

Commissioner
L. Margolis
and Exec.
Director
Alexander
And

Assemblyman Lopez Testimony on Loft Board Proposed Rules
January 20, 2011

Good afternoon Members of the Loft Board. My name is Debra Feinberg, Chief of Staff to Assemblyman Vito Lopez, Chairman of the New York State Housing Committee, and the author of last year's Loft Law expansion. I worked with the Assemblyman in drafting and negotiating this legislation and also work with loft tenants in navigating the law's requirements and procedure.

To be clear, the issue here is not one of putting residentially used tenants against industry, but of protecting these tenants from existing laws that make their homes safe.

On behalf of Assemblyman Lopez, I am here to make serious and significant recommendations to the Loft Board's Proposed Rules to Amend § 2-08 of Title 29 of the Rules of the City of New York, subdivisions (j) through (s) for buildings seeking Article 7-C coverage under § 281 (5) of the Multiple Dwelling Law.

It is undeniable that loft residents - many of these artists, carpenters, designers and other innovators - contribute a great deal to the cultural fabric of New York City. With the intent of protecting these tenants against the looming threat of displacement, instability and insecurity in their homes, Assemblyman Lopez, a staunch advocate for tenant protections, drafted the Loft Law to finally provide relief for these New York City residents. The law not only provides rental and anti-harassment protections for eligible loft tenants, but allows for bringing loft units and buildings up to safety and building code while allowing residents to remain in their homes.

With so many loft tenants living in unregulated units for ten, twenty and more years, it is imperative that the law be as inclusive as possible, taking proper safety concerns into account, to provide better, safer living conditions for all New York City residents. That being said, after a review of the Proposed Rules, I believe the Rules are written too broadly and too vaguely to carry out the intended purpose of the Loft Law. Specifically, many uses listed as "Inherently Incompatible with Residential Use" or even those listed as potentially incompatible too broadly exclude buildings from Loft Law coverage.

~~Additionally, language and subsections describing the process of certification of an incompatible use as well as the definition of Residential Unit require further clarification.~~

Throughout Williamsburg and Bushwick alone, we have surveyed a number of loft buildings. From a sampling of 65 buildings which would be strong candidates for loft law coverage, 34 of those buildings had at least one use included in Appendix A or B from the Proposed Rules.

- Of those 34 buildings, 3 had appendix A uses that could immediately disqualify them from coverage. These uses, however,

included the manufacture of feather products, the use of rubber products and a paper bundling and storage establishment.

- 15 buildings had more than one Appendix B use requiring certification. Of these uses, the most common were carpentry and woodworking, printing, welding, wholesaling, warehousing and textiles.
- Among these 34 buildings alone, there are at least 700 residential or live work units with an estimated 1800 people living in them.
- In none of these buildings did we find any instance of noxious fumes, dangerous activity or anything that we found to be outwardly hazardous to health.

It is my understanding that the zoning criteria for Special Mixed Use Districts was used as a model in helping determine Appendix A and Appendix B uses. However, the list in the Proposed Rules is much more restrictive than Special Mixed Use Districts and in many instances uses permitted as of right in Mixed Use Districts are wholly excluded. For instance, uses such as textile manufacture, warehousing and wholesaling are always safe in Mixed Use scenarios throughout New York City. Further, uses such as welding, woodworking, and printing have frequently and harmoniously shared buildings with residential use throughout the City and it is unclear why such uses would have to undergo any certification process. Instead, just as in Special Mixed Use Districts, these uses should be permitted as of right. The standard used here is too restrictive and removing a number of the uses listed in both Appendices should be carefully and seriously considered.

Further, setting aside for a moment the types of uses included in Appendix B, the cumbersome certification process outlined in the Proposed Rules to allow a use listed in Appendix B is similarly troubling. Subsection (m) delineates the requirement for an owner to certify that a manufacturing use is NOT incompatible with residential use. Subsection (q) references a tenant application for coverage without referencing that same certification process. As a result, the following concerns arise:

- It is unclear whether a tenant is able to even meet the certification requirements of subsection (m) without the involvement of the landlord. The Rules should take into account that in many instances tenants seek coverage against a landlord's wishes because coverage allows for benefits such as Rent

Stabilization and requires sometimes costly upgrades to buildings. As a result, a clearer and more realistic process for tenants seeking coverage should be detailed.

- The costs of certification currently proposed, if a tenant is even able to attain such certification, may prove to be overly burdensome for tenants seeking coverage.
- The Proposed Rules are written with a presumption of incompatible use. Coupled with the reality of the probable difficulty of a residential tenant gaining the cooperation of a commercial tenant to gather information regarding (k)(2)(i), (ii) and (iii), the format and procedure offered by the Proposed Rules needs to be amended to be a more "user friendly" approach for tenants to present evidence of uses compatible with residential living. This may include a provision that requires certain disclosures of commercial tenants to residential tenants seeking coverage.

Essentially, there must be measures put into place contemplating costs and access to information to level the playing field and allow for both tenants and landlords to be equally able to meet the requirements of the Rules.

Finally, the language of the Proposed Rule is unclear in certain sections. Firstly, the rule sets forth a list (i), (ii), and (iii) under subdivision (k)(2), but there is no "and" or "or" between (ii) and (iii); thus it is unclear if a use set forth in Appendix B, must meet only one of the criteria or all, to be inherently incompatible. Secondly, the definition of residential unit under subdivision (l) states that a residential unit may contain a non-residential use that "is clearly incidental to or secondary to the residential use of the residential unit." There are no definitions of "incidental" or "secondary" set forth.

In contemplating the proposed rules, it is necessary to find the delicate balance between protecting eligible loft tenants against displacement while requiring Landlords to remediate any hazardous and unsafe living conditions and being too broad in deciding what is "incompatible" with residential use thereby disqualifying potential tenants from this important coverage. It is important for these residents who contribute so significantly to New York City's cultural landscape to have strong protections against displacement. Similar to the protections that Manhattan loft residents gained decades ago, loft residents throughout the rest of New York City deserve those same considerations and protections. I strongly urge the Board to take these recommendations under very serious consideration.

Thank you.

Again, at issue is a question of whether the loft law has been expanded - that has already been written + signed into state law. and necessary

MARTIN MALAVE DILAN
SENATOR, 17TH DISTRICT

SENIOR ASSISTANT
MAJORITY LEADER

CO-CHAIR
LEGISLATIVE TASK FORCE ON
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January 20, 2011

New York City Loft Board
100 Gold Street, 2nd Floor
New York, NY 10038

I am writing today to express my concern with the New York City Loft Board's newly proposed rules and regulations that identifies certain uses in groups 15 through 18 as "inherently incompatible" with residential uses in the same building.

Last year I sponsored legislation that made important changes to Article 7-C (The Loft Law) of the Multiple Dwelling Law. I also sponsored a Chapter Amendment, which, among other things, stipulated that the Loft Board must determine in rules and regulations whether each use set forth in use groups 15 through 18, as defined in the municipality's zoning law, constitutes a use inherently incompatible with residential use.

First, the proposal will be costly and onerous to tenants. Many uses can be either innocuous or hazardous, depending on degree of activity in a building, processes utilized and impacts on other tenants (noise, smells, etc.). Many of the uses may be limited to offices with little impact or people doing small crafts that use one or more of the listed products. The proposed rules will require architects to certify that uses do not cause high levels of emissions and do not involve high hazards.

In essence, tenants who seek coverage in a building where the landlord is uncooperative, will be asked to prove a negative – that on June 21, 2010 there was no use in the building that fell under the three provisions that signal inherent incompatibility. There will be issues of conflicting expert testimony, it will be costly for tenants to document, and it will be hard for the tenant to gain access and truthful cooperation from manufacturing tenants if the landlord is hostile to the coverage application.

Additionally, years of delay and uncertainty as to whether a building should be registered may occur. The proposed rules lend themselves to argument, hearings and litigation in the courts. While this is going on the legalization process will be delayed and residents will continue to live in unsafe buildings.

Lastly, buildings that should be registered may not be registered. In some cases residents and owners may not find it in their best interests to register with the Loft Board given the arduous and complicated nature of the Use Group restrictions.

I encourage the Loft Board to take the time to revisit its proposed rule before adoption. The Board should attempt to limit the number of uses in Use Groups 15 to 18 that are either prohibited without exception or subject to rebuttal of a presumption. There are surely uses in those groups that are not only compatible with residential use but are also present in loft buildings that were covered under the original Loft Law and have been legalized. The Use Group section should be the subject of additional study and field surveys before it becomes final.

Thank you for your consideration.

Sincerely,


Martin Malavé Dilan

MMD/hah



**Testimony by
U.S. Representative Jerrold Nadler
U.S Representative Nydia Velázquez
City Councilmember Brad Lander**

Before the NYC Loft Board on Amendment to the Multiple Dwelling Law that went into effect June 21, 2010

We are long-time supporter of the rights of tenants, and supported the renewal and limited expansion under certain criteria of the Loft Law that went into effect as of June 2010. The law which we were involved in advocating for provides long-term tenants who lived in former manufacturing buildings a path for legalization.

The legislation very thoughtfully balances the protection and legalization of the lofts of long-term tenants in former manufacturing buildings with the protection of the city's densest areas of manufacturing, industrial and artisanal jobs. The legislation sends a strong signal that both tenants and manufacturing jobs are a priority and worthy of protection in New York City.

Residential uses (including dangerous and unsafe ones) we know pay far higher rents than, and place enormous economic and political pressure on, industrial, manufacturing and artisanal businesses. Ultimately, the encroachment of residential uses in these areas force these businesses to relocate and, in many cases, leave the city altogether, along with the well-paying jobs and economic diversity that they support. But this legislation as enacted affords the protection of manufacturing in the City including within most of the City's sixteen Industrial Business Zones (IBZ).

As you know many of these buildings present substantial safety hazards to the occupants because existing and previous manufacturing in the buildings currently use or may have used chemicals, pressurized gases and other hazardous materials that are incompatible with residential space. Moreover, many of these structures do not comply with the building and fire codes as they do not have two means of egress, sprinklers, or adequate fire separations from legal industrial uses in the buildings. Great care must be taken in approving any conversions, because residential and manufacturing uses are basically incompatible and dangerous. No conversion should be approved if there is manufacturing taking place in the building, the danger is too great to the tenant.

We need to recognize that we are dealing with a new kind of residential occupation of manufacturing buildings. In the 1970s, when cheap apartment were plentiful in and close to Manhattan, loft living was deemed to be an alternative lifestyle for artists and others who worked and lived in the same space. Now that affordable housing is becoming scarcer and scarcer, young professionals who can only afford \$600 or \$700 a month for rent are seeking housing in these converted industrial buildings.

A major issue here is that the majority of landlords applying for coverage knowingly and willfully converted their buildings to residential usage regardless of the applicable zoning or the City's commitment to preserve these areas for industrial jobs. This means that building owners who acted in bad faith by intentionally displacing manufacturing jobs to convert to residential are now applying for legalization without any penalty. These owners will reap a windfall profit as a result. And the Loft Board needs to make sure they don't further displace industrial companies or residential tenants who deserve coverage under the law.

The rules made by the Loft Board with regard to mixed use buildings will greatly affect whether these owners are able to legalize their actions post-facto, and whether they can continue to displace businesses without penalty.

Therefore, we suggest the following modifications and practices for the Loft Board in implementing the law:

- The original tenants in protected buildings must not be displaced through landlord sleight of hand. The Loft Board must make sure that it is accessible and transparent enough so tenants who are not able to hire lawyers specializing in the Loft Law can engage in the process.
- Therefore, all Loft Law applications should trigger a public and transparent process. Applications of buildings and hearing dates should be posted online and sufficient notice should be given in plain language to all affected parties, including neighboring buildings and local IBZ administrators. Much of this is standard practice of the Board and Standards and Appeals, which is an equivalent agency and we urge the Loft Board to examine it and other agencies for best practices.
- In order to avoid conflict between occupants of converted dwellings and legal industrial tenants, the Loft Board should only approve applications where the residential tenant is located above the level that manufacturing uses in any zoning Use Group (U.G.) 15-18 occupy. Toxic emissions are not the only “inherently incompatible” aspect of mixing industrial and residential uses—vibrations, noise and other conflicts can arise between residential and commercial tenants, especially when residential is on the same floor or below industrial uses. This is consistent with how the City’s numerous loft zoning and MX districts work for new and converted mixed use buildings and is legally well-grounded in the Loft Law extension.
- Since building owners seeking Loft Law protections have illegally-converted their manufacturing-zoned buildings to a residential use, they should be held to a higher standard of proof than a mere review of the application and a cursory inspection. All tenants, residential and commercial, must be identified in person, on every floor, in every building applying for coverage. This should include on-site inspections of all units in the building conducted by DOB or the Loft Board to verify facts stated in applications.
- The expansion of the Loft Law should not be considered a market signal to property owners that it is okay to change the character of industrial neighborhoods. In order to avoid speculation of nearby buildings, zoning laws must be more vigorously enforced in areas with residential conversion to prevent future conversions from taking hold.
- Manufacturing tenants in approved loft buildings should be offered protection similar to that extended to residential tenants. The needs and comforts of residents should not trump those of industrial tenants and both parties should be held to a mutual “good neighbor” standard of occupancy.

Furthermore, the Loft Board must immediately appoint a manufacturing representative before adopting these rules. This seat has been vacant for far too long.

You will hear today from several businesses and business representatives how operating near residential tenants makes life harder and we will not duplicate their testimony, but they are experiences well worth considering as you move forward towards final rules.

We respectfully request that you closely follow the criteria as outlined in the legislation and only approve legalization of conversions where appropriate and allowed under the criteria listed. This will insure that tenants are protected while also not undermining New York City’s zoning laws and jeopardizing important manufacturing, industrial and artisanal jobs.



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**Testimony of Assemblymember Deborah J. Glick
Before The Loft Board
Regarding Amendment 2-08 (j)-(s)
January 20, 2011**

Thank you for the opportunity to testify before you today regarding the proposed amendments to the Loft Law. I would like to focus my testimony on amendment 2-08 (j)-(s), which is of particular concern due to the broad brush with which it creates categories of buildings that would be subject to a new and cumbersome certification process. If passed as currently written, the amendment would not only be costly for residents, it would also essentially make useless the expansion of the Loft Law passed by the State legislature in June of 2010.

While I support the motivation behind this amendment, as safety is of course the paramount concern for all buildings in New York City, I am concerned that in this case the pursuit of uniform safety regulations will create a situation in which persons who have been living peacefully and without incident in their buildings for several years will be subject to excessive fees for certification, or worse, will not be able to perform the filings necessary to protect their buildings and will be subject to eviction. It is therefore essential that we revise Section 2-08 (j)-(s) to better clarify the building types that fall into the category of buildings that are considered to be “inherently incompatible” for residential uses that are collocated in commercial buildings.

It is my understanding that the basis for these classifications was drawn from classifications defined by City Planning for very different purposes than those of the Loft Law. While uniform standards can be helpful, in this case the appropriation of a different agency’s definitions would lead to close to 40 percent of New York’s loft tenants being evicted. Given that this was certainly not our intent in expanding the loft law last summer, I urge the Loft board to review and reduce the number of uses contained in Use Groups 15 to 18 that are deemed inherently incompatible with residential use in Appendix A, and also reduce the number of uses that are presumed to be “inherently incompatible” as listed in Appendix B.

As to the certification process itself, I am concerned that Loft tenants who live in buildings where the landlord has no interest in certifying the building themselves are being placed in the undesirable position of being forced to hire lawyers and other professionals to retain their homes despite no wrongdoing. The “preponderance of evidence” required for certification would undoubtedly require tenants to hire experts in New York State and City environmental ratings, Community Right to know laws, and the High Hazard Group sections of the building code to begin the process of self certification, which seems to me to be an unnecessarily onerous process for one who simply wants to continue living in their permanent residence.

I ask the Loft Board to consider revising the tenant driven certification process to simplify it significantly by requiring tenants to present evidence that serves as proof of residential occupancy during the window period, and proof that their units are not eliminated from coverage under MDL 281.5 for other reasons existing in the existing code, such as size of unit, nature of egress, or location in an Industrial Business Zone that is excluded by the 2010 Loft Law.

These adjustments to the amendments proposed by the Loft Board will ensure that successful commercial- residential collocation can continue in keeping with the law, and that the tenants who were given protection with the expansion of the Loft Law in June of 2010 do not find themselves the victims of the unintended consequences of a lack of specificity and nuance in the language of the laws written to better clarify the application and requirements of the revised Loft Law. I urge the Loft Board to revise the language for Section 2-08 (j)- (s), in a manner that is sensitive not only to the need for clarity in the law but to the experience of tenants in Loft buildings as well.

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COMMUNITY DEVELOPMENT

SUBCOMMITTEE
ZONING AND FRANCHISES

Testimony before the New York City Loft Board Proposed Loft Law Rulemaking Update

January 20, 2011

Good afternoon.

My name is Diana Reyna and I am the New York City Council Member representing the 34th district of Williamsburg and Bushwick, Brooklyn and Ridgewood, Queens.

I want to thank Chair Robert D. LiMandri and the members of the New York City Loft Board for holding this important hearing regarding the proposed rules for implementing the extension of the Loft Law.

There is high demand for lofts in New York City, but some of these lofts are located in areas that the City has designated for the preservation of manufacturing and industrial jobs.

The proposed changes to the loft law undermine efforts for protection and further damage Industrial Development. New York State and New York City have both advocated for legal safeguards for industrial zones to reduce unlawful conversions and retain manufacturing jobs for a local walk-to-work labor force. New York City Industrial Business Zones preserve, protect and incentivize manufacturing businesses in industrial zoned spaces.

The Loft Board's proposed rules for implementing the extension of the Loft Law:

- Do not reflect the legislative intent when the law was refined during June 2010 negotiations;
- Do not sufficiently recognize the flexibility provided by the law in addressing mixed use buildings;
- Do not ensure that the Loft Board will have the facts to be certain that it is approving buildings that comply with the Loft Law; and,
- Do not meet the administration's goals of promoting retention of job-creating industrial uses in the Industrial Business Zones.

Building owners seeking Loft Law protections must be held to a higher standard of verification than a hasty review of the application and a drive-by inspection. If not, the Loft Board will be complicit by exposing residents to dangerous conditions that are arising with



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converted properties. The Board must ensure that landlords bring all residential units to code in all areas including fire, safety and health standards. It is imperative that we do not put the lives of our constituents as well as the service men and women at risk to increase revenue for real estate development.

Ultimately, the Loft Board is contradicting the purpose and use of the Mayor's Industrial Business Zones – reducing the promotion, creation and retention of business in industrial parks. Industrial Business Zones represent areas where the City is supposed to provide a partnership with local development groups as well as reflect a commitment by the City to not support the re-zoning of industrial land for residential use within these areas.

As the Council Member for the 34th District, I respectfully oppose the Loft Law extension and do not accept the proposed rules.

Thank you.

Diana Reyna
 Council Member, 34th District
 Brooklyn / Queens

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Testimony of Councilmember Stephen Levin
of 1/20/11

Thank you, Commissioner LiMandri and members of the Loft Board, for allowing me the opportunity to testify before you this afternoon. My name is Stephen Levin and I am the Council Member representing the 33rd District in Brooklyn, which includes Greenpoint, Williamsburg and Dumbo. These three neighborhoods include countless loft buildings and thousands of loft tenants who should be eligible for protection under the Loft Law expansion.

I am before you today to voice my strong opposition to the Loft Board's proposed rule to Amend § 2-08 regarding the use group exclusions for buildings seeking Article 7-C coverage under § 281 (5) of the Multiple Dwelling Law. It is my opinion that the rule, as currently proposed, would work against the intent of the Loft Law, as it was written and passed by the State Legislature and enacted into law on June 21, 2010.

The intent of the Loft Law expansion, and the goal of the bill's fiercest advocate, Assemblyman Vito Lopez, was to provide rent protections for loft tenants, while ensuring compliance with building safety regulations. In short, the law is designed to produce affordable, safe and legal dwellings for the residents of these buildings—most of whom are artists. It was purposely written so as to ensure coverage for as many buildings as possible.

The proposed rule, however, will potentially disqualify a large number of the buildings that were intended to be covered. I understand that there must be building safety standards, but the vagueness and the vast scope of the rule, as currently written, is problematic for a number of reasons.

First, Appendix A of the proposed rule enumerates a vast array of uses which will be considered “Inherently Incompatible” with residential use. In a survey of loft buildings in the 33rd District, I found at least 3 buildings (over 100 residential units) with uses listed in Appendix A. These uses include a paper storage or sorting facility (Use Group 17B), in which paper is simply brought into the building, re-bundled, and shipped to another facility for recycling. There are no noxious fumes or hazardous chemicals used in this process. Over 70 tenants have lived there for upwards of 20 years, and yet, under the proposed rule, they would not be eligible for coverage under the very law that was written to protect them. Other uses I found in my survey of almost 40 buildings include Use Group 18, Rubber Products, and Use group 17B, Feather Products.

Of the surveyed buildings, over 300 units of potential affordable housing could be disqualified under the provisions for inherently incompatible uses. In addition to the uses in Appendix A, I found many buildings which could be disqualified from coverage due to

Appendix B, which outlines uses that are potentially inherently incompatible with residential use. Over half of the buildings have at least one use group that is listed in either Appendix A or Appendix B. Most of these uses are covered under 16A and include custom furniture-making and other woodworking or carpentry uses and die-cutting.

Second, the language and construction of the proposed rule is particularly worrying. In order for a use listed in Appendix B to be allowed, according to Subsection (m) of the proposed rule, the building owner is required to certify that the use is not incompatible, as prescribed by Subsection (k). While Subsection (q) refers to the tenants' ability to apply for coverage, it is unclear if tenants must, or even if they can, fulfill the requirements for certification. If they are actually able to obtain the relevant information needed for certification, the cost of hiring an architect or engineer is extremely prohibitive and will likely dissuade many tenants from applying for coverage.

At least one building in the 33rd District has sought to engage an architect and engineer in order to look into certifying the manufacturing use in their building. Upon looking into the issue, it appears to be prohibitively difficult and onerous for tenants to find an architect and engineer who have the expertise to assess the environmental rating of not just a particular source, as I understand it, but also all the specific pieces of equipment from that source. Add to

that the particularly onerous task of retroactively certifying these uses. According to Title 24 - 153 Environmental Protection and Utilities (referenced in Amendment 2-08 (k)(2)(i)), The following items will be considered in making a determination of the environmental rating to be applied to a particular source:

- (a) properties, quantities and rates of the emissions;
- (b) physical surroundings of emission source;
- (c) population density of surrounding area, including anticipated future growth;
- (d) dispersion characteristics at or near source;
- (e) location of emission source relative to ground level and surrounding buildings, hills, and other features of the terrain;
- (f) current or anticipated ambient air quality in vicinity of source;
- (g) latest findings relating to effects of ground-level concentrations of the emissions on receptors;
- (h) possible hazardous side effects of air contaminant in question mixing with air contaminants already in ambient air; and
- (i) engineering guides which are acceptable to the commissioner.

Another couple of points that are important to note are that many building owners have had these manufacturing tenants for many years. It seems logical that they would have, or at the very least should have, the knowledge of the environmental impacts of the businesses in their buildings. It is unfair that onus to disprove incompatibility is on tenants seeking coverage.

As you know, there are many landlords who do not want to see their tenants granted rent protections under the Loft Law. The proposed

rule's ambiguity provides an enormous loophole for landlords seeking to prevent tenants from applying for protection. For tenants and landlords who are already at odds, this could result in long, costly, litigious battles. I ask that the Board amends this section of the rule to include a provision that requires cooperation of building owners, commercial/manufacturing tenants and the Department of Environmental Protection in order to assist residential tenants with the certification process.

The Loft Law expansion was meant to provide rent protections for thousands of live/work artists and other loft tenants who were not provided the same protections as their Manhattan counterparts. In a city desperately in need of affordable housing, at a time when artists are increasingly being priced-out of the neighborhoods they helped create, it is imperative that the true intent of the Loft Law is upheld by this Board. We need a fair and reasonable system in which mixed-use loft buildings can apply for, and be granted, the protections they deserve. Until this rule is amended to reflect the concerns I have outlined this afternoon, I stand in strong opposition to the proposed rule.

Thank you for your time.



**Testimony of Leah Archibald, Executive Director of the East Williamsburg Valley Industrial
Development Corporation
NYC Loft Board
January 20, 2011**

My name is Leah Archibald, and I am the Executive Director of EWVIDCO. EWVIDCO is a membership organization that helps the nearly 1000 industrial businesses in North Brooklyn to grow in order to keep their 11,700 quality blue collar jobs in our community. North Brooklyn needs these jobs. Nearly 40% of North Brooklyn residents work in industrial jobs, and local businesses report that nearly 40% of their workforce resides in the local zip codes. Over 15% of local residents indicate that they walk to work each day, which is double the borough-wide average. Poverty in Williamsburg and Greenpoint is still quite high; 36% of local residents live at or below the poverty line. English is a foreign language to many residents; in these neighborhoods nearly 20% of the residents do not speak English well, or at all, and over 30% are foreign born. Finally, education levels are quite low, with nearly 70 % of working-age individuals possessing a high school equivalency or less.

These are good jobs with low barriers to entry. The average production wage for a manufacturing job is over \$10,000 more than the average wage in retailing and restaurants. Further, these jobs are better quality—over half of manufacturing jobs have health coverage compared to 18% in the food service industry and 38% in retailing. In North Brooklyn local industrial jobs pay an average of 73% more than retail, with industrial average wages of \$52,842 compared with \$30,620 in local retailing.

Manufacturing is still viable in North Brooklyn. Analysis of NYS Department of Labor data shows that in 2009, there were still 11,700 manufacturing workers and 830 firms in the zip codes that correspond with the North Brooklyn and Greenpoint / Williamsburg IBZ/OMB's. This represents 14% of the City's manufacturing employment base. The continued significance of the manufacturing base in North Brooklyn undermines the conventional wisdom that "manufacturing is dead", and calls into question the purpose of increasing pressure on a significant number of blue collar jobs in a struggling economy

Further, manufacturing company closure and job loss in North Brooklyn and Greenpoint / Williamsburg is significantly and disproportionately higher than losses in other parts of Brooklyn and Queens in the last decade. This means that there was an additional pressure —i.e., residential conversion- on industrial firms and businesses in those areas, beyond industrial businesses in other parts of the city. Even in this time of economic decline, there is very low vacancy in North Brooklyn's industrial area—about 7%. Generally, building owners lease to residential tenants because the income that residential uses—even illegal ones—is so much more than the potential for income from manufacturing.



We continue to have grave concerns about how the expansion of loft law to illegally converted buildings in our industrial community will adversely affect job retention. We are particularly concerned about the impact that the current draft regulations will have. We believe that passage of these regulations could dislodge hundreds of industrial jobs in our community, and many more throughout the industrial neighborhoods of NYC.

As you may know, we went on record to oppose the original legislation that passed this summer. We continue to have problems with the law, and the draft regulations that the loft board is considering today. We believe that the revised loft law and draft regulation:

- doesn't take impact on economic activity into account when considering applications for coverage
- circumvents NYC zoning codes and the variance application process;
- rewards scofflaw building owners that illegally converted buildings by giving them automatic de facto variances and thereby increasing the value of their property immensely;
- makes permanent the pressures that residential conversion brings to industrial areas, such as real estate speculation, rapidly rising rents and complaints and harassment for industrial firms that are in compliance with zoning and other local laws.
- was insufficiently researched to determine appropriate candidates for inclusion, creating a "free-for-all" in coverage applications in inappropriate areas
- relies upon uses within a structure to determine eligibility, when there may be activity in adjacent structures that is clearly incompatible with residential use.

Despite our grave concerns, the legislation passed, and the loft board is about to promulgate regulations. We believe that there are steps that the Loft Board can take that improve fairness and freedom of information that do not conflict with the legislation. In order to ensure the greatest amount of fairness and openness, we recommend that the Loft Board undertake the following activities as the new rules are enacted:

- get a manufacturing rep on the board as soon as possible. It is unfair that there has been no manufacturing presence as these regulations are being drafted;
- maintain basic public information on the Loft Board website on an ongoing basis so that meetings, agendas and minutes are current. At present, the only meeting listed under the "meetings" tab lists an agenda for the December 9 meeting.
- post basic information and addresses of every building that has applied for coverage on the Loft board website. DCP and DOB commonly make application details available this way—the Loft Board should be able to as well. And if full application information is not available, if addresses were posted interested parties could use those addresses to submit a formal FOIL request;
- allow entities besides a building's tenants and landlord to make comments at hearings;



- ensure that businesses within the applicant and adjacent structure are notified of pending applications so they might have an opportunity to comment;
- post information on all hearings that are pending so that interested parties can submit comments
- inform the NYC Mayor's Office of Industrial and Manufacturing Businesses each time an application is received in an IBZ or Ombudsman Zone so that they may work with their contractors and offer assistance to businesses that may be affected by the conversion
- extend manufacturers in covered buildings protections similar to that extended to residential tenants.

We understand the intent was to keep loft tenants from harm and to protect these tenants from eviction--and that the reason this is even becoming a public issue highlights the crisis of availability of affordable housing in New York City more than anything else.

Industrial Brooklyn is still alive. Over 11,000 families depend on income from North Brooklyn's industrial employment base. 40% of these families live in the local community. Residential pressure is exacerbating industrial job loss in North Brooklyn at a much greater rate than other industrial neighborhoods in NYC. Loft Board decision-making will have implications in lives beyond those of tenants and building owners. I ask that the Loft Board and staff keep this responsibility in mind and craft policies that address this impact.



EWVIDCO
PRESENTATION TO

NYC LOFT BOARD AND STAFF

January 2011

INDUSTRIAL EMPLOYMENT, 2000-2008
Changes in Industrial Composition by Sector

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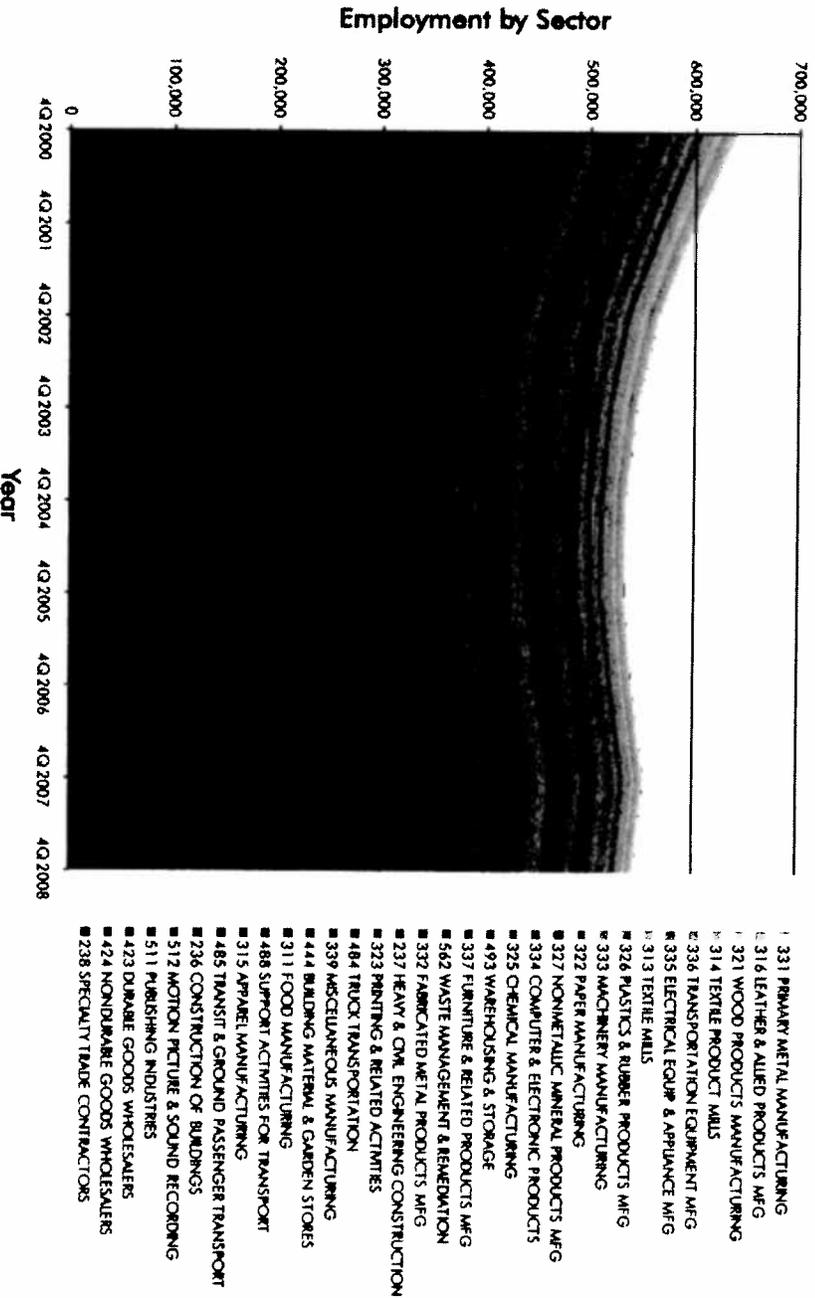
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Citywide Profiles

New York City

Table 1: Industrial Employment in New York City, 2000-2008



Map 1: New York City



Source: NYC DCP

Source: NYS DOL

Citywide Profiles

New York City

Table 2: Industrial Employment in New York City, 2000-2008

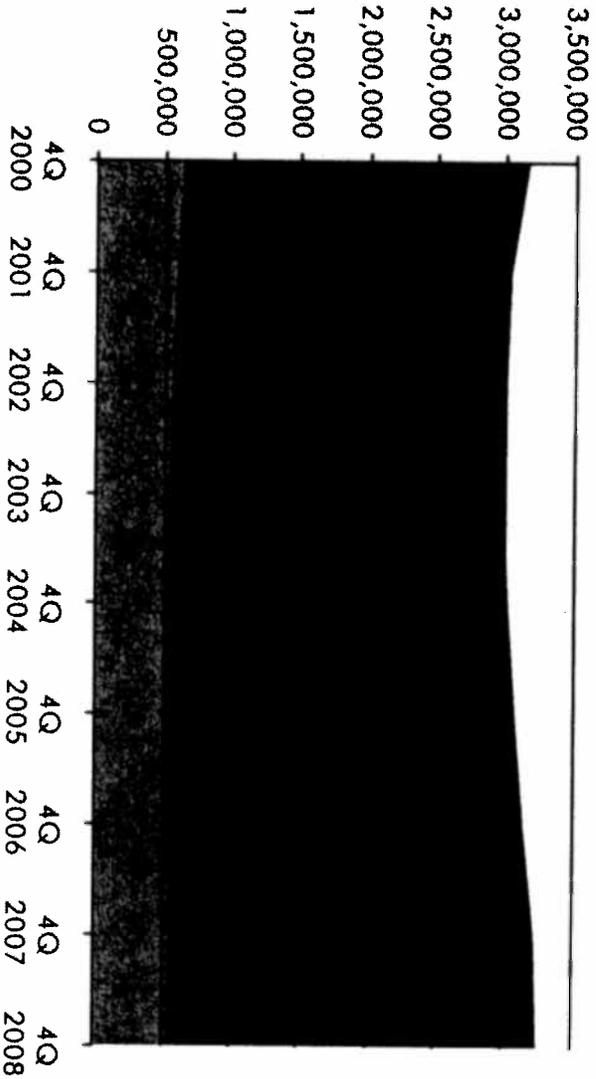
NAICS	Sector Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08	% Δ 00-08
		Employed																			
0	ALL SECTORS	640,256	600,127	565,509	545,452	534,967	533,750	541,538	553,409	543,415	-96,841	-15%									
236	CONSTRUCTION OF BUILDINGS	28,410	30,146	29,874	29,103	28,228	29,597	32,309	36,016	36,796	8,386	30%									
237	HEAVY & CIVIL ENGINEERING CONSTRUCTION	7,791	7,836	8,692	9,057	7,456	7,295	7,902	7,661	8,693	902	12%									
238	SPECIALTY TRADE CONTRACTORS	85,456	82,191	77,409	76,658	73,670	74,817	76,887	85,031	83,804	-1,652	-2%									
311	FOOD MANUFACTURING	16,780	14,968	14,765	15,127	14,415	14,350	14,959	14,889	14,554	-2,226	-13%									
313	TEXTILE MILLS	7,101	6,156	5,288	4,189	3,298	2,905	2,487	2,359	2,039	-5,062	-71%									
314	TEXTILE PRODUCT MILLS	3,024	2,408	2,153	2,025	1,961	1,755	1,482	1,593	1,468	-1,556	-51%									
315	APPAREL MANUFACTURING	55,606	44,059	37,832	33,591	31,033	27,493	25,140	22,246	21,276	-34,330	-62%									
316	LEATHER & ALLIED PRODUCTS MFG	1,884	1,375	1,187	1,094	1,162	1,075	909	790	867	-1,017	-54%									
321	WOOD PRODUCTS MANUFACTURING	1,567	1,424	1,300	1,237	1,080	1,134	1,125	1,161	1,082	-485	-31%									
322	PAPER MANUFACTURING	4,641	4,074	3,837	3,384	3,064	3,230	2,834	2,520	2,371	-2,270	-49%									
323	PRINTING & RELATED ACTIVITIES	16,443	14,523	13,700	12,295	11,839	11,333	10,831	9,660	8,749	-7,694	-47%									
325	CHEMICAL MANUFACTURING	5,711	5,355	5,571	5,136	5,357	4,574	4,288	4,218	3,791	-1,920	-34%									
326	PLASTICS & RUBBER PRODUCTS MFG	3,285	2,989	3,045	2,693	2,497	2,338	2,297	2,176	2,134	-1,151	-35%									
327	NONMETALLIC MINERAL PRODUCTS MFG	2,712	2,469	2,547	2,124	2,129	2,064	2,092	2,086	2,393	319	-12%									
331	PRIMARY METAL MANUFACTURING	662	521	441	418	384	450	468	501	390	-272	-41%									
332	FABRICATED METAL PRODUCTS MFG	10,475	10,202	9,892	8,665	8,098	8,190	8,214	8,074	7,773	-2,702	-26%									
333	MACHINERY MANUFACTURING	3,635	3,319	3,164	2,598	2,319	2,174	2,067	2,356	2,274	-1,361	-37%									
334	COMPUTER & ELECTRONIC PRODUCTS	5,728	5,615	4,114	3,901	3,772	3,546	3,258	3,220	3,294	-2,434	-42%									
335	ELECTRICAL EQUIP & APPLIANCE MFG	4,382	4,286	3,881	3,196	2,741	2,411	2,274	2,211	1,997	-2,385	-54%									
336	TRANSPORTATION EQUIPMENT MFG	2,656	2,437	2,319	2,183	2,132	2,049	2,172	2,206	1,997	-659	-25%									
337	FURNITURE & RELATED PRODUCTS MFG	6,055	5,807	5,457	4,776	4,725	4,663	4,274	4,564	4,179	-1,876	-31%									
339	MISCELLANEOUS MANUFACTURING	22,292	19,777	18,764	17,137	16,428	15,872	14,157	13,425	12,207	-10,085	-45%									
423	DURABLE GOODS WHOLESALERS	65,977	62,609	61,396	57,997	59,592	58,483	59,505	58,823	57,850	-8,127	-12%									
424	NONDURABLE GOODS WHOLESALERS	84,365	81,837	79,554	80,587	81,002	80,066	80,640	82,668	79,650	-4,615	-6%									
444	BUILDING MATERIAL & GARDEN STORES	11,913	11,319	12,230	12,422	13,869	14,328	14,628	14,729	14,491	2,578	22%									
484	TRUCK TRANSPORTATION	10,964	10,098	10,335	10,144	9,682	9,705	10,428	10,657	10,090	-874	-8%									
485	TRANSIT & GROUND PASSENGER TRANSPORT	25,789	25,290	25,114	25,306	25,871	24,174	26,992	28,814	29,502	3,713	14%									
488	SUPPORT ACTIVITIES FOR TRANSPORT	18,196	17,354	16,163	15,813	17,438	17,321	18,091	17,918	18,091	-105	-1%									
493	WAREHOUSING & STORAGE	4,366	4,540	4,287	3,694	3,593	3,512	3,644	3,994	4,039	-327	-7%									
511	PUBLISHING INDUSTRIES	67,369	59,508	53,727	50,946	51,937	55,836	56,101	57,240	53,087	-14,282	-21%									
512	MOTION PICTURE & SOUND RECORDING	48,494	48,081	41,397	42,197	38,309	40,585	42,554	42,336	44,829	-3,665	-8%									
562	WASTE MANAGEMENT & REMEDIATION	6,527	7,554	6,074	5,739	5,976	6,425	6,529	7,267	7,618	1,091	17%									

Source: NYS DOL

Citywide Profiles

New York City

Table 3: Industrial Employment in New York City, 2000-2008



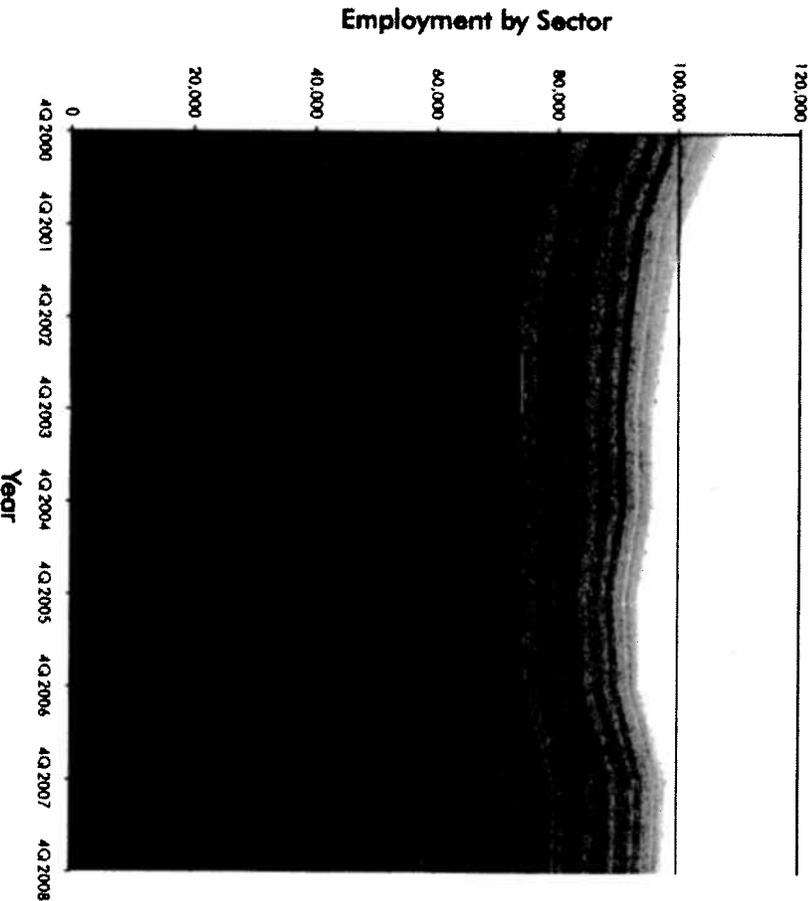
- ALL OTHER SECTORS
- ALL MANUFACTURING

Source: NYS DOL

New York City	4Q 2000	4Q 2008	Δ 00-08	% Δ 00-08
	Employed	Employed	Employed	Employed
ALL PRIVATE SECTOR	3,153,923	3,240,147	86,224	3%
ALL MANUFACTURING	640,256	543,415	-96,841	-15%
ALL OTHER SECTORS	2,513,667	2,696,732	183,065	7%

Citywide Profiles Brooklyn

Table 4: Industrial Employment in Brooklyn, 2000-2008



- 331 PRIMARY METAL MANUFACTURING
- 336 TRANSPORTATION EQUIPMENT MFG
- 313 TEXTILE MILLS
- 314 TEXTILE PRODUCT MILLS
- 333 MACHINERY MANUFACTURING
- 316 LEATHER & ALIED PRODUCTS MFG
- 335 ELECTRICAL EQUIP & APPLIANCE MFG
- 321 WOOD PRODUCTS MANUFACTURING
- 493 WAREHOUSING & STORAGE
- 327 NONMETALLIC MINERAL PRODUCTS MFG
- 512 MOTION PICTURE & SOUND RECORDING
- 322 PAPER MANUFACTURING
- 326 PLASTICS & RUBBER PRODUCTS MFG
- 334 COMPUTER & ELECTRONIC PRODUCTS
- 511 PUBLISHING INDUSTRIES
- 325 CHEMICAL MANUFACTURING
- 488 SUPPORT ACTIVITIES FOR TRANSPORT
- 323 PRINTING & RELATED ACTIVITIES
- 337 FURNITURE & RELATED PRODUCTS MFG
- 562 WASTE MANAGEMENT & REMEDIATION
- 237 HEAVY & CIVIL ENGINEERING CONSTRUCTION
- 339 MISCELLANEOUS MANUFACTURING
- 484 TRUCK TRANSPORTATION
- 332 FABRICATED METAL PRODUCTS MFG
- 315 APPAREL MANUFACTURING
- 444 BUILDING MATERIAL & GARDEN STORES
- 311 FOOD MANUFACTURING
- 236 CONSTRUCTION OF BUILDINGS
- 423 DURABLE GOODS WHOLESALERS
- 485 TRANSIT & GROUND PASSENGER TRANSPORT
- 424 NON-DURABLE GOODS WHOLESALERS
- 238 SPECIALTY TRADE CONTRACTORS

Map 2: Brooklyn (Kings County)



Source: NYC DCP

Source: NYS DOL

Citywide Profiles

Brooklyn

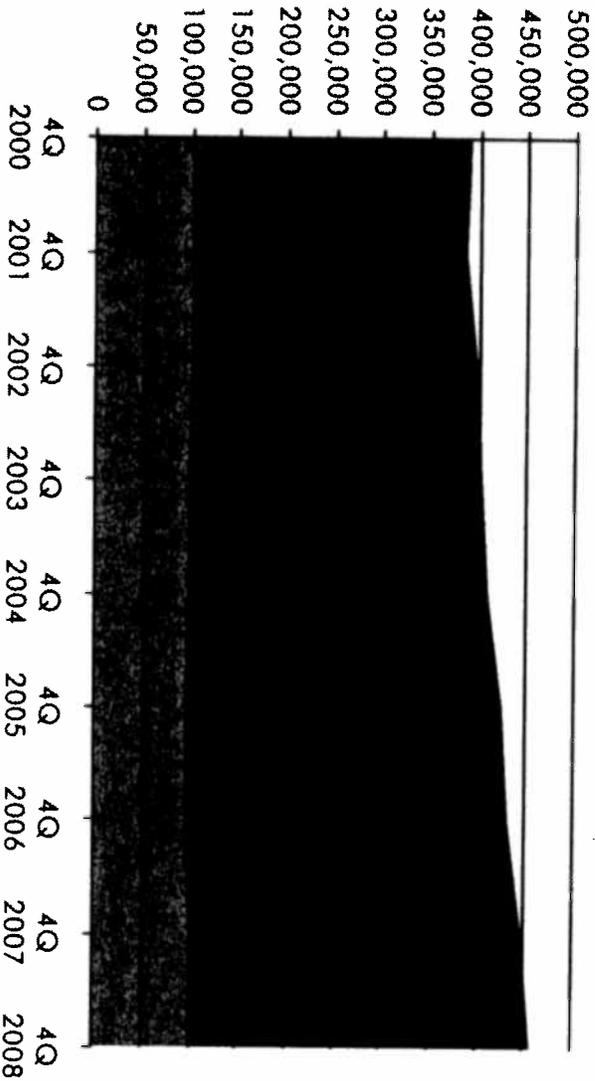
Table 5: Industrial Employment in Brooklyn, 2000-2008

NAICS	Sector Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08	% Δ 00-08
		Employed																			
0	ALL SECTORS	107,365	100,516	97,935	95,940	95,803	93,407	93,814	98,168	97,399	-9,966	-9%									
236	CONSTRUCTION OF BUILDINGS	5,126	5,387	5,572	6,003	6,040	6,391	6,271	6,993	7,009	1,883	37%									
237	HEAVY & CNIL ENGINEERING CONSTRUCTION	919	914	1,229	1,110	1,018	1,021	1,592	1,873	1,681	762	83%									
238	SPECIALTY TRADE CONTRACTORS	17,287	16,746	15,110	15,464	15,407	15,602	15,562	17,691	17,689	402	2%									
311	FOOD MANUFACTURING	6,871	5,933	5,861	5,886	5,911	5,759	5,732	5,712	5,531	-1,340	-20%									
313	TEXTILE MILLS	1,015	981	780	677	487	354	314	261	207	-808	-80%									
314	TEXTILE PRODUCT MILLS	1,341	839	756	696	655	593	445	349	282	-1,059	-79%									
315	APPAREL MANUFACTURING	12,416	9,463	8,262	6,795	5,744	5,056	4,323	3,562	3,579	-8,837	-71%									
316	LEATHER & ALLIED PRODUCTS MFG	517	507	433	406	416	370	300	320	337	-180	-35%									
321	WOOD PRODUCTS MANUFACTURING	489	466	437	477	405	481	515	521	495	6	1%									
322	PAPER MANUFACTURING	1,557	1,373	1,247	996	954	828	717	687	655	-902	-58%									
323	PRINTING & RELATED ACTIVITIES	2,238	2,323	1,895	1,848	1,836	1,819	1,649	1,467	1,370	-868	-39%									
325	CHEMICAL MANUFACTURING	2,199	2,147	2,512	2,123	1,878	1,715	1,494	1,291	1,240	-959	-44%									
326	PLASTICS & RUBBER PRODUCTS MFG	1,243	1,310	1,158	1,007	1,090	947	968	891	774	-469	-38%									
327	NONMETALLIC MINERAL PRODUCTS MFG	1,167	826	941	668	711	631	568	562	640	-527	-45%									
331	PRIMARY METAL MANUFACTURING	304	240	214	190	97	173	184	180	143	-161	-53%									
332	FABRICATED METAL PRODUCTS MFG	4,413	4,276	4,105	3,766	3,550	3,489	3,402	3,286	2,996	-1,417	-32%									
333	MACHINERY MANUFACTURING	739	608	576	490	403	351	339	312	304	-435	-59%									
334	COMPUTER & ELECTRONIC PRODUCTS	1,042	1,232	1,140	1,187	1,201	812	934	984	953	-89	-9%									
335	ELECTRICAL EQUIP & APPLIANCE MFG	640	607	587	516	441	341	286	480	406	-234	-37%									
336	TRANSPORTATION EQUIPMENT MFG	254	224	195	187	111	266	157	309	197	-57	-22%									
337	FURNITURE & RELATED PRODUCTS MFG	2,311	2,197	1,966	1,766	1,562	1,478	1,446	1,529	1,385	-926	-40%									
339	MISCELLANEOUS MANUFACTURING	2,738	2,582	2,617	2,427	2,227	2,264	2,048	1,723	1,760	-978	-36%									
423	DURABLE GOODS WHOLESALERS	9,600	9,089	8,930	8,484	9,037	9,248	9,664	9,829	10,077	477	5%									
424	NONDURABLE GOODS WHOLESALERS	13,030	12,880	12,132	12,450	12,396	12,843	12,845	13,828	13,542	512	4%									
444	BUILDING MATERIAL & GARDEN STORES	3,475	3,038	3,380	3,519	4,036	4,233	4,550	4,747	4,714	1,239	36%									
484	TRUCK TRANSPORTATION	3,219	3,057	2,946	2,893	2,772	2,739	2,726	2,694	2,594	-625	-19%									
485	TRANSIT & GROUND PASSENGER TRANSPORT	7,660	7,279	7,675	8,731	10,626	8,702	9,790	10,956	11,643	3,983	52%									
488	SUPPORT ACTIVITIES FOR TRANSPORT	745	996	1,067	1,103	1,072	1,032	1,106	1,238	1,243	498	67%									
493	WAREHOUSING & STORAGE	757	744	631	567	608	629	566	538	505	-252	-33%									
511	PUBLISHING INDUSTRIES	787	791	932	803	987	971	982	1,058	1,209	422	54%									
512	MOTION PICTURE & SOUND RECORDING	433	546	349	506	514	541	564	612	645	212	49%									
562	WASTE MANAGEMENT & REMEDIATION	833	915	2,300	2,199	1,591	1,728	1,775	1,685	1,594	761	91%									

Citywide Profiles

Brooklyn

Table 6: Industrial Employment in Brooklyn, 2000-2008



ALL OTHER SECTORS
 ALL MANUFACTURING

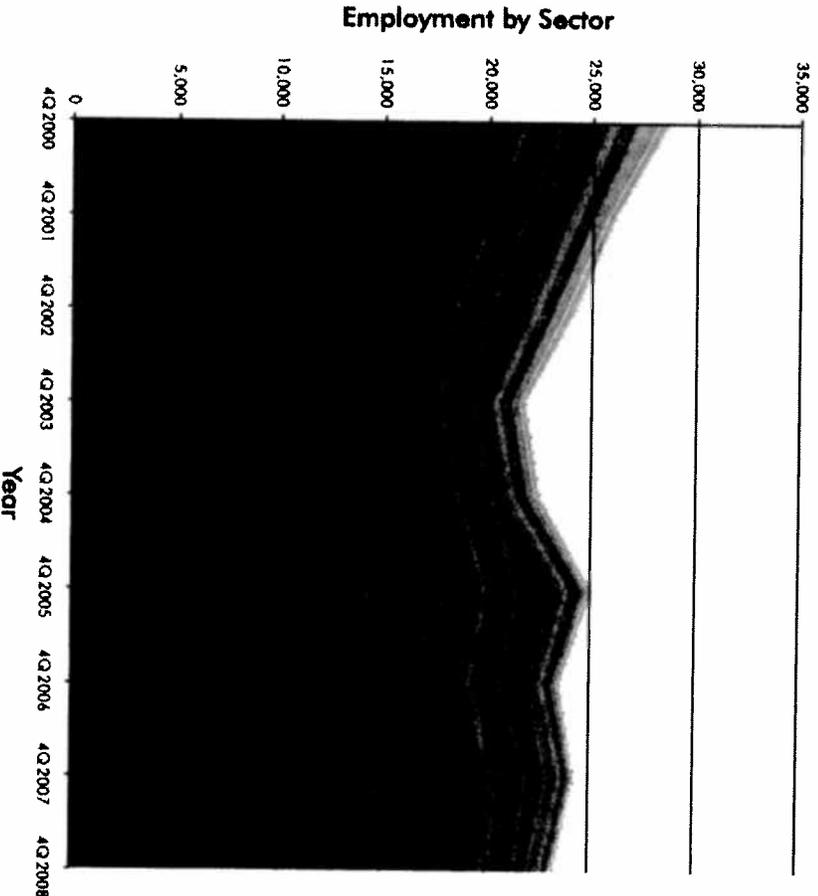
Source: NYS DOL

Brooklyn	4Q 2000	4Q 2008	Δ 00-08	% Δ 00-08
	Employed	Employed	Employed	Employed
ALL PRIVATE SECTOR	390,154	456,528	66,374	17%
ALL MANUFACTURING	107,365	97,399	-9,966	-9%
ALL OTHER SECTORS	282,789	359,129	76,340	27%

Citywide Profiles

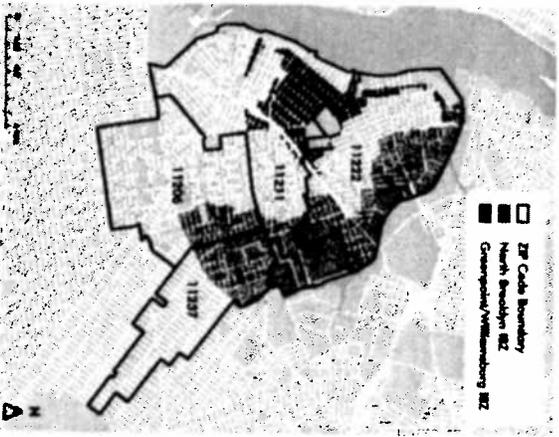
North Brooklyn

Table 7: Industrial Employment in North Brooklyn, 2000-2008



- 336 TRANSPORTATION EQUIPMENT MFG
- 316 LEATHER & ALIED PRODUCTS MFG
- 334 COMPUTER & ELECTRONIC PRODUCTS
- 331 PRIMARY METAL MANUFACTURING
- 335 ELECTRICAL EQUIP. & APPLIANCE MFG
- 493 WAREHOUSING & STORAGE
- 321 WOOD PRODUCTS MANUFACTURING
- 314 TEXTILE PRODUCT MILLS
- 313 TEXTILE MILLS
- 512 MOTION PICTURE & SOUND RECORDING
- 333 MACHINERY MANUFACTURING
- 339 MISCELLANEOUS MANUFACTURING
- 326 PLASTICS & RUBBER PRODUCTS MFG
- 488 SUPPORT ACTIVITIES FOR TRANSPORT
- 322 PAPER MANUFACTURING
- 511 PUBLISHING INDUSTRIES
- 327 NONMETALLIC MINERAL PRODUCTS MFG
- 425 CHEMICAL MANUFACTURING
- 485 TRAMMITS & GROUND PASSENGER TRANSPORT
- 323 PRINTING & RELATED ACTIVITIES
- 337 FURNITURE & RELATED PRODUCTS MFG
- 237 HEAVY & CIVIL ENGINEERING CONSTRUCTION
- 315 APPAREL MANUFACTURING
- 444 BUILDING MATERIAL & GARDEN STORES
- 562 WASTE MANAGEMENT & REMEDIATION
- 484 TRUCK TRANSPORTATION
- 332 FABRICATED METAL PRODUCTS MFG
- 236 CONSTRUCTION OF BUILDINGS
- 311 FOOD MANUFACTURING
- 423 DURABLE GOODS WHOLESALERS
- 424 NONDURABLE GOODS WHOLESALERS
- 238 SPECIALTY TRADE CONTRACTORS

Map 3: North Brooklyn



Source: NYC DCP

Source: NYS DOL

Citywide Profiles

North Brooklyn

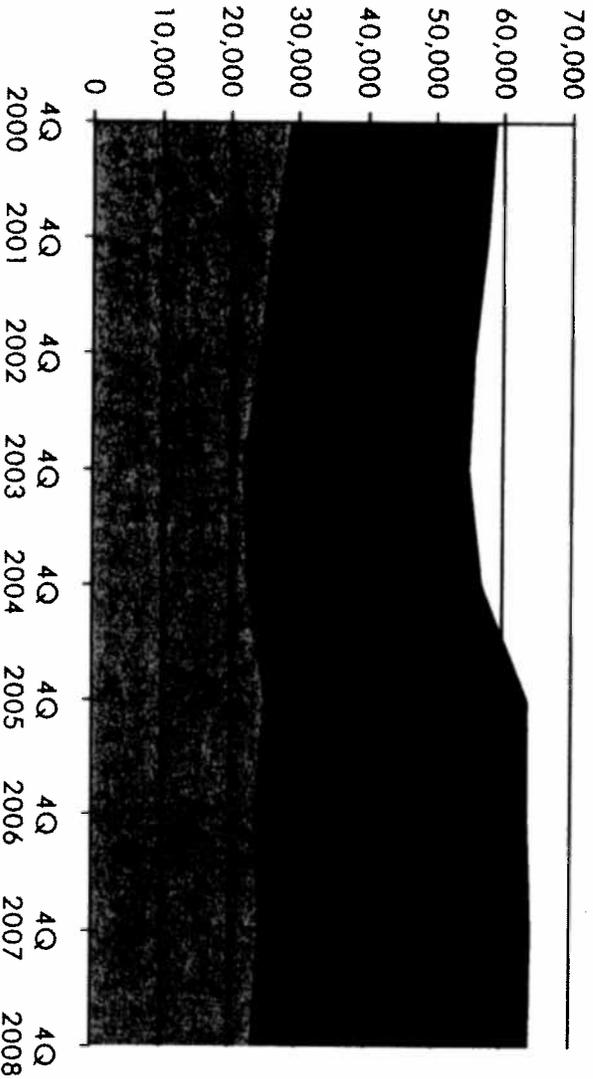
Table 8: Industrial Employment in North Brooklyn, 2000-2008

NAICS	Sector Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08		% Δ 00-08	
		Employed	Employed																				
0	ALL SECTORS	28,743	26,131	24,240	21,777	22,520	25,079	23,542	24,283	23,293	-5,450	-19%											
236	CONSTRUCTION OF BUILDINGS	841	804	907	930	806	1,608	1,180	1,202	1,187	346	41%											
237	HEAVY & CIVIL ENGINEERING CONSTRUCTION	257	241	186	176	200	281	308	515	584	327	127%											
238	SPECIALTY TRADE CONTRACTORS	4,646	4,674	4,171	4,015	4,869	5,109	5,314	6,014	5,741	1,095	24%											
311	FOOD MANUFACTURING	2,017	1,783	1,628	1,913	2,025	1,592	1,478	1,344	1,382	(635)	-31%											
313	TEXTILE MILLS	410	326	272	187	161	108	135	96	61	(349)	-85%											
314	TEXTILE PRODUCT MILLS	601	265	263	187	166	117	70	80	51	(550)	-92%											
315	APPAREL MANUFACTURING	3,573	2,609	2,276	1,615	1,221	1,175	960	700	634	(2,939)	-82%											
316	LEATHER & ALLIED PRODUCTS MFG	89	37	20	23	49	17	14	0	0	(89)	-100%											
321	WOOD PRODUCTS MANUFACTURING	70	68	66	50	253	31	33	9	48	(22)	-31%											
322	PAPER MANUFACTURING	376	361	326	346	253	250	221	228	198	(78)	-21%											
323	PRINTING & RELATED ACTIVITIES	742	668	638	552	559	557	580	572	393	(81)	-11%											
326	PLASTICS & RUBBER PRODUCTS MFG	448	435	364	326	235	212	221	209	188	(260)	-58%											
327	NONMETALLIC MINERAL PRODUCTS MFG	178	161	150	198	206	290	252	211	213	35	20%											
331	PRIMARY METAL MANUFACTURING	79	56	56	56	46	45	40	21	13	(66)	-84%											
332	FABRICATED METAL PRODUCTS MFG	1,650	1,624	1,666	1,527	1,474	1,482	1,385	1,351	1,167	(483)	-29%											
333	MACHINERY MANUFACTURING	153	98	94	110	95	90	65	57	76	(77)	-50%											
334	COMPUTER & ELECTRONIC PRODUCTS	19	11	81	46	44	0	0	6	6	(13)	-68%											
335	ELECTRICAL EQUIP & APPLIANCE MFG	266	215	242	54	54	86	16	20	16	(250)	-94%											
336	TRANSPORTATION EQUIPMENT MFG	0	0	0	0	0	0	0	0	0	0	0%											
337	FURNITURE & RELATED PRODUCTS MFG	711	711	743	739	651	636	640	565	531	(180)	-25%											
339	MISCELLANEOUS MANUFACTURING	756	624	595	529	559	582	335	202	169	(587)	-78%											
423	DURABLE GOODS WHOLESALERS	2,600	2,430	1,875	1,707	1,681	1,800	1,914	1,897	1,784	(816)	-31%											
424	NONDURABLE GOODS WHOLESALERS	4,366	4,417	4,044	4,239	4,200	4,538	4,234	5,102	5,336	970	22%											
425	CHEMICAL MANUFACTURING	1,302	1,313	1,347	176	163	1,382	904	630	252	(1,050)	-81%											
444	BUILDING MATERIAL & GARDEN STORES	440	443	465	437	477	516	577	683	704	264	60%											
484	TRUCK TRANSPORTATION	1,290	1,048	992	874	991	1,015	1,026	1,049	960	(330)	-26%											
485	TRANSIT & GROUND PASSENGER TRANSPORT	352	285	264	294	322	294	294	285	255	(97)	-28%											
488	SUPPORT ACTIVITIES FOR TRANSPORT	136	123	117	111	103	161	192	235	195	59	43%											
493	WAREHOUSING & STORAGE	26	23	21	21	34	32	48	40	42	16	62%											
511	PUBLISHING INDUSTRIES	86	83	12	6	77	101	124	182	204	118	137%											
512	MOTION PICTURE & SOUND RECORDING	40	25	26	11	14	26	40	48	64	24	60%											
562	WASTE MANAGEMENT & REMEDIATION	223	170	333	322	764	946	942	730	839	616	276%											

Citywide Profiles

North Brooklyn

Table 9: Industrial Employment in North Brooklyn, 2000-2008



- ALL OTHER SECTORS
- ALL MANUFACTURING

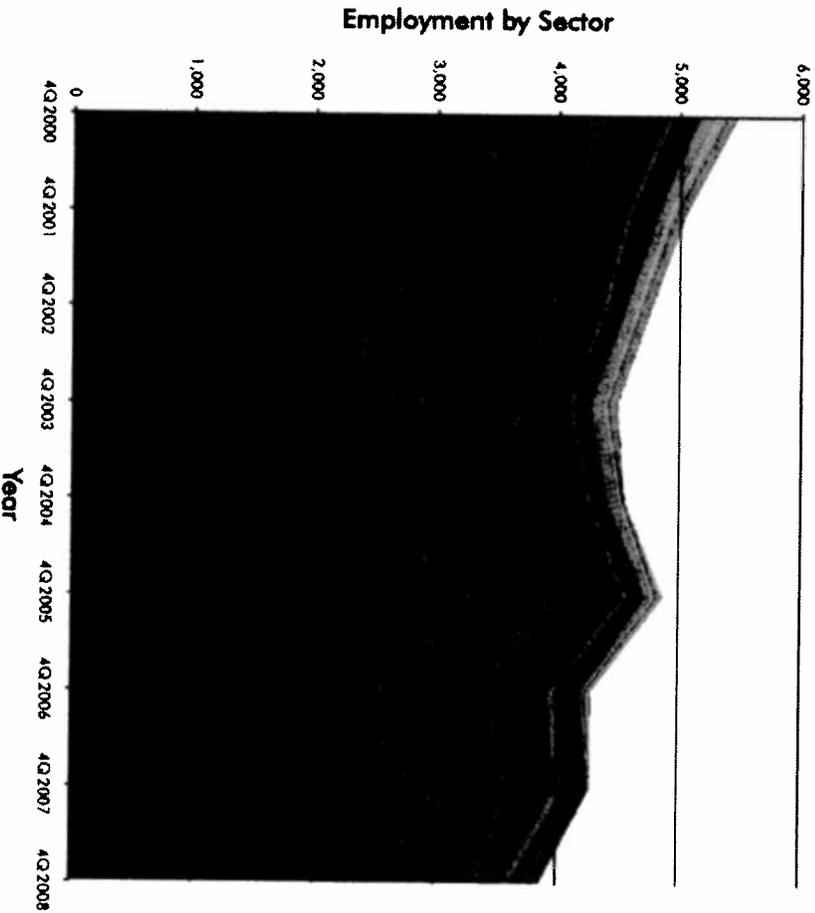
Source: NYS DOL

North Brooklyn		4Q 2000	4Q 2008	Δ 00-08	% Δ 00-08
	Employed	Employed	Employed	Employed	Employed
ALL PRIVATE SECTOR	58,789	64,078	5,289	9%	
ALL MANUFACTURING	28,743	23,293	-5,450	-19%	
ALL OTHER SECTORS	30,046	40,785	10,739	36%	

Neighborhood Profiles

11206

Table 10: Industrial Employment in ZIP Code 11206, 2000-2008



- 327 NONMETALLIC MINERAL PRODUCTS MFG
- 326 PLASTICS & RUBBER PRODUCTS MFG
- 321 WOOD PRODUCTS MANUFACTURING
- 313 TEXTILE MILLS
- 314 TEXTILE PRODUCT MILLS
- 493 WAREHOUSING & STORAGE
- 484 TRUCK TRANSPORTATION
- 333 MACHINERY MANUFACTURING
- 488 SUPPORT ACTIVITIES FOR TRANSPORT
- 511 FURNISHING INDUSTRIES
- 337 FURNITURE & RELATED PRODUCTS MFG
- 485 TRANSPORT & GROUND PASSENGER TRANSPORT
- 339 MISCELLANEOUS MANUFACTURING
- 236 CONSTRUCTION OF BUILDINGS
- 323 PRINTING & RELATED ACTIVITIES
- 332 FABRICATED METAL PRODUCTS MFG
- 423 DURABLE GOODS WHOLESALERS
- 444 BUILDING MATERIAL & GARDEN STORES
- 325 CHEMICAL MANUFACTURING
- 315 APPAREL MANUFACTURING
- 311 FOOD MANUFACTURING
- 238 SPECIALTY TRADE CONTRACTORS
- 424 NONDURABLE GOODS WHOLESALERS

Map 4: ZIP Code 11206



Source: NYC DCP

Source: NYS DOL

Neighborhood Profiles

11206

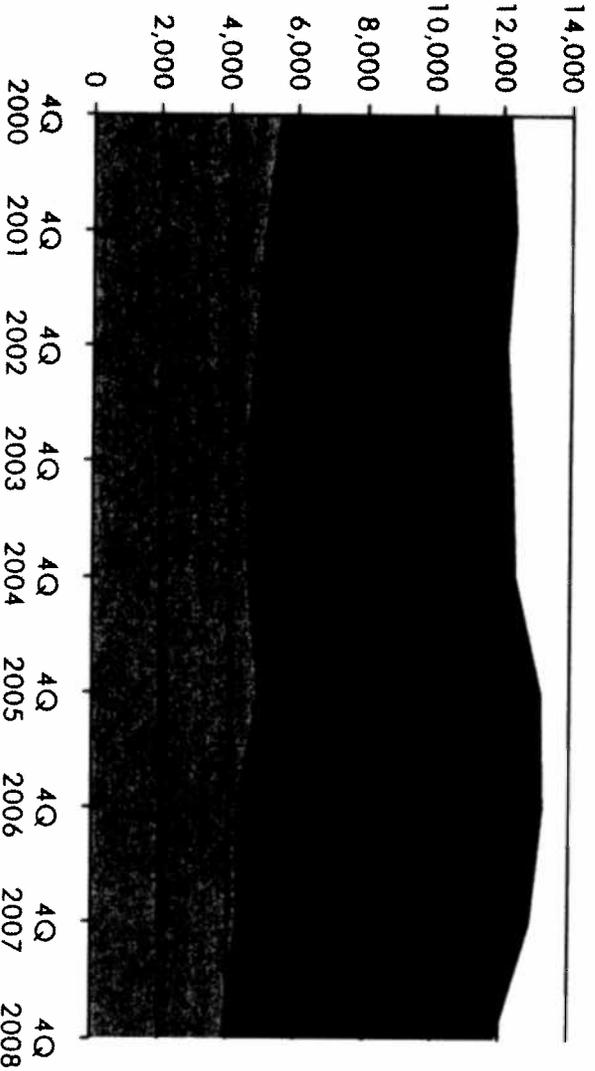
Table 11: Industrial Employment in ZIP Code 11206, 2000-2008

NAICS	Sector	Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08		% Δ 00-08	
			Employed	Employed																				
0	ALL SECTORS		5,471	5,054	4,765	4,489	4,551	4,874	4,275	4,283	3,866	(1,605)	(1,605)	-29%										
236	CONSTRUCTION OF BUILDINGS		117	75	63	66	64	232	98	92	65	(52)	(52)	-44%										
238	SPECIALTY TRADE CONTRACTORS		727	665	567	611	726	537	614	847	992	265	265	36%										
311	FOOD MANUFACTURING		531	483	408	364	397	457	502	536	497	(34)	(34)	-6%										
313	TEXTILE MILLS		81	44	31	13	17	17	15															
314	TEXTILE PRODUCT MILLS		116	68	71	98	82	46	15															
315	APPAREL MANUFACTURING		799	659	592	423	273	363	311	6	5	(111)	(111)	-9.6%										
321	WOOD PRODUCTS MANUFACTURING		26	32	29	27	26	31	21	285	236	(49)	(49)	-7.0%										
323	PRINTING & RELATED ACTIVITIES		392	343	339	341	366	310	319	296	120	(272)	(272)	-69%										
325	CHEMICAL MANUFACTURING		1,171	1,134	1,163	1,163	1,163	1,262	771	571	203	(958)	(958)	-83%										
326	PLASTICS & RUBBER PRODUCTS MFG		74	66	61	65																		
327	NONMETALLIC MINERAL PRODUCTS MFG																							
332	FABRICATED METAL PRODUCTS MFG		138	140	126	112	88	40	41	136	135	0	0	0%										
333	MACHINERY MANUFACTURING																							
337	FURNITURE & RELATED PRODUCTS MFG		150	138	122	104	92	236	173	23	27	(3)	(3)	-2%										
339	MISCELLANEOUS MANUFACTURING		52	42	38	32	39	86	94	73	55	(19)	(19)	-6.3%										
423	DURABLE GOODS WHOLESALERS		115	128	131	117	106	45	58	64	56	4	4	8%										
424	NONDURABLE GOODS WHOLESALERS		806	812	852	827	1,000	930	150	148	147	32	32	28%										
444	BUILDING MATERIAL & GARDEN STORES		94	123	128	68	53	89	886	930	1,016	210	210	26%										
484	TRUCK TRANSPORTATION		17	21	15	18	18	20	22	16	16	(1)	(1)	-6%										
485	TRANSIT & GROUND PASSENGER TRANSPORT		65	81	29	40	41	32	44	48	56	(9)	(9)	-14%										
488	SUPPORT ACTIVITIES FOR TRANSPORT																							
493	WAREHOUSING & STORAGE																							
511	PUBLISHING INDUSTRIES																							

Neighborhood Profiles

11206

Table 12: Industrial Employment in ZIP Code 11206, 2000-2008



■ ALL OTHER SECTORS
 ■ ALL MANUFACTURING

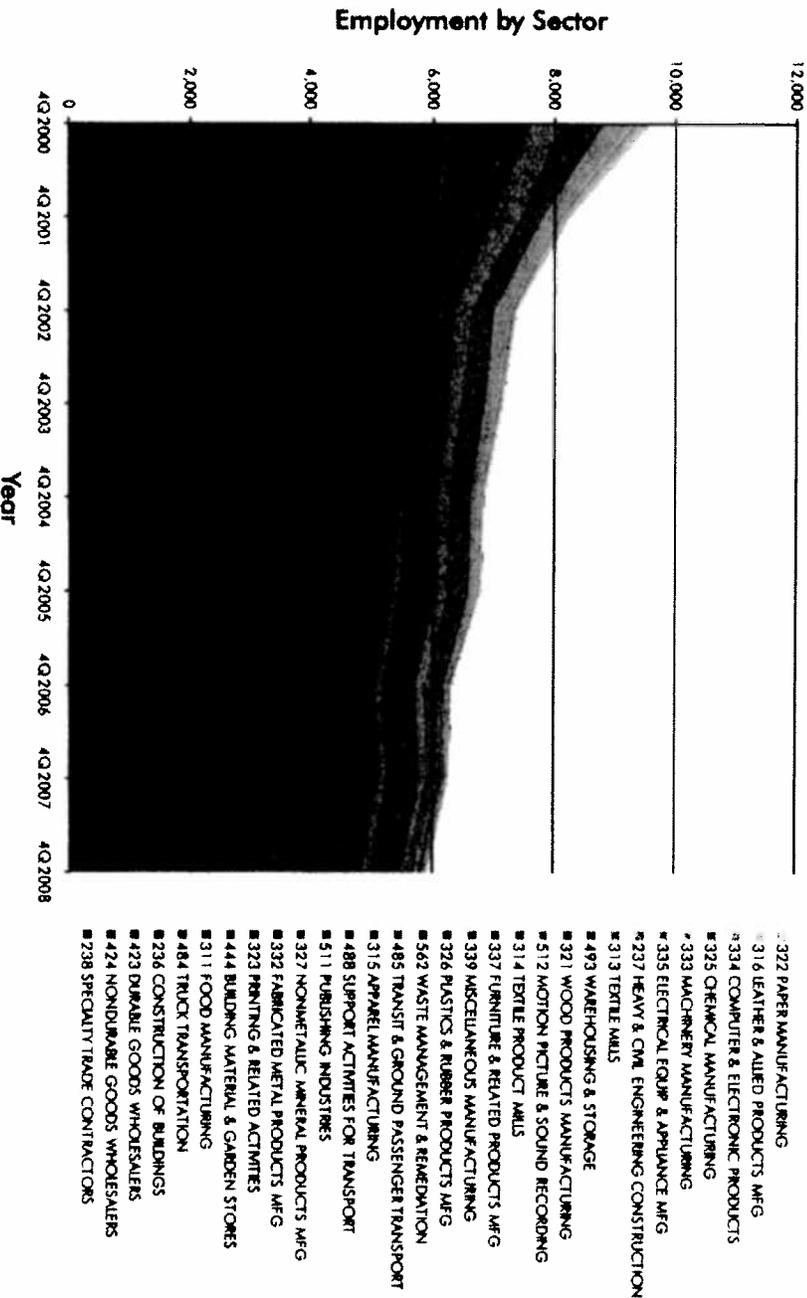
Source: NYS DOL

ZIP Code 11206	4Q 2000	4Q 2008	Δ 00-08	% Δ 00-08
ALL PRIVATE SECTOR	12,204	11,865	-339	-.3%
ALL MANUFACTURING	5,471	3,866	-1,605	-.29%
ALL OTHER SECTORS	6,733	7,999	1,266	19%

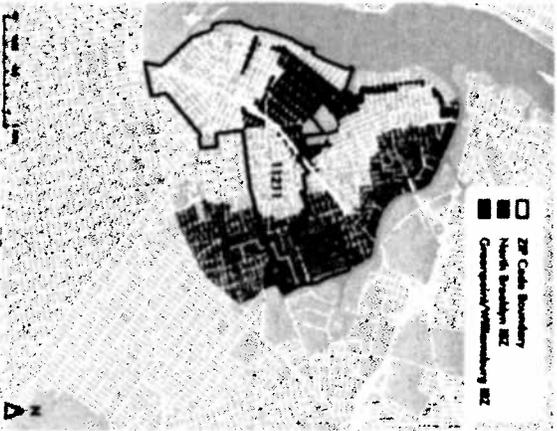
Neighborhood Profiles

11211

Table 13: Industrial Employment in ZIP Code 11211, 2000-2008



Map 5: ZIP Code 11211



Source: NYC DCP

Source: NYS DOI

Neighborhood Profiles

11211

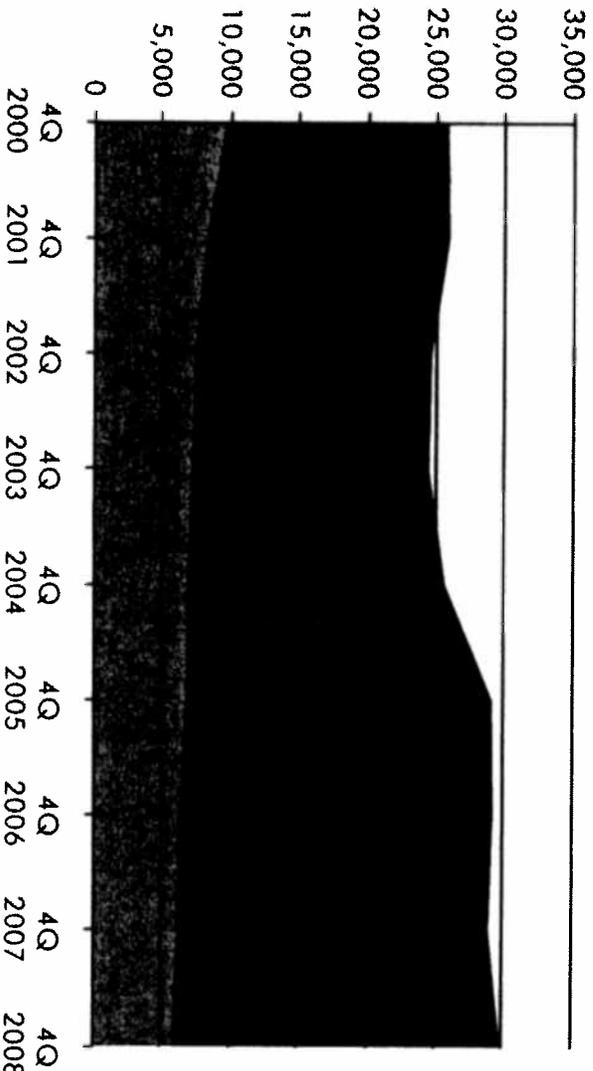
Table 14: Industrial Employment in ZIP Code 11211, 2000-2008

NAICS	Sector Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08 Employed	% Δ 00-08 Employed
		Employed																			
0	ALL SECTORS	9,603	8,261	7,373	7,145	6,836	6,793	6,309	6,265	5,920	(3,683)	170	-38%								
236	CONSTRUCTION OF BUILDINGS	310	317	459	499	295	411	427	432	480	170	55%									
237	HEAVY & CIVIL ENGINEERING CONSTRUCTION	58	52	45	32	10	12	1	25	20	(38)	-66%									
238	SPECIALTY TRADE CONTRACTORS	1,364	1,358	1,055	947	1,094	1,375	1,195	1,316	1,076	(288)	-21%									
311	FOOD MANUFACTURING	871	785	750	1,097	1,154	637	472	415	453	(418)	-48%									
313	TEXTILE MILLS	161	116	116	89	55	53	36	29	31	(130)	-81%									
314	TEXTILE PRODUCT MILLS	415	138	142	89	84	71	70	74	46	(369)	-89%									
315	APPAREL MANUFACTURING	806	519	387	290	279	219	178	151	118	(688)	-85%									
316	LEATHER & ALLIED PRODUCTS MFG	89	37	20	23	21	17	14	151	118	(89)	-100%									
321	WOOD PRODUCTS MANUFACTURING	23	17	16	23	21	20	6	7	42	19	83%									
322	PAPER MANUFACTURING	115	100	208	146	142	148	153	175	162	(115)	-100%									
323	PRINTING & RELATED ACTIVITIES	220	219	208	39	38	38	57	104	110	(58)	-26%									
325	CHEMICAL MANUFACTURING	44	43	50	128	126	99	106	104	93	(34)	-77%									
326	PLASTICS & RUBBER PRODUCTS MFG	211	195	128	94	126	99	106	104	93	(118)	-56%									
327	NONMETALLIC MINERAL PRODUCTS MFG	178	161	150	160	175	188	166	165	148	(30)	-17%									
332	FABRICATED METAL PRODUCTS MFG	325	331	425	447	405	270	234	202	157	(168)	-52%									
333	MACHINERY MANUFACTURING	95	37	28	34	28	24	14	14	14	(81)	-85%									
334	COMPUTER & ELECTRONIC PRODUCTS	10	75	94	54	54	44	16	20	6	(4)	-40%									
335	ELECTRICAL EQUIP & APPLIANCE MFG	209	151	152	260	206	204	163	99	82	(193)	-92%									
337	FURNITURE & RELATED PRODUCTS MFG	172	151	152	260	206	204	163	99	82	(90)	-52%									
339	MISCELLANEOUS MANUFACTURING	529	476	273	211	193	182	151	94	87	(442)	-84%									
423	DURABLE GOODS WHOLESALERS	778	761	755	633	577	604	667	653	633	(145)	-19%									
424	NONDURABLE GOODS WHOLESALERS	1,457	1,393	1,212	1,041	811	983	931	888	859	(598)	-41%									
444	BUILDING MATERIAL & GARDEN STORES	258	245	247	225	284	291	349	392	402	144	56%									
484	TRUCK TRANSPORTATION	504	441	424	512	517	459	474	501	461	(43)	-9%									
485	TRANSIT & GROUND PASSENGER TRANSPORT	208	116	105	115	36	43	48	46	107	(101)	-49%									
488	SUPPORT ACTIVITIES FOR TRANSPORT	20	31	27	34	34	75	96	136	122	102	510%									
493	WAREHOUSING & STORAGE	26	23	21	21	34	32	47	40	33	7	27%									
511	PUBLISHING INDUSTRIES	78	73	26	11	69	101	113	133	123	45	58%									
512	MOTION PICTURE & SOUND RECORDING	33	25	26	11	11	18	27	44	43	10	30%									
562	WASTE MANAGEMENT & REMEDIATION	36	26	35	15	82	175	112	95	96	60	167%									

Neighborhood Profiles

11211

Table 15: Industrial Employment in ZIP Code 11222, 2000-2008



■ ALL OTHER SECTORS
 ■ ALL MANUFACTURING

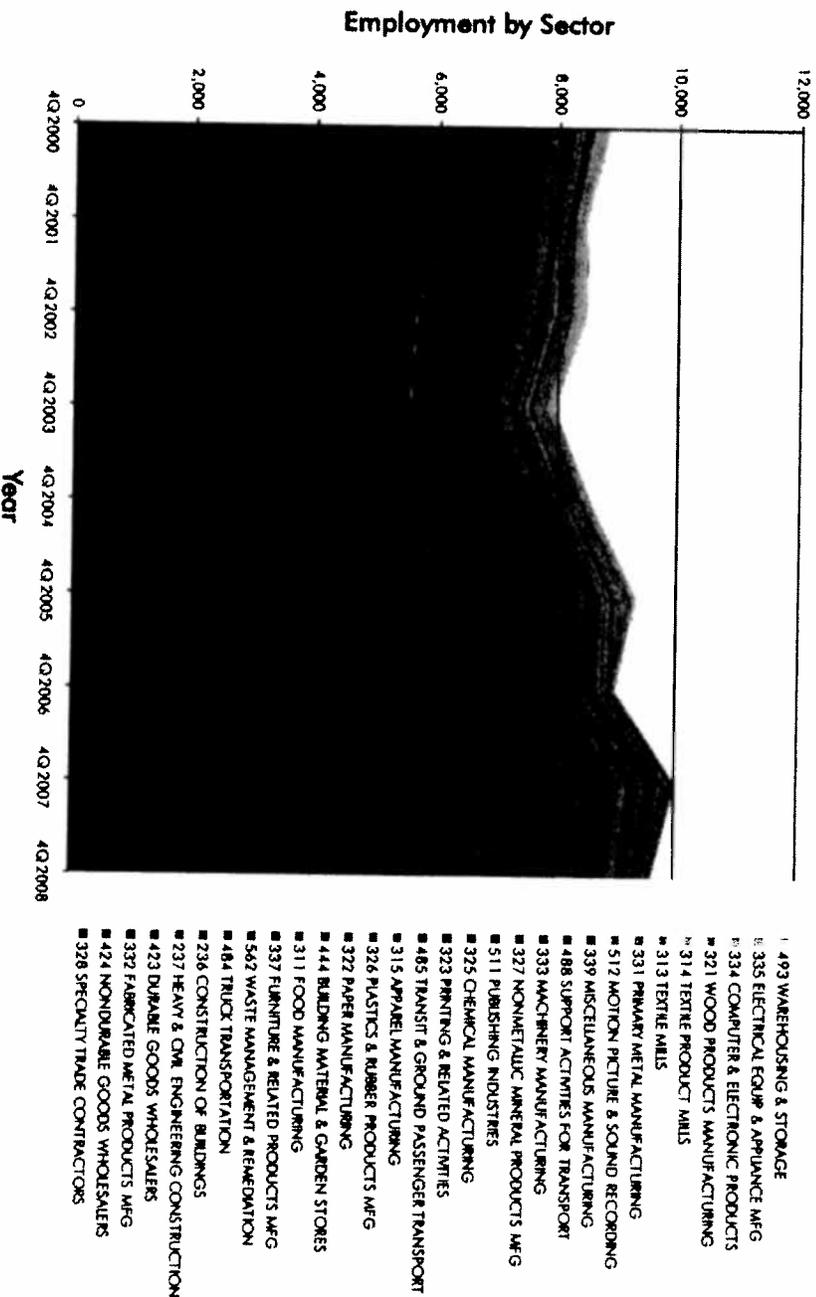
Source: NYS DOL

ZIP Code 11211	4Q 2000 Employed	4Q 2008 Employed	Δ 00-08 Employed	% Δ 00-08 Employed
ALL PRIVATE SECTOR	25,851	29,897	4,046	16%
ALL MANUFACTURING	9,603	5,920	-3,683	-38%
ALL OTHER SECTORS	16,248	23,977	7,729	48%

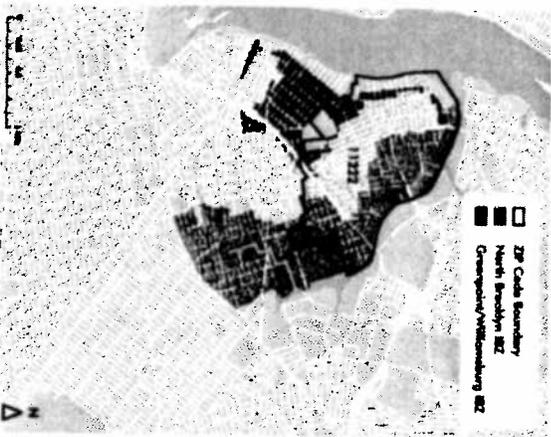
Neighborhood Profiles

11222

Table 16: Industrial Employment in ZIP Code 11222, 2000-2008



Map 6: ZIP Code 11222



Source: NYC DCP

Source: NYS DOL

Neighborhood Profiles

11222

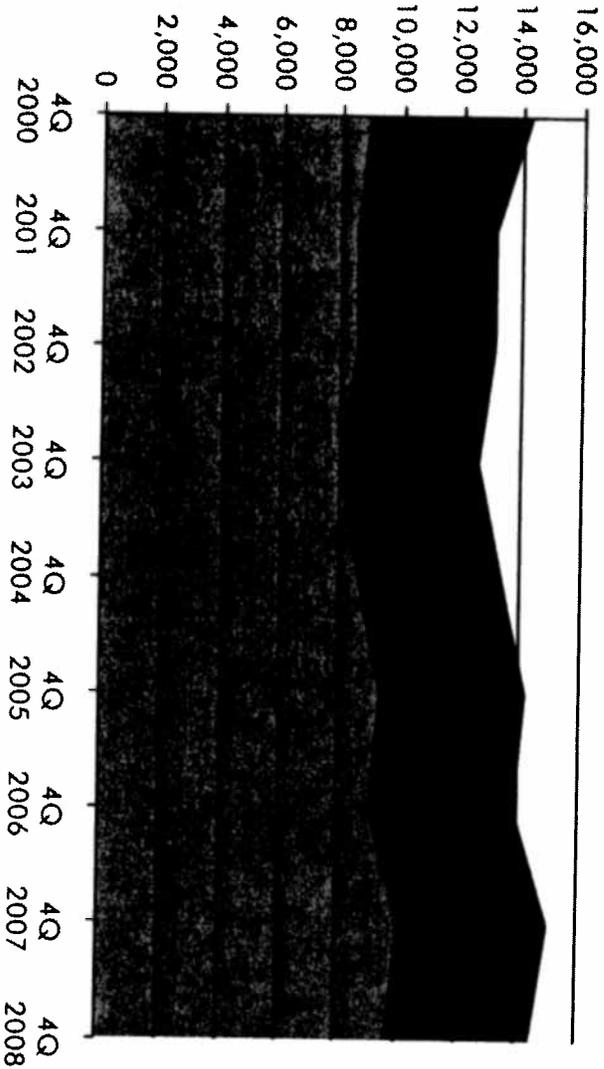
Table 17: Industrial Employment in ZIP Code 11222, 2000-2008

NAICS	Sector Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08	% Δ 00-08
		Employed																			
0	ALL SECTORS	8,851	8,458	8,475	7,939	8,564	9,338	8,997	10,024	9,620	769	9%									
236	CONSTRUCTION OF BUILDINGS	246	294	282	254	284	509	562	542	497	251	102%									
237	HEAVY & CIVIL ENGINEERING CONSTRUCTION	199	189	141	144	190	269	307	490	564	365	183%									
311	FOOD MANUFACTURING	304	237	202	231	237	238	205	183	220	(84)	-28%									
313	TEXTILE MILLS	51	41								(51)	-100%									
314	TEXTILE PRODUCT MILLS	25									(25)	-100%									
315	APPAREL MANUFACTURING	287	225	261	219	111	114	109	84	78	(209)	-73%									
321	WOOD PRODUCTS MANUFACTURING	21	19	21	23	23	130	107	117	100	(21)	-100%									
322	PAPER MANUFACTURING	117	109	157	130	140	49	56	49	41	(17)	-15%									
323	PRINTING & RELATED ACTIVITIES	100	82	84	54	40	82	76	50	39	(48)	-55%									
325	CHEMICAL MANUFACTURING	87	73	62	70	65	82	113	105	95	(68)	-42%									
326	PLASTICS & RUBBER PRODUCTS MFG	163	174	175	167	109	113	115	105	95	(68)	-42%									
327	NONMETALLIC MINERAL PRODUCTS MFG																				
328	SPECIALTY TRADE CONTRACTORS	2,200	2,217	2,164	1,984	2,446	2,644	2,839	3,129	2,918	718	33%									
331	PRIMARY METAL MANUFACTURING	79	56	56	56	46	45	40	21	13	(66)	-84%									
332	FABRICATED METAL PRODUCTS MFG	1,027	991	958	820	820	748	749	721	642	(385)	-37%									
333	MACHINERY MANUFACTURING	55	61	66	76	67	44	43	20	35	(20)	-36%									
334	COMPUTER & ELECTRONIC PRODUCTS	9	11	81	46	44	44	43	20	35	(9)	-100%									
335	ELECTRICAL EQUIP & APPLANCE MFG	57	54	61	46	44	42				(57)	-100%									
337	FURNITURE & RELATED PRODUCTS MFG	389	396	406	307	302	309	356	350	356	(33)	-8%									
339	MISCELLANEOUS MANUFACTURING	61	45	219	231	241	268	25	44	26	(35)	-57%									
423	DURABLE GOODS WHOLESALERS	1,020	890	738	728	759	831	673	703	598	(422)	-41%									
424	NONDURABLE GOODS WHOLESALERS	1,452	1,520	1,369	1,630	1,637	1,783	1,607	2,263	2,304	852	59%									
444	BUILDING MATERIAL & GARDEN STORES	27	19	29	58	54	76	74	81	109	82	304%									
484	TRUCK TRANSPORTATION	539	478	473	344	386	452	432	443	410	(129)	-24%									
485	TRANSIT & GROUND PASSENGER TRANSPORT	48	56	98	100	245	219	202	191	46	(2)	-4%									
488	SUPPORT ACTIVITIES FOR TRANSPORT	116	92	90	77	69	86	59	51	34	(82)	-71%									
493	WAREHOUSING & STORAGE																				
511	PUBLISHING INDUSTRIES	8	10	12	6	8	8	11	41	38	30	375%									
512	MOTION PICTURE & SOUND RECORDING	7				3		13	4	21	14	200%									
562	WASTE MANAGEMENT & REMEDIATION	157	119	270	146	207	253	291	296	399	242	154%									

Neighborhood Profiles

11222

Table 18: Industrial Employment in ZIP Code 11222, 2000-2008



- ALL OTHER SECTORS
- ALL MANUFACTURING

Source: NYS DOL

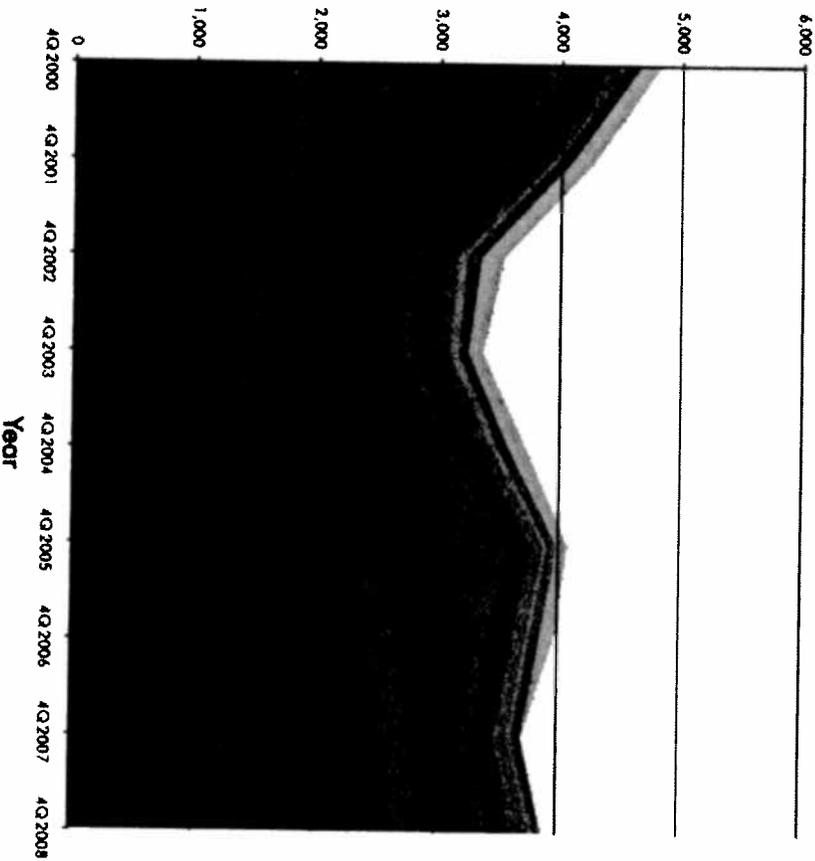
ZIP Code 11222	4Q 2000	4Q 2008	Δ 00-08	% Δ 00-08
ALL PRIVATE SECTOR	Employed	Employed	Employed	Employed
ALL MANUFACTURING	14,326	14,513	187	1%
ALL OTHER SECTORS	8,851	9,620	769	9%
	5,475	4,893	-582	-11%

Neighborhood Profiles

11237

Table 19: Industrial Employment in ZIP Code 11237, 2000-2008

Employment by Sector



- 339 MISCELLANEOUS MANUFACTURING
- 333 MACHINERY MANUFACTURING
- * 325 CHEMICAL MANUFACTURING
- * 314 TEXTILE PRODUCT MILLS
- 321 WOOD PRODUCTS MANUFACTURING
- 327 NONMETALLIC MINERAL PRODUCTS MFG
- 313 TEXTILE MILLS
- 337 FURNITURE & RELATED PRODUCTS MFG
- 444 BUILDING MATERIAL & GARDEN STONES
- 485 TRAVEL & GROUND PASSENGER TRANSPORT
- 323 PRINTING & RELATED ACTIVITIES
- 484 TRUCK TRANSPORTATION
- 322 PAPER MANUFACTURING
- 236 CONSTRUCTION OF BUILDINGS
- 315 APPAREL MANUFACTURING
- 311 FOOD MANUFACTURING
- 332 FABRICATED METAL PRODUCTS MFG
- 542 WASTE MANAGEMENT & REMEDIATION
- 423 DURABLE GOODS WHOLESALERS
- 298 SPECIALTY TRADE CONTRACTORS
- 424 NONDURABLE GOODS WHOLESALERS

Map 7: ZIP Code 11237



Source: NYC DCP

Source: NYS DOL

Neighborhood Profiles

11237

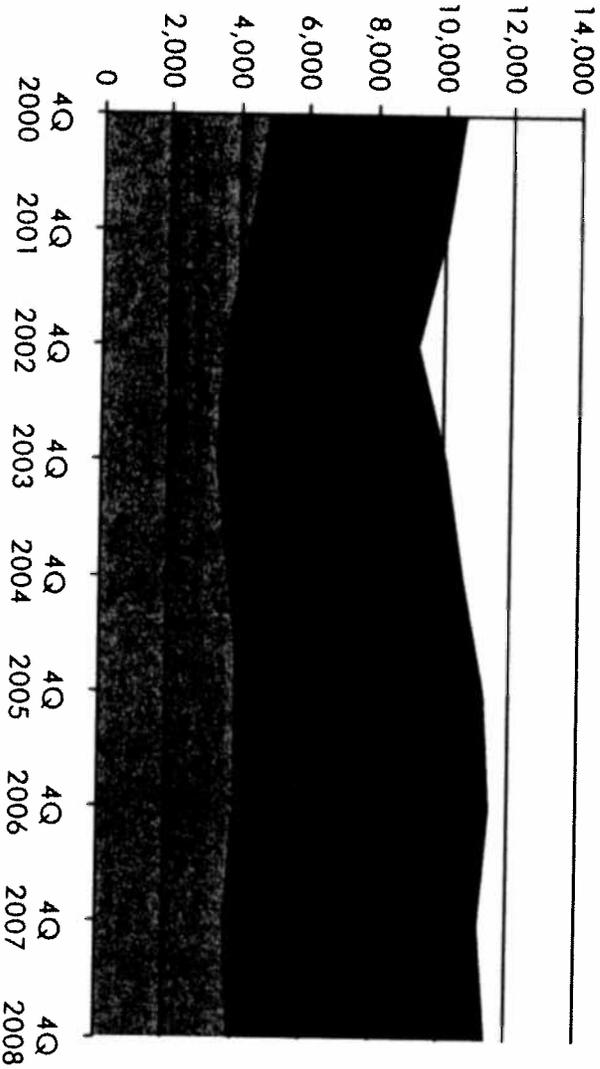
Table 20: Industrial Employment in ZIP Code 11237, 2000-2008

NAICS	Sector	Industry	4Q 2000		4Q 2001		4Q 2002		4Q 2003		4Q 2004		4Q 2005		4Q 2006		4Q 2007		4Q 2008		Δ 00-08	% Δ 00-08
			Employed																			
0	ALL SECTORS		4,818	4,272	3,540	3,367	3,732	4,074	3,961	3,711	3,887	(931)	-19%									
236	CONSTRUCTION OF BUILDINGS		168	118	103	111	163	456	93	136	145	(23)	-14%									
238	SPECIALTY TRADE CONTRACTORS		355	434	385	473	603	553	666	722	755	400	113%									
311	FOOD MANUFACTURING		311	278	268	221	237	260	299	210	212	(99)	-32%									
313	TEXTILE MILLS		117	125	125	85	89	38	84	67	30	(87)	-74%									
314	TEXTILE PRODUCT MILLS		45	59	50																	
315	APPAREL MANUFACTURING		1,681	1,206	1,036	683	558	479	362	180	202	(1,479)	-88%									
321	WOOD PRODUCTS MANUFACTURING		144	152	146	189	92	100	12	9	6	6										
322	PAPER MANUFACTURING		30	24	7	11	11	50	108	104	98	(46)	-32%									
323	PRINTING & RELATED ACTIVITIES		30	63	72	67	59		52	52	70	40	133%									
325	CHEMICAL MANUFACTURING																					
327	NONMETALLIC MINERAL PRODUCTS MFG																					
332	FABRICATED METAL PRODUCTS MFG		160	162	157	148	161	36	229	292	28	28										
333	MACHINERY MANUFACTURING		3	26	63	68	51	37	27	43	38	38										
337	FURNITURE & RELATED PRODUCTS MFG		114	61	65	55	86	87	101			(114)	-100%									
339	MISCELLANEOUS MANUFACTURING		687	651	251	229	239	246	424	393	406	(281)	-41%									
423	DURABLE GOODS WHOLESALERS		651	692	611	741	752	842	810	1,021	1,157	506	78%									
424	NONDURABLE GOODS WHOLESALERS		61	56	61	86	86	60	57	54	44	(17)	-28%									
444	BUILDING MATERIAL & GARDEN STORES		230	108	80	39	70	84	98	89	73	(157)	-68%									
484	TRUCK TRANSPORTATION		31	32	32	39					46	15	48%									
485	TRANSIT & GROUND PASSENGER TRANSPORT		30	25	28	161	475	518	539	339	344	314	1047%									
562	WASTE MANAGEMENT & REMEDIATION																					

Neighborhood Profiles

11237

Table 21: Industrial Employment in ZIP Code 11237, 2000-2008



■ ALL OTHER SECTORS
 ■ ALL MANUFACTURING

Source: NYS DOL

ZIP Code 11237	4Q 2000		4Q 2008		Δ 00-08		% Δ 00-08	
	Employed							
ALL PRIVATE SECTOR	10,589	11,414	825	8%				
ALL MANUFACTURING	4,818	3,887	-931	-19%				
ALL OTHER SECTORS	5,771	7,527	1,756	30%				

NYC Loft Board Hearing
January 20, 2011
Statement by Brooklyn Chamber of Commerce

My name is Lori Raphael. I am Director of real estate and development, Brooklyn Chamber of Commerce and I am providing this statement on behalf of Chamber President Carl Hum.

The Chamber urges the Loft Board to proceed with caution in the administration of the loft law expansion as enacted in June of 2010. The City's recognition of certain areas, including parts of North Brooklyn, as Industrial Business Zones, came about to protect the City's threatened, yet still vital manufacturing sector. Manufacturing necessarily entails uses that are noisy, that may entail 24-deliveries and freight elevator use and that may emit fumes. These uses, by being inherently incompatible with residential use, put pressures on our existing manufacturing businesses that will contribute to relocation and loss of this important jobs base.

The Loft Board should restrict the granting of Interim Multiple Dwelling status to those buildings in which residential uses are exclusively located above manufacturing uses in buildings that do not include use group 16, 17 and 18 uses. The uses of adjacent businesses should also be taken into account when assessing these criteria.

These manufacturing and automotive uses present potential dangers to residential tenants, while residential use threatens the viability of these businesses. Industrial businesses will see their loading capabilities disrupted, hours of operations limited or the imposition of other restrictions to allow for a comfortable level of residential use.

We also urge the Loft Board to follow a transparent, public process for the consideration of each application. Each application must trigger sufficient public notice of hearing, including internal Loft Board hearings, to allow for sufficient comment and all potential interested parties such as adjacent businesses and local development corporations should be directly notified. We ask that your web site be updated with current information regarding pending applications and that hearing agendas are posted well in advance.

While we recognize the importance of maintaining safe and affordable housing stock for all of the City's residents, it must not come at the expense of our remaining manufacturing businesses.

Martin Greenfield Clothiers, Ltd.

HAND TAILORED CLOTHING

239 Varet Street · Brooklyn · NY 11206 · Telephone: (718) 497-5480 · Fax: (718) 456-3365

Testimony of Tod Greenfield, vice president of Martin Greenfield Clothiers to the NYC Loft Board January 20, 2011

Hi, my name is Tod Greenfield and I have earned my livelihood in East Williamsburg for over 25 years. I greatly appreciate your consideration of my concerns.

I'm here to alert you to the potential problems you may create by legalizing residential occupancy next to certain industrial uses like cement plants, waste transfer stations, metal platters, and large industrial concerns.

Almost 30 years ago (at about the time the Loft board was created) my dad helped to create EWVIDCO in an effort to make the area safer for those who were working in our neighborhood. Later, both the City and the State created programs to encourage businesses to relocate from Manhattan to the City's first in-place industrial park.

I believe that haphazardly legalizing residential uses within the current IBZ will jeopardize the livelihood of many more families than the housing you legalize will benefit. You may be risking the livelihood of thousands of families by legalizing a ten or thirty unit building next to a large employer.

I want to encourage you in the strongest possible way to consider the existing as-of-right use of the neighboring properties before you accept a building. Please don't create instant conflict in our neighborhood by legalizing residential use next to a hazardous operation like a cement plant or waste transfer station!

Many buildings have already been converted legally through variance applications in locations that do not conflict with neighbors, and I'm sure some of the buildings you consider will be in suitable locations.

I urge you not to accept buildings that logically never should have been illegally converted to residential simply because they have already been converted. It's not healthy to live next to a large distributor and have to breathe in diesel fumes all day. Don't make that legal, when logic says it should not be.

North Brooklyn is at the geographic center of New York City, and it developed into an industrial Mecca, (currently employing 12,000 people) because of its proximity to all 5 boroughs, but forcing food distributors, bakeries, and lumber yards together with cement plants and waste transfer stations out to Long Island and New Jersey will have a terrible environmental impact on all of us.

Why isn't the city planning this out instead of blindly following the broad strokes of some heavy hands up in Albany? It's up to you now to do the right thing for New York City.

Thank you for your time.

Public Statement for the New York City Loft Board

January 20, 2011

By Jacob Sinclair

New York City Department of City Planning
22 Reade Street, First Floor
New York, NY 10007

I would like to thank the Loft Board for taking the time to hold this public hearing.

My efforts thus far have largely focused on understanding if my unit and building will qualify for coverage under [Section 2-08] of Title 29. My situation presupposes the hypothetical predicament that many loft coverage candidates will likely identify with: what do I do and what can I do if I don't have the financial predisposition to hire licensed professionals like architects, engineers, or lawyers. General legalese is challenging enough. But what can I do if my owner hires a professional and provides a preponderance of forged documents for certification that shows that uses deemed incompatible with residential use existed on June 21, 2010? Or what if my owner cannot afford to hire a lawyer, and submits the application without certification that the non-residential uses were not inherently incompatible? Or what if a bitter but crafty tenant conjures a preponderance of a non-residential use which is just questionable enough? Or what if non-residential uses which *are* inherently incompatible are certified with forged documents to be compatible putting the future tenants at a health risk? Who has the burden of responsibility for fact-checking the certification? How, as a tenant or owner unable to afford the retainer of a licensed professional, can I uphold my right convert to an IMD, or if need be, exercise sub-section (s) regarding appeals?

Having studied and now in the pursuit of becoming an architect, I have also been a licensed expeditor of the NYC Department of Buildings for the past year and a half, so luckily I have some experience reading laws and codes. After reviewing the amendment, it became clear to me that I first had to establish if any piece of process equipment in my building had ever required an operating certificate or if the die-cutting facility on the first floor had ever needed to file a risk management plan. These were the early hurdles to understanding if *my* loft would qualify for coverage. Mind you, because of my experience, I probably ascertained my first hurdles much more quickly than the average Joe, tenant or owner alike, because I wasn't totally mystified by what the amendment requires. But where do I start? It isn't 1982, so I use the internet, and I spent a good two hours flipping the DEP website upside down. Here and there I would get a tug on my pole - a mention of an environmental rating here or a 70 page 'brief' on a Risk Management Plan there. But then I remembered, I've worked with enough city agencies to know that *if* I can get the right person on the phone, help is on the way.

So I called DEP Customer Service. The first three people I spoke to (for whom I waited about 15 minutes each) were collection agents. They each respectively froze when I started talking about making a FOIL request for Environmental Ratings and a Risk Management Plan and said they would transfer me to a Customer Service agent. I wouldn't necessarily expect anyone to know what these pieces of information *actually are* or even what a FOIL request is, but no one had ever heard of any of this stuff nor did they know where to transfer my call. My fourth contact, after having waited yet another 15 minutes, ingeniously asked me what my borough was and promptly gave me the number to the Brooklyn Local Offices. Smart woman.

Now with the Brooklyn Local Offices, I essentially made the same rounds with another 4 or 5 people (albeit without as much waiting between transfers) until someone said, "Let me give you the number to our Legal Division. "TA DAAAAAA!" All I really wanted was to know if a FOIL request would even procure the information I needed. So I called the lawyer and left a message, which was fine, I know lawyers only answer the phone when they're on retainer, even civil servants. Called again the next day and the next and then finally he called back. But he was a collections lawyer and he had no idea what I was talking about, save the FOIL request, nor did he know what legal person to talk to. But he said he would pass on my information to somebody somewhere and someone would get back to me. Having spent my youth finding the fountain, I decided to simply play my hand and submit the FOIL request. A week later, I received a letter saying that my FOIL request had been received.....but due to the large increase in the volume of such requests your response may be delayed. But they did provide a phone number for the Records Access Officer. Bingo, I hope. I have yet to receive confirmation that the records for Environmental Ratings and/or filings of Risk Management Plans can even be obtained through my request. This is where I currently am in this pursuit.

As we all know it is 2011 and the Loft Board website has lots of useful information, but there's no checklist, no stipulated procedure, no rules to the game, no guide. If I were to recommend a solution, I would probably point to 311. I know from experience that it is nearly as easy to find out about school cancellations or even obtain copies of birth certificates as it is to schedule a plan examination at the Department of Buildings. Perhaps some support could be recruited from 311 by the Loft Board. I hear your resources are somewhat limited. Perhaps 311 could lend some of theirs. For those owners and tenants that can't afford to pay for the advice of a licensed professional, knowing that they *could be* getting loft law coverage if they had the money to do so seems a bit unfair and an inevitable financial hardship. The question remains, is there anyone that actually understand the procedures for obtaining loft law coverage inside and out. If they exist, they're hard to find. I urge the Loft Board to provide some procedural assistance for this amendment toward the loft law application process.

New York City Loft Board
100 Gold St., 2nd Floor
New York, NY 10038

Jan. 10, 2011

Dear Loft Board,

As I understand it, the Loft Law is intended to provide thousands of Brooklyn tenants with a viable route to safer and more stable living conditions. As a residential tenant living in a commercially-zoned building in Prospect Heights, I understand clearly the importance of this legislation and believe it to be essential to ensuring the safety and ongoing stability of tenants like myself. I am highly concerned that the proposed amendments to section 2-08 of Title 29 of the Rules of the City of New York would have a drastic and negative impact on the intended goals of the Loft Law.

Section K (item 2) of the proposed amendment introduces such a broad category of commercial uses 'inherently incompatible' with residential use that it will automatically disqualify a huge number of buildings from coverage. Many of the uses (such as storage or linen services) listed in this category pose no threat whatsoever to the safety of tenants in the same building. Others (such as carpentry or small machine shops) may only represent a safety risk if the size of the business is large or the business engages in unsafe practices to begin with. This amendment needs to be re-written in order to address truly relevant safety issues without unnecessarily disqualifying scores of buildings from receiving Loft Law coverage.

By giving the tenants the responsibility of proving that there is no incompatible use of the building, Section Q puts an undue burden on the shoulders of these tenants. Tenants trying to prove the safety of the building will often be faced with opposition from an architect who is being paid by the landlord and will therefore be more likely to represent his/her interests. Tenants who are unable to pay the additional specialists needed to prove a building safe according to the proposed amendment will likely opt not to apply at all and will continue to live in commercial spaces without Loft Law protection.

It seems to me that these two amendments do very little to protect tenants as the Loft Law is intended to do, but do a lot to give Landlords who would rather not have their buildings fall under the Loft Law an easy way to dodge the entire issue. If the proposed amendments are enacted, they will deny thousands of tenants the protection that the Loft Law is intended to provide. In order to achieve an effective and fair Loft Law, we need to see a change to this legislation that will reflect a respect for tenants' rights that is equal to landlords' interests.

Sincerely,
Nicola López
wonderlopez@yahoo.com

Cooper Tank & Welding Corp.

215 Moore Street, Brooklyn, N.Y., 11206



WASTEC
CORPORATION

Cooper Tank and Welding Corp has been manufacturing waste containers at our current location on Moore and Siegel Streets since the 1940's. For a long time we considered ourselves fortunate to be located in East Williamsburg where there has always been a steady, reliable work force available. Many of our employees can walk or bike to work and we are one block away from the subway station.

The neighborhood has undergone many changes over the years and we have adapted to them. In the 1980s residential townhouses were developed on Siegel Street. As metal fabricators our factory occasionally makes noise and we used to operate two shifts a day, but as an accommodation to our neighbors who didn't appreciate the disturbance we eliminated our night shift.

More recently many of the factories in our vicinity have morphed into loft apartments. While it is nice seeing lots of people milling about during the day, there are now many more cars parked on the street. Articulated trucks have a very difficult time navigating the narrow streets of East Williamsburg and this is only exacerbated by parked cars & little in the way of parking restrictions or effective enforcement. Interstate truck drivers who we depend on for our supplies of raw materials don't like coming into NYC after driving on wide open highways. First they need to face the traffic entering the city and then to add insult to injury, they must negotiate the streets of Brooklyn. We have experienced many drivers saying they aren't going to pick up or deliver to our location. If they are willing, they negotiate a higher fare, which when added to the already high cost of real estate taxes, utilities, labor etc only serves to erode our competitive position and make our operation more difficult to manage.

We have similar manufacturing facilities in Ohio and Connecticut. It is tempting to relocate fully to our other locations where the cost of doing business is generally much lower. But we are committed to New York and to the local people who depend on us for jobs. We are willing to remain so long as it is economically viable and the local regulations can be adapted to strike a reasonable balance between the requirements of the respective parties. If we need to make many costly changes to our plant to assuage an influx of new neighbors who don't like the side effects of living in a light industrial zone but enjoy the rent advantage, we will be forced to leave.

Adrienne Cooper
CEO & Owner

New York City Loft Board
Loft Law Hearing
January 20, 2011

Good afternoon, my name is Amy Anderson and I am a planner with the New York Industrial Retention Network (NYIRN). Over the past decade, NYIRN has worked with more than 2,000 of New York City's manufacturing businesses to retain and create jobs and to promote sustainable development. Recently, NYIRN consolidated with the Pratt Center for Community Development. NYIRN's economic development efforts are now part of a much more comprehensive set of community based planning services provided by Pratt Center— to empower communities and further sustainable development.

NYIRN and the Pratt Center are very concerned about the potential impacts posed by the recent expansion of the Loft Law on New York City's industrial neighborhoods. There is still a vibrant manufacturing sector in New York City. Manufacturers companies employ 80,000 people, in jobs that provide career ladders and good wages to New Yorkers who find few comparable opportunities in other sectors.

These businesses and their jobs are threatened by intense real estate pressures from competing uses including offices, big box retail and hotel development. Manufacturing companies operate on a tight margin and are unable to pay as much for space as other users. On top of that, more than 20 million square feet of industrial space has been converted to residential use over the past 8 years. This instability undermines economic reinvestment and triggers a downward spiral for many companies. The areas in which existing manufacturers are at greatest risk of being displaced by competing uses are the very locations that are



www.nyirn.org
Ph. 212-464-8990
Fax 212-484-8990

616 Pratt Center for Community Development
206 Willoughby Avenue
Brooklyn, NY 11268

the most productive for 21st-century industries. These are locations like North Brooklyn and Long Island City, which combine proximity to Manhattan, access to highways and transit, and the mix of complementary uses and services that sustains high-value industries and jobs.

Residential uses threaten manufacturing not only through price competition, but through conflict over environmental conditions. It is essential to differentiate between neighborhoods in which conditions are compatible with residential use, and those in which noise, truck traffic, and other factors make residential use untenable.

So it is critical that the extension of the Loft Law not be perceived by landowners, manufacturers, or residential tenants, as opening up all manufacturing areas for conversion to residential use. If regulations are not carefully drafted and consistently enforced, landowners will continue to encourage illegal encroachment, in the expectation that they will eventually be able to legalize units and convert entire buildings.

We are here today to provide recommendations as to how the Loft Board can balance the impact of residential conversion in M-zones, while carrying out the mandate of your department in ensuring tenants are protected from eviction and their buildings brought to code. The development of stringent rules that are vigorously enforced is the best way in which to achieve this balance.

NYIRN and the Pratt Center propose the Loft Board consider the following recommendations before finalizing its amendments to Title 29 of the Rules of the City of New York.

1. Adopt the M1D zoning as a model for mixed-use building applications. This is an applicable designation as M1D was designed for mostly manufacturing neighborhoods with a scattering of residential uses. Furthermore, the designation considers several factors including whether residents are within 400 feet of open heavy industry and the potential for their exposure to dangerous, noxious or bothersome conditions. It also considers the potential impacts industry may suffer from residential uses as well as if these conversions will alter the essential character of the neighborhood or district.
2. Approve only applications where the residential tenant is located above the level of manufacturing uses in which any zoning Use Group 15-18 may occupy.
3. Discount any applications where a mixed use building has any tenants in Use Groups 15-18 located in a M2 and M3 zone as these districts are in short supply and are the only possible locations for heavy industry.
4. Require all Loft Law applicants to submit solid evidence demonstrating occupancy beyond signed statements of tenants and landlords. Incorporate on-site inspections as a standard practice in the Loft Law approval process.
5. Extend similar protection to industrial tenants as is given to residential tenants by ensuring compliance with the Loft Law and enforcing sanctions for violations.

New York City's manufacturing sector is vital to the local economy as it provides products and services to the business and residential communities throughout the five boroughs. It is also a major employer of city residents offering high-skilled positions with opportunities for growth and success. These are factors that must be accounted for in development and implementation of the Loft Law.



云吞食品公司

WONTON FOOD INC.

220-222 MOORE STREET, BROOKLYN, NY 11206
TEL: (718) 628-6868 FAX: (718) 628-1028
WEBSITE: www.wontonfood.com

January 11, 2011

Ms. Lanny R. Alexander
Executive Director
New York City Loft Board
100 Gold Street
New York, NY 10038

Dear Ms. Alexander:

Wonton Food began operations at 220 Moore Street since 1986. We manufacture various noodle products that are distributed throughout the United States. In the 25 years that we been here, our business had substantially grown and the number of employees at this location have increased three fold to more than 200. We had experienced tremendous growth in the past but do not expect this growth rate to continue into the future. The limiting factor to our growth is the lack of space. We are near capacity at this location and cannot find suitable manufacturing space nearby.

For many years, before the illegal conversion of manufacturing buildings began, we did not believe being located here would hinder our business growth. As buildings were converted to residential use, some of the new tenants that move into these illegally converted buildings were hostile to the existing businesses. When we received delivery of flour at about 10:00 in the morning, they would throw eggs at the trucks and drivers because they said we were disturbing their sleep. We were forced to call the police to stop the harassment. East Williamsburg is an industrial area. Trucks travel through this area throughout the day and a certain amount of noise should be expected. If the conversion of industrial buildings continue and the new residential tenants are hostile to their non-residential neighbors, many manufacturing companies, including Wonton Food, may consider moving away from this area.

We've been here for more than 25 years and consider this area our home. We would like to remain here and expand our product lines. However, if this area evolves into a hostile environment that does not welcome manufacturing businesses; we will be forced to relocate. I hope that day will never come.

Sincerely,

Donald Lau
Vice President



January 13, 2011

Dear Members of the NYC Loft Board:

Rock Street Realty LLC, is an affiliate of the Frank Brunckhorst Company, LLC, the exclusive distributor of Boar's Head Brand Products. As the Board may know, the Frank Brunckhorst Company operates its major distribution center for the New York metropolitan area from an industrial site on a super block bound by Flushing Avenue, Bogart Street, Thames Street and Morgan Avenue, all residing within the EWVIDCO Industrial Business Zone. It also operates from several nearby parcels on Morgan Avenue and Moore Street which is adjacent to Varet, Thames and Bogart Streets. All of these locations are owned by Rock Street Realty LLC which leases them to the Frank Brunckhorst Company.

The Frank Brunckhorst Company and the Boar's Head Brand have been part of Brooklyn since 1905. Currently, at this location the Frank Brunckhorst Company directly employs more than 200 individuals and services more than 190 distributors. The distributors, in turn, employ almost 600 people.

As the NYC Loft Board works on developing regulations and polices associated with the expansion of the loft law, we ask that the Board consider the following that will directly affect businesses in the East Williamsburg Valley Industrial Development Zone:

Introduction of additional residential uses will heighten the conflict between the nonconforming residential uses and the conforming manufacturing uses. Specifically, the Brunckhorst site receives deliveries throughout the day and night and ships product in the very early morning hours. Well over one hundred trucks visit the location every day. These activities create noise and other business related tasks that are incompatible with residential use. If more industrial buildings are converted to residential in the area, the degree of conflict will increase and, lead to residential users generating more and more political pressure to curtail the activities associated with manufacturing and commercial use. Manufacturing and distribution companies such as Brunckhorst should not be put into this position in order to do business.

Second, the withdrawal of industrial buildings from the East Williamsburg industrial inventory will remove a significant amount of industrial space from inventory. This means that there will be fewer viable locations for the myriad of service companies

(plumbers, electricians, machine shops, parts suppliers and the like) that companies such as the Frank Brunckhorst Company rely upon within the City's industrial zones. If such companies cannot readily locate within such zones in economically viable sites, they will not be able to service the larger commercial and industrial users either quickly or economically. In the end, this will mean that the cost of doing business for industrial firms that do try to remain in the City will go up. Making *ad hoc* decisions that will increase the cost of doing business for industrial firms is not good business for the City.

In sum, understanding the expansion of the Loft Law's intent is to protect the tenants and affordable housing, it has the potential to erode the strength and viability of a much larger industrial community in East Williamsburg. If the Loft Board does not consider the local businesses while writing regulation and policy, it will have a detrimental effect on NYC blue collar jobs.

Thank you for the opportunity to express our concerns while the Board considers regulations and policies that will appease both the residential needs and industrial businesses in our area.

Respectfully submitted,

Rock Street Realty LLC



Alex Baruch, Treasurer



45 Washington Street | Box 123 | Brooklyn, NY 11201 | www.dumbo-dna.org

New York City Loft Board
100 Gold Street, 2nd Floor
New York, NY 10038

January 20, 2010
Public Hearing: 22 Reade ST

Dear Members of the Loft Board:

I am Doreen Gallo, Executive Director of DNA, the DUMBO Neighborhood Alliance. On behalf of DNA, ~~am~~ object to the proposed amendments to section 2-08 of Title 29 of the Rules of the City of New York, proposed by the Loft Board in its current form.

The 2010, expanded Loft Law, came far too late to protect the majority of loft live/work residents exterminated from living in DUMBO. The expanded Loft Law was created to support; promote tenants and landlords enabling buildings to be brought into conforming use. The authorization to determine compatible and non-compatible uses belongs to the Loft Board. The proposed rule undermines the intention of the law, which is to protect and create safe buildings for tenants to live and work in. The proposed amendments gives the landlords the opportunity to claim incompatible uses and places the burden of proof on the current tenants who have regenerated this borough.

The tenants already make the primary investments into their lofts. The landlords have benefited from paying manufacturing taxes while collecting residential rents, raising rents up to 40% and some owners passing on commercial taxes as well, while investing the bare minimum upkeep, if any.

DUMBO is already experiencing repercussions of the proposed amendment. Several buildings applying for coverage, have received word that their landlords are claiming incompatible use, while the commercial spaces are storefronts or offices. The proposed amendments will fracture a great opportunity to legalize our vibrant community of entrepreneurs that most landlords have surely benefited from without appropriate responsibility.

The Loft Law should remain broad so that the Loft Board will determine eligibility in each individual case. Over the past 30 years, the City stood by and allowed this kind of defacto multiple dwelling development without zoning changes to increase and evolve to

such a tremendous degree that we need laws to protect housing for over 25,000 residents that are eligible to apply. In DUMBO, over the last 30 years, we have witnessed the tremendous extermination of our community while the stakeholders work with Brooklyn City Planning to change zoning to suit their current needs. There is great cooperation with stakeholders in up zoning mostly low-rise communities with no regard for the tenancy and businesses that regenerated these communities allowing landlords to have the capitol to buy more land. The piecemeal development with zoning changes in DUMBO, displaced buildings full of low impact manufacturing and thousands of residents and creative small businesses over and over again, often with extreme harassment. DNA is a committed member of the North Brooklyn Task Force and committed to protecting every eligible loft law tenant. Please safe guard the 2010 Loft Law. Do not corrupt the intent of why the law was created in the first place.

on
Chamber
commerce
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jobs

The Loft Board, Jan 20 2011

William Clark
981 Dean St
Brooklyn NY 11238

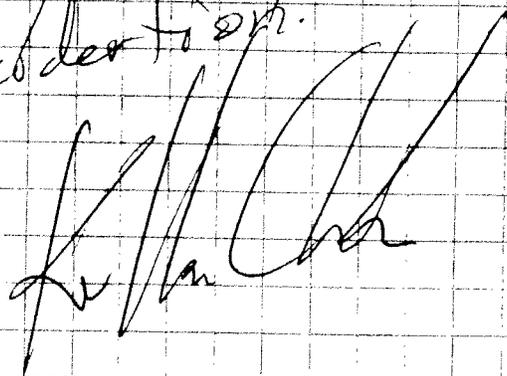
I occupy a live work studio and have been for 11 years, since 2000. Over these years I have developed a very compatible environment. I employ 14 full time skilled laborers. My space has hosted over 100 photo shoots that employ 10-12 skilled workers per shoot. Several films about the city of NY have been filmed in this space. Some of which have gone to the Tribeca Film Festival, and others around the world. My point here is cultural and economic. In my loft alone I can account for millions of dollars in cultural and economic investment in the burrow of Brooklyn and NYC.

Under the proposed amendment to the existing law my wood shop would shut down my business and other enterprises housed in my space.

would be shut down. I have been and will continue grow as a productive creator and business owner in Brooklyn NY,

Please consider businesses like mine and others like mine when altering the law as it was passed. To be clear I do not believe spaces truly unsafe should be closed. There is nothing unsafe in my space, 11 years of production and living should be enough to prove that.

Thank you for your consideration.



New York City Loft Board
100 Gold St., 2nd Floor
New York, NY 10038

Jan. 10, 2011

Dear Loft Board,

As I understand it, the Loft Law is intended to provide thousands of Brooklyn tenants with a viable route to safer and more stable living conditions. As a residential tenant living in a commercially-zoned building in Prospect Heights, I understand clearly the importance of this legislation and believe it to be essential to ensuring the safety and ongoing stability of tenants like myself. I am highly concerned that the proposed amendments to section 2-08 of Title 29 of the Rules of the City of New York would have a drastic and negative impact on the intended goals of the Loft Law.

Section K (item 2) of the proposed amendment introduces such a broad category of commercial uses 'inherently incompatible' with residential use that it will automatically disqualify a huge number of buildings from coverage. Many of the uses (such as storage or linen services) listed in this category pose no threat whatsoever to the safety of tenants in the same building. Others (such as carpentry or small machine shops) may only represent a safety risk if the size of the business is large or the business engages in unsafe practices to begin with. This amendment needs to be re-written in order to address truly relevant safety issues without unnecessarily disqualifying scores of buildings from receiving Loft Law coverage.

By giving the tenants the responsibility of proving that there is no incompatible use of the building, Section Q puts an undue burden on the shoulders of these tenants. Tenants trying to prove the safety of the building will often be faced with opposition from an architect who is being paid by the landlord and will therefore be more likely to represent his/her interests. Tenants who are unable to pay the additional specialists needed to prove a building safe according to the proposed amendment will likely opt not to apply at all and will continue to live in commercial spaces without Loft Law protection.

It seems to me that these two amendments do very little to protect tenants as the Loft Law is intended to do, but do a lot to give Landlords who would rather not have their buildings fall under the Loft Law an easy way to dodge the entire issue. If the proposed amendments are enacted, they will deny thousands of tenants the protection that the Loft Law is intended to provide. In order to achieve an effective and fair Loft Law, we need to see a change to this legislation that will reflect a respect for tenants' rights that is equal to landlords' interests.

Sincerely,
Nicola López
wonderlopez@yahoo.com

DAVID OPDYKE 338 FERRY BRUN

Thank you...

First, there are 16 of us living in the building -- 11 of us for 12 years or more, co-existing with many different commercial/manufacturing businesses

Kimberlae and I have raised our 2 kids here (AGE 6 and 2)-- she is an architect, we tested the paint for lead we would have left if it was dangerous.

Photo developing / wood shop may be categories for us to worry about in the proposed rules.

Personally, I didn't even know that Griffin Editions was a photo place for at least two years after they started: no nasty smells, no noise (and I use the back stairs all the time, passing right by their door which is often left open). They have a separate ground floor entrance.

Sylvain: more than 12 years next to Miggy Buck's wood and metal shop and never suffered from it at all. It is true that the first thing I did moving in was to sound proof the wall in between us.

Also the shop has a private entrance on South 5th so we haven't shared a hallway or a corridor, hence no dust problem.

~~12/1/12~~ → buildz@ny.gov
alexander@

Second, the landlord is not on our side:

1) DOB violations that they wanted us to cure (plumbing done w/o permit, partition walls, kitchen fixtures) by removing all our plumbing and walls

→ OTHER RES TENANTS - NO LEASE RENEWALS

2) their refusal to fix heat pipe (Michael) and water tower drainpipe (Jirka) leaks unless they are allowed to take out tubs/showers first

3) After put in Loft Board application: (and received docket #)

A) new security regimen downstairs -- Scanned IDs, guard apologizing for repeatedly scanning: "they are watching me"

B) Restricted elevator access - prior permission, reminded bldg super of video camera in elevator. No rides (7 stories -- laundry bags, packages, SLEEPING KIDS+strollers)

4) The landlord, building manager came to the building yesterday with a plumber and cut Lowell's water pipe!

WE understand that the proposed rules may be intended to protect us, but every building is different, every commercial activity occurs in a unique set of circumstances.

Landlord

~~Mona~~ will use anything she can find in the Loft Board regulations to get us out, that the "incompatible commercial activities" rules will not be used to keep us safe, but to force us out.

My name is Leah Hebert. My partner and I have lived in a Greenpoint loft for 9 years on an IBZ street two blocks long, located between a Mixed-Use Zone and a residential neighborhood. Like most loft buildings, we are in a M-I district that is strictly limited to light manufacturing by the Zoning Resolution. Our close proximity to residential buildings - sometimes so close they share walls along property lines - cause local manufacturers to operate during normal business hours and keep emissions below allowable standards. Our loft for example, is in a building with a small family owned die cutting company that does not use toxic chemicals or hazardous manufacturing practices, but simply pre-fabricated metal shapes to stamp out paper and cardboard. They also fold boxes and apply printed labels to packaging.

While some landlords rent commercial spaces as residential lofts to collect higher rents, many of these spaces we occupy are unattractive to manufacturing tenants, and owners turn to residential tenants rather than leave these spaces empty. Our landlord has kept our rents lower than market rate, raising rent only when necessary.

Our coexistence with manufacturing has been safe therefore the certification requirements posed by section 2-08 are overreaching and unwarranted, placing a financial burden on both landlords and tenants to hire licensed professionals to confirm that a use we already know is safe is not hazardous.

Furthermore, there are very few incentives for landlords to want rent stabilization coverage in their buildings and we will most likely see landlords contesting coverage. We need to make it worthwhile for landlords. We could offer them amnesty on old violations related to illegal occupancy. We could give them technical assistance in the process.

We need to make an allowance for the time period, and not have these certifications retroactive. It will be difficult for an engineer to certify what happened in the past. Either the rules need to be clearer on the basis of the certification i.e. purchasing records, or they need to allow for a period of certification. They also should allow an option for the tenants to hire the

Leah Hebert

engineer, or else a landlord will have a very easy time saying they couldn't find one willing to certify.

For tenants, this extra burden on the landlord may exacerbate an already difficult or strained relationship due to requests to legalize. We need to collaborate with them on this issue, and do not want to jeopardize destroying years of an otherwise reciprocal relationship by moving forward without their consent. While we are prepared to file regardless of their willingness to cooperate, this process will be much easier and more productive with them on board. Most of us can't afford thousands of dollars of legal fees if our application is contested due to a mistrust or misunderstanding of our intentions. This will require tenants to hire their own lawyers and architects. Upon inquiring about these costs, I discovered that a loft law attorney will cost a minimum of \$5000 for a retainer, and that the rates for a licensed engineer start at a minimum of \$1000, but will likely be much higher depending on whether or not the manufacturer has filed proper documents and the amount of testing and chemicals involved.

As tenants, we need safe, affordable housing, and landlords need the security of reliable tenants to occupy their buildings. Together, we need the Loft Law coverage to protect both of our interests. I urge you amend rule 2-08 to provide an opportunity for exceptions for cases clearly not in danger of incompatible use, and to establish a process for appealing Loft Board decisions in cases where landlords contest their tenant's applications.

Leah Hebert

1/20/11

To the loft board,

I am here to testify for the loft law and its full protection of all tenants residing in commercial buildings in NYC. These lofts are home to thousands of NY City's creative worker force and should remain a home to people with a guarantee that their rent will not rise above market value, forcing them to move out and find more affordable housing.

The current policy of a 6% then 8% and 6% rental increase allowance is a sure way to raise rents to a level that will rise far above current market rents. This policy was put in place in the 1980s when loft tenants were paying a fraction of market rent for large loft spaces. While it made sense then to allow the owners of the building to collect higher rent in order to pay for the improvements they were required to make, it no longer is necessary, as the landlords have been collecting high rents for years in buildings where loft tenants have been living.

For example, most of the rents in my building are already close to or at market rent with some tenants paying \$1700 to \$2200 for a 650 square foot apartment and \$2492 for a \$800 sq ft apartment. Changes to the regulations should be made to keep these rents below market rate even after all the required work has been completed and the building brought up to code. I urge you to remove the 6%-8%-6% rental increase allowance from the regulations, particularly for buildings that are already collecting suitable rental rates.

Sincerely,

Kathleen Gilrain
475 Kent Ave, loft 504
Brooklyn, NY 11211



NEIGHBORS ALLIED FOR GOOD GROWTH

WWW.NAG-BROOKLYN.ORG ■ 101 KENT AVE, BROOKLYN, NY 11211 (@ NORTH 8TH STREET) ■ o: 718-384-2248

My name is Ryan Kuonen. I am a Tenant Organizer for Neighbors Allied for Good Growth (NAG), a social & environmental justice group in the Greenpoint/Williamsburg neighborhood. I have been organizing NAG's anti-displacement work, which mainly focuses on aiding tenants who are at risk of eviction due to the rezoning, gentrification, and general shifts in our neighborhood. As a means of full disclosure, I am also a loft tenant myself and the girlfriend of an employee in a small metal & woodshop in a loft building that houses both residential & manufacturing tenants.

NAG supports the first two regulation changes, 2-05 and 2-08 (a) - (i). However, we feel it is imperative that Loft Board reject 2-08 (j) - (s). We feel that as it stands, this proposal is too broad and indiscriminate.

NAG has been a big proponent of industrial retention and has advocated continuously for mixed use districting, supporting standards that allow manufacturing and creative residences to share space safely and effectively. We think that a more common sense approach to compatible use in loft buildings is the standards of the M1-5A and M1-5B districts. Our neighborhood has the immense pressure of luxury housing constantly looming and we feel that mixed use buildings can help alleviate the displacement of small manufacturing businesses from the Greenpoint & Williamsburg community.

Certain commercial uses, if posing a demonstrable threat to safety or health, should preclude residential use of a building. However, the proposed rules are far too generalized when it comes to determining a standard. They do not take into account the size and output of the business, or whether threat to health or safety actually exists, creating a burdensome process out of what should be a common sense issue. We want a loft law that easily allows viable mixed-use buildings. We feel that if this amendment passes, creating an arduous process for mixed-use buildings, landlords will sacrifice manufacturing to keep the higher rents that residential will pay. We are also concerned that if there are no residential tenant protections that most of the remaining loft buildings in Williamsburg and Greenpoint will become luxury residential, leaving both loft tenants and manufacturing tenants out in the cold.

Greenpoint & Williamsburg have a rich history of industry, both large and small. Each building has a story. It does not do our community any service to have all these buildings lumped together in broad groups. We need the Loft Board to create a standard that is fair and balanced, supporting the type of mixed-use community that already thrives in North Brooklyn. We do not feel that the proposed amendment 2-08 (j) - (s) meets this standard and therefore should be rejected.

• tenant of Williamsburg-bushwick, 5 yrs. \$1300
• My understanding of the original passage of this law was that there was the idea that these would be artist live-work spaces.

• most artists I know are textile workers, woodworkers, seamstresses, and metalworkers. my roommate

~~there must~~ • safety of communities ^{environment / pollution} should be important & worked towards anyway "not healthy to live next to a facility producing debris all day" - healthy to work in these conditions.

• compromise 'homesteading'
• examples I have seen of original tenants, not all but many of whom are artists, being displaced, is that other longtime residents including people on my block who have lived there their entire

live, and we share an annual block party.

• "move to bushwick in a year or two after it gentrifies more" - good people but this is the idea that many people have, and the more ^{commercial} buildings that are emptied and made into condos which I see all the time the more this will happen

• So many artists I know have moved and are currently exploring other cities to take their businesses to ^{independent business owners I know are currently} protect New York City's culture ^{bakers, artists, screen print}

As a little girl growing up in Michigan, this was always the city I wanted to work and live in. I'm here, expecting my first child, and I would not only like to raise he or she in a vibrant community, where they can become ~~to~~ wherever they want to be, and I'd like it to be New York City.

MARY
CASSIDY
MASTER

Lanny Alexander

From: Lauren Spohrer [lauren.spohrer@gmail.com]
Sent: Thursday, January 20, 2011 4:18 PM
To: Lanny Alexander
Subject: Text of hearing testimony

Dear Ms. Alexander,
Pasted here is the text of the comments I made at the public hearing today. Thank you so much for your attention.
Lauren Spohrer

My name is Lauren Spohrer and I live at 950 Hart Street, a former knitting factory near the Dekalb stop on the L train.

My husband and I have lived in our apartment for almost 3 years, and we have invested a lot of time and money into making the loft space our home. My husband and I are both writers. To support ourselves, we each work two jobs. I teach at two colleges in New York City, Parsons and at Yeshiva University, and my husband works as an archivist at an NYU library and also as a copyeditor. I mention this only to counter the suggestion (previously expressed) that loft tenants do not contribute to the city's economy, and are just seeking a good deal. Further -- I pay a lot more than \$700 month in rent -- as insultingly suggested by Nadler's representative.

News of the loft law passing last June was really such happy news for us, because it offered us the opportunity to legally stay in our home. But the proposed amendments to the rule place undue burden on us as loft tenants. It does not seem reasonable nor economically viable to ask us to prove to the Loft Board that it is safe for us to continue to live in the building in which we have lived for years.

As I understand it, even if we were to successfully prove that our residence was compatible with the commercial uses, the landlord would still have the opportunity to hire an architect to say that it is NOT safe.

This all seems somewhat backward. If the point of the loft law is to ask landlords to make lofts legally habitable --- it seems bizarre that those landlords could be protected from doing the work by proving exactly that --- that they are uninhabitable.

The proposed rule amendment asks for a "preponderance of the evidence" but it would be difficult for us, as tenants, to prove that something doesn't exist by that standard. How do we prove that there is NO danger and how much does it cost to do so? Of course our safety and health is the most important thing to all of us. However, to assume inherent incompatibility is to undermine the intentions of the Loft Law. Over the years, each vacancy in our apartment building has seen our rents get exorbitantly higher. This tells me that were we to leave, that our landlord could collect significantly higher rent. This makes me worry that he has an incentive to claim incompatible uses are in the building. Once I am gone and my potential loft law rights are taken away, he will no doubt continue to rent illegally to others, fraudulently promising legal status "at any minute" as he has promised us for nearly 3 years. This seems to provide unfair latitude to the landlord and puts us in an extremely insecure position.

Finally, I talk with so many loft tenants in our building and in neighboring buildings who are afraid to apply because of the potential legal fees. These amendments complicate the expense and effort to a prohibitive extent. Please reconsider with tenants in mind.

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