

**DRAFT MINUTES OF PUBLIC MEETING
New York City Loft Board Public Meeting Held at
22 Reade Street, 1st Floor
Spector Hall**

December 9, 2010

The meeting began at 2:15 p.m. The attendees were Elliott Barowitz, Public Member; Gina Bolden-Rivera, Public Member; LeAnn Shelton, Public Member; Chief Ronald Spadafora, Fire Department's Representative; Chuck DeLaney, Tenants' Representative, Commissioner Robert LiMandri; Chairperson, and Matthew Mayer, Owners' Representative.

INTRODUCTION and EXECUTIVE DIRECTOR'S REPORT

On behalf of Chairperson LiMandri, Ms. Alexander introduced herself, welcomed those present to the December 9, 2010 public meeting of the New York City Loft Board and explained that Chairperson LiMandri would be late to the meeting.

Ms. Alexander introduced **Ms. Susan Pogoda** as the new Deputy Commissioner of Legal Affairs, who will have oversight over the Loft Board.

Ms. Alexander stated that she completed the interviewing process for the Administrative Assistant and Chief Project Manager positions on the Loft Board's staff. However, as a result of the City's hiring freeze, the timing of when those employees would be brought on board was uncertain.

Ms. Alexander reported that to date, there are 50 new coverage applications in 42 buildings and 7 applications for buildings already in the Loft Board's jurisdiction. There were 6 registration applications filed by owners.

Ms. Alexander described the visit she and Donald Ranshte, Director of the Department of Community Affairs, made to some of the areas affected by the expanded Loft Law. They visited 14 buildings and observed much diversity in the types of buildings they saw.

VOTE ON OCTOBER 21, 2010 MINUTES

Motion: Ms. Bolden-Rivera moved to accept the revised October 21, 2010 minutes. Mr. Mayer seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (7)

Adopted by the Loft Board on December 9, 2010.

VOTE ON NOVEMBER 18, 2010 MINUTES

Motion: Ms. Shelton moved to accept the November 18, 2010 minutes. Mr. DeLaney seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (7)

Adopted by the Loft Board on December 9, 2010.

VOTE AND DISCUSSION OF CASES

The following cases were voted on as a group.

Case #1.	812-816 Broadway LLC	812-814 Broadway	LS-0198
Case #2.	Webro Associates LLC	134 West Broadway	LS-0206
Case #3.	John Bowman	15 Jay Street	TN-0212

Motion: Ms. Shelton moved to approve the proposed orders. Chief Spadafora seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (7)

Mr. Delaney requested discussion regarding whether the Loft Board planned to initiate proceedings against owners for enforcement of the code compliance timetable. **Ms. Alexander** explained that the code-compliance deadlines were extended by the amended Loft Law; the cases dealing with expired permits would be enforced under Section 2-01.1 of the Loft Board's rules.

VOTE ON PROPOSED AMENDMENT TO §2-05

Ms. Cruz summarized the proposed changes to § 2-05, which includes a requirement that landlords serve notice of the registration on all building occupants; the statute of limitations for filing registrations and coverage applications; and the establishment of a new timeframe for owners and occupants to contest coverage.

Mr. Delaney suggested that some of the amendments were not underscored to highlight them as "new" in the drafts distributed to the Board members. **Mr. Delaney** and **Mr. Mayer** discussed whether ownership in the form of a limited liability company was sufficiently covered by the proposed amendment.

Ms. Alexander reviewed the general rulemaking procedure set forth in the City Administrative Procedure Act and confirmed that non-substantive changes could be made to the rule without requiring approval by the Law Department. **Ms. Alexander** also confirmed that the Loft Board staff promulgated a "Rulemaking Agenda" prior to June, 2010, which set forth the rules anticipated to be amended in the upcoming year. The proposed rules were not set forth on the Rulemaking Agenda because they were not anticipated at the time. **Mr. Delaney** requested that future Rulemaking Agendas be forwarded to the Board members prior to publication in the City Record.

Motion: Ms. Shelton moved to approve the proposed amendment. Mr. Mayer seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (7)

VOTE ON PROPOSED AMENDMENT TO § 2-08(a)-(i)

Ms. Cruz summarized the proposed changes to this section, and **Chairperson LiMandri** opened up the discussion for any comments. There was a brief discussion of the language proposed in certain sections.

Motion: Ms. Barowitz moved to approve the proposed amendment. Ms. Shelton seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, DeLaney, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (7)

VOTE ON PROPOSED AMENDMENT TO § 2-08(j)-(s)

Chairman LiMandri noted that he believed that the expanded loft law did not intend to exclude uses that are accessory to residential use. He used, as an example, not wanting to prevent an entire building from being covered because an individual photographer has a small dark room in his residential unit as opposed to a large commercial photography lab. The Board Members discussed whether they agreed with the proposed thresholds set forth in the rule of 49% of floor area and 3 non-residential employees. **Ms. Alexander** stated that they had used the “home occupancy” exception in the Zoning Resolution as modified in the Mixed Use District provision of the Zoning Resolution as a model for such thresholds in the proposed Loft Board rule.

Mr. Delaney urged the Board members to reject approving the rule for public comment because he believed the rule did not address the problems with putting the burden of proof regarding use on the tenants. He urged the Board to put more study into the rule, and pointed out that it will be several months before amendments to the other rules required by the 2010 Loft Law will be completed so that further work on this proposal before putting it out for public comment would not delay implementation. He repeated his request for a written comment deadline that would be after the hearing, and made the suggestion that the Board might need to schedule a second hearing.

Chairperson LiMandri noted that by voting for the rule to be published for comment, it would start the City’s administrative rulemaking process and move the rule forward.

Motion: Ms. Mayer moved to approve the proposed amendment. Chief Spadafora seconded the motion.

Members concurring: Barowitz, Bolden-Rivera, Chairperson LiMandri, Mayer, Shelton, Chief Spadafora (6)

Members dissenting: Delaney (1)

Chairperson LiMandri concluded the December 9, 2010 Loft Board public meeting at 4:10 p.m. and thanked everyone for attending.

Chairperson LiMandri announced that the next public meeting will be held at Spector Hall, 22 Reade Street, on Thursday, January 20, 2011 at 2:00 p.m.