCIL MEMBER: [off mic]

6 CHAIRPERSON WILLIAMS: No, no, it's okay.

7 [Pause]

8 HOWARD STYLES: At Mike's house? Oh. My  
9 name is Howard Styles. I'm Training Director of  
10 International Union of Operating Engineers, Local  
11 94's Training program. That training program is  
12 funded by the employers. Our more than 6,000 members  
13 are chief engineers, assistant chiefs, engineers and  
14 helpers with most of our city's commercial buildings.  
15 Our members also work in hotels and public schools.

16 For close to 30 years Local 94's Training  
17 Program has taught and provided our members with the  
18 necessary technical abilities and the mechanical and  
19 electrical skill sets needed to address problems such  
20 as indoor air quality, environmental control,  
21 electrical power systems, energy conservation of  
22 computer controlled buildings within today's  
23 demanding real estate industry.

24 Through program accreditation by and  
25 cooperative study alliance with Building Owners and

2 Management Institute, which we call BOMI, graduates  
3 of Local 94's Trainings Center are eligible to  
4 receive BOMI as Systems Maintenance Technician. For  
5 further study through BOMI graduates of our training  
6 center may train for BOMI certifications as Systems  
7 Maintenance Administrator.

8 Our programs are also certified by the  
9 nationally recognized Building Operator Certification  
10 known as BOC, the New York City Fire Department, the  
11 Department of Conservation, Environmental Protection  
12 Agency and OSHA. our graduates can further their  
13 careers by obtaining Building Operator Certificates  
14 and awarded 15 college credits towards an Associate  
15 or Bachelor Degree from New York City College of  
16 Technology.

17 As leaders in training within the  
18 industry, we are pleased to support this committee's  
19 efforts to address the thermal performance of  
20 external walls, commercial efficiencies, energy  
21 efficiency certifications, heating and cooling  
22 efficiencies, and system commissioning. Having read  
23 the proposed legislation, I believe there are some  
24 questions left unanswered within the language of  
25 Intro 13, such as: Will the City be using exiting

2 certification, or will it generate new certification?  
3 Does the Building Operations - Operator Certification  
4 meet the current Intro 13 certification requirements?

5           And finally, what is the duration and  
6 level of training required for the certification on  
7 Intro 13 certification requirements. As I noted  
8 earlier, the members of Local 94 deal with  
9 efficiency, sustainability, and are committed to the  
10 greening of our city.

11           On behalf of Local 94 President Cooper  
12 Brown we also would be more than happy to meet with  
13 the members of this committee and/or your staff to  
14 further discuss the issues I have raised, and we  
15 would also like to extend an invitation to visit our  
16 training center, and see first hand how we seriously  
17 take this commitment. I will be happy to answer your  
18 questions. Thank you.

19           CHAIRPERSON WILLIAMS: Thank you very  
20 much for your testimony. I know that you and I think  
21 the other panelists had some specific recommendations  
22 and other questions. If you can get that to the  
23 committee, that would be great as we're deliberating  
24 what -- how the bill has moved forward particularly  
25

2 in light of the hearing today. So please get that to  
3 the committee. Thank you.

4 [Pause]

5 CHAIRPERSON WILLIAMS: Okay, can we get a  
6 second -- one more chair? We're going to have  
7 probably five. Next, we have Angela Pinsky, from  
8 REDY, Hani Salama from BOMA; Dwayne Andrews from  
9 American Council of Engineering Companies of New  
10 York. Rick Bell, American Institute of Architects.  
11 Mary Ann Rothman, CNYC, Council of New York  
12 Cooperative and Condominiums.

13 And after them, we will have the final  
14 panel on this from Yatin [phonetic]Lee. From New York  
15 League of Conservation Voters, Matthew Ararich, I  
16 believe. I think I pronounced that wrong or Allrich  
17 from Heat and Frost Insulators, Nora Sherman, CUNY  
18 Building Performance Lab. David Burney, Center for  
19 Active Design, former DOT Commissioner, and Christie  
20 Rangel, the National Electrical Contractors  
21 Association.

22 [Pause]

23 CHAIRPERSON WILLIAMS: So this is this  
24 panel. There's another panel after. That is all the  
25 names that we have. So if anyone else wants to

2 testify, please take a moment to fill out a card from  
3 the sergeant at arms. We have four. So Angela  
4 Pinsky, Hani Salama, Dwayne Andrews, Rick Bell. No  
5 with that, and Mary Ann Rothman.

6 [Pause]

7 CHAIRPERSON WILLIAMS: Please raise your  
8 right hand. Do you swear or affirm to tell the  
9 truth, the whole truth, and nothing but the truth  
10 before the committee today? You can begin at any  
11 point at your leisure and your order. Thank you.

12 ANGELA PINSKY: Good morning Chairperson  
13 Williams and members of the Housing and Buildings  
14 Committee. On behalf of the Real Estate Board of New  
15 York representing over 15,000 owners, developers,  
16 managers and brokers of real property in New York  
17 City thanks for giving me the opportunity to testify  
18 regarding many of the proposed changes to the Ad Code  
19 and the Construction Code.

20 We appreciate that New York City -- the  
21 New York Council has been proactive in seeking out  
22 comments and collaborating the building owners. For  
23 many of the bills, we support the intent of the goals  
24 of the proposal. We have worked diligently with the  
25 Mayor's Office of Long-Term Planning and



2 Sustainability and the Department of Buildings in the  
3 past, and dedicated many hours to hearing,  
4 discussing, and addressing those specific concerns.  
5 These discussions are very productive. However, REBNY  
6 does not believe that these bills reflect all of the  
7 progress made in conversations. Given the number of  
8 bills in the agenda, we have prepared a detailed list  
9 of comments in the attached appendix, and we only  
10 highlight some of the major concerns now.

11           For Intro 13, Training Building Operators  
12 in Energy Efficiency, we believe the current  
13 legislation is far too big and greater specificity  
14 about the program is needed in legislations such as  
15 the necessary numbers of hours of education, program  
16 costs, and the process for approving new training  
17 programs. We are also concerned about the proposal's  
18 impact on those currently working whose ability to  
19 complete training is impaired, such as non-English  
20 speaking workers, and operators or varying levels for  
21 classroom literacy.

22           Intro 14, Improved Heating and Cooling  
23 Load Estimates. The requirement for room-by-room  
24 estimates would be extremely onerous for both the  
25 design community and DOB's review with little benefit

2 of the planning submission stage as heating cooling  
3 loads are largely determined by us, not by room sizes  
4 and can change over time. The goals of the  
5 requirements are redundant with the State Energy Code  
6 that will be adopted shortly on the buildings  
7 mentioned sometimes this summer, which already  
8 prohibits the capacity of such equipment of exceeding  
9 the loads calculated.

10           Community board review of hotel  
11 development plans. This bill counters the  
12 foundation of the New York City as a right to zoning  
13 construction. Many community board reviews would  
14 undermine the City's ability to grow organically and  
15 flexibly. That hotel development is key to growing  
16 tourism, which is one of the City's most important  
17 growth sectors and job creators. The proposal would  
18 further complicate the already difficult process of  
19 meeting the demand. The bill may also delay  
20 development and definitely by withholding  
21 certifications.

22           For limiting heat loss through exterior  
23 walls, we specify the heat factor would essentially  
24 prohibit the use of P Type Units, which are the air  
25 conditioners that go through the walls to the

2 exterior of the building. In favor of more costly  
3 center HVAC systems, which would propose a  
4 disproportionate cost framing for affordable housing,  
5 and lower density development.

6           Public access stairways, the proposed  
7 changes are substantial and would circumvent much of  
8 the work in progress with the tri-annual Building  
9 Code review building access. It's unclear how  
10 buildings could address security risks for instances  
11 of multi-floor tenants with only one receiving area,  
12 and the door glazing, and some of the requirements  
13 could be prohibitively expensive given the design and  
14 completion.

15           The hold-open door devices for the doors.  
16 Those hold would diminish the building's energy  
17 efficiency and fire protection by increasing the  
18 stack effect and interrupting fireproofing, the  
19 system commissioning, the building would be  
20 duplicative. Once the New York State Energy Code is  
21 adopted for use in New York City and many of those  
22 requirements are already covered in the Energy Code  
23 Progress inspection.

24           Much of the commissioning information is  
25 about measuring performance and not design, and

2 mandating a Commission report prior to the temporary  
3 certificate of occupancy while they limit the value  
4 of the reports and they lead to substantial costs and  
5 barriers.

6           And finally, the protection of street  
7 trees. The bill should only apply to work with the  
8 likelihood of causing damage to trees such as  
9 demolition on street work within ten feet. And due to  
10 the fluctuations in parks by adjusting subsequent  
11 staffing delays in other park clean-up areas, street  
12 protection plans should be required to full  
13 plantings. Again, to the volume of the bill and the  
14 severity of concerns, we have provided more detail in  
15 the attached appendix. We request that further  
16 consideration with all relevant stakeholders be given  
17 to all the aforementioned proposals and refer their  
18 input in the finding. Thank you again for the  
19 opportunity to comment.

20           HANI SALAMA: Good morning Chairman  
21 Williams and Committee Members. My name is Hani  
22 Salama. I'm the BOMA Secretary. I'm also Executive  
23 Vice President of Monday Properties, a real estate  
24 owner in New York and D.C. We thank you for the  
25 opportunity for BOMA, the Building Owners & Managers

2 Association to share the views regarding those being  
3 introduced today. As you know, BOMA represents 400  
4 million square feet of commercial buildings and three  
5 million office occupants. BOMA of New York has more  
6 than 850 members responsible for \$1.5 billion in  
7 annual tax revenues and oversees annual operating  
8 budgets in excess of \$4 billion.

9           This mission is to promote programs and  
10 services while serving as a resource for the  
11 advancement of the real estate industry. We are  
12 fully in support of REBNY's comments, and I just  
13 would like to add that the bill presented today we  
14 feel in general is probably erratic to us. Given the  
15 scope of these bills and the details that analyzed  
16 and had a detailed discussion among our members, we  
17 need a little more time. We have begun the process  
18 of scheduling meetings with the appropriate City  
19 Council members and staff to discuss these bills in  
20 further detail. We respectfully request that no  
21 further action be taken until we have had the  
22 opportunity to read and confer with you on the  
23 proposed legislation that could seriously impact our  
24 membership. Thank you.

2 Good morning Chairman Williams. My name  
3 is Dwayne Andrews. I'll make this statement on  
4 behalf of the American Council of Engineering  
5 Companies of New York regarding Intro 14. Over 60  
6 ACEC New York members are licensed professional  
7 engineers who contributed countless hours to the  
8 recent code updates that span close to three years,  
9 and resulted in the 2014 Construction Codes. ACEC  
10 New York thanks the committee for providing the  
11 opportunity for us to comment on this legislation.

12 However, after careful review of the bill  
13 by the Mechanical Codes Committee, we have some  
14 concerns about this bill. In our opinion, such  
15 requirements would impose an unreasonable and  
16 unenforceable burden on design professionals in the  
17 construction industry and may have no meaningful  
18 impact on energy use in buildings. The premise of  
19 the proposed laws that over-sized equipment is  
20 causing inefficiencies in the operation of buildings.

21 The size of equipment doesn't determine  
22 energy use in a building. Equipment operates to  
23 maintain space temperature set points within the  
24 building envelope. Set points in the building  
25 envelope performance are currently governed by codes,

2 and documented in the design documents by an  
3 established process. A smaller piece of equipment  
4 running for a longer time consumes as much energy as  
5 a larger piece of equipment running for a shorter  
6 time, and both are being operated to serve the same  
7 load.

8           Modern HVAC equipment is often provided  
9 with modulating controls that improves system  
10 performance at part load, which actually reduces  
11 energy consumption. The installation of larger  
12 equipment with an ability to recover more quickly  
13 from setback temperatures means a more aggressive  
14 setback can be employed, and more energy can be  
15 saved. Equipment with capacity, often prevents a  
16 building from employing a setback. HVAC design is an  
17 art, not a science.

18           Years of experience and extensive  
19 professional judgment is required to design a  
20 building's HVAC system in accordance with codes, and  
21 with handling architectural requirements. The  
22 engineering seal is a statement by the design  
23 professional that he has complied with all such  
24 requirements. That should be sufficient for any  
25

2 government agency to satisfy the requirements in the  
3 code.

4 Intro 14 states that the building  
5 requirements cannot easily review anticipated loads  
6 or readily discern whether a building will meet  
7 energy efficiency standards without such information  
8 included in construction documents. We understand  
9 the difficulty that an examiner may encounter when  
10 trying to review design documents, and believe that  
11 this may be the reason why other jurisdictions in New  
12 York State rely on the COMcheck forms as the New York  
13 City Department of Buildings currently does.

14 COMcheck includes a check box where the  
15 design engineer is required to affirm that among  
16 other requirements, load calculations have been  
17 completed for the project. The COMcheck process  
18 provides a clear indication of compliance, or lack of  
19 compliance, and eliminates any need for the inspector  
20 to go outside of their skill set. Since New York  
21 City cannot waive the New York State Energy Code  
22 Requirements, any additional requirements imposed by  
23 the local law would be in excess of the existing  
24 process and result in duplication of documentation.



2           The cost of this duplicative  
3 documentation will represent a further burden on the  
4 construction projects in the city. The goal of the  
5 model code effort was to bring New York closer in  
6 line with the national model codes. The proposed  
7 requirement does not appear in the model codes, and  
8 starts to turn New York City back in the direction  
9 where local rules complicate or potentially delay the  
10 filing and construction process.

11           In fact, Mr. Lee from the Department of  
12 Buildings said earlier in his testimony that this  
13 requirements goes back to the '60s. Completing the  
14 required calculations requires that, but it's not  
15 often available to a team designing the alteration of  
16 a portion of the building. Equipment installed as  
17 base building infrastructure is often designed and  
18 filed before any floor layout has been conceived.

19           The information required under the  
20 proposed amendments to Section 106.6 is generally not  
21 available at the time of this filing. Many of the  
22 items required under the proposed amendments to  
23 Section 106.6 have an insignificant impact on the  
24 energy requirements of the building. The design  
25 engineer is the person most qualified to determine

2 how these factors should be incorporated into a final  
3 design. ACEC New York thanks you for the opportunity  
4 to testify on this bill.

5 MARY ANN ROTHMAN: Good afternoon,  
6 Chairman Williams and I was going to greet the  
7 committee, but they seem to be staying awhile. I'm  
8 Mary Ann Rothman, Executive Director of the Council  
9 of New York Cooperatives and Condominiums. More than  
10 170,000 New York families make their homes in our  
11 member co-ops and condos. Like all New Yorkers, we  
12 want the best possible quality of life in our homes,  
13 and in our city. But we also are mindful of the cost  
14 in time and stress and dollars that legislation and  
15 regulations can sometimes impose on our members.

16 Most of the bills before you today regard  
17 new constructions, and that's happily out of my  
18 problems, though I'm more than a little concerned  
19 about security issues not being mentioned except up  
20 here on this panel as regards the opening of  
21 staircases in a building. But my testimony regards  
22 Intro 13. Our understanding is that this legislation  
23 would require that the super or handy person in a  
24 residential building of more than 50,000 square feet  
25 would have to become certified in energy efficiency

2 by passing a written test appropriate to the nature  
3 of their building.

4           And that this certification must be  
5 renewed every three years. The approved  
6 institution's training and testing individuals must  
7 issue a separate identification code or a number to  
8 each certificate holder, and must maintain records of  
9 the certificate holders, and any new certification  
10 requirements that will be accommodated. Buildings  
11 must post the certificates, and must certify  
12 compliance at least once every three years. These  
13 requirements are clearly designed to enhance the  
14 operation of larger buildings in New York City, and  
15 to increase their energy efficiency.

16           But many residential builders are 50,000  
17 square feet, particularly those that are the homes of  
18 families of modest means are small enough and simple  
19 enough that they have just one employee, the building  
20 super. The new situations imposing the requirements  
21 of Intro 13 seem to us to be both impractical and  
22 unnecessary. We believe that the threshold for  
23 compliance with this certification requirement should  
24 be revised and that free training should be provided  
25

1  
2 by the City for those supers who do not have training  
3 readily available.

4           We would also respectfully suggest that  
5 the recertification requirements should be at five-  
6 year intervals rather than three or even greater  
7 intervals. Building whose employees are members of  
8 Local 32BJ, who testified earlier, do have the  
9 appropriate training available through the Green  
10 Super Program at the Thomas Shortman Training Center.  
11 This in-depth 40-hour program should more than meet  
12 the certification requirements of Intro 13, which  
13 means that more than 2,000 building supers throughout  
14 the City are already prepared to do well on the  
15 certification test.

16           I should mention the interest of full  
17 disclosure, but I'm on the Advisory Committee at the  
18 Thomas Shortman Training. Employers provided, as was  
19 mentioned earlier, release time for these supers or  
20 handy persons to be trained in the Green Super  
21 Program, which was funded, by the way, by a grant  
22 from the Department of Labor.

23           New York City College of Technology also  
24 provides training in building systems and could  
25 devise a similar program where costs to employers

2 should not be excessive, or where city support might  
3 be appropriate. We would strongly urge that both  
4 these fine institutions be included in the list of  
5 qualified programs. Their existence helps make the  
6 2015 implementation date for this legislation  
7 feasible. As always, CNYC will look forward to the  
8 details in the regulations, and we thank you for this  
9 opportunity to comment.

10 CHAIRPERSON WILLIAMS: Thank you. Just  
11 so you know that the -- with the fire, the one with  
12 the staircase is to make one public access staircase  
13 not all of them, which I think actually is  
14 beneficial. And the hold-open doors is not required.  
15 It's voluntary by the building itself. So they can  
16 take into account security when they make that  
17 decision. And we took all of the recommendations  
18 seriously from the engineers. A lot of it was  
19 leaning toward you're either both or bad. If you  
20 could get some information of how you think you could  
21 make them both better, we will be compiling those as  
22 we're moving forward. I think you so much for your  
23 testimony, for sharing.

24 [Pause]

25

2 CHAIRPERSON WILLIAMS: And the last  
3 panel, this set of Green Codes Yatin Lee [phonetic]  
4 from New York League of Conservation Voters; Matthew  
5 Ararich. Sorry. I'm sure I butchered your name.  
6 Heat & Insulators. Nora Sherman, CUNY Building  
7 Performance Lab. David Burney, Center for Active  
8 Design, former DOT Commissioner; and Christine  
9 Rangel, National Electrical Contractors Association.

10 After that, we'll take a five-minute  
11 break, and get ready for the hearing on hotel bills.

12 [Pause]

13 CHAIRPERSON WILLIAMS: We need a flash  
14 light.

15 [crosstalk]

16 CHAIRPERSON WILLIAMS: Are you ready?  
17 Right, so we have so Ya-T - - Yantin Lu, yeah.  
18 Matthew Ara - Ararich. You know what I'm saying.  
19 Nora Sherman, David Burney, Christine Rangel. You're  
20 Christine Mangle, okay. Can you please raise your  
21 right hand? Do you swear or affirm to tell the  
22 truth, the whole truth, and nothing but the truth  
23 before the committee today? You may get started when  
24 you're ready in the order you prefer.

25

2 All right. Good afternoon, Chair  
3 Williams. Thank you so much for the opportunity to  
4 testify today. My name is Yatin [phonetic]Lee

5 YANTIN LEE: All right. Good afternoon,  
6 Chair Williams. Thank you so much for the  
7 opportunity to testify today. My name is Yantin Lee.  
8 I am the Director of the New York City Sustainability  
9 Program at the New York League of Conservation  
10 Voters. NYLCV represents over 25,000 members in New  
11 York City, and we are committed to advancing a  
12 sustainability agenda that will make our people, our  
13 neighborhoods, and our economy healthier and more  
14 resilient.

15 We strongly support the suite of green  
16 building legislation before you today. Because green  
17 building codes are not only an essential tool in  
18 reducing our City's carbon footprint, they are key  
19 for ensuring the basic health and safety of New  
20 Yorkers across the city. So first, Building Green is  
21 an economic development tool to connect the workforce  
22 to good paying skilled jobs. Into 13 will give  
23 building superintendents an opportunity to earn a  
24 certificate in building energy efficiency, increasing  
25 their skill sets and earning capacity in the future.

1                   Second, Building Green is a cost-  
2  
3 effective strategy that will save building owners and  
4 tenants money in the long run. Intro 14 and Intro  
5 184 will require an analysis of heating and cooling  
6 needs, and actual heating loss through the building  
7 walls during the design phase so that the systems  
8 will actually be properly sized, less expensive, and  
9 more efficient in the long run. Inflating exposed  
10 pipes, using energy efficient walls on construct  
11 sites are other types of simple cost-effective  
12 strategies that work and yield results.

13                   Third, Building Green is critical to  
14 improving public health. Indoor air quality,  
15 particularly from mold disproportionately impacts  
16 children, and low income families, and communities of  
17 color. By requiring the use of mold resistant  
18 materials, and moisture prone locations like  
19 bathrooms will help protect those most susceptible to  
20 asthma and other respiratory issues. The Council can  
21 encourage health through active design by making  
22 stairs more accessible and usable, and since mold  
23 prevention and ensuring stairs are usable during  
24 power outages, these initiatives are -- have renew  
25 urgency since Hurricane Sandy.



2           Lastly, the Council has a long tradition  
3 of leadership in making buildings green and more  
4 energy efficient, and more resilient in the face of  
5 extreme weather events and extended power outages.  
6 And we look forward to working with you, the Chair,  
7 and members of this Committee to continue to make our  
8 people, our neighborhoods, our city stronger and more  
9 resilient. Thank you.

10           Mr. Chairman, I hereby request that I'm  
11 allowed to enter some information that I can add to  
12 your record? The information I have there is  
13 actually flash drives, and information on mechanical,  
14 and so it's --

15           CHAIRPERSON WILLIAMS: Mechanical flash  
16 drives?

17           MATTHEW ARARICH: That's correct.

18           CHAIRPERSON WILLIAMS: So they're not  
19 gifts and they're not flash lighs?

20           MATTHEW ARARICH: That is correct.

21           CHAIRPERSON WILLIAMS: Okay.

22           MATTHEW ARARICH: They're not gifts.

23           CHAIRPERSON WILLIAMS: Yeah.

24           MATTHEW ARARICH: Okay. Mr. Chairman, my  
25 name is Matthew Ararich. I'm the Business Manager of

2 Heat and Frost Insulators Local Union No. 12, which  
3 was established in 1884. I represent more than 500  
4 members and their families, and a vast majority live  
5 in New York City. I thank you for the opportunity to  
6 address the Housing Committee and Buildings. And I  
7 also want to go ahead and rise in support of  
8 Amendment Section 1, Chapter 3, Title 28 of the  
9 Administrative Code of the City of New York, Local  
10 Law 141, for the year 2013 by adding a new Article  
11 316, and the balance of the Green Legislation  
12 discussed today.

13           Based on the data of more than 700 energy  
14 assessments, the National Insulation Association  
15 estimates that implementing a national comprehensive  
16 mechanical insulation maintenance upgrade program in  
17 the commercial and industrial markets would lead to  
18 energy savings of get this -- \$4.8 billion per year,  
19 CO2 reductions of 43 million metric tons per year,  
20 and generation of 89,000 jobs. I shouldn't say the  
21 word "jobs" because it's really careers. And what do  
22 these numbers mean? Energy savings.

23           In energy savings alone, it's 45 billion  
24 kilowatts of electricity. That's enough to power 4.2  
25 million households or 4% of U.S. homes for a year.

2 The equivalent of an annual output of 10,300 windows;  
3 \$82 million of oil, which is enough to fill 41 super  
4 tankers; 19 million tons of coal, which is the  
5 equivalent of filling 190,000 rail cars full of coal.  
6 And also, get this one, a half a quadrillion BTUs of  
7 primary energy, which is about half the total U.S.  
8 annual consumption or 1.83 days of energy consumption  
9 to the United States in its entirety.

10 In CO2 adaption by equivalent methods  
11 that would mean that you would have to plant 1.9  
12 billion mature trees, which is the equivalent of  
13 having the entire State of Delaware, and the State of  
14 Connecticut combined. Removing 7.9 million cars from  
15 the roads or three percent or 254 million cars in the  
16 United States. Installing 730 million compact  
17 fluorescent light bulbs, which are the equivalent of  
18 2.3 light bulbs for every man, woman and child in the  
19 United States.

20 I've told you about jobs. Mechanical  
21 insulation maintenance is an excellent example of  
22 shovel-ready green job opportunities. The largest  
23 untapped resource or savings utilizing mechanical  
24 insulation is right here in New York City. Our City  
25 has the largest steam supply system. It is a system

2 that includes 105 miles of steam pipe 105 miles of  
3 steam pipe that runs under New York City streets.  
4 This steam system is utilized year round to provide  
5 heating and cooling for all types of facilities  
6 throughout the city.

7           New York could put thousands of people to  
8 work and retain thousands of existing jobs while  
9 contributing to the competitiveness of U.S.  
10 manufacturing, reducing our country's dependence on  
11 foreign energy sources, and improving our environment  
12 as well as increasing property realty of private and  
13 public businesses and facilities. Mechanical  
14 insulation is a proven technology. It doesn't  
15 require R&D, engineering, or design processes, and  
16 can meet the Mayor's 2030 plan of reducing emissions  
17 in a matter of just a few years.

18           Just one worker can go ahead and apply 45  
19 feet of 8-inch steam line insulation, which equates  
20 to \$13,600 of savings in a year. Over the course of  
21 40 years, that turns to \$272,000. That seems a  
22 little bit amazing, but that's when oil is at \$58 a  
23 barrel. When it's at \$108 a barrel it saves \$492,000  
24 from one day's work every 20 years.

2           And everything I've quoted are verified  
3 from calculations that are provided by the United  
4 States Department of Energy and Oak Ridge National  
5 Laboratory, and I've give presentations for every  
6 level of government. And you can have comfort in  
7 knowing that I speak from experience. I can back  
8 this up by saying that not everyone has the  
9 distinction of receiving an invitation from the White  
10 House to express their views as an expert in creating  
11 jobs in the green energy sector. I thank you for the  
12 opportunity to provide my testimony today, and if you  
13 have any questions, I'd be happy to answer them.

14           NORA SHERMAN: Hello. My name is Nora  
15 Sherman, and I'm here on behalf of the CUNY Building  
16 Performance Lab, which was established in 2006 to  
17 help improve the energy performance of public and  
18 commercial properties in New York City and across the  
19 state. I'd like to thank you, the Chair, and members  
20 of the committee for the opportunity to testify today  
21 in support of Intro 13, Training Building Operators  
22 in Energy Efficiency.

23           One of our main purposes at the Building  
24 Performance Lab is on workforce training. Over the  
25 past five years, we've partnered with the Department

2 of Citywide Administrative Services Energy Management  
3 Division as well as labor unions, including 32BJ and  
4 Local 94; hospitals and property owners to train more  
5 than 2,000 building operators and engineers in  
6 operations and maintenance techniques that will  
7 reduce energy use and improve overall system  
8 efficiency.

9           With DCAS Energy Management alone we've  
10 certified more than 1,500 municipal employees in the  
11 nationally recognized Building Operator  
12 Certification, which Howard Styles of Local 94  
13 mentioned in his testimony. As a trainer, we are, of  
14 course, an interested party in Intro 13, but I'd like  
15 to stress that our interest is based on an objective  
16 analysis of the impact that building operator  
17 training can have overall energy performance of a  
18 property and your portfolio. Proper training is a  
19 key part of an optimized energy efficiency and  
20 maintenance plan. Studies by the U.S. Department of  
21 Energy National Labs including Lawrence Berkeley and  
22 Pacific Northwest show that aggressive improvements  
23 in building operations and maintenance can result in  
24 as much as a 35% decrease in energy consumption  
25 across a portfolio.

2           Here in the New York, the projected  
3 impact of the proposed legislation is quite large  
4 since the targeted buildings are responsible for  
5 roughly 40% of the City's overall energy consumption,  
6 and greenhouse gas emissions. The reduced demand for  
7 energy will reduce emissions of air pollutants from  
8 the burning of fossil fuels within buildings and  
9 electrical power plants, and that will help improve  
10 the air we all breathe.

11           But more than that, under this  
12 legislation we will be giving our building workforce  
13 the tools to lead in the 21st Century. Presently,  
14 operating engineers are trained and licensed to run  
15 their equipment faithfully without the critical issue  
16 of energy efficiency as a consideration. This  
17 legislation will help change that. The response from  
18 operating engineers that we've trained has been  
19 overwhelmingly positive. In particular, many City  
20 employees we've trained are enthusiastic about the  
21 new knowledge and skills they've acquired and the  
22 evaluation research we've done for DCAS Energy  
23 Management indicates that many operating engineers  
24 are taking the initiative and applying their new  
25 energy savings skills back at their facilities.

2           The City is already leading the way with  
3 a major commitment to training its municipal building  
4 operators. In passing this legislation, the City  
5 will continue to build upon this commitment, and it  
6 will continue to build upon the foundation  
7 established by PlaNYC to reduce the City's emissions  
8 and better manage its demand for energy. It's for  
9 all these reasons that we at CUNY offer our  
10 unqualified support. Thanks for the opportunity to  
11 testify.

12           DAVID BURNEY: I want to thank you, Mr.  
13 Chairman. My name is David Burney. I'm here to  
14 testify in support of Intro 202 and 203, which are  
15 the two stair bills that are before you today as part  
16 of the Green Package. I'm an architect. I am a  
17 Professor at the School of Architecture of Pratt  
18 Institute Brooklyn, and I also chair the Board of  
19 Directors of the Center for Active Design. The  
20 Center for Active Design exists to promote public  
21 health through changes in the environment. We did  
22 submit written testimony to you today that I won't  
23 repeat here. But I would like to supplement some of  
24 that written testimony.



1  
2 I was from 2004 through February of this  
3 year the Commissioner of the New York City Department  
4 of Design and Construction. And during that period  
5 we worked very closely with the Department of Health  
6 on chronic disease and obesity, which is really the  
7 current sort of epidemic of our time. And working  
8 with the Department of Health and a number of other  
9 City agencies, we published in 2010 the Active Design  
10 Guidelines.

11 The Active Design Guidelines are a  
12 compilation of a variety of best practices that gave  
13 guidance to designers in improving health outcomes by  
14 changes in a built environment. And what we found  
15 during the process of preparing those guidelines was  
16 that the strongest evidence or the most supported  
17 evidence for changes in built environment that  
18 promote health is the use of stairs. Not only was the  
19 evidence very strong. But it has been established by  
20 many studies that very limited use of stairs, even  
21 just two minutes of stair climbing a day, can cancel  
22 the annual weight gain of the average U.S. adult.

23 So it seems to us that stair use is  
24 probably one of the most important things we can do  
25 for public health of New Yorkers. And these two

2 bills that are before you do exactly that. You've  
3 heard about the access bill to provide a public  
4 access staircase, the hold-open devices that will  
5 keep stair doors open and make them run better.

6           The staircase has had a sort of pretty  
7 unfortunate history. Before the invention of the  
8 elevator, staircases were extremely prominent and  
9 attractive parts of the building. This building, for  
10 example, and most of the people who walked in here  
11 today came up the staircase, so I assume. The  
12 elevator is kind of hard to find. In the modern  
13 building, and we heard today about 250 Broadway the  
14 reverse has happened. Since the invention of the  
15 elevator, the staircase is often pushed to the corner  
16 of the building, inaccessible. Often the doors are  
17 locked.

18           We'd like to reverse that process, and we  
19 think that these two buildings will go a long way  
20 toward doing that. And as we heard this morning in  
21 250 Broadway, if we can open the staircase, it will  
22 be, among other things, a business efficiency. We  
23 know how long one can wait for the staircases.  
24 Interconnection between floors happens much more  
25 frequently when staircases are made accessible. And

2 that, too, is a business efficiency in the sense that  
3 it's more efficient to walk between two floors than  
4 it is to go to the elevator bank and wait for the  
5 elevator.

6           And, of course, by opening up the  
7 staircases, that makes the elevators more available  
8 for the people who really need them. And also, of  
9 course, has some efficiencies in energy use because  
10 of the less use of the staircases. So at the Center  
11 of Active Design we strongly support this bill. We  
12 hope that it will be implemented, and the Department  
13 of Citywide Administrative Services has already given  
14 access to at least one stairway in each city building  
15 that they manage. There have been issues of  
16 security, which we have successfully addressed with  
17 custodians because the buildings -- the doors can be  
18 still made quite accessible with those security  
19 issues. So there are many examples both in city  
20 owned buildings, and also in privately owned  
21 buildings. Even developers doing affordable housing  
22 have managed to incorporate them. So we believe that  
23 these two bills will be extremely successful and  
24 important. Thank you.

2 CHAIRPERSON WILLIAMS: Thank you very  
3 much for your testimony. It's much appreciated. We  
4 have some -- for the record, the Association for  
5 Energy Affordability, Dattner Architects, the Ichan  
6 School of Medicine at Mount Sinai; Queens and Bronx  
7 Building Association; and the Building Issue  
8 Association of New York City; Practice Housing  
9 Initiatives; AIA New York Chapter; Enterprise; and --

10 COUNCIL MEMBER: [off mic]

11 CHAIRPERSON WILLIAMS: These are, as I  
12 said before, I just want to make sure. We need  
13 somebody by the Falcon Group react. International  
14 Association of Heat and Frost Insulators, which I  
15 think I actually did like. UA Plumbing Local 1  
16 Training. ASHRAE, EDF, the Association of Builders  
17 and Owners of Greater New York; and Blue Sea  
18 Partners, Blue Sea Development Corp. Company.

19 Is Christine Rangel here now? Okay,  
20 please come up. After Ms. Rangel, we will take a  
21 five-minute break, and then we will start on a hotel  
22 bill.

23 CHRISISTINE RANGEL: Good afternoon, I am

24 --

25

2 CHAIRPERSON WILLIAMS: Wait. Can you  
3 please raise your right hand?

4 CHRISTINE RANGEL: Yes.

5 CHAIRPERSON WILLIAMS: Do you swear or  
6 affirm to tell the truth, the whole truth, and  
7 nothing but the truth before the committee today?

8 CHRISTINE RANGEL: Yes.

9 CHAIRPERSON WILLIAMS: Please start.  
10 Also, I wanted to thank OLTPS for staying to hear the  
11 testimonies, and hear the comments that were  
12 presented today.

13 CHRISTINE RANGEL: Good afternoon, Chair,  
14 Councilman Williams, and thank you for allowing me to  
15 testify today on behalf of the New York Electrical  
16 Contractors Association. We are the voice of the  
17 unionized electrical construction industry in New  
18 York City, Westchester, Fairfield Counties. We are  
19 comprised of 200 unionized member firms employing  
20 15,000 men and women, contributing to over 20 million  
21 man-hours of work per year.

22 While we support PlaNYC's goals, and are  
23 pleased to see greening initiatives, there are two  
24 bills that are chiefly of concern to the contractors  
25 who build the city skyscrapers, schools, walkways,

2 bridges, tunnels, and street lighting, construction  
3 site lighting, and tree protection.

4 NECA New York opposes the Pre-Considered  
5 Intro regarding construction lighting. We support  
6 the efficient use of energy. However, technical  
7 issues as written, including the enactment date, and  
8 adaption timeframe of this bill are worrisome. The  
9 bill states that if a contractor pulled a work permit  
10 prior to January 1, 2014, then this new rules does  
11 not impact the job. However, permits are pulled  
12 every single day. What about permits being pulled  
13 right now, yesterday, tomorrow?

14 Contractors are not aware of this new  
15 rule and, therefore, cannot be expected to abide by  
16 it, quote "effective January 21, 2014." Contractors  
17 must be given an ample amount of time to adjust to  
18 this change. Also, contractors bid a job based on  
19 cost. This rule gives contractors a strange limbo  
20 period. So if you began work after January 1st with  
21 no knowledge of the rule, you will be in violation of  
22 the rules. This rule would now give inspectors the  
23 ability to walk on the job, and issue a violation for  
24 non-compliance where no contractors were ever aware  
25 that the new rule existed.

2 Now, the contractor is given a fine and  
3 in addition must correct the violation by changing  
4 all of those bulbs. So suddenly if you have a job  
5 with 40 floors where you have to buy energy efficient  
6 bulbs, you now have a big cost issue on you hands  
7 both in labor and material. Again, where the  
8 contractors never knew such a rule existed.

9 So for this reason, we ask that the take  
10 effect date will be moved to a date that is a  
11 reasonable amount of time to allow for adjustment, to  
12 conform to the new rules, plus conform to the new  
13 costs, and add those costs into future bidding.

14 We support energy efficient initiatives.  
15 However, with no time to comply, the rule increases  
16 the cost of construction. If we have a year to  
17 prepare for this cost, the economic hardship would be  
18 a tolerable one. We feel that a year would be a  
19 reasonable amount of time.

20 Now, finally moving onto the Intro  
21 regarding tree protection. The law as it presently  
22 stands we feel is sufficient. Section 3309.11 of the  
23 current Administrative Code sets up requirements to  
24 be followed when trees shall be disturbed or removed.  
25 But then establishing a ten-foot rule basically

2 relies on an assumption that if you were working  
3 within ten feet of the tree, you're going to disturb  
4 it, and that is not always the case. And then that  
5 assumption is going to lead only to delays in the  
6 performance and increase the cost of work. So we  
7 actually found that the previous tree protection  
8 portion of the Administrative Code is sufficient, and  
9 that this one will definitely have contractors.

10 Accordingly, we strongly oppose such  
11 bills as currently written. Thank you very much.

12 CHAIRPERSON WILLIAMS: Thank you for your  
13 testimony. I just want to know who was here from the  
14 administration who will be testifying on the hotel.  
15 Donald Ranshte, James Colgate, Tom Eisele will be  
16 testifying, and John Lee, and Christine Johnson.  
17 Okay. Also, we're going to take five minutes. We'll  
18 be back at 10:35. We have the Hotel Bill, which I  
19 understand is non-controversial and supported all  
20 around. So we'll take a five-minute break.

21 [Pause]

22 CHAIRPERSON WILLIAMS: Calling the  
23 hearing back in order. We are here on Intro 181,  
24 also called the Hotel Notification Bill. Again, just  
25 a reminder the genesis of this bill was in response



2 to constituents that have to fight back a hot sheet  
3 motel in my district. My belief is that there are  
4 some stronger things needed. I view this as a barely  
5 start in the conversation and perhaps do something  
6 while we're working on the stronger regulations that  
7 are needed and necessary. And I believe we have  
8 Donald Ranshte, James Colgate from the Department of  
9 Buildings. They'll be testifying today. Thank you  
10 very much.

11 If you can raise your right hand even  
12 though each one of you have already. Do you swear or  
13 affirm to tell the truth, the whole truth, and  
14 nothing but the truth before the committee today?

15 JAMES COLGATE: Good morning Chairman  
16 Williams and members of the Committee. I'm James  
17 Colgate, Assistant Commissioner for Technical Affairs  
18 and Co-Development at the New York City Department of  
19 Buildings. I have with me on my left Donald Ranshte,  
20 Director of Intergovernmental Affairs and Executive  
21 Analytics at the New York City Department of  
22 Buildings. Thank you for allowing me the opportunity  
23 to testify on this legislation.

24 This bill would amend the Administrative  
25 Code of the City of New York in relation to community

2 board review of hotel development plans. As you  
3 know, building and development uses are governed for  
4 the most part by the Zoning Resolution, and as of  
5 right development, complies with all applicable  
6 zoning regulations and does not require any  
7 discretionary action by the City Planning Commission  
8 or the Board of Standards and Appeals.

9           While clearly rooted in a desire to  
10 inform communities about local development, we  
11 suspect that this bill may present the appearance of  
12 local control without any genuine role spelled out in  
13 the proposed legislation for the community board.  
14 Typically, if a hotel development plan requires a  
15 land use change under the Zoning Resolution, then a  
16 community board hearing would already have been  
17 required pursuant to Urler [sic] and this bill's  
18 required hearing would be redundant.

19           On the other hand, if a project is as  
20 right, based on existing zoning, the Department of  
21 Buildings would have no authority to deny permits, a  
22 ministerial act under the charter on the basis of a  
23 review by the boards. From our perspective, the  
24 proposed legislation raises a whole host of  
25 operational questions. From the simple, Does the

2 Department also provide a full set of plans, and how  
3 are they delivered? Or would the applicant just  
4 submit the narrative and general rendering of the  
5 proposed building to the board?

6           To the perhaps more difficult such as,  
7 What if the plans are subsequently amended as often  
8 happens, would it need to go back to the board? Or,  
9 what if the proposed buildings and mixed-used  
10 building for the hotel and residential use or other  
11 commercial uses, is the whole project subject to  
12 hearing? And then we have even the more complex.  
13 What if the developer does not propose a hotel use  
14 during the plan exam and then only changes the  
15 proposed use after the building is already built?

16           There may be some unintended  
17 consequences. Apartment hotels are Use Group 2, and  
18 not Use Group 5 uses under the zoning. And apartment  
19 hotels offer permanent residence purposes unlike  
20 transient hotels. They typically are no longer  
21 developed, but some still exist. Making it more  
22 difficult to develop residences does not appear to be  
23 the intended bill, but it may. This could have an  
24 adverse effect on the new construction of affordable  
25 housing.

2           If the overall intent of the bill is  
3 truly geared towards community notification, the  
4 Department of Buildings has made great stride toward  
5 engaging local communities. As you know, we are very  
6 proud of our website, and on it there are two very  
7 important community engagement portals. First, is  
8 the Buildings on My Block page. With five clicks of  
9 a mouse on a computer any person can find all of the  
10 approved applications for new buildings, alteration  
11 type ones, and demolitions sorted by community board.

12           When we speak to the boards, we always  
13 remind them that their staff can easily see all the  
14 new permanent approvals by DOB on a daily, weekly, or  
15 monthly basis. Second, is the public challenge.  
16 Again, simply by using our website subject to  
17 required process and timeframe, any member of the  
18 public can send us a challenge to a permanent  
19 approval to which our borough Commissioner will post  
20 answers on the Internet for all to see. Our DOB  
21 outreach staff can give a tutorial to your officers  
22 or to any community board offices interested in  
23 seeing how this works.

24           Finally, since community board review is  
25 purely advisory, we are concerned that the public

2 hearing process would create the misperception that  
3 the community's opposition will result in denial of a  
4 permit. DOB's review is related to compliance with  
5 code and zoning. It must issue a permit based on  
6 compliance -- such compliance. We would not want to  
7 create a hostility directed at the department, or at  
8 the City as a whole where we must issue a permit  
9 after the board has reviewed and opposed it. Thank  
10 you for the opportunity to speak about this issue.  
11 I'd be happy to answer any questions you may have.

12 COUNCIL MEMBER Are you up?

13 CHAIRPERSON WILLIAMS: Thank you. Yes,  
14 just so I am very much aware that this would not give  
15 people additional power. I'm not sure I understand  
16 that he's saying, but I think most community members  
17 and the community understand the community boards in  
18 general have an advisory role. So I'm not sure that  
19 this would lead them to believe anything else. My  
20 intent is to make sure that the community is aware.  
21 We had to spend a lot of energy after we found out to  
22 push back, which we were able to do with public  
23 questions.

24 I think there are communities that a  
25 hotel is not the right place to build. Also,

2 communities change a lot faster than the zonings  
3 change. And so, I want to make sure our community  
4 had the ability to weigh in. It would be great to  
5 have more authority, and if we could find a way to  
6 make that happen, I'm supportive of that as well.  
7 Until we do that, my attention is to try to just make  
8 sure that people know what's coming in their  
9 neighborhood and have at least an opportunity to  
10 voice.

11 I understand your concerns. I appreciate  
12 them. I would love to learn more about the  
13 affordable housing part. I didn't -- that seemed a  
14 little bit strange. But I think to start a  
15 conversation. So I'm looking forward continue to  
16 have it, because we just have to find a way to deal  
17 with all the hotels that are creeping up in  
18 communities. I don't think that needs to be  
19 happening. So thank you so much for your testimony.  
20 I appreciate it.

21 Next we have Josh Gold from Hotel Trades  
22 Council and we have for the record REBNY and Hotel  
23 Association of New York City.

24 [Pause]

25

2 CHAIRPERSON WILLIAMS: Please raise your  
3 right hand. Do you swear or affirm to tell the  
4 truth, the whole truth, and nothing but the truth  
5 before the committee today?

6 JOSH GOLD: I so do swear. There's photo  
7 in there, but cool.

8 CHAIRPERSON WILLIAMS: Okay.

9 JOHN GOLD: But cool. So I want to thank  
10 the Council Member first for allowing me to testify,  
11 and I also wanted to thank the Council Member for  
12 bringing up an important issue. We actually worked  
13 with your office and your community in pushing back  
14 that hotel, which was out of context with the  
15 neighborhood. I don't have any written remarks  
16 prepared, partly because we have concerns about the  
17 process that led to this bill. We feel that there is  
18 an important concern that you've raised, and your  
19 community has raised. And other communities have  
20 raised with us over the past couple of years.

21 New York is in the middle of an  
22 unprecedented boom in hotel construction. We have  
23 the second largest hotel pipeline in the world. Over  
24 the past five years the amount of rooms in New York  
25 City has grown by 24% to a new high. And with that

2 comes creep of hotels into communities that have had  
3 no history of having hotel development, and hotels  
4 are a different kind of use than office,  
5 manufacturing, residential, or commercial. They have  
6 a 24/7 use.

7           They tend to be more densely populated  
8 under the Zoning Code. They are permitted to have no  
9 parking zones, and other sorts of impacts on  
10 communities, and in some places they may or may not  
11 be out of context. Our concern with the legislation  
12 here is that as part of the process to my knowledge  
13 the Hotel Union, which represents 32,000 hotel  
14 workers in the city, their total association  
15 represents close to 300 hotels I believe. And REBNY,  
16 which represents hotel developers haven't been  
17 brought in to have a conversation about the general  
18 impact this bill may have on the tourism industry in  
19 general.

20           And we're concerned that with tourism  
21 becoming a more and more important part of our city's  
22 economy, and the need to create good jobs in that  
23 industry, that the Council have an ongoing dialogue  
24 about it before passing such a legislation. I was  
25 pleased to hear at the beginning of this hearing



2 before I actually got here that you mentioned that  
3 this would be delayed a little bit so we could have  
4 more of a conversation. There's some concerns that  
5 were addressed by the city that were important.

6 But we urge the Council member and his  
7 colleagues that are not present, but I will make sure  
8 to have conversations with them all. That the  
9 Council have conversations with stakeholders being  
10 introducing legislation that may have unintended  
11 consequences, like the City pointed out. And that  
12 may impact development that, in some cases, is good  
13 for the city. There are certainly cases where hotel  
14 development in areas that are not used to it, or  
15 weren't built for it, will have a negative impact on  
16 the community.

17 And that is a concern that needs to be  
18 addressed. Over the past two or three years, we have  
19 made progress with our conversations with community  
20 groups in the previous administration to address  
21 those concerns somewhat. The EDC had proposed about  
22 a year and a half ago a special requirement for  
23 hotels that are built in industrial business zones  
24 because hotels were crowding out important  
25 manufacturing space. And our city wanted to rebuild

2 the manufacturing center, or the ability to rebuild  
3 that manufacturing. Or Hudson Square, Tribeca.

4 I know Tribeca the full district and  
5 other areas of the city have put restrictions on  
6 hotel use because there were too much hotels  
7 encroaching on residential space. And these are  
8 important community-by-community conversations that  
9 need to be had. But we do feel that this bill as  
10 currently written requires more of a conversation  
11 with stakeholders to make sure that the impact is the  
12 intended impact. And not an impact on an industry  
13 that is extremely important to their -- the growth  
14 and the direction of the City of New York. Thank  
15 you.

16 CHAIRPERSON WILLIAMS: Thank you for the  
17 testimony. We appreciate it. One, I don't -- I  
18 think most would say -- I mean, if we would you say,  
19 I mean if you needed it and we have to have  
20 definitely more conversations. I don't know that one  
21 of the unintended consequences would be stopping  
22 growth in places where they have it because it  
23 doesn't infer additional powers to the Community  
24 Board. It's going to be General Advisory. But I do  
25 believe that in having more conversations, so I'm

2 happy that this is pushing the conversation forward.  
3 And I think regardless of what has seemed to be put  
4 out in the past few days is lot more green on the  
5 problem, and possibly solutions than we're led to  
6 believe. But thank you so much for your testimony.

7 JOSH GOLD: Thank you.

8 CHAIRPERSON WILLIAMS: And I think that  
9 is it, and it's probably anti-climatic than people  
10 expected, but we're going to end the hearing both on  
11 the Green Codes and Hotel Bills. Thank you.

12 [gavel]

13 CHAIRPERSON WILLIAMS: Oh, hearing is  
14 adjourned.

15 [gavel]

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COMMITTEE ON HOUSING AND BUILDINGS

C E R T I F I C A T E

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



Date April 22, 2014