

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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October 26, 2017
Start: 11:34 a.m.
Recess: 3:08 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E:
DAVID G. GREENFIELD
Chairperson

COUNCIL MEMBERS:
Vincent J. Gentile
Annabel Palma
Daniel R. Garodnick
Darlene Mealy
Rosie Mendez
Ydanis A. Rodriguez
Peter A. Koo
Brad S. Lander
Stephen T. Levin
Jumaane D. Williams
Deborah L. Rose
Donovan J. Richards
Inez D. Barron
Andrew Cohen
Ben Kallos
Antonio Reynoso
Ritchie J. Torres

COUNCIL MEMBERS:

Mark Treyger
Rafael Salamanca, Jr.
Barry S. Grodenchik
Rafael L. Espinal, Jr.

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

Anita Laremont
General Counsel
NYC Department of City Planning

Bob Tuttle
City Planner
NYC Department of City Planning

Erik Botsford
Manhattan Borough Deputy Director
NYC Department of City Planning

Barry Dinerstein
City Planner
NYC Department of City Planning

Molly Hartman
Senior Advisor
Mayor's Office of Food Policy

Michael Slattery
Representative
Real Estate Board of New York

Josh Levin
Director of Business Development
Representing
Brooklyn Borough President Eric Adams

Betty McIntosh
Representing Self

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

Deborah Martin
Executive Director
New York Restoration Project

Tatiana Pawlowski
Brooklyn Law School Graduate

John Rudikoff
CEO & Managing Director
Center for Urban Business
Entrepreneurship

Nevin Cohen
Associate Professor of Health Policy
CUNY Graduate School of Public Health,
Research Director of CUNY Urban Food
Policy

Henry Gordon-Smith
Founder & Managing Director
Agritecture Consulting

Qiana Mickie
Executive Director
Just Food

Aziz Dehkan
Executive Director
NYC Community Garden Coalition

Mariel Acosta
Volunteer
Bushwick City Farm

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

Annel Hernandez
Representative
NYC Environmental Justice Alliance

Adriana Espinoza
Manager
New York City Program
New York League of Conservation Voters

Luisa Santos
Equitable Public Space Fellow
Design Trust for Public Space

Harrison Hillier
Hydroponics Manager
Teens for Food Justice

Katherine Soll
Founder
Teens for Food Justice

Tinia Pina
Founding Member
NYC Agricultural Collective,
Representative
Re-Nuble

Carolyn Zezima
President & Chief Consultant
NYC Foodscape

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

Ricky Stephens
Co-Founder
AgTech X

Holly O'Grady
Representative
Garden Stories: Leadership Workshops

Albert Williams
Student
CUNY School of Public Health

Robert Laing
Representative
Farm One

Daniel Godein
Representative
Isabella Garden

Henry Sweets
Co-Founder
North Brooklyn Farms

Alice Forbes Spear
Founding Member
462 Halsey Community Farm

Raymond Figueroa
President
NYC Community Garden Coalition

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

Claudia Joseph
Instructor
NY Botanic Garden

Simon Roberts
Urban Farmer

Kendra Valle
Representative
East New York Farm

Mara Kravitz
Director of Partnerships
596 Acres

Liz Vaknin
Representative
Our Name Is Farm

Alicia Ortiz
Real Estate Agent
Keller Williams

Jason Green
CEO & Co-Founder
Edenworks

Molly Culver
Farm Manager
Youth Farm

Alyssa Roth
Representing Self

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

Daniel Wall
Student

Wythe Marshall
Student and Member at Ag-Tech X

Jacob Borday
Grad Student

Barry Rothstein
Student

[sound check]

[pause, background comments]

[gavel]

CHAIRPERSON GREENFIELD: Good morning

folks, I'm David Greenfield and I have the privilege

of chairing as the Land Use chair and today, for our

Land Use Committee meeting of October 26, 2017, we

have quite a few items on the agenda including some

legislation. We have a couple of other hearings that

are concurrent and we have some council members who

are wrapping up those hearings and will be here in

just a few minutes, so we're gonna wait just a few

more minutes until those council members arrive so

they can fully participate in this hearing. Thank

you for your patience.

[background comments]

[pause]

[background comments, sound check]

[gavel]

[background comments]

CHAIRPERSON GREENFIELD: Good morning.

Apologies once again for the delay. My name is David

Greenfield; I am the Council Member from the 4th

District in Brooklyn; I'm privileged to serve as the

1 chair of the Land Use Committee. I want to welcome
2 my esteemed colleagues who are members of the
3 Committee and who have joined us today -- Council
4 Member Palma, Council Member Garodnick, Council
5 Member and Chair Koo, Council Member Lander, Council
6 Member Rose, Council Member and Chair Richards,
7 Council Member Cohen, Council Member Reynoso, Council
8 Member Torres, Council Member Grodenchik; Council
9 Member and Chair Salamanca. I also want to
10 recognized that we've been joined by Council Member
11 Espinal, who is sponsoring a piece of legislation
12 that we're also having a hearing on today, which is
13 an urban agriculture legislation that we're gonna
14 hear more about in just a few minutes. I wanna
15 specifically thank Chair Salamanca, Chair Richards
16 and Chair Koo for their outstanding work on our Land
17 Use Subcommittees.

18 Today we're gonna start this hearing,
19 which is gonna be a lengthy hearing, by voting on the
20 items referred out from those Subcommittees. After
21 the vote we will hold hearings on three pieces of
22 legislation that are on the agenda. If anyone wishes
23 to testify on the legislation before us today, please
24

1 see the Sergeant at Arms immediately and complete an
2 appearance slip.
3

4 The first piece of legislation that we
5 will be having a hearing on today -- also wanna just
6 recognize that we've been joined by Council Member
7 Rodriguez -- is Introduction No. 1661; that's the
8 legislation I was referring to by Council Member
9 Espinal, at the request of Brooklyn Borough
10 President, a local law in relation to developing a
11 comprehensive urban agriculture plan.

12 Urban agriculture has become a hot topic
13 in urban planning in recent years; this bill would
14 require the Department of City Planning to develop a
15 plan for incorporating this industry into New York
16 City's land use framework.

17 The second bill we will be hearing today
18 is Introduction No. 1685, by Council Member Chin.
19 This is a local law to amend the Administrative Code
20 to the City of New York in relation to exempting
21 certain government entities from pre-application
22 requirements for zoning text amendments.

23 In 2013, the Department of City Planning
24 promulgated rules providing that an applicant must
25 follow a pre-application process prior to filing a

1 land use application. These rules provide a measure
2 of certainty for the potential applicant by placing
3 deadlines on the Department of City Planning
4 responses to applicant's mission. However, the
5 codification of the deadlines can sometimes prevent a
6 potential applicant from filing for months or even
7 years.

8
9 Introduction 1685 would allow the Mayor
10 and mayoral agencies, borough presidents and the Land
11 Use Committee of the City Council, upon a two-thirds
12 vote of its members, to opt out of this pre-
13 application process when filing a zoning text
14 amendment other than an application for changes in
15 the designation of zoning districts.

16 The third bill we will be hearing is
17 Proposed Introduction No. 1692-A, which is a local
18 law to amend the Administrative Code of the City of
19 New York in relation to technical corrections to
20 Local Law 116 for the year 2017.

21 As you may remember, earlier this year we
22 passed legislation codifying the definition of
23 privately owned public spaces, also known as POPS,
24 which imposed signage requirements on all POPS owners
25 and require the City to inspect POPS for compliance

1
2 with zoning and other applicable laws; the law that
3 went into effect on October 19th. This legislation
4 would make minor technical corrections to the law and
5 would make violation of its provisions subject to the
6 same penalties that apply to the POPS created
7 pursuing to the Zoning Resolution.

8 We will now begin the discussion of the
9 vote on a number of land use items before we go onto
10 hearing the bills that I just described. So we're
11 moving on to voting on several land use items; to be
12 clear, we're not going to be voting on the items that
13 we're introducing today as far as this new
14 legislation, but we will be voting on the land use
15 items that I'm discussing right now.

16 We're gonna be voting to approve LU 761
17 and 762, known as the Pfizer Rezoning. I know that
18 Council Member Levin has been working very hard over
19 the last few months to reach an agreement with the
20 developer on this application that would address some
21 of the concerns that were raised at our hearing and
22 have been voiced throughout the public review
23 process. We're voting today with the agreement that
24 the property will be developed in a manner that is as
25 inclusive as possible. To this end, the developer

1 has agreed to include for the affordable units: 1. at
2 least 30% will be one-bedroom units; 2. at least 30%
3 will be two-bedroom units; and to limit the
4 development to a maximum of 20% of three-bedroom
5 units and a maximum of 20% of four-bedroom room
6 units, so 60% of the units will be two bedrooms or
7 below.
8

9 This agreement, combined with existing
10 zoning rules on the bedroom mix of MIH units will
11 ensure that we are serving the widest spectrum of
12 housing need in both the community and across the
13 city. This agreement will be memorialized in a
14 restrictive declaration which is similar to a deed
15 restriction that has been executed and will be
16 recorded on the property. The Commissioner of HPD
17 has also provided us a letter stating that the
18 Administration will monitor this project for
19 compliance of the Council agreement and restrictive
20 declarations so that everybody can be sure that in
21 fact this agreement will be adhered to.

22 In addition to the restriction on the
23 unit mix, the developer has also agreed to convene an
24 advisory panel that will give updates on the
25 development, conduct a series of workshops open to

1
2 local residents on the affordable housing application
3 process, and establish goals for local hiring and
4 MWBE contracting.

5 While the public review process for this
6 application has been contentious, I support approval,
7 understanding that we have made every effort to
8 strike a compromise on this application to ensure
9 that the housing provided will address the broadest
10 spectrum of housing needs. This development will
11 produce close to 300 units of permanently affordable
12 housing, with no costs for funding to the taxpayer;
13 it will be affordable for families with incomes
14 ranging from 40% of AMI to 80% of AMI, and it comes
15 with a commitment from the Administration to ensure
16 ongoing monitoring of the safeguards the developer
17 agreed to.

18 I wanna thank Council Member Levin for
19 his willingness to listen and communicate with
20 everyone, from the supporters to the opponents of
21 this project, and for trying and successfully
22 reaching a fair outcome.

23 We will also be voting to approve Tillary
24 and Prince Rezonings, LU 766 and 767, in Council
25 Member Cumbo's district. This application would

1
2 rezone a portion of a block at the intersection of
3 Tillary and Prince Street from R6 to C6-4. A related
4 zoning text amendment would include the proposed
5 project area within the Special Downtown Brooklyn
6 District, **[inaudible]** height limitation area and
7 establish a Mandatory Inclusionary Housing area (MIH
8 Option 1). These actions would allow the development
9 of two mixed-use buildings comprised of 262
10 apartments on a site currently occupied by a self-
11 storage facility.

12 We will be voting to approve, with
13 modifications LUs 768 and 769, the Linden Boulevard
14 Rezoning in Council Member Barron's district. Canyon
15 Sterling Emerald LLC seeks the rezoning of Block
16 4496, bounded by Linden Boulevard, Emerald Street,
17 Loring Avenue, and Amber Street from an R4 to an
18 R4/C1-2 and to R8A/C2-4, R7A and R6A in a related
19 zoning text amendment to establish a Mandatory
20 Inclusionary Housing area in order to facilitate the
21 development of four new mixed-use affordable housing
22 buildings ranging in height from eight to twelve
23 stories. Both MIH Option 1 and 2 were proposed.
24 These applications will be modified to remove MIH

1
2 Option 2, leaving the MIH Option 1, which will ensure
3 that it is affordable to lower income.

4 We will also be voting to approve an
5 associated Preconsidered LU, a tax exemption under
6 Article XI of the Private Housing Finance Law. These
7 actions will facilitate the development of 514
8 affordable apartments. I know Council Member Barron
9 has worked very hard to ensure as much depth of
10 affordability as possible and I congratulate her on
11 the outcome.

12 We will be voting to approve, with
13 modifications, LU 770, the 661 8th Avenue Signage
14 Text Amendment in Council Member Johnson's district.
15 The text amendment will facilitate the installation
16 of advertising signage on the roof of an existing
17 two-story retail building located at 661 8th Avenue
18 in the C6-4 district within the Eighth Avenue
19 Corridor of the Theater Subdistrict and Perimeter
20 Area B and Special Plan District.

21 This proposal would allow for the C6-7
22 signage rules to apply within the western portion of
23 the Eighth Avenue Corridor of the Theater
24 Subdistrict. The project site is located on the
25 northwest corner of the intersection of 8th Avenue

1 and 42nd Street and it is the only corner mapped with
2 a C6-4 district. The C6-7 signage rules allow
3 advertising signage and generally allows signs with
4 no signs of that restriction (sic). The text will be
5 clarified to be existent [sic] with the intent in the
6 environmental review that it applied only to the
7 corner lot portion of the zoning lot.
8

9 We will be voting to approve a
10 Preconsidered LU, the interior landmark designation
11 of the NY Public Library (Stephen A. Schwartzman
12 Building) Interiors consisting of the main reading
13 room, also known as the Rose Main Reading Room and
14 the Catalog Room, also known as the Bill Blass Public
15 Catalog Room, third floor and the fixtures and
16 interior components of these spaces. The Main
17 Reading Room and Catalog Room located at 476 5th
18 Avenue in Council Member Garodnick's district are
19 masterpieces of Beaux-Arts design, with 52-foot-tall
20 ceilings and round arch windows, making it the
21 library's principal public spaces and primary
22 designation for most visitors to the library.

23 We will be voting to approve LU 796, the
24 Angelou Court tax exemption. HPD seeks approval of
25 an Article XI tax exemption for a period of 40 years

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2 for property located at 520 Manhattan Avenue in
3 Council Member Perkins' district. The building's
4 ownership will transition from Angelou Associates LP
5 to the Angelou Court Association Housing Development
6 Fund Corporation. The HDFC is expected to obtain
7 approval of a cooperative offering plan and current
8 residents will be offered the opportunity to purchase
9 the shares at HDFC. The rehabilitation of this five-
10 story building containing 23 occupied rental units
11 will also be undertaken using HPD and HDC loans.

12 Are there any members of the Committee
13 who have any questions or remarks that they'd like to
14 make on this application? Council Member Levin.

15 COUNCIL MEMBER LEVIN: Thank you very
16 much, Mr. Chairman. I wanna thank you very much for
17 allowing me to speak and for your guidance and even-
18 handedness throughout this entire process. I want to
19 acknowledge Subcommittee Chair Donovan Richards, who
20 was remarkably thorough, conscientious; even-handed
21 as well, in weighing this application and all of the
22 comments and voices and concerns that were raised
23 from every corridor, so I thank you both Chairs. I'd
24 also like to acknowledge the Land Use staff -- Brian
25 Paul, Raju Mann; Dylan Casey for their work on this

1 application. I want to acknowledge the applicant,
2 Rabsky, and their entire team for being very
3 responsive -- whenever we had concerns that were
4 raised they were there to respond to them. I'd like
5 to acknowledge Community Board 1, which weighed this
6 application, voted in approval of this application.
7 Borough President Eric Adams, who weighed this
8 application as well, did not approve this application
9 but put forward recommendations which were very
10 helpful, and the City Planning Commission, the entire
11 Department of City Planning for their work as well.
12 I'd like to acknowledge also my staff -- Edward
13 Paulino and Jonathan Boucher, who spent many hours
14 reviewing this application.
15

16 Lastly, and most importantly, I wanna
17 thank members of the public who voiced their support
18 for this application and their opposition to this
19 application. Specifically I want to acknowledge
20 United Jewish Organizations (UJO) of Williamsburg, as
21 well as the Broadway Triangle Community Coalition --
22 UJO, who supported the application; Broadway Triangle
23 Community Coalition, who opposed the application, but
24 everybody who put forward passionate arguments,
25 arguments that came from deep-seeded beliefs and we

1
2 hope that the process has worked here and that any
3 concerns that were raised were acceptably addressed
4 in the manner, to the greatest extent possible and
5 that the issues that were raised by supporters of
6 this application were also addressed, which is
7 namely, the deep need for affordable housing in all
8 of our communities, not one community or the other;
9 all communities that are in North Brooklyn, indeed
10 across the city, but this application was in North
11 Brooklyn and so we specifically want to address those
12 deep needs of affordable housing.

13 As the Chair said, this application
14 involves the rezoning of Blocks 2249 and 2265 from an
15 M3-1 to an R8A, R7D, R7A, with a C2-4 overlay and
16 accompanying zoning text amendment to establish an
17 MIH (Mandatory Inclusionary Housing) area.

18 The MIH project will be MIH Option 1,
19 which achieves the deepest level of affordability --
20 25% of the residential floor area going to create 287
21 units of affordable housing at an average of 60% AMI
22 or below, with 10% of the units, which is 115 units,
23 required at 40% of AMI. The project will also create
24 404 parking spaces, 64,000 sq. ft. of local retail
25

1
2 space, and 26,000 sq. ft. of publicly accessible open
3 space.

4 Now with regard to commitments made by
5 this developer, they willingly and we required that
6 there be a restrictive declaration, or we didn't
7 require but we worked with the declarant to achieve a
8 restrictive declaration -- and they willingly did
9 that -- that is seven or eight pages long; I won't
10 bore everybody with the details of it; we did read it
11 into the record, or a good portion of it into the
12 record of a subcommittee, but the most important part
13 of it is that it is binding upon not only this
14 applicant, but any successor on the land and that in
15 Section 3.01 establishes that anybody that lives
16 within a half mile, either as an owner or a tenant,
17 has the opportunity to enforce this restrictive
18 declaration -- that's in 3.01: Declarant acknowledges
19 that the restrictions, covenants and obligations of
20 this declaration will protect the value and
21 desirability of the subject property as well as the
22 benefit of the City including all landowners and
23 tenants, including the City of New York, owning or
24 leasing property within one-half mile of the subject
25 property. And then skipping ahead to 3.09: The

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2 declaration may be amended, modified or canceled only
3 with the approval of the Speaker of the City Council;
4 no other approval or consent shall be required from
5 any other public entity, private person or legal
6 entity of any kind. This declaration, which is gonna
7 be recorded against the deed, can only be modified by
8 the Speaker of the City Council and can be enforced
9 by any member of the public who lives or owns
10 property within a half mile of the site.

11 This is in excess of anything that we've
12 required of any other private application, in my
13 experience, that we've had before us at the Land Use
14 Committee and I am satisfied that it is as legally
15 strong as any requirement that we have seen in my
16 almost eight years here at this Council.

17 In addition, HPD has acknowledged that
18 they will be monitoring the agreements between the
19 Council and the applicant and reporting out to not
20 only the Council, but members of the public, the
21 community board when their MIH application is
22 submitted as per the regulatory agreement.

23 Lastly, I want to acknowledge that the
24 affordable housing lottery is going to be
25 administered by an impartial agency whose entire goal

1
2 is to ensure that the lottery is administered fairly
3 and that applications are coming from far and wide,
4 that outreach is equitable across all communities and
5 that we receive the maximum number of applications as
6 possible, and that the maximum number of applications
7 that are able to be qualified be so.

8 So Mr. Chair, I wanna thank you very much
9 for your time. My colleagues, I wanna thank you all
10 for your time; we appreciate very much all of the
11 consideration given to this application; I encourage
12 you all to vote in the affirmative; I believe
13 strongly that this is a project worthy of a yes vote.
14 Thank you.

15 CHAIRPERSON GREENFIELD: Thank you,
16 Council Member Levin. Congratulations. Any other of
17 my colleagues have any other comments or questions?
18 [background comment] Council Member Reynoso.

19 COUNCIL MEMBER REYNOSO: Thank you,
20 Chair. The Broadway Triangle neighborhood is at the
21 intersection of three historic communities; the
22 predominantly Latino community of Bushwick and
23 Williamsburg in the south side, the Hasidic community
24 in South Williamsburg, and the largely African
25 American community of Bedford-Stuyvesant. It also

1
2 represents one of the most underbuilt areas in the
3 borough, providing massive potential for the
4 development of affordable housing which is
5 desperately needed in the surrounding communities.
6 In 2009, the Bloomberg Administration rezoned the
7 adjacent blocks of the Broadway Triangle, including
8 both private and City-owned sites, from manufacturing
9 to residential; the City's plan developed the United
10 Jewish Organizations and the Ridgewood-Bushwick
11 Senior Citizens Council with no public bidding
12 process; favored the construction of low-rise
13 buildings with large unit sizes. This meant that the
14 number of affordable housing units was not maximized
15 and the planned units were designed to favor those
16 with large family sizes; meaning, the Hasidic
17 community primarily found in the nearby South
18 Williamsburg. The coalition of churches, nonprofits
19 and tenant associations representing the surrounding
20 communities of color in Williamsburg, Bushwick and
21 Bed-Stuy successfully sued the City over this plan
22 for violating fair housing regulations. The judge
23 found that the City's plan "would not only not foster
24 integration of the neighborhood but would perpetuate
25 segregation in the Broadway Triangle." In the course

1
2 of this lawsuit, Purnima Kapur, then the head of the
3 Brooklyn office of Department of City Planning
4 testified on the record that while developing zoning
5 plans the Department of City Planning does not
6 consider the possibility of racial segregation and
7 does not evaluate whether segregation took place
8 after a zoning is implemented. It falls to us here
9 in the City Council to ensure that discriminatory
10 housing doesn't happen here.

11 Despite ongoing negotiations with the
12 City, the lawsuit still has not been settled. The
13 court issued an injunction on development of the two
14 City-owned sites, yet development of the privately
15 owned sites continue unabated despite the fact that
16 our community has long been advocating that any
17 settlement of the lawsuit include a commitment from
18 the City to create a truly inclusive community-based
19 plan for the entire Broadway Triangle area. Instead,
20 the City is allowing the development to move forward
21 with no meaningful public input. Additionally, it is
22 worth noting that the member deference policy for
23 approval of rezoning has had a devastating affect on
24 North Brooklyn's Latino community already. During
25 the 2005 rezoning of the Williamsburg waterfront,

1
2 then Council Member Diana Reyna did not have the
3 opportunity for meaningful input, despite the fact
4 that she represented an impacted community, yet the
5 Council passed it because of support by Council
6 Member David Yassky who was at that time representing
7 the neighborhood now represented by Council Member
8 Levin in the Broadway Triangle; since then, the
9 Hispanic population of Williamsburg has decreased by
10 more than 25%.

11 In August of 2014, the Rabsky group
12 purchased part of the rezoned Triangle [sic] of the
13 site from Reed Group -- Rabsky being the applicant
14 that is currently vying for a rezoning here in the
15 Pfizer site. To date the Rabsky Group has followed
16 through on none of the commitments agreed to with the
17 community. The integrity of the Council gets
18 questioned if a developer is allowed to continue to
19 develop in other areas when they haven't met the
20 commitments of a community in prior rezonings.

21 At this point the Broadway Triangle will
22 end up being over 90% white in ten years. We won the
23 lawsuit four years ago; we're gonna win one in the
24 next four years, and we'll continue to sue as a
25 community and I won't stand for segregation in and

1
2 around my community and look to the City to implement
3 more integration in a lot of these rezonings, not
4 segregation. Thank you for your time, Chair.

5 [applause, cheers, [background comment]

6 CHAIRPERSON GREENFIELD: Thank you. Are
7 there any other council members who have any other
8 comments they'd like to make on any of the items that
9 we are voting on today? Hearing, none, I will ask
10 the clerk to call the roll and to start with those
11 council members who need to return to other hearings.

12 COMMITTEE CLERK: Committee Clerk Matthew
13 DeStefano, Committee on Land Use, roll call on
14 today's calendared land use items which are coupled
15 for a vote. Council Member Koo.

16 COUNCIL MEMBER GENTILE: Vote aye.

17 COMMITTEE CLERK: Rodriguez. He's not
18 here? Gentile. [background comment] No, Council
19 Member Koo.

20 CHAIRPERSON GREENFIELD: I apologize; I
21 just want to... before we go back, I just want to
22 clarify once again, because we're having multiple
23 hearings today; we are now going to move on to a vote
24 in accordance with the recommendations of the
25 subcommittees and with the support of local council

1
2 members to approve LU 761, 762, 766, 767,
3 Preconsidered LU, the NY Public Library Interiors
4 Landmark, 796, and Preconsidered LU, the Linden
5 Boulevard tax exemption and approve with
6 modifications that I have described, LUs 768, 769 and
7 770. I wanna just make sure that we don't have any
8 confusion 'cause we're hearing a lot of items today;
9 I'll ask the clerk to recall the roll. Thank you.

10 COMMITTEE CLERK: Council Member Koo.

11 COUNCIL MEMBER KOO: I vote aye.

12 COMMITTEE CLERK: Council Member
13 Rodriguez. Council Member Gentile.

14 COUNCIL MEMBER GENTILE: Vote aye.

15 COMMITTEE CLERK: Palma.

16 COUNCIL MEMBER PALMA: Aye.

17 COMMITTEE CLERK: Garodnick.

18 COUNCIL MEMBER GARODNICK: Aye.

19 COMMITTEE CLERK: Mealy.

20 COUNCIL MEMBER MEALY: Pass [sic].

21 COMMITTEE CLERK: Lander.

22 COUNCIL MEMBER LANDER: Request
23 permission to explain my vote.

24 CHAIRPERSON GREENFIELD: Council Member
25 Lander to explain his vote.

1
2 COUNCIL MEMBER LANDER: Thank you, Chair
3 Greenfield. First I'd like to say I'd like to sign
4 on to Intros 1685 and 1661 as a co-sponsor, despite
5 my anxiety shared with Council Member Espinal that
6 urban agriculture could further promote
7 gentrification. [background comments] I grappled
8 with Pfizer Sites rezoning; I am supporting it today,
9 but I really respect the point of view on all sides.
10 The combination of historic segregation plus
11 gentrification is a very deeply challenging and
12 undermining combination for communities like those in
13 these neighborhoods and so I really appreciate the
14 advocacy that folks here have done. I do believe in
15 the context of a privately owned site that it is much
16 better to have MIH and some affordable units than no
17 affordable units, which is what we previously had,
18 and I respect the work Council Member Levin has done
19 to make sure this is fair as it can be, but I really
20 do respect the work of Council Member Reynoso and the
21 others in the room. I vote aye on all. Thank you.

22 COMMITTEE CLERK: Levin.

23 COUNCIL MEMBER LEVIN: Permission to
24 explain my vote.
25

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2 CHAIRPERSON GREENFIELD: Council Member
3 Levin to explain his vote.

4 COUNCIL MEMBER LEVIN: Thank you very
5 much, Mr. Chair. Actually, I just wanted to -- I was
6 remiss in not acknowledging my colleague Antonio
7 Reynoso and the work that he has done on this
8 application as well and so I do want to acknowledge
9 the tremendous amount of work that he also put into
10 this, and with that, I vote aye.

11 [background comment]

12 COMMITTEE CLERK: Council Member
13 Rodriguez.

14 COUNCIL MEMBER RODRIGUEZ: ...my vote.

15 CHAIRPERSON GREENFIELD: Council Member
16 Rodriguez to explain his vote.

17 COUNCIL MEMBER RODRIGUEZ: I'm a 100%
18 with the sentiments and the call of my colleague,
19 Council Member Reynoso. I believe that we have to
20 look at the rezoning process as something that
21 provides us the opportunity to build affordable
22 housing without non particular groups being pushed
23 out. We have seen gentrification happening all over
24 the place. I represent Northern Manhattan; there in
25 Northern Manhattan I had to stand up and vote against

1
2 a project that the Mayor wanted to see happen, the
3 Broadway Sherman Rezoning, and the reason why I did
4 not support it was because it was not what my
5 community wanted at that particular moment. Saying
6 that, I truly believe that we have to build a New
7 York City for all and we have to learn from all of
8 experiences. You know we are a city of immigrants;
9 we are a city of opportunity; we're a city where
10 everyone should have the opportunity to stay in this
11 community. I understand Council Member Reynoso's
12 district; as someone born and raised in the Dominican
13 community, I can tell you that I have seen many of my
14 fellow brothers and sisters who they used to live in
15 that area 40, 50 years ago disappearing from that
16 area and we are a city where we welcome individuals
17 also, the newcomers, as we were welcomed 50 years ago
18 or 400 years ago when in 1613 we got the first Native
19 American who came from Espanola, Juan Rodriguez, to
20 New York City. In this particular project I will be
21 voting in favor, understanding that everything that
22 Council Member Reynoso is calling for is something
23 that is important to be taken into consideration. I
24 am voting yes because also and when I was... my
25 district used to be shared in Broadway by... Broadway

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2 by Council Member **[inaudible]** and myself and since we
3 as the Council have established a culture and policy
4 where we support the decision of the council member
5 represent and I believe **[inaudible]** that's the reason
6 why I'm voting in favor of this project, but
7 understanding that Council Member Reynoso is calling
8 for a lot of things that are very important in order
9 to make rezoning without pushing any particular group
10 out of their community. With that I vote aye.

11 COMMITTEE CLERK: Rose. [background
12 comment]

13 COUNCIL MEMBER ROSE: Aye.

14 COMMITTEE CLERK: Williams. [background
15 comments] Richards.

16 COUNCIL MEMBER RICHARDS: I vote aye and
17 I think one thing Council Member Levin neglected to
18 mention was also there will be an advisory board set
19 up through this process, so I'm hoping that all the
20 different parties who are pro and con on this project
21 really can come together and figure out a framework
22 that will ensure that this project is the best
23 project for the community. I wholeheartedly agree
24 with Council Member Levin; there is past history
25 that's gonna be very hard to overcome, there is a

1
2 past history, but I think moving forward if we can
3 collectively come together and have an honest
4 dialogue but also a dialogue that collectively can be
5 useful through this process this project will turn
6 out good. This is a lottery process, once again, so
7 for all of those who are saying that this particular
8 project is segmented to one community, it is going to
9 be the onus is also on you to ensure that we are
10 doing the outreach in all communities with the
11 particular organization to ensure everybody has an
12 opportunity to apply to this project. So there's no
13 development in this city that we pass I think through
14 a subcommittee and through the Land Use process
15 committee as well that is perfect, there is no
16 developer perfect, there is no one perfect, but if we
17 all work through this process collectively and push
18 to make sure that the things that were committed
19 actually do happen, this will be a different project.
20 So I wanna thank Council Member Levin for his
21 thoughtfulness and he's always been someone of
22 character. You know, we see a lot of members, we see
23 a lot of land use items, but this is a man of
24 character and I'm certainly gonna support this
25 project, so I vote aye. Thank you.

1 COMMITTEE CLERK: Cohen.

2
3 COUNCIL MEMBER COHEN: I am abstaining on
4 678 and 679 and I vote aye on all other items on the
5 calendar.

6 COMMITTEE CLERK: Reynoso.

7 COUNCIL MEMBER REYNOSO: I vote aye on
8 all with the exception of Land Use Nos. 761 and 762,
9 in which I vote no... [crosstalk]

10 COMMITTEE CLERK: To... Torres.

11 COUNCIL MEMBER TORRES: Permission to
12 explain my vote. I will vote aye, as I did in the
13 previous subcommittee, but with some trepidation. I
14 mean I do acknowledge that Council Member Levin has
15 made good faith attempts at addressing the fair
16 housing concerns; whether those attempts will succeed
17 or unfold as we hope we don't know for sure, right;
18 the practice of enforcing voluntary restrictive decks
19 is unchartered territory for the City Council, so
20 there is something of a gamble here, but I do believe
21 you did the best you could within the constraints of
22 your role as a City Council Member, but the truth is,
23 we would not be having a conversation about fair
24 housing if it were not for Council Member Reynoso and
25 it's too often that we make decisions about zoning,

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2 whether it be in the domain of education or housing,
3 while giving too little consideration to fair
4 housing, giving too little consideration to the
5 impact that those public policy choices have in
6 entrenching patters of income and race segregation in
7 our city. I believe that race segregation is a rot
8 at the very core of our city and as long as we remain
9 segregated and as long as we remain indifferent to it
10 we will never be the fair and equal society that we
11 claim to be, but with that said, I vote aye.

12 COMMITTEE CLERK: Council Member Cohen.

13 [background comment]

14 CHAIRPERSON GREENFIELD: Can you just
15 speak into the mic, Council Member, sorry. Thank you
16 very much.

17 COUNCIL MEMBER COHEN: I am abstaining on
18 Item 768 and 769 and voting aye on all other items on
19 the calendar.

20 COMMITTEE CLERK: Council Member Treyger.

21 COUNCIL MEMBER TREYGER: I vote aye.

22 COMMITTEE CLERK: Grodenchik.

23 COUNCIL MEMBER GRODENCHIK: Aye.

24 COMMITTEE CLERK: Salamanca.

25 COUNCIL MEMBER SALAMANCA: Aye on all.

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COMMITTEE CLERK: Mealy.

COUNCIL MEMBER MEALY: May I explain my
vote?

CHAIRPERSON GREENFIELD: Sure. Council
Member Mealy to explain her vote.

COUNCIL MEMBER MEALY: I wanna thank
Stephen Levin for advocating for this, but I hope
this advisory board really pays close attention to
the diversity of these housings. I know it will be a
lottery, but diversity is desperately needed in that
development. I read how the apartments, how big the
apartments are, so I know the lottery will favor some
more than others, but I hope that advisory board will
stay alert and stay on top to make sure it really is
a diverse building in that neighborhood and on that I
vote aye.

COMMITTEE CLERK: Williams. [background
comment]

CHAIRPERSON GREENFIELD: Council Member
Williams to explain his vote.

COUNCIL MEMBER WILLIAMS: Thank you very
much. Reiterating and adding to some of the comments
I made at the subcommittee. One, I think two
communities here are being forced to fight over the

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2 leftovers of a pie instead of getting the majority of
3 the pie; that's the most unfortunate thing here
4 that's happening across the city. I do believe that
5 we have to acknowledge that racism and anti-Semitism
6 was abound in these conversations and there's a
7 history of that for various reasons. I do wanna
8 mention *The Daily News*, who tried to pretend that
9 this was all about anti-Semitism; I think that that
10 was completely false; they also made light of the
11 community's gripe that this would exclude black and
12 Latino families because it is open to allcomers by
13 the lottery and prioritizing to anyone living in
14 Williamsburg and Greenpoint; that does not
15 acknowledge the fact that this is a minimal amount of
16 units here that will probably go to black and Latino
17 communities; also doesn't acknowledge the poverty and
18 salary issues that come with trying to get one of the
19 market rate apartments and that argument seems to
20 align itself more with our illustrious HUD Secretary,
21 Ben Carson, who said poverty is a choice, so I just
22 want to admonish *The Daily News* to really pay
23 attention to what the issues are here. Both of these
24 communities and all communities need public housing
25 -- I'm sorry, but new public housing; they also need

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2 affordable, income-targeted housing, both in the
3 Hasidic community and of course, in the black and
4 Latino community and that is not enough to go around
5 which is why everyone's fighting for crumbs. I do
6 believe historically the black and Latino community
7 has gotten the butt end of this conversation and
8 therefore that needs to be addressed. I believe we
9 are here because the body itself has avoided having
10 very important but complex nuanced and often
11 controversial conversations. I also believe that we
12 failed on MIH; I'm thankful that the Administration
13 is now trying to improve on that with some of the
14 term sheets, but it could've been addressed earlier.
15 Some of the issues that we have not talked about; one
16 of which is member deference, which is very, very
17 important to this body I do not want to see go away
18 because we know our districts better than anyone
19 else. There are times however when member deference
20 runs afoul of what this body says it wants to
21 accomplish. I'm saying this as a person who is
22 wanting to lead this body and I know how difficult
23 this conversation is and how it looks, but it is not
24 something that we can run away from; that is what is
25 most important; we have to figure out how to honor

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2 member deference, which is very important, while
3 moving forward together with what we say in the
4 public and at press conferences is what this body
5 wants to see. The other is; we've often not had
6 conversations about how we can force developers to do
7 what it is we want them to do beyond community
8 benefits agreements, beyond advisory boards; we're
9 often told there isn't much and we've learned, thanks
10 to the work of both Council Member Levin and Reynoso,
11 that there is more that we can do; we have a
12 restrictive declaration that is on here; we know that
13 we can do even harsher deed restrictions and we
14 haven't; we're a body that has to explore that more.
15 I voted no in the subcommittee and I'm gonna vote no
16 again on the Pfizer site in this broader committee,
17 but I want to make mention I am still continuing to
18 research one particular thing; I voted and I
19 generally vote and try to be consistent and I vote
20 based on what I believe this body has the power to do
21 and either did and don't do and so far -- and I wanna
22 confirm that before the Stated -- it does look like
23 Council Member Levin did everything in his power and
24 this body's power to do based on the issues that were
25 brought to me and I asked to be resolved, which is

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2 primarily around codifying, really codifying what the
3 unit breakdowns would be and it seems to me that the
4 Mayor and the Administration refused to allow him to
5 go further, and if that is actually the case, I'm not
6 sure that I can hold Council Member Levin responsible
7 for that. While at the same time we have to
8 acknowledge we cannot disagree that when this project
9 is finished it would have done nothing to address
10 segregation in this city and in fact, 80-90% of those
11 units will not go to black and Latino families who
12 have... [clapping] [background comments] who have, as I
13 mentioned earlier, received the butt end of many of
14 these affordable, income-targeted units while
15 acknowledging that all communities, including the
16 Hasidic community, have a need for this. So with
17 that, I am going to vote no on Land Use 761, 762 and
18 aye on all the rest. Thank you.

19 COMMITTEE CLERK: Council Member Kallos.

20 COUNCIL MEMBER KALLOS: Permission to
21 explain my vote.

22 CHAIRPERSON GREENFIELD: Council Member
23 Kallos to explain his vote.

24 COUNCIL MEMBER KALLOS: I reached out to
25 City Planning with concerns about this; I still wait

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2 to hear back from City Planning; I have serious,
3 unbridled concerns about City Planning's weight for
4 communities and their concerns versus those of
5 developers in spot zoning and those need to be
6 addressed, as these types of zonings continue to
7 occur. That being said, the body has a longstanding
8 practice of deference to the local member and so I do
9 support my colleague and hear very loudly the
10 concerns of my colleagues led by the neighboring
11 Council Member Antonio Reynoso, and I hope to have
12 these concerns addressed. I vote aye.

13 COMMITTEE CLERK: Chair Greenfield.

14 COUNCIL MEMBER GREENFIELD: Thank you
15 very much. I wanted to give my colleagues the
16 opportunity to speak before I concluded the vote and
17 my thoughts on this project as well. I wanna welcome
18 -- there seems to be a baby in the room, so let the
19 record reflect that we are very baby-friendly here in
20 the New York Council and we thank you for attending
21 with your child and you can look back one day and
22 point to this video as proof that your child got an
23 early education in civics.

24 So I certainly have heard the concerns
25 and the strong feelings on all sides and I very much

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2 respect the advocacy that we've seen among some of
3 the activists -- and I'm gonna talk just what that
4 means in a moment. I think that if we look over the
5 past couple of years we've seen, since we've enacted
6 Mandatory Inclusionary Housing -- and for the record,
7 I think Council Member Williams, you stated that you
8 were running to lead this body; I'm not sure that we
9 allow politicking at our open committee hearings, but
10 for the record, I'm not running to lead the body..
11 [background comment] okay, okay; I'm just teasing.
12 I'm just teasing. Everybody... every council member
13 has the same opportunity to lobby for themselves to
14 be the next leader of this body [laughter] and so..
15 and so I think what we've seen is, just... it's
16 important to note as well, that we've seen several
17 applications that have totaled several hundred units
18 of affordable housing that have been defeated in many
19 cases because of concerns about neighborhood change
20 and in some cases I've agreed with those decisions,
21 in other cases I've disagreed, but certainly we have
22 followed the general consensus, which is that if a
23 council member has legitimate land use objection to
24 an item that we will support the council member's
25 objections and that's what we've done and I hope

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2 that's what we'll continue to do. I do think however
3 that in some cases -- I'm gonna take a short break to
4 allow those folks who would like to leave; we'll give
5 them the opportunity to leave. [background comments]
6 [pause] Once people found out that I wasn't running
7 for Speaker, they decided it wasn't that exciting to
8 hear me out anymore. I hear that. [laughter] I
9 certainly respect that perspective. [background
10 comments][pause] I wanna thank you folks, those who
11 have attended and those who continue to attend and I
12 always state that these remarks are not just for the
13 people in the room but it's also for those folks who
14 late at night -- and believe me, there are at least
15 11 people late at night who watch this when they
16 can't fall asleep, many of whom text me the next
17 morning and say thank you for keeping me entertained
18 and informed.

19 The point that I was trying to make is
20 that in the four years since I've become chair of the
21 Land Use Committee we've seen a lot more
22 contentiousness around the land use process and in
23 many ways that's a good thing, because we've also
24 seen more participation I think than ever before in
25 the land use process and we've also seen the building

1 of more affordable housing than certainly in my
2 modern recollection in this city as well, and so I
3 certainly think that it's welcomed that we have so
4 many folks who are involved and are active in the
5 process. I think the challenge is that, at least
6 from my perspective, there needs to be a line drawn
7 from being an advocate for yourself and a community
8 versus opposing any other ethnic community and that's
9 really what I'd like to speak about here today and
10 obviously I have been the unwitting center of some of
11 this, Council Member Williams referred to an
12 editorial in *The Daily News* this morning that I was
13 referenced as well and I think that it is certainly
14 legitimate for individuals to engage in civic
15 disobedience and to object and to be vocal about
16 their opposition to a process and I believe genuinely
17 that many of the people who have objected to this
18 particular project, the controversial one that I'm
19 referring to today, which is the Pfizer project, have
20 done so out of a place where they genuinely believe
21 that this is a bad project and they'd like to stop
22 the project or alternatively, they're genuinely
23 advocating for their communities and I respect that
24 and in fact admire that very much as someone who's an

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2 elected official who used to be an activist as well.
3 I think the problem becomes when we cross from
4 advocating for one community versus advocating
5 against another community and I think that's the
6 problem that we've seen that has happened over here
7 with some, and to be clear, not all, 'cause I don't
8 believe this is the sentiment of all the activists,
9 but some of the activists and so I think it's
10 important just to sort of rewind a second and to give
11 some perspective in the culmination of what happened
12 over here in the last few weeks.

13 This summer at a public community board
14 meeting a community board member testified to the
15 City Planning Commission that the Jewish developer
16 was "like a cancer" and that cancer spreads and he,
17 referring to the Jewish developer, was going to
18 spread the cancer around. Earlier at this hearing
19 one of the individuals who very conveniently just
20 left a few moments ago, an attorney and a leader of
21 the self-proclaimed coalition that is trying to stop
22 the Pfizer development, publicly testified to this
23 committee -- right over here -- that in fact that the
24 reason that the Pfizer development had support was
25 because there was a secret Jewish money connection

1 between the applicant and a prominent Rabbi who
2 supports the application, both of whom happen to be
3 Hasidic Jews. After the Rabbi testified this was an
4 outrageous lie, the same attorney then testified that
5 it was only an allegation and then he followed up
6 under questioning that it was simply idle speculation
7 and then he admitted under questioning that it was
8 rumor-mongering, essentially at the expense of the
9 Rabbi's reputation and the Hasidic community. These
10 exploits have been written upon by the *New York Post*,
11 *Crain's New York Business* and now the *New York Daily*
12 *News* and I want to repeat the point -- it's
13 commendable when organizations stand up for their
14 respective communities, our diversity is what makes
15 this city so great, however, it is shameful when some
16 individuals who oppose a project seek to do so and
17 try to do so out of open hatred for another ethnic
18 group, and I say this as somebody who actually has a
19 different perspective because I have the perspective
20 of someone who is leaving. This is a very dangerous
21 road, we've never done this before in this committee,
22 we've had a lot of passion, we've had people glue
23 themselves together, we've had people get arrested,
24 we've had people yell and scream, all of which is
25

1 fair; we've never gone down the road where one New
2 York ethnic community turns on another New York
3 ethnic community and says it's not just because we
4 wanna protect our own community, it's because we
5 don't like you, the other community. That's really
6 unacceptable and we need to move away from that. And
7 to be clear, the folks who are making those
8 arguments, essentially what they're actually saying
9 is that they'd like to deny people housing based on
10 their religion, which is an obvious violation of the
11 Federal Fair Housing Act which those folks are
12 claiming to uphold, so we have to be fair and
13 objective across the board. And it's been very
14 difficult for me to recommend to vote against a
15 project that would create affordable housing that we
16 so badly need and we've done it on occasion, but I'm
17 very proud today that we're voting in favor of nearly
18 300 new affordable housing apartments that will arise
19 on this site; I'm proud of the fact that we have a
20 compromise; could've just as easily -- for the
21 opponents -- we could've ignored everyone; that's not
22 what we did. We did what we always do; we sat down
23 and we heard the legitimate complaints and folks said
24 hey, we wanna make sure in fact that these affordable
25

1 units are open to everyone; we did something that was
2 unprecedented, we put the equivalent of a deed
3 restriction on the property so that we would ensure
4 that there would be affordable units for everyone.
5 To Chair Richards' point, we put in agreement that
6 there would be active education and workshops to make
7 sure that everybody would have access to the
8 affordable apartments and obviously the fair housing
9 laws would apply as well to ensure that everyone,
10 regardless of their race, religion or color, would
11 have access to the affordable housing. And so I want
12 to congratulate my colleague Council Member Levin for
13 his courage in the face of criticism; I want to thank
14 those who have come here in good faith to testify and
15 I assure you that we've heard you; I want to tell
16 those who tried to slip out before they could hear
17 legitimate criticism of them that they engage in bad
18 faith and they should not continue this because the
19 reason that there is such outrage and the reason that
20 -- whether it is right wing publication or a left
21 wing publication or a centrist publication --
22 everyone has spoken out is because every objective
23 person recognizes that this is not the road that we
24 wanna go on in New York City; we have the most
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2 diverse city in the country, we're very proud of
3 that; we should work together; we should agree when
4 we agree; we should disagree when we disagree, but we
5 should do so respectfully and so despite the threats
6 and the intimidation and in some cases anti-Semitism,
7 I'm very proud to vote in favor of this, I'm proud to
8 vote in favor of all the items today; I will,
9 however, there is a project in Council Member
10 Johnson's district, which is LU 770, I am going to
11 abstain from that project. And I believe we have one
12 other council member who'd like to vote and would
13 like to turn it over to Council Member Mendez for her
14 vote.

15 COMMITTEE CLERK: Council Member Mendez.

16 COUNCIL MEMBER MENDEZ: Thank you, Chair
17 Greenfield. I just wanna take a moment to say ditto
18 to all of your remarks and I'll be voting aye on all
19 but voting no on LU No. 761 and 762. Back in 2009 I
20 voted no on the Broadway Triangle and I spoke to my
21 colleague Steve Levin this morning and I think there
22 are some better things in this deal, but I think we
23 need to look back to what has happened in this
24 community, a community that I was born and raised in,
25 and for those reasons I cannot vote for this, but I

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2 really think that the personal attacks have been
3 really horrible and people should refrain from them
4 and it's been personally hurtful to me to walk by
5 this building and see some of the banners being held
6 up against my colleague, so even though I had nothing
7 to do with that, I want to apologize 'cause that was
8 my community and I still have a lot of family members
9 there and you did not deserve that. So thank you,
10 Mr. Chair for allowing me to explain my vote and
11 thank you colleagues.

12 COMMITTEE CLERK: Council Member Barron.

13 COUNCIL MEMBER BARRON: Thank you.

14 Request permission to explain my vote.

15 CHAIRPERSON GREENFIELD: Council Member

16 Barron to explain her vote.

17 COUNCIL MEMBER BARRON: Thank you. I
18 wanna thank the Chair for allowing me to explain my
19 vote. There's a project on the calendar which is in
20 my district and I just wanna share with those of you
21 who are here why I think this project is an exemplary
22 model for what it is that we talk when we need
23 rezoning. We know that we have a homeless crisis
24 here in the city and I think unless the City takes
25 steps to include in its projects an opportunity for

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2 those who are homeless to be able to apply, we're not
3 going to solve the problem.

4 So the Linden project in my district is
5 going to be 500 units and there will be 10% set aside
6 for the homeless; there will be 10% set aside for
7 people who make \$23,000; 10% set aside for people who
8 make \$32,000 -- and I like the dollars rather than
9 the AMI percents, 'cause people don't know what the
10 AMI percents are -- I like the 10% for people who are
11 making \$32,000; 10% for people who are making
12 \$40,000; and 10% for people who are making \$49,000;
13 and another 25% for people who are up to the \$69,000
14 range. And the reason that's important is because in
15 my community the neighborhood median income is only
16 \$34,000, so if I'm approving projects coming into my
17 community that don't address where the majority of my
18 community is, I'm doing particularly my community a
19 disservice. So I'm very pleased to say that this is
20 a great project; it will have twice as much parking
21 available than what the City is requiring under this
22 rezoning; it will have an opportunity for local
23 hires; it will be a combination of union and non-
24 union labor; and it will have an MWBE goal of 40%, so
25 I'm very... and 40% of the units that are part of the

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2 project are affordable into perpetuity and I think
3 that this is a model for what we should be doing when
4 we talk about a housing crisis, homelessness, people
5 who are rent-burdened to provide them with an
6 opportunity to take advantage of that. So I vote in
7 favor of that project and the others, with the
8 exception of -- my colleague who is sitting right
9 here next to me -- 759 and 760 and 761 and 762. And
10 the reason that I'm opposed to those is because I
11 don't believe that the destruction of woodland with
12 the promise of replacing trees that will take decades
13 to mature is an appropriate way to address the
14 climate change that we are facing and I don't think
15 that the wetlands will be able to absorb all the
16 storms that may be coming and the reason that that
17 was not as severely impacted during Superstorm Sandy
18 is because they had the wetlands and the woodland, so
19 I'm opposing that, as well as 761 and 762. Thank you
20 so much.

21 [clapping]

22 [pause]

23 CHAIRPERSON GREENFIELD: Thank you,
24 Council Member Barron, congratulations on the deal
25 that you reached in the project in your district. I

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2 will now ask the clerk to call the final roll and
3 then we'll move on to the public hearing for the
4 three pieces of legislation that we're hearing today.

5 COMMITTEE CLERK: Today's Land Use vote;
6 the following were approved by a vote of 21 in the
7 affirmative, 0 in the negative; no abstentions:
8 LU Nos. 766, 767, 796, the Preconsidered LU in regard
9 to Linden Boulevard, the Preconsidered LU in regard
10 to the NY Public Library. LU Nos. 761 and 762 were
11 approved by a vote of 17 in the affirmative, 4 in the
12 negative and no abstentions. LU Nos. 768, 769 and
13 770 were approved with modifications with a vote of
14 20 in the affirmative, 0 in the negative and 1
15 abstention. Thank you.

16 CHAIRPERSON GREENFIELD: Congratulations,
17 all Land Use items have been adopted and passed; we
18 are now officially closing the vote on those items
19 and we are moving on to the public hearing on the
20 three pieces of legislation. We're gonna start first
21 with Council Member Chin's legislation, Intro
22 No. 1685. We will however invite the Administration
23 to testify, for the sake of brevity, on all of these
24 items at once and then we will open it up to the
25 public on the individual items. So we invite the

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2 folks who are here from the Administration to please
3 join us at the witness table and once they are
4 settled we will begin the second portion of the
5 hearing which is the hearing on three proposed pieces
6 of legislation. [pause] [background comments]

7 We've been joined by Barry Dinerstein
8 from the Department of City Planning -- Barry; can
9 you just wave? Thank you very much -- Molly Hartman,
10 Senior Advisor for the Office of Food Policy --
11 Molly... yes, thank you very much; Anita Laremont, who
12 is the counsel for the Department of City Planning --
13 thank you, Anita; and Erik Botsford, the Manhattan
14 Borough Deputy Director from the Department of City
15 Planning as well. [background comments] Folks, in
16 the City Council, before we have folks from the
17 Administration who testify we would ask that you
18 please raise your right hand. Do you affirm that
19 everything that you are about to testify today and
20 the responses to all your questions will be the truth
21 to the best of your knowledge? Thank you very much.
22 With that, I invite you in whatever order you see fit
23 to open your remarks. Council Member Chin, would you
24 actually like to make some opening remarks now or
25 would you like to do so after the first panel? You

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2 make it easier to control the context and the
3 proliferation of out-of-scale luxury developments in
4 the Two Bridges waterfront area in my district and
5 also on the Upper East Side and the rest of the city.

6 I look forward to working with my
7 colleagues to secure the ability to fast-track truly
8 community-based, complete applications to allow for
9 the immediate filing of applications and a timely
10 start of the ULURP process. By streamlining this
11 pre-application process, public officials can better
12 work with their communities to forge a pathway to
13 help shape the futures of neighborhoods and help
14 create a better city for the communities who helped
15 build it. Thank you very much, Chair.

16 CHAIRPERSON GREENFIELD: Thank you very
17 much. And just to remind the folks who are just
18 tuning in, the panel has already affirmed that they
19 will testify truthfully, which we know they will
20 because they're all fine people on this panel. So
21 counselor, whenever you're ready.

22 ANITA LAREMONT: Good morning, Chair
23 Greenfield and distinguished members of the Land Use
24 Committee. Thank you very much for the opportunity
25 to be here today to discuss Proposed Intro 1685

1
2 regarding application requirements for zoning text
3 amendments. I am joined here by my colleagues, Erik
4 Botsford, Bob Tuttle and Barry Dinerstein from City
5 Planning, and Molly Hartman from the Mayor's Office
6 of Food Policy to answer questions on this and the
7 other two proposals.

8 Intro 1685, sponsored by Council Members
9 Chin and Gentile, is a proposed local law to amend
10 the Administrative Code of the City of New York in
11 relation to exempting certain government entities'
12 applications for zoning text amendments from City
13 Planning to pre-application rules.

14 The Department of City Planning does not
15 support exempting such applications from these
16 requirements. The Department believes that its pre-
17 application requirements add value to the overall
18 process and outcome on all sides, ultimately leading
19 to a more efficient and quicker review. In order to
20 give greater insight to the Committee on why we hold
21 this view, I would like to explain the rationale for
22 the application process and then give an overview of
23 that process as administered by City Planning.

24 The Department developed its application
25 process, called Blueprint, in 2012 to create

1
2 predictability. Prior to the existence of Blueprint
3 there was no defined procedure to guide the
4 application process and no procedures governing the
5 sequencing of the preparation of application
6 material; this generally resulted in protracted,
7 indeterminate pre-application periods.

8 In contrast, the Blueprint process
9 established measurable timeframes for the review of
10 land use applications and allows a quick
11 identification and resolution of issues encountered
12 as applications proceed on the critical path to
13 certification. This carefully conceived process,
14 which was constructed with extensive stakeholder
15 input, created clear benchmarks for moving a proposal
16 forward, including specified review and response
17 timeframes on DCP's part. The sequential steps also
18 facilitate the organization of the information and
19 material necessary to prepare complete and accurate
20 land use applications and related environmental
21 review documents for consideration by the City
22 Planning Commission and other stakeholders, all to
23 ensure that applications are sufficiently
24 comprehensive, clear and complete before an
25 application is certified or referred for public

1 review. The application process always begins with a
2 conversation and not a filing. Applicants meet with
3 DCP planners for an informational meeting to discuss
4 the scope of their proposal; the goal of this meeting
5 is to gather key basic information about the proposal
6 so that City Planning can advise the applicant on the
7 type of land use application and the level of
8 environmental analysis that will be necessary as part
9 of the review. If the applicant chooses to proceed,
10 that meeting is followed by the applicant filing a
11 pre-application statement which provides basic
12 pertinent information about the proposal to formally
13 begin the precertification process. The pre-
14 application statement (PAS), requests basic pertinent
15 information about a proposed project. The PAS serves
16 multiple goals: it helps DCP advise applicants early
17 in the process on what may be needed to advance their
18 proposal; the PAS is not designed to assess the
19 merits of a proposal, but rather, the PAS allows DCP
20 to assign appropriate staff at the beginning of the
21 review process and coordinate review across multiple
22 divisions; it provides a formal starting point for
23 the application review process and allows City
24 Planning to start tracking progress of a proposal in
25

1
2 a fair and consistent manner. Over a dozen types of
3 land use applications do not require a PAS; these
4 application types that require little or no
5 environmental review and interdepartmental
6 coordination include office space leases by the City,
7 enclosed sidewalk cafés, and landmarks and historic
8 district designation.

9 The next step is an interdivisional
10 meeting which is an opportunity for applicants to
11 present a proposal to the relevant City Planning
12 staff from the various divisions that will be
13 responsible for reviewing the application materials.
14 Following the interdivisional meeting, City Planning
15 will provide applicants with clear written guidance
16 on the land use and environmental applications. The
17 applicant can then develop a reasonable worst case
18 development scenario memo which sets forth the
19 analysis framework for the environmental review.

20 All of this occurs before an applicant
21 submits a draft land use application and a draft
22 environmental analysis so that applicants do not put
23 work into these highly technical documents without
24 guidance from the Department professionals that will
25 be reviewing those materials for completeness.

1
2 These required steps add value to the
3 process and better allocate Department resources to
4 help achieve these ends. The process avoids rework
5 loops in connection with both the land use
6 application and environmental review, allowing for
7 the correction of omissions, inconsistencies and
8 errors which might be identified too late in the
9 process to easily correct without undue delay.

10 I very much appreciate the opportunity to
11 testify on this matter and look forward to hearing
12 from the Council on its ideas to achieve the shared
13 goal of a more efficient application process.

14 Should we go on with our testimony on the
15 other two or?

16 CHAIRPERSON GREENFIELD: Thank you. If
17 you don't mind actually, we'd like, just for the sake
18 of clarity for those watching at home, for the
19 Council Members to be able to ask questions first and
20 then you can... [crosstalk]

21 ANITA LAREMONT: That's fine.
22 Absolutely.

23 CHAIRPERSON GREENFIELD: we'll let you
24 move on the other items as well. I'm gonna turn it
25 over to Council Member Chin; I just have one quick

1
2 question for you regarding the pre-application
3 process and I wanna thank you and your staff, you've
4 always been very welcoming of our new ideas, even if
5 you don't always agree with them, and so we
6 appreciate the opportunity to at least have those
7 honest discussions.

8 Since 2013, has CPC ever allowed EDC or
9 any other mayoral agency to file an application
10 without first completing the Department of City
11 Planning's pre-application process?

12 ANITA LAREMONT: I am not aware that that
13 has been the case. I am not aware of that...

14 [crosstalk]

15 CHAIRPERSON GREENFIELD: Okay. Would you
16 mind just...

17 ANITA LAREMONT: Absolute... sure.

18 CHAIRPERSON GREENFIELD: checking that
19 out for us... [crosstalk]

20 ANITA LAREMONT: Absolute...

21 CHAIRPERSON GREENFIELD: and just letting
22 us know...

23 ANITA LAREMONT: Okay.

24

25

1
2 CHAIRPERSON GREENFIELD: as a follow-up,
3 'cause that would be helpful for us to know...?

4 [crosstalk]

5 ANITA LAREMONT: Right.

6 CHAIRPERSON GREENFIELD: Thank you. With
7 that, I will turn it over to Council Member Chin for
8 further questions on her legislation.

9 COUNCIL MEMBER CHIN: Thank you, Chair.
10 You know from your testimony, what is the hesitation?
11 I mean I'm talking about public official, like the
12 Mayor, mayoral agency, borough presidents, and the
13 Land Use Committee of the City Council, upon a two-
14 thirds vote of its members, so it's not just
15 individual council members that are rushing in with
16 their communities; it's gonna be a thought out
17 process and all these public officials, they also
18 have the resources to put forth the application, so
19 it's something that is well thought out and it's
20 needed, right, that is... so it's not just anybody
21 that's coming up with something and just rush in.

22 ANITA LAREMONT: So I would say that our
23 hesitation is that we very firmly believe that there
24 is value to the full pre-application process that is
25 laid out in Blueprint; I... [crosstalk]

1
2 COUNCIL MEMBER CHIN: But you can also...
3 DCP can also use that and hold up an application
4 indefinitely. I mean it could drag on to a year or
5 more or... I mean that is... you know, that is the issue
6 here; how do we get a speedy review, especially, for
7 example, what is happening in my district where we
8 cannot get DCP to really look at the, you know, what
9 is at stake in the community when we have two major
10 projects coming in and DCP is still looking at minor
11 modifications, something needs to be done to protect
12 the community and to really allow the community and
13 the elected official that represents the community
14 have a full review and involvement in the process.

15 ANITA LAREMONT: With or without
16 Blueprint, the staff is discharging its
17 responsibility to ensure that applications are
18 complete. And as I said in my testimony, the
19 Blueprint process was, this pre-application process
20 was designed to have a framework under which that
21 review was done. Prior to the existence of
22 Blueprint, which is in essence sort of what would be
23 the case for these applications, there was no
24 structure around the process of getting to the
25 Commission and so in that period applications took a

1
2 very long time. I would submit to you that we
3 believe very firmly that the Blueprint process has
4 made clearer, fairer and more predictable how one
5 gets from the concept of an application to the
6 Commission, and I don't think that we use Blueprint
7 in a way to prevent things from proceeding; in fact,
8 we have indicated in this administration and we have
9 acted on that indication that we are prepared to
10 certify as complete applications that the Department
11 firmly disagrees with, and we have done that in this
12 administration. Previously, if the Department did
13 not agree with an application, it could drag out the
14 process of review and this predictable framework
15 doesn't allow for that because there are set
16 timeframes in which we must act.

17 COUNCIL MEMBER CHIN: To me it's still a
18 bureaucratic process and you can use it when you want
19 it, but when a community is under attack we have to
20 find every way possible, every tool possible to
21 protect our community and this way we will be able to
22 fast-track the process, because the developer is
23 already there, right, and they have the resources to
24 move forward as quickly as possible and we just wanna
25 have a fair chance on our side.

1
2 ANITA LAREMONT: Council Member Chin, I
3 will point out to you that we have already scheduled
4 a meeting with your team to talk about the
5 application that you are proposing and we committed,
6 as we always are, to working with elected officials
7 to advance proposals that they have and we will do
8 that, regardless of whether or not this proposal
9 passes or not, and that's a commitment that I can
10 give you on behalf of City Planning.

11 COUNCIL MEMBER CHIN: Well the only
12 reason we got that is because I got this legislation
13 and we're pushing it, so we wanna make sure that in
14 the future that this is a tool that we can use when
15 we have worked with our community groups and we have,
16 you know, zoning **[inaudible]** application or whatever,
17 that we have come together; that we can get a speedy
18 review and that is the point of the legislation.

19 ANITA LAREMONT: We will always work with
20 you to get a speedy review, but we will continue to
21 discharge our obligation to ensure that an
22 application is complete; that includes things like a
23 full environmental analysis being complete, and we
24 are just happy to work with you toward that end.

25

1
2 COUNCIL MEMBER CHIN: Thank you, Chair,
3 but we want to overcome as many roadblocks as we can.
4 Thank you.

5 CHAIRPERSON GREENFIELD: Thank you very
6 much. Thank you. Counselor, I just wanna follow up
7 with a couple of quick points. If you look at the
8 legislation that we're proposing, it's pretty
9 narrowly tailored specifically just to text
10 amendments and specifically to agencies. In the last
11 four years of this administration, how many similar
12 applications do you think this would apply to? So
13 I'm raising this because I understand obviously your
14 concern the flood gates are gonna open wide and we're
15 gonna see a mad rush, but I'm just curious as to the
16 actual number, because we specifically drafted the
17 legislation so that it would be very targeted and
18 limiting for what we perceive as public applications
19 that are for the public good and that are coming from
20 different City agencies or bodies, including your
21 agencies and our legislative body as well. So do you
22 have a sense of how many of these have actually come
23 before you since 2013 in the pre-application process?

24 ANITA LAREMONT: I don't have a number; I
25 would submit that it's not the majority of our

1 applications or even close to the majority, but I
2 don't know the number, but we could get it for you...
3 [crosstalk]
4

5 CHAIRPERSON GREENFIELD: Would you say
6 ten, I don't know, a thousand...? [crosstalk]

7 ANITA LAREMONT: If you include mayoral
8 agency... [crosstalk]

9 CHAIRPERSON GREENFIELD: Yeah.

10 ANITA LAREMONT: he keeps his **[inaudible]**
11 alone, so I would say more than ten, certainly more
12 than ten over the last few years. We can tell you
13 how many, we can tell you **[inaudible]**... [crosstalk]

14 CHAIRPERSON GREENFIELD: Okay, so let's
15 exclude the mayoral agencies, because...

16 ANITA LAREMONT: Okay.

17 CHAIRPERSON GREENFIELD: just to be fair,
18 [background comment] you're part of the same
19 administration, right... [crosstalk]

20 ANITA LAREMONT: Uhm-hm. Right.

21 CHAIRPERSON GREENFIELD: so if you folks
22 want to fast-track something you can get it done,
23 which is certainly the way it should be, right; the
24 Mayor runs the Department of City Planning, City
25 Planning Commission effectively and all of the

1
2 relevant agencies, so let's talk about the other
3 agencies that are not directly under your control,
4 like the borough president or the City Council. Is
5 it fair to say that we can count on one hand how many
6 of those have come through...? [crosstalk]

7 ANITA LAREMONT: Yes, I would say that's
8 fair to say. Yes.

9 CHAIRPERSON GREENFIELD: Okay. So I just
10 think it's important for the record to reflect that
11 the proposal that we're making is pretty limited,
12 right; it's not the kind of thing that we're suddenly
13 gonna see a major change in terms of a mad rush to
14 get this done and -- just if I may just finish my
15 point -- that even at such, for example, here in the
16 City Council, it would require two-thirds approval of
17 the Land Use Committee to actually get it done, and
18 then finally, the way it was tailored was to be very
19 limited specifically just to the zoning text,
20 [background comment] so is that a fair, at least a
21 fair perspective from our part?

22 ANITA LAREMONT: I think it's a fair
23 perspective, with just one caveat though, which is
24 that I do believe that the existence of this option,
25 which is perceived as sort of a way to, in effect,

1
2 jump the line, will attract applicants to request
3 that you do this on their behalf. We do have a
4 concern that the historic experience with
5 applications from these bodies is not necessarily
6 what will be the case if this passes.

7 CHAIRPERSON GREENFIELD: Yeah, I mean so
8 just to be clear, the Charter already allows the
9 Council to initiate applications; we don't do it
10 frequently, [background comment] and this particular
11 piece of legislation would simply allow us to move up
12 part of that process a little faster, so my only
13 point is; I recognize the concerns of the Department
14 of City Planning; I just think it's important for the
15 record that I don't view this as some sort of radical
16 shift in terms of how we're doing it and certainly
17 these are not individual members; two-thirds of the
18 Land Use Committee would have to sign on; as you
19 said, we've had a handful of these over the last four
20 years; I don't think that we're gonna have a mad
21 rush.

22 And I do have a final question which I
23 think is just important to recognize as well, is that
24 to your credit and to the current chair and previous
25 chair's credit, you've always generally taken the

1
2 position that you will certify an application as
3 complete even if you disagree with the application;
4 is that correct?

5 ANITA LAREMONT: That is correct.

6 CHAIRPERSON GREENFIELD: Okay, and that's
7 one of the points I think that you make, which is
8 that when push comes to shove, that if it does come
9 to shove, that you will ultimately say okay, we'll
10 certify it and if it gets voted down, that's the risk
11 that you take that it might get voted down in the
12 City Planning Commission; is that correct?

13 ANITA LAREMONT: Yes.

14 CHAIRPERSON GREENFIELD: Okay. But
15 there's nothing currently in the rules or the law
16 that codifies that; is that correct, that's just a
17 practice of the Department of City Planning; is there
18 anything that makes that a requirement and...

19 [interpose]

20 ANITA LAREMONT: I would say -- and not
21 casting dispersions on any prior administration --
22 that we are obligated by the Charter to certify
23 complete applications. I think we have that
24 obligation.

1
2 CHAIRPERSON GREENFIELD: Well I think
3 perhaps the prior administrations have quibbled on
4 what the definition of complete is, because I think
5 it is fair to say, without casting dispersions on
6 prior administration, that prior administrations did
7 not take that view [background comment] and were very
8 clear that they only certified applications when they
9 believed it was complete or quite frankly, when they
10 wanted it to be complete. So my only point is; that
11 in a system of the checks and balances of legislature
12 versus executive power, it is not certainly
13 unwarranted for the legislature to say hey, you know
14 while we trust your administration and while by and
15 large, as you know, we respect the roll and the work
16 the Department of City Planning does and I've always
17 publicly said that it's one of the hardest working
18 City agencies and you are underappreciated in the
19 work that you do; we don't know what the next mayor
20 is going to hold and due to the Charter's
21 requirements of term limits, we are certain that in a
22 little more than four years there will be a new mayor
23 and we don't know if that mayor will take the same
24 interpretation as well, so when we pass legislation,

1
2 we're taking the long view, so just another
3 perspective simply to share as well.

4 Are there any other council members who
5 have any other questions on this particular piece of
6 legislation? So if the rest... Is there anyone on the
7 panel who wants to testify on this piece of
8 legislation or would you like to now testify on
9 another piece of legislation?

10 ANITA LAREMONT: We would like to testify
11 on the other two pieces of legislation that...

12 CHAIRPERSON GREENFIELD: Well we would
13 welcome that.

14 ANITA LAREMONT: Thanks.

15 CHAIRPERSON GREENFIELD: Counselor,
16 whenever... whenever you are ready. Why don't we do
17 this; why don't we first start -- because I just
18 wanna have some order -- why don't we first start
19 with the legislation that is being sponsored by
20 Council Member Espinal on urban agriculture and so we
21 will allow Council Member Espinal to make an opening
22 statement and after his statement you can then make
23 your statement and then we'll ask questions and then
24 we'll move on to the third piece as well. Council
25 Member Espinal.

1
2 COUNCIL MEMBER ESPINAL: Thank you,
3 Mr. Chairman Greenfield for scheduling this hearing;
4 you were actually a proud supporter and you really
5 helped facilitate this by telling me whose arms I
6 should bend to make today happen, so thank you for
7 all of your work [sic]... [crosstalk]

8 CHAIRPERSON GREENFIELD: For the record,
9 my arm still hurts a little bit, but I'm happy to
10 accommodate the requests of Council Member Espinal.

11 COUNCIL MEMBER ESPINAL: I appreciate it.
12 This is a very important bill; it's Intro No. 1661, a
13 bill that I introduced in partnership with Brooklyn
14 Borough President Eric Adams. It would require the
15 City to develop a comprehensive urban agriculture
16 plan to support the development of this in New York
17 City. The comprehensive planning process will look
18 at ways to integrate urban agriculture in the City's
19 conservation and resiliency plans and remove the
20 barriers that are currently preventing more
21 businesses from growing. Developing this plan and
22 fostering this industry would: 1. be good for the
23 environment; this would help reduce climate change
24 and urban agriculture pump more oxygen into our air,
25 use less water than traditional farming systems and

1
2 reduce the amount of dirty trucks coming into our
3 communities; 2. it will produce healthy, locally
4 grown food, especially in the City's food deserts;
5 and 3. it'll help create many new jobs with livable
6 wages for New Yorkers.

7 A 2016 report by the Food Bank For New
8 York City showed that my home borough of Brooklyn has
9 a food insecurity rate of 20% and that is the only
10 borough with a rising trend since 2009. Our City has
11 about 14,000 acres of unused rooftop space and there
12 is more than 45,000 sq. ft. of publicly owned land in
13 East New York alone. With the use of smart, cutting
14 edge technology, we would be able to grow enough food
15 to feed as many as 20 million people in the
16 metropolitan area. However, there is a lack of
17 clarity as to what is and what isn't allowed and the
18 bureaucratic hurdles this developing industry faces
19 that stifles its potential; that's why creating a
20 comprehensive urban agriculture plan is necessary and
21 I am proud to champion this effort. Thank you.

22 CHAIRPERSON GREENFIELD: Thank you...

23 [crosstalk]

24

25

1
2 COUNCIL MEMBER ESPINAL: Thanks to all
3 the advocates that have been working on behalf of
4 [clapping].

5 CHAIRPERSON GREENFIELD: Thank you,
6 Council Member. I want to thank Council Member
7 Espinal especially; he is one of our younger and
8 visionary council members; he recently passed a
9 legislation creating the equivalent of a deputy mayor
10 position for Nightlife and when that gets underway
11 he's going to do the first official New York City
12 night crawl, which we're looking forward to as well
13 -- thank you very much -- and this is another piece
14 of legislation that really is forward-thinking and
15 important and environmentally friendly and we wanna
16 thank you for that, and with that, we will turn it to
17 you, Counselor to testify on this and then we will
18 ask questions on this legislation and then move on to
19 the next item. Thank you.

20 ANITA LAREMONT: Thank you for giving us
21 the opportunity to testify on Intro No. 1661,
22 sponsored by Council Member Espinal. This is a
23 proposed local law in relation to urban agriculture
24 in New York City. The Department of City Planning
25 and the Administration support urban agriculture as

1
2 an important educational, greening and community-
3 building opportunity in neighborhoods where community
4 gardening is an important part of the landscape.

5 Urban agriculture produces only a small portion of
6 the food our city eats but plays a critical role in
7 communities for whom access to high-quality,
8 affordable fresh food is limited. Urban farming in

9 New York City, which largely takes place at

10 community-run gardens, provides opportunities for

11 residents to connect with nature, improve the

12 environment, beautify public open space, learn about

13 growing and preparing nutritious food, and form

14 lasting intergenerational relationships and social

15 bonds within in communities. New York City supports

16 school gardens in over half of the City schools where

17 children are connected to the science of growing food

18 and essential nutrition education. The City's few

19 commercial farms support the City's environmental

20 goals and offer an economic development opportunity

21 within a niche local food market. Many of our city's

22 community programs, such as DYCD-funded after-school

23 sites or DFTA-funded senior citizens have gardens and

24 offer educational programs about farming, the

25 environment and good food. There are four food-

1
2 producing farms at NYCHA developments and two more
3 were announced, thanks to an investment from the City
4 Council.

5 Because of the significant value that
6 urban agriculture has for New York City's
7 communities, the City offers a number of initiatives
8 and resources to community gardeners and urban
9 farmers, these programs span a range of agencies and
10 provide materials, support and assistance to New
11 Yorkers in starting and maintaining gardens and farms
12 in their neighborhoods.

13 Regarding the Department's role in these
14 efforts, the New York City Zoning Resolution allows
15 for urban agriculture in every zoning district in the
16 City and use groups 4B and 17 specifically include
17 agriculture, calling out greenhouses, nurseries and
18 truck gardens. Rooftop greenhouses are now allowed
19 by chairperson certification under zoned green
20 regulations passed by the Council in 2012.

21 Our agency has not identified any barrier
22 in the Zoning Code to achieving a particular urban
23 agriculture proposal and therefore does not believe
24 this bill is necessary. If the concern is that the
25 Zoning Resolution is creating hurdles; the Department

1
2 encourages operators and elected officials to come
3 and discuss such challenges with City Planning and
4 identify any hurdles that they have with existing
5 zoning. Depending on the issue, the City might be
6 able to address the issue without the need for new
7 legislation or a zoning amendment. The Mayor's
8 Office of Food Policy would likewise welcome a
9 meeting with Council Member Espinal to discuss the
10 intent of this legislation and ways the
11 Administration can address any real or perceived
12 barriers to fostering urban agriculture efforts.

13 CHAIRPERSON GREENFIELD: Thank you very
14 much. Anybody else in the panel who would like to
15 testify on this today? Okay, well I will turn it
16 over to Council Member Espinal for questioning.

17 COUNCIL MEMBER ESPINAL: So the
18 Administration found that there are no real zoning
19 barriers for the industry?

20 ANITA LAREMONT: Yes.

21 COUNCIL MEMBER ESPINAL: But I feel that
22 I've heard from a lot of the advocates and a lot of
23 people who actually own some of these businesses that
24 there are zoning barriers that allow them to grow
25 their business. For example -- and correct me if I'm

1
2 wrong, anyone out there -- but you can't grow... you
3 can't farm on your rooftop and also be allowed to
4 sell that produce on the ground floor of certain
5 buildings.

6 ANITA LAREMONT: Okay. [background
7 comment] Barry will speak to that.

8 BARRY DINERSTEIN: Uhm that isn't true..
9 [interpose]

10 CHAIRPERSON GREENFIELD: I'm sorry; can
11 you just identify yourself for the record, please?

12 BARRY DINERSTEIN: Sure. Barry
13 Dinerstein from the Department of City Planning.

14 CHAIRPERSON GREENFIELD: Thank you.

15 BARRY DINERSTEIN: You can sell things on
16 your zoning lot, so if you're growing say in a
17 greenhouse, you can sell that product so long as it's
18 on the same lot. I think one of the issues that's
19 been identified is the inability to grow things on
20 one lot and then sell it on another lot if you have
21 residential zoning. And the reason for that is that
22 residential zoning is for residents and a store
23 selling things is a commercial use, so if you're
24 doing it in the same lot, with something you're
25 producing on the lot, willing to allow you to do

1
2 that, but if you create a situation where you know
3 you're growing on one lot and then you're running a
4 store on another lot, then that becomes a commercial
5 use and so we have concerns about that occurring in a
6 residential district, but you certainly could do that
7 in a commercial district and you certainly could do
8 that in a manufacturing district. So you could grow
9 it on a, you know in a residential lot and then sell
10 the product in a commercial lot in a manufacturing
11 zoned lot or on your own lot, which is, you know a
12 pretty liberal set of rules.

13 COUNCIL MEMBER ESPINAL: Does the City
14 have any sort of manual or handbook that could be
15 available to people who are interested in urban
16 agriculture, identifying all of the rules and
17 regulations the City has in place?

18 BARRY DINERSTEIN: We have nothing
19 specific about urban agriculture, but certainly if
20 people have zoning questions or try an understand
21 what the zoning rules are, we are more than willing
22 to sit down and talk with people and go through the
23 rules. I mean obviously you know the zoning stuff is
24 sort of complicated, but there are other rules as
25 well that people have to comply with -- there's

1
2 building code, fire code; there may be other issues
3 that people have to deal with. Depending on what
4 they're doing, they may need to, you know hire a
5 professional to help them walk through the process,
6 which is true of virtually any type of use that
7 happens on a piece of land, and the rules are
8 complicated.

9 COUNCIL MEMBER ESPINAL: They are very
10 complicated and I think there's a lot of concern
11 within the community of, you know building codes that
12 need to be followed, fire safety codes that need to
13 be followed; you know there is you know hydroponic
14 farms happening within buildings and all types of
15 farming happening within buildings, and there is no
16 clear guidance for the community... [crosstalk]

17 BARRY DINERSTEIN: Well...

18 COUNCIL MEMBER ESPINAL: and what rules
19 they should be following... [crosstalk]

20 BARRY DINERSTEIN: Well I... I... I...

21 COUNCIL MEMBER ESPINAL: I think... we've
22 seen in Boston, a few years ago they actually adopted
23 legislation like this one and spent a year to really
24 come up with a comprehensive plan of what the
25 community has to follow and the industry has to

1 follow in order to be operating up to code. So this
2 is the situation; we actually have an industry that
3 wants to be regulated, they want to have rules to
4 follow, because it will help them not only do their
5 work here, but also get investment funding from
6 people who want to invest in the industry, which is
7 very difficult now because the City hasn't officially
8 recognized urban agriculture.
9

10 BARRY DINERSTEIN: You know you're
11 correct, it's complicated and a plan might be the
12 right way to go, but before we get to a plan, we'd
13 like to like sit down with yourself, sit down with
14 the advocates, and obviously urban agriculture is
15 very.. you know there's a lot of different -- they're
16 are commercial people, they're nonprofits, they're
17 just people who are doing it as a hobby. You know
18 we'd like to sort of sit down with all the different
19 groups to understand the different issues that
20 different groups have and then come back and think
21 about well maybe a plan is appropriate or not,
22 because right now there's a lot -- you know you have
23 a lot of different pieces here and you're just
24 passing legislation without giving us the time to
25

1
2 really figure out what we're supposed to do with the
3 plan.

4 COUNCIL MEMBER ESPINAL: You know the
5 legislation simply just asks the Administration to
6 sit down and create a think tank to create a policy
7 moving forward, you know, with the amount of
8 appropriate time to do that; I think that...

9 [crosstalk]

10 BARRY DINERSTEIN: So I guess the
11 question is; do we really need legislation to ask us
12 to sit down; just ask us to sit down and we certainly
13 will do it; we're willing to spend as much time as is
14 needed to figure out the rules.

15 COUNCIL MEMBER ESPINAL: I've had many
16 prior experiences where sitting down didn't get me
17 any results and usually legislation has helped me get
18 results, so you know this is the reason for this
19 bill. But I am open to that dialogue and I'm sure
20 people in the community would be willing to sit down,
21 but I think at the end of the day we have to have
22 something concrete that's gonna push our city to
23 really come up with a policy report; something that
24 the City Council and the Mayor's Office can take to
25 assist the industry and the community. So with that

1
2 said.. you know I also wanna say, you know we as a
3 city are behind in the conversation -- yes, we are
4 supporting here and there with funding and certain
5 rules that are being changed that would allow urban
6 farming in certain areas that wasn't allowable
7 before, but you know, other cities, like Boston, you
8 know have taken the task to make sure that they as a
9 city support this industry and I think that you know
10 we, with the amount of rooftops we have, with the
11 amount of warehouses we have, we should be leading
12 this conversation.

13 ANITA LAREMONT: So we would just like
14 to, you know, make the final point that we really do
15 welcome an opportunity to sit down and talk with you
16 and others who are interested in this issue about how
17 we would proceed and you know, you should not
18 consider our sort of reluctance in embracing this
19 bill to be anything more than a reflection of a
20 concern about the multiple priorities that we all
21 have and how we can, you know, work on the various
22 land use issues that the City has, but we would very
23 much be happy to continue this conversation.

24 COUNCIL MEMBER ESPINAL: Okay, the City
25 Council's session is over in about two months,

1
2 [background comment] right; is there anything you can
3 point to this legislation that you feel, right here,
4 on the record that we can change in any way that
5 would make it more feasible for the City to take on?

6 ANITA LAREMONT: I think we would ask for
7 an opportunity to have a conversation before we
8 answer that so that we maybe could get a little more
9 clarity about exactly what the work product that is
10 requested here. So if we could just have a
11 conversation at some point in the very near future
12 about this, we might be able to give you a response.

13 COUNCIL MEMBER ESPINAL: Okay, great...

14 [crosstalk]

15 ANITA LAREMONT: Thank you.

16 CHAIRPERSON GREENFIELD: Thank you. I
17 just wanna follow up on a few of the points that you
18 made. I certainly understand the consternation that
19 the Department has any time we ask you to do
20 something; to be fair, is there anything that you
21 read in this legislation that would require you to
22 actually change any legislation? And the way we
23 understand it; it would essentially require you
24 simply to come up with a comprehensive plan so that
25 essentially we could clarify some of these issues.

1
2 I'll give you an example. My son is 10 years old;
3 he's in 5th grade; he comes to me the other day and
4 he says, "Daddy," he says, "I'm thinking of running
5 for student government," I said, "Really? That's
6 interesting..." [crosstalk]

7 ANITA LAREMONT: Say don't do it.

8 [laughter]

9 CHAIRPERSON GREENFIELD: Yes. Yes. I
10 said, "Do you want an unpaid position in politics?"
11 I don't know if I would recommend that. But I said,
12 "Well what are some of your ideas?" He says, "Well
13 here's an idea that I have," he says, "you know we
14 play on the roof in our school," and he says, "you
15 know not all the kids like to play; maybe we could
16 actually grow some plants instead and maybe we could
17 have like a vegetable garden and we could have like
18 some tomatoes and cucumbers and things like that."
19 And you know what the problem from our 10-year-old is
20 that neither he nor the school nor his teachers
21 really have clarity on how you can do that and if you
22 can do it and what happens if you have a surplus of
23 tomatoes; can you actually sell those tomatoes? And
24 so I think that's really the conversation that we're
25 trying to have; I don't think anyone is trying to

1
2 sort of paint the Department into a corner; it's
3 really more of there is a lot of conversations I can
4 refer you -- I'm gonna plug this, 'cause I happen to
5 be an adjunct law professor at Brooklyn Law School --
6 there is a wonderful report called "From Food Deserts
7 to Just Desserts: Expanding Urban Agriculture in New
8 York City Through Sustainable Policy" by Tatiana
9 Pawlowski at Brooklyn Law School and it was
10 supervised by Professor Debra Bechtel, and some 70
11 pages on conversations about different zoning and the
12 ability to get things done and how you would do it --
13 nobody wants to grow tomatoes on their roof and then
14 get a building inspector come and shut them down;
15 right? And so I think that's really the concern,
16 which is that if something is not really clear, sure;
17 we could always take the position -- come to us and
18 ask us, but do we really want like 10-year-olds
19 sending letters to the Department of City Planning
20 saying like what do I do over here or would we rather
21 have a comprehensive plan that lays it out and says
22 okay, we've reviewed it; here's what makes sense and
23 here's what doesn't make sense? You might say, for
24 example, you know on the 100th floor of a skyscraper
25 we may not want you to plan tomatoes for the

1 following reasons, but you know up until the 5th
2 floor you can. I don't know; my point is that we
3 haven't really explored these issues; it seems like a
4 unique opportunity where we could in fact engage in
5 sustainable farming. As you know, a lot of the
6 produce that is shipped to us here on the eastern
7 seaboard doesn't even make it here; by the time it
8 gets here, much of that produce is actually spoiled
9 and then it's destroyed, which is really not
10 environmentally friendly either, so the idea that we
11 can actually grow things locally, perhaps even
12 organically, there's a lot of benefits to that as
13 well. So I don't think we're attempting to push you
14 in a corner or to say you must change the law, but
15 the reality is, for better or for worse, mostly for
16 better, you're the experts and you know all the rules
17 and so you could come up with a plan -- and we're not
18 saying do it tomorrow; I think the legislation gives
19 till -- I think it's... is it the summer of 2018
20 [background comment] or so, so there's plenty of
21 time; if you need more time we're happy to have some
22 conversations about that; I think folks just want
23 clarity -- what can you do; what can you not do --
24 and once they have clarity, then we can come back and
25

1
2 say okay, well do we really agree that you shouldn't
3 be able, for example, to grown on your roof and then
4 sell on your stoop; let's have a conversation about
5 that, right? If I have surplus tomatoes and that I'm
6 growing in my back yard, maybe I should be able to
7 have literally a yard sale where I'm selling
8 tomatoes. I mean those are the kinds of
9 conversations that we'd like to have and I think
10 that's really... the way to do that really is to have a
11 plan that we can then use a focal point to then have
12 conversations based on that, because I think the area
13 of this law is rather murky because there hasn't been
14 that much interest and now we do have renewed
15 interest and capabilities of doing this in a way that
16 we haven't had before.

17 ANITA LAREMONT: Well firstly, I'm happy
18 to tell you that you can tell your son that zoning
19 does not preclude them having a rooftop garden on the
20 school, so he needs to check with the school and if
21 they're okay with it and they meet the building code
22 and other requirements, that would be a permissible
23 activity. But... [interpose]

24 CHAIRPERSON GREENFIELD: Counselor, but
25 here's what you just said, right... [crosstalk]

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ANITA LAREMONT: Yeah.

CHAIRPERSON GREENFIELD: critical point
-- if they meet the building code and other
requirements, that would be a permissible activity;
my 10-year-old doesn't know what the building code
is... [crosstalk]

ANITA LAREMONT: I understand.

CHAIRPERSON GREENFIELD: he doesn't know
what the other requirements are and most people who
wanna do this don't know either; I think that's the
point. All we're asking is, just let's have a plan,
some clarity, something you can flip through and say
okay, this is permissible; this is not. And
incidentally, you folks are the experts, you can tell
us if it's not permissible; we can then turn around
and say well maybe we can change those rules and
regulations. I think the lack of clarity prevents
people from doing this and I think that's sort of
part of the concern which is, we think your best
place to clarify these, as opposed to the opposite,
which is try and then fail and then fight with the
relevant City agency.

ANITA LAREMONT: Well I feel duty-bound
to say that we are not the experts on building code,

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2 fire code and many other regulations that affect all
3 land use. So we may be the experts on zoning, but
4 there are many other parties who would need to be
5 engaged in these conversations, and so as Barry said,
6 I think one of the challenges here is that like any
7 other land use, if you wanna start any commercial
8 endeavor or a home-based business that implicates
9 land use, there are multiple stops of inquiry about
10 whether or not it is permissible and there is not a
11 single location in City government that you can get
12 all of the answers; we don't have that; we don't have
13 a comprehensive guide to commercial development; it
14 may just have, you know, developed over time more
15 robustly, but the challenge is that there are many
16 layers to this and so what you would be asking us to
17 do is to be sort of like the collator of all of that
18 and I would tell you that is a very large effort.

19 CHAIRPERSON GREENFIELD: I know, but you
20 guys are so good at it. I have so much faith...

21 [crosstalk]

22 ANITA LAREMONT: We're not.

23 CHAIRPERSON GREENFIELD: No, you are.
24 Let me tell you why, because the Department of City
25 Planning, you always underestimate -- you're so

1
2 humble; [background comments, laughter] you always
3 underestimate your abilities; you're really the one
4 agency in New York City that thinks about the future
5 of this city and what it's going to look like and how
6 many people are living here and you're thinking of
7 those big questions in a way that other agencies are
8 not, and to be fair, in the legislation we
9 specifically say that the Department of City
10 Planning, in cooperation with relevant agencies and
11 stakeholders, so that would be other folks including
12 folks from the industry, but also other agencies as
13 well, you'd bring them in; I certainly don't expect
14 that you would interpret the DOB code. [background
15 comment] I think the point that I'm making is -- and
16 I think this is a critical point -- is that if
17 there's an empty lot and I wanna build a house and I
18 buy a lot and I wanna build a house, I'm gonna hire
19 an expert and that's essentially what I'm gonna do,
20 right, I'm gonna hire an architect, and then I might
21 hire an expediter and it's gonna cost me tens of
22 thousands of dollars just to get the plans approved
23 and then I'm gonna build the house, and the answer is
24 because I wanna build a house, or if someone's a
25 developer and they wanna do something on a very large

1 commercial scale, they're gonna do the same thing;
2 they're gonna invest a lot of money. I think the
3 concern that we have over here is that these are just
4 regular New Yorkers who just would like to use their
5 space, whether it is their porch or their back yard
6 or their rooftop and we wanna make it as simple and
7 easy as possible; we don't want these folks to have
8 to hire experts and consultants and zoning regulators
9 and then DOB enforcement experts to tell me, okay, we
10 have now concluded, after \$18,000 of research, you
11 can plant six tomato vines in your back yard, because
12 realistically, what's gonna happen is, no one's gonna
13 do it and so I think that's really the concern. And
14 then on the flip side, there may be an opportunity --
15 which I think what Council Member Espinal calls,
16 along with the Borough President in his op-ed, which
17 is; there may be an economic opportunity here for New
18 Yorkers that's untapped as well where we can make it
19 clearer for small and independent business owners to
20 say, you know what; maybe I'll do this on a little
21 bit of a larger scale; this is a good thing and we're
22 sourcing it and it's local and it's sustainable and
23 like I said, in some cases it's gonna be organic and
24 we're just trying to make it easier for folks and for
25

1
2 better or for worse, and I think mostly for better,
3 you're the experts, you are; this is what you do, you
4 think about these issues all day. Anita, I know that
5 before you go to sleep you think about what's the
6 City gonna look like and how big should the buildings
7 be and how small should they be and what's the impact
8 having on our neighborhoods. Nobody is more
9 qualified to do this than you are. This is a
10 compliment; this is us in the Council saying we trust
11 the Department of City Planning... [crosstalk]

12 ANITA LAREMONT: Oh what; really?

13 CHAIRPERSON GREENFIELD: who are some of
14 the smartest people that we know, [background
15 comment] who think about these issues all the time
16 and we're not entrusting any other agency with the
17 responsibility except for you and so if I were you, I
18 would say thank you so much, we really appreciate
19 that and let's get to work.

20 ANITA LAREMONT: I will say thank you so
21 much; we really appreciate it and we are prepared to
22 get to work with Council Member Espinal to discuss
23 these issues.

24 CHAIRPERSON GREENFIELD: Alright, fair
25 enough.

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ANITA LAREMONT: Okay.

CHAIRPERSON GREENFIELD: Any other questions or comments from council members on this piece of legislation; any other individuals on the panel who would like to weigh in on this? Okay, hearing none, we'll move on to the final piece of legislation, which is my legislation, which is the POPS cleanup bill. Counsel; do you have some comments you would like to make on this as well?

ANITA LAREMONT: Yes. Yes, I do..

[crosstalk]

CHAIRPERSON GREENFIELD: Thank you very much.

ANITA LAREMONT: We would like to testify on Intro 1692-A, which is sponsored by Chair Greenfield and is a proposed amendment to Local Law 116 regarding privately owned public spaces.

Privately owned public spaces (POPS) are public spaces located on private property, provided and maintained by a private owner for public use in exchange for additional floor area or zoning waivers. In ramping up to comply with Local Law 116, the Department has hired additional staff to manage the POPS program out of the Manhattan office. The

1
2 Department has been migrating the prior database into
3 a new, more advanced, modern system as well as
4 updating the data. Once the updates are finalized,
5 the data on the City Open Data Portal will be
6 refreshed and also made accessible via a new
7 interactive map on the POPS DCP website, with detail
8 information on each POPS as required by the recent
9 legislation. The map is expected to be completed in
10 early 2018. The Department is also continuously
11 working with DOB by providing site plans and
12 approvals for DOB's inspections when requested.

13 The Department does not oppose these
14 amendments. We do however want to indicate that the
15 Department has been discussing enforcement with DOB
16 and the Law Department. Specifically, we have been
17 exploring the City pursuing affirmative litigation
18 against egregious violators, as well as potential
19 ways to increase penalties for serious violations.
20 This proposed bill establishes penalty amounts, but
21 we will suggest amendments to ensure that we are not
22 precluded from imposing greater or additional
23 penalties in the future. We welcome any opportunity
24 to work with the Council and interested stakeholders
25 to ensure that POPS are maintained and compliant.

1
2 The zoning regulations governing POPS offer a
3 valuable public benefit.

4 We very much appreciate the opportunity
5 to testify on all of these matters.

6 CHAIRPERSON GREENFIELD: Thank you very
7 much, Counselor. I actually am the sponsor of this
8 legislation; it's something we've been working on for
9 several years now; I just want to explain to those
10 people who are in the audience and watching at home
11 what this means is that in the City of New York we
12 have bonus incentives that allow developers to get
13 extra space to build if they allow to have their
14 private spaces open to the public. Now you'll see
15 this a lot, you'll walk down the street and you'll
16 see like a small seating area, sometimes there'll be
17 a fountain, where they'll sit, they'll have a
18 sandwich, they'll talk on their phones; they're
19 smoking even though they're not supposed to be
20 smoking, but in any event, this is a wonderful
21 amenity, there are millions of square feet of space
22 in this city that are open to the public. The
23 problem is that in some of these cases, when these
24 buildings were designed, the space is actually inside
25 the building and in the post 9/11 world, trying to

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2 get into a building is very difficult to access the
3 public space and in fact, working together with the
4 Comptroller's Office we found that some 50% of these
5 spaces, if you try to access them -- and there are
6 millions of square feet of public space -- if you try
7 to go into a building, they say, where are you going
8 and you say well, I'm going to the back yard over
9 there just to sit back and get some fresh air and to
10 read my newspaper. They'll say sorry, if you don't
11 have an appointment you can't come in. And that's
12 not fair, because in a city where we desperately lack
13 public space, the purpose of giving these developers
14 these bonuses to get back these millions of square
15 feet in public space was to make it accessible to the
16 public. So we changed the law that I sponsored which
17 essentially would create several things, mostly
18 importantly it creates a database so that you will be
19 able to go online and find out where these public
20 spaces are; you'll then be able to complain online
21 about these public spaces if they're not accessible
22 to the public. We also have an enforcement mechanism
23 where we have the Department of Buildings can now --
24 is required to actively inspect to make sure these
25 spaces are open to the public and literally there are

1 hundreds of locations and millions of square feet of
2 spaces that will be open. We are amending this bill
3 to allow for some increased penalties and the Counsel
4 for the Department of City Planning is asking us to
5 further amend the bill to allow the Department of
6 City Planning to, if they would like, add even more
7 penalties to ensure that this is not the ceiling for
8 the penalties, but it is the floor. In the spirit of
9 our being amenable today, I will accept those
10 amendments and we will redraft the legislation with
11 those suggestions that you've made; we will re-age
12 it, and hopefully we'll get it passed before the end
13 of the year. So thank you very much.

14
15 Is there anyone else that has any
16 questions or comments on this legislation? You see
17 how efficiently government works; isn't this great,
18 we have an idea, they have an idea back; they accept
19 our idea, we move on; this is wonderful. Alright, is
20 the panel now done?

21 ANITA LAREMONT: We are. Yes...

22 [crosstalk]

23 CHAIRPERSON GREENFIELD: We have
24 concluded? So we will now dismiss the panel, thank
25 you very much, and we are going to go back to our

1 original bill that we were discussing, which is
2 Council Member Chin's legislation. And if there are
3 individuals who have not yet signed up, please sign
4 up. And the folks who have so far signed up on
5 Intro 1685 to testify are: Paula Segal and Michael
6 Slattery. So Paula and Michael, please come up here.
7 Is there anybody else? This is actually the only
8 panel on Intro 1685, so if you are here to testify on
9 Council Member Chin's legislation, this is your only
10 opportunity to do so. If you have not yet signed up
11 or if you think you have signed up but haven't had
12 the opportunity, can you raise your hand perhaps?
13 Okay, so I don't see anyone else on this and then we
14 will then move on to the next item, which will be
15 Council Member Espinal's legislation.

17 I actually just wanna confirm; on my POPS
18 bill we had nobody testifying. Is there anybody here
19 who would like to testify on the POPS bill? Okay, so
20 hearing none, we're gonna move on on that as well and
21 we are now gonna move on to the legislation, which is
22 Intro 1685. I see Michael Slattery here; I do not
23 see Paula Segal; is Paula here? [background comment]
24 Paula had to leave, but we will accept her testimony.
25 Michael, the floor is all yours.

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2 MICHAEL SLATTERY: Good afternoon, I'm
3 Michael Slattery, representing the Real Estate Board
4 of New York and we are opposed to this bill. We
5 believe that the current pre-referral process does
6 add value to the system and we would welcome
7 certainly a chance to make that process more
8 efficient, as Council Member Chin has suggested; we
9 just would not like to make it more efficient for
10 just council members.

11 The other part of this is that New York's
12 physical and economic growth and its success as a
13 global city relies on as-of-right development and an
14 orderly process to introduce new planning proposals.
15 As our City's needs change from an industrial economy
16 to a service economy, from a city with seven million
17 residents to nine million, our Zoning Resolution is
18 needed to change to accommodate this growth in a
19 reasonable and rational manner in accordance with
20 well-considered plans; this process has given
21 builders and investors an opportunity to make
22 prudent, rational decisions about their investment.
23 I think Intro 1685 really is an assault on as-of-
24 right development and that's one of the reasons why
25 we oppose this.

1
2 There's been a couple suggestions made
3 about the scope of this bill, that two-thirds
4 requirement is a real stringent requirement; we've
5 just witnessed today one of the most contentious
6 projects that the Council has addressed with Pfizer
7 and it easily got two-thirds vote, so I'm not sure
8 that two-thirds is a real threshold and a hard thing
9 to achieve in the Council. Also, the attempt to say
10 that this really... a text amendment is not a big deal;
11 I would argue that it is a bit deal. So much of the
12 complaints that are taking place here in communities
13 have to do with building heights and the easiest way
14 to address building heights is to introduce a text
15 amendment that lowers building heights. Presumably,
16 lowering a building height has no environmental
17 impacts on a neighborhood and therefore could be
18 expeditiously moved forward. So we see this bill as
19 a real threat to as-of-right development; we think
20 the Planning process, which certainly could be moved
21 more efficiently, serves the purpose and we are
22 opposed to this bill.

23 CHAIRPERSON GREENFIELD: Thank you very
24 much. Council Member Chin; do you have any questions
25 or comments?

[background comment]

COUNCIL MEMBER CHIN: Wow, I didn't know that my bill was a threat to as-of-right development...

[crosstalk]

MICHAEL SLATTERY: Well I think...

COUNCIL MEMBER CHIN: if I knew that...

[crosstalk]

MICHAEL SLATTERY: I think when you said communities were under attack, I figure...

COUNCIL MEMBER CHIN: that's great; you've gotta do something to all these as-of-right developments that are going up in my district, that they don't even have to come in and say hello, and I've got these gigantic towers you know going up all over my district; I didn't know my bill can really punch it out. Wow, thank you... [crosstalk]

MICHAEL SLATTERY: I... I... I... I didn't know... I didn't know that... I didn't know that those investments which create jobs and make tax revenue were such an attack on communities, but I figured if they were an attack, then I guess what this bill has done is really an assault, so.

COUNCIL MEMBER CHIN: You know just don't just use jobs and investment; what we are looking at

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2 is how do we protect our community from
3 overdevelopment and from some, you know, so-called
4 as-of-right development or minor modification
5 development that really do not have full community
6 input. It's not -- you know, yes, we welcome good-
7 paying jobs, but we also wanna make sure there's an
8 adequate number of affordable housing and make sure
9 people have light and air and don't have all these
10 negative impacts, and that's happening, especially in
11 my district, so we wanna have a tool that we can
12 level the playing field.

13 MICHAEL SLATTERY: I recognize that the
14 impetus for this was the decision by City Planning to
15 rule that it was a minor modification as opposed to a
16 major modification which would trigger a ULURP
17 review. And when government does something that you
18 don't like, I think there's a mechanism to deal with
19 that; sometimes that's litigation, but I'm not sure..
20 I'm not sure though... [crosstalk]

21 COUNCIL MEMBER CHIN: But it's not
22 something that we don't like.

23 MICHAEL SLATTERY: that the way to deal
24 with that is to create a mechanism which really opens
25

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2 the door to kinds of actions which we think would
3 really threaten as-of-right development.

4 COUNCIL MEMBER CHIN: Well I think that
5 is your point of view and from our point of view, it
6 really gives the community an opportunity to level
7 the playing field, that community could have input in
8 how they want to see their neighborhood developed,
9 how they can fight against some of this
10 overdevelopment that's really hurting the
11 neighborhood.

12 MICHAEL SLATTERY: And communities have
13 always had the opportunity to create plans that fit
14 their needs. I think too often the concern, certain
15 of late, has been community reacts, community
16 opposition that stops important projects and I think
17 part of the intent here is to really leapfrog
18 projects that are underway to stop them in their
19 tracks, and I think that sends a chilling message to
20 people who want to invest in New York to say that any
21 time I'm through the process here I could be stopped
22 and have to go back and start over again; that's the
23 fearful part of this bill.

24 COUNCIL MEMBER CHIN: Well that's the
25 fear, but that is not the intention. We wanna make

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2 sure that the community has full input and there
3 should be more transparency in terms of, you know
4 right now application going in, we don't even know
5 how the community's being affected and how we can get
6 that information from DCP. So what we're asking for
7 is a fighting chance for us to make sure that we have
8 the opportunity to protect the community and give the
9 community full input.

10 MICHAEL SLATTERY: Okay.

11 CHAIRPERSON GREENFIELD: So Michael, I
12 just wanna clarify one point about the bill, just to
13 be clear; I just wanna make sure we both understand
14 the legislation. This legislation would not give any
15 of these bodies, including the Council, the ability
16 to change the zoning, right; that's your
17 understanding of that as well? I just wanna be
18 clear, Michael; all it essentially would do is,
19 because these are requests that are coming directly
20 from government agencies, it would allow us to skip
21 the initial what is called precertification step. Do
22 you have another understanding of that? I just think
23 it's important just so that at least we understand
24 the bill correctly.

1
2 MICHAEL SLATTERY: I think I understand
3 the bill correctly. I think the real concern is that
4 council members, one, listen to their constituency
5 and then could be made to recommend this action. You
6 had suggested in looking at this that it still
7 requires a two-thirds vote of the Land Use Committee
8 and as I pointed out, I think getting two-thirds vote
9 is an easy thing to accomplish in this Council.

10 CHAIRPERSON GREENFIELD: You think it's
11 easy?

12 MICHAEL SLATTERY: Easy.

13 CHAIRPERSON GREENFIELD: Oh Michael, I
14 have a lot of respect for you and I would
15 respectfully... [crosstalk]

16 MICHAEL SLATTERY: As I do you.

17 CHAIRPERSON GREENFIELD: as the Chair of
18 the Land Use Committee, I assure you that I spend
19 dozens of hours a week trying to get two-thirds votes
20 and I work with some nearly 40 staff members in the
21 Land Use Committee every single day to try to make
22 sure that everyone's on the same page. I assure you
23 it is not easy; we just make it look easy. The
24 difference between easy... [crosstalk]

1
2 MICHAEL SLATTERY: Then you should be
3 commended **[inaudible]**.

4 CHAIRPERSON GREENFIELD: and making it
5 look easy, it just looks easy because we're very
6 good, happily, at what we do and we compromise. But
7 the point that I'm making, Michael is that it's not
8 -- and I understand your general, bigger
9 philosophical objection, and that I respect; I just
10 do wanna make... it was a genuine question; I just
11 wanna make sure that we understand you don't read
12 anything in this legislation as giving us powers
13 beyond skipping that one step, which would then still
14 require that application to be certified by the
15 Department of City Planning; is that correct?

16 MICHAEL SLATTERY: What I suggested was
17 that instead of it being just something that council
18 members could do, that if you're gonna expedite the
19 process, that should be open to everyone, including
20 the private sector and private developers.

21 CHAIRPERSON GREENFIELD: Okay, then
22 that's interesting, so you're offering us some... so
23 you're adding a different perspective, which is that...
24 [crosstalk]

1
2 MICHAEL SLATTERY: Well... Well

3 **[inaudible]**...

4 CHAIRPERSON GREENFIELD: potentially open
5 it to everyone and not just to those legislative
6 bodies...? [crosstalk]

7 MICHAEL SLATTERY: Well I think I was
8 trying to re... I was trying to respond to...

9 CHAIRPERSON GREENFIELD: Yeah.

10 MICHAEL SLATTERY: Council Member Chin's
11 complaint that the precertification process took too
12 much time. You know, the real estate community's
13 been complaining about that for decades; Blueprint
14 was part of the way to try to help that process and
15 now I think there are certainly people who were using
16 Blueprint who would complain and share the Council
17 Member's concern that that's too long and too lengthy
18 and would like to see that made more efficient. So
19 that we could certainly support.

20 CHAIRPERSON GREENFIELD: Okay. Good.
21 Great. I just want... I genuinely just wanted to make
22 sure that you weren't reading the bill differently
23 that we were in terms of our understanding. I
24 appreciate the feedback; it's hopeful to have the
25 perspective; we thank you very much. Is there

1
2 anybody else who's here to testify on Council Member
3 Chin's bill? Okay, so we are formally closing the
4 hearings on my POPS bill and Council Member Chin's
5 bill... [interpose]

6 MICHAEL SLATTERY: Thank you.

7 CHAIRPERSON GREENFIELD: and we are now
8 going to move on to the next part of the hearing,
9 which is the final part of the hearing, which is the
10 hearing on Council Member Espinal's urban agriculture
11 plan. And I will actually turn over the committee
12 chair at this point to Council Member Espinal; I have
13 to attend some meetings across the street and Council
14 Member Espinal, as you know, is the greatest champion
15 of urban agriculture that we have here in New York
16 City and I'm certain he's going to do an outstanding
17 job and so I will turn it over to him and then he
18 will call up the folks who will be testifying at this
19 hearing. Council Member Espinal, take it away.

20 COUNCIL MEMBER ESPINAL: Thank you, sir.

21 [pause][background comments] Good afternoon
22 everyone, I am going to chair the Land Use Committee
23 for the day and I think it's a great honor to be able
24 to chair this committee on a very important topic;
25 it's very personal to me as well. We have 46 people

1 signed up to speak today, [background comments,
2 laughter] so if you feel inclined to speak, stay on
3 the list; if you're like, oh I don't wanna wait that
4 long, I might be on the end; let us know, but for
5 that reason we have to limit the clock to one or two
6 minutes, unfortunately. We'll push for two for a
7 little while; if you end up being one, please don't
8 get offended, just trying to make sure we all get
9 home at a reasonable hour. So with that said, we'll
10 start with two minutes; with that said, I'll call up
11 the first panel; we have Josh Levin, John Rudikoff,
12 Tatiana Pawlowski, Betty McIntosh, and Deborah
13 Martin. [pause] You may begin; state your name for
14 the record.

16 JOSH LEVIN: Certainly. My name is Josh
17 Levin, Director of Business Development for Brooklyn
18 Borough President Eric Adams. So I guess I'll start.
19 I will be presenting testimony on behalf of Brooklyn
20 Borough President Eric Adams.

21 "I want to thank Council Member Espinal
22 and Council Member Greenfield, the chairs, and the
23 Land Use Committee for giving me the opportunity to
24 provide comments at this public hearing.
25 Additionally, I would like to comment Council Member

1
2 Espinal for introducing this legislation as well as
3 Council colleagues for co-sponsoring this important
4 legislation.

5 The impetus for this legislation stems
6 from meeting with several urban agriculture companies
7 during my visits to neighborhoods throughout
8 Brooklyn. I am inspired by the entrepreneurial
9 spirit that produces fruits and vegetables in
10 Brooklyn using new forms of tech-focused agriculture,
11 like closed loop aquaponics and aeroponics.

12 Unfortunately, I heard time and time again of the
13 difficulty of receiving City agency approval for
14 these companies, which were often being set up on
15 rooftops and in warehouses. This frustration
16 prompted the most logical next step, which was to
17 bring City agencies to the table to speak with
18 advocates and industry leaders on the issue of
19 permits and regulations.

20 Our office hosted a roundtable in
21 partnership with Council Member Espinal at Brooklyn
22 Borough Hall on April 17th, 2016 with ten City
23 agencies, including the Department of City Planning
24 and over 20 urban agriculture companies and nonprofit
25 organizations. The takeaway was clear that

1
2 agriculture is only mentioned a handful of times in
3 the Zoning Resolution and City agencies were placing
4 responsibility on one another to regulate this
5 emerging industry, but no one was taking any clear
6 regulatory responsibility. This resulted in more
7 questions than answers for urban agriculture
8 companies and no clear path for fresh food and job
9 creation. While there have been successful
10 companies, like Gotham Greens and Brooklyn Grange
11 take root; many more companies have labored trying to
12 get their businesses off the ground. Meanwhile,
13 cities like Atlanta, Boston, Chicago, and Newark are
14 plowing forward with an urban agriculture revolution.
15 Intro 1661 asks New York City Department of City
16 Planning to take the first step [bell] in playing
17 catch-up with so many other city agencies by
18 developing a comprehensive urban agriculture plan
19 that addresses land use and other regulatory
20 measures."

21 I guess I'll stop there.

22 COUNCIL MEMBER ESPINAL: Thank you.

23 [background comments]

24 BETTY MCINTOSH: Good afternoon Council
25 Members. My name is Betty McIntosh; I

1 enthusiastically support the proposal to develop an
2 urban agriculture plan. I have been volunteering for
3 the last seven years at a rooftop farm in Hell's
4 Kitchen; all the produce is donated to a local food
5 pantry. I am also a member of Manhattan Community
6 Board 4 which covers Chelsea and Hell's Kitchen. I
7 am speaking as an individual.

9 An urban agriculture plan which
10 facilitates farms that grow food is urgently needed
11 for several compelling reasons: to provide free and
12 low-cost fresh vegetables to people who can't afford
13 them; to help improve air quality in many
14 neighborhoods; to promote environmental
15 sustainability; and to educate youth about food
16 production, nutrition and food justice. I guess the
17 following: work closely with local communities,
18 neighborhood organizations, community boards, and
19 elected officials at every stage in developing the
20 plan; create structures for running of new farms that
21 involve local organizations and residents; develop a
22 program that provides start-up funding for new farms
23 both in-ground and on roofs, for vacant lots,
24 existing, and new buildings; identify appropriate
25 sites for farms and aggressively approach property

1
2 owners, particular nonprofits, to develop farms;
3 identify urban farm experts and support them to
4 assist in developing new farms; provide zoning
5 incentives for new buildings to provide space for
6 farms; consider floor area bonuses and other zoning
7 mechanisms, to take advantage of these incentives,
8 the sponsor of these new farms would need to donate a
9 significant percentage of produce to low-income
10 households, a smaller percentage of produce could be
11 kept for building residents or commercial uses such
12 as restaurants; ensure new buildings do not create
13 [bell] shadows over existing and new farms; and
14 provide resources for every school to have farms
15 nearby or at their building. Thank you.

16 DEBORAH MARTIN: Good afternoon, Council
17 Member Espinal. I am Deborah Martin, Executive
18 Director of New York Restoration Project (NYRP) and
19 I'm here to applaud this Intro 1661 and your and
20 Borough President Adams' efforts to bring some
21 coherence and order and clarity to urban agriculture
22 in our city. As executive director of New York's
23 only citywide conservancy focused on low-income
24 communities, I see the important, multifaceted role
25 open space plays in our communities every day. The

1
2 52 community gardens under our care are in many
3 neighborhoods; the only high-quality open space
4 within walking distance, and they're also often the
5 only source of affordable, fresh produce.

6 In our spaces, communities decide what
7 uses their land should be put to, so not
8 surprisingly, 70% of New York Restoration Project's
9 community gardens are dedicated to urban agriculture.
10 Last year our sites produced approximately 89,000
11 pounds (44 tons) of produce; that's on less than 10
12 acres of land. I don't need to tell you what access
13 to free fresh food does for a person's physical and
14 mental health and their wallets, of course. In food
15 deserts concentrated in our most vulnerable
16 communities, these connections resonate even more.
17 These spaces also act -- and I want to point out --
18 as launching pads for other things, like future
19 environmental leaders; we have trained some 900, with
20 support of the AmeriCorps program in green jobs who
21 now are spread out across the city -- New York
22 Botanic Garden, working for the City; other places --
23 we start the training early with our Garden Growers
24 program, working with local public schools who come
25 into gardens and we teach children about how food

1
2 grows and often they tell us it's the first time that
3 they've touched a worm or touched the soil. This
4 work has a huge impact, it's profound, and we know
5 that there's much more our city could benefit from a
6 coherent plan, and there's also more land that can be
7 used for these purposes. [bell] Municipal Art
8 Society's recent public assets report identified more
9 than 3,000 properties owned by the City classified as
10 having no current use, so that totals 1,800 acres; if
11 we open that up to urban ag and other public access,
12 because they are public, it would be like adding two
13 more Central Parks to our city. So in conclusion,
14 NYRP strongly supports this intro.

15 TATIANA PAWLOWSKI: Good afternoon
16 everybody. My name is Tatiana Pawlowski; I'm a 2017
17 graduate of Brooklyn Law School where I was a fellow
18 at the Center for Urban Business Entrepreneurship;
19 I'm also the author of the white paper, previously
20 cited by the Chair, so thank you for that. I
21 appreciate the opportunity to testify before your
22 committee in support of Bill No. 1661, and having
23 researched this topic extensively in law school, I
24 conducted a comparative analysis of numerous urban
25 agriculture programs across U.S. cities, as some have

1
2 been mentioned. I'd like to present a case for why
3 urban ag is vital for individuals, particularly those
4 in lower-income communities as well as for businesses
5 and why creating a comprehensive plan to expand
6 existing urban ag policies is key for a healthier,
7 cleaner and more efficient New York.

8 Though New York has the biggest urban ag
9 system in the country, there are two complex and
10 interrelated issues, which are low access to fresh
11 produce and high land value and they require more
12 attention and bolder, broader action through
13 comprehensive planning. I'm gonna skip the part
14 about food deserts, as we already know what they are,
15 but they are a very, very big issue and a
16 comprehensive plan is I believe the only way that
17 they can be ameliorated.

18 The two broad goals of expanding urban ag
19 policy in New York which is bringing fresh produce
20 and affordable produce to all corners of the city and
21 giving urban farmers more options to utilize the
22 city's limited space to meet their profit margins are
23 not mutually **[inaudible]** and can be met with one
24 comprehensive plan that: 1. empowers local
25 communities and more urban ag opportunities by

1
2 ensuring that income and location are not a barrier
3 to food access, and 2. bolsters the innovative
4 options of cutting edge urban farmers to continue
5 building efficient vertical farms. To meet these
6 goals, the comprehensive plan should take stock of
7 the City's existing resources, including agencies,
8 policies and initiatives to identify how to best
9 incorporate urban ag into an established framework
10 and also to develop a clear policy which assesses
11 roadblocks to urban ag practices and meets the needs
12 of low-income communities, small-scale businesses and
13 large-scale urban ag **[inaudible]** by amending the
14 Zoning Code.

15 First, I would like to note that the
16 Mayor's Office has readily [sic] acknowledged the
17 importance of environment sustainability and food
18 policy dedicating City resources and providing tax
19 incentive for energy conservation, preserving green
20 space, and aiding the health and wellness of New
21 Yorkers. These initiatives have already resulted in
22 a greener, more sustainable New York, [bell] thus
23 given the many urban ag-related goals of the Office
24 of Sustainability, Resiliency and Food Policy, the
25 comprehensive plan should streamline existing

1 initiatives by creating one centralized dedicated
2 program that covers all aspects of urban ag policy
3 under one umbrella, perhaps as an offshoot of the
4 City's Office of Food Policy, **[inaudible]** to align
5 itself with the goals of the sustainability plans
6 already in place, such as the City Council's
7 **[inaudible]** plan and the Mayor's OneNYC plan,
8 accountability should also be taken into the measures
9 to ensure follow-through.
10

11 The plan should also address the Zoning
12 Code. Rooftop farming is only allowed in commercial
13 and industrial zones, greenhouses are allowed only on
14 top of non-residential buildings, and growing and
15 selling produce from the same lot without
16 restrictions only in industrial zones. The code is
17 silent on potential rooftop farming as a model as
18 well as on indoor farming and vertical farming,
19 ambiguities that are particularly significant, given
20 the large amount of usable roofs, vacant buildings
21 and unused indoor space such as basements [sic]. The
22 detrimental reality of the current Zoning Code
23 restrictions is that produce cannot be grown inside
24 or on top of many buildings in residential zones,
25 which impacts the physical health of lower-income New

1
2 Yorkers and the financial health of smaller scale
3 urban farmers. **[inaudible]** these shortcomings, the
4 Zoning Code amendments should clearly establish
5 definitions of urban agriculture **[inaudible]**,
6 enumerate and expand allowable uses in each district
7 and lift existing restrictions on sales and
8 greenhouses uses... [interpose]

9 COUNCIL MEMBER ESPINAL: I have to ask
10 you at this time [sic] to wrap up.

11 TATIANA PAWLOWSKI: Yeah, I'm done.

12 COUNCIL MEMBER ESPINAL: Thank you.
13 [background comment] I tried. [background comment]

14 COUNCIL MEMBER ESPINAL: It was good.

15 JOHN RUDIKOFF: I want to commend my
16 colleague's effort. I wanna start by thanking City
17 Council's Committee on Land Use and specifically,
18 temporary Council Chair Espinal. My name is John
19 Rudikoff; I'm the CEO and Managing Director of the
20 Center for Urban Business Entrepreneurship (CUBE) at
21 Brooklyn Law School. The Center trains its students
22 to serve and work alongside early-stage start-ups and
23 studies and shines a spotlight on new industries and
24 what these entities portend in the marketplace.

1
2 I want to begin by applauding the
3 leadership of our friends, the Borough President Eric
4 Adams and Council Member Espinal in their efforts to
5 make Brooklyn and New York City the next frontier for
6 the growth of the urban agriculture industry.

7 Joining me today in testifying is Brooklyn Law School
8 graduate and CUBE fellow, Tatiana Pawlowski, whose
9 tenacious commitments and incisive scholarship
10 deserve much credit for all of us being here today.
11 Her white paper is an excellent scholarly work that
12 explores precedent and policy in laying out what
13 needs to occur here in New York City if urban
14 agriculture is in fact to thrive. Tatiana completed
15 this work as an independent study under the direction
16 of our friend, Professor Bechtel, with the intention
17 of creating a roadmap for legislative action.

18 When CUBE was first conceived, the
19 ambition was to lasso the extraordinary
20 entrepreneurial activities in Brooklyn so that our
21 students would be equipped for meaningful legal
22 careers in the 21st century's changing economy. That
23 has been a really unique perch in the sense that
24 again and again our clinics encounter innovators and
25 entrepreneurs whose businesses and industries present

1
2 questions on which the law and regulation are yet to
3 weigh in meaningfully. Urban agriculture clients
4 have presents just such a challenge -- What
5 activities we are asked under existing New York City
6 code are in fact permitted? Put simply, until New
7 York City clearly delineates what [bell] urban
8 agriculture practices are permitted, such efforts
9 will be relegated to the ad hoc and fringe
10 applications -- venture capital, investment dollars,
11 investment banking dollars will remain invariably on
12 the sideline, handicapping efforts to effectively
13 scale, as we've seen in other markets such as Newark.

14 The proposed legislation to develop a
15 comprehensive urban agriculture plan [bell] is an
16 essential next step in the process of establishing
17 New York City as a global hub for urban agriculture.
18 Where we stand today, without any official action
19 taken, New York City is already a veritable hotbed of
20 urban agriculture activities. New York City has one
21 of the biggest urban agriculture systems in the
22 country which includes rooftops and gardens, vertical
23 farming, hydroponic and auquaaponic farming systems.
24 Thank you.

25 COUNCIL MEMBER ESPINAL: Thanks, John.

1
2 I appreciate all of your testimony. Any
3 one want to respond to what DCP had to say in regards
4 to not having a need to create a plan and that there
5 aren't any really zoning regulations in place that
6 are getting in the way for urban ag to grow?

7 JOSH LEVIN: So I would like to address
8 that. They said they would be willing to meet with
9 us; we, like I said, had ten City agencies including
10 Department of City Planning at that meeting with the
11 twenty members of the New York City Ag Collective;
12 there was a lot of questions that still came out of
13 that and we were working with the Mayor's Office of
14 Sustainability into leadership changes, but the
15 follow-up was not sufficient, in our opinion, and it
16 left a lot of other questions with the other agencies
17 who for the first time were hearing about urban
18 agriculture, but you know, the largest being DCP, DOB
19 and FDNY, since it is an ad hoc approach and we would
20 like to see more clarity so everybody isn't employing
21 a small army of consultants to get through the legal
22 and permitting hurdles.

23 JOHN RUDIKOFF: I would say that the
24 earlier testimony presupposed a static image when it
25 comes to the current status of urban agriculture in

1
2 New York and that all potential uses and technologies
3 have been contemplated and basically start and stop
4 with rooftop farming or potentially farming on empty
5 lots. I think the crowd here can testify to the idea
6 that there are incredibly creative and innovative
7 practices that are being tested out throughout our
8 city and our borough right now and many others that
9 we don't anticipate yet. For those purposes and for
10 the purposes of streamlining those efforts and
11 clarifying what is permissible, it is essential that
12 this bill is passed and that we're able to bring all
13 agencies together and compel them to come up with a
14 legible and straightforward plan for adoption.

15 DEBORAH MARTIN: I agree with my
16 colleagues in that it's not a question of whether
17 there are barriers there; there are or they're not;
18 it's more -- what are the opportunities and what's
19 the roadmap and also, what are the outcomes, because
20 food is one outcome, but others are social capital,
21 education, green jobs, and that requires a cross-
22 agency approach and we certainly don't have that, so
23 this report can lay the groundwork for that.

24 BETTY MCINTOSH: I was thinking that
25 perhaps you could take the leadership role in

1 reaching out to the Department of City Planning, for
2 starters, and perhaps making a meeting, since they
3 did say that they were open to a dialogue, and
4 perhaps taking some key people -- maybe they're
5 sitting at this table or out here -- and putting
6 together some meeting and setting forth the issues
7 one by one, and I would like to be positive and
8 optimistic that you would make progress.

9
10 COUNCIL MEMBER ESPINAL: Thank you.

11 Alright, well thank you all; appreciate your
12 testimony. Thank you. [background comments] [pause]

13 Can I call up Diana [sic] Mickie, Henry
14 Gordon-Smith, Nevin Cohen, Aziz Dehkan; Mariel
15 Acosta. [background comments] [pause] You can
16 begin.

17 NEVIN COHEN: Thank you very much,
18 Council Member Espinal. My name is Nevin Cohen and I
19 am an Associate Professor of Health Policy at the
20 CUNY Graduate School of Public Health and also
21 Research Director of the CUNY Urban Food Policy
22 Institute. I've studied and written about New York's
23 urban agriculture for the past ten years as the
24 Policy Fellow of the Design Trust for Public Space; I
25 co-authored this report, "Five Borough Farm," the

1
2 first comprehensive assessment of urban agriculture
3 in New York City; I also co-authored the book *Beyond*
4 *the Kale: Urban Agriculture and Social Justice*
5 *Activism in New York*, a study of the potential for
6 urban agriculture to address racial, gender and class
7 disparities, and I'm currently leading a three-year
8 evaluation of the farms at NYCHA, an innovative
9 public-private partnership that trains NYCHA youth
10 while growing fresh produce for its residents, and I
11 would like to express my strong support for
12 Intro 1661.

13 The need for an urban agriculture plan is
14 detailed in more than 40 pages in "Five Borough Farm"
15 and I have appended that to my testimony. But since
16 2012, when the report was published, new developments
17 have only increased the importance of a plan. New
18 public initiatives have been launched to make New
19 York City healthier, more just and more resilient
20 from building healthy communities to green
21 infrastructure, to Housing New York, and urban ag can
22 contribute to achieving the goals of these programs,
23 but only if it's fully integrated into program
24 design, and an urban agriculture plan would require
25 conformity with these and other City plans, giving

1
2 stakeholders the opportunity to identify how to
3 integrate urban ag into these other programs. And
4 we're talking about a planning process, not just
5 zoning, and that's really the important distinction.

6 Continuing conflict between urban ag and
7 competing land uses most recently around HPD's
8 affordable housing initiative highlight the need for
9 a public process to decide just how much urban
10 agriculture is appropriate for New York City, where
11 new farms and gardens should be located, methods to
12 protect existing gardens and farms, and a process for
13 supporting current and new farming and gardening
14 activities. And as *Beyond the Kale* showed, the
15 benefits that people usually attribute to urban
16 agriculture can mask and even exacerbate structural
17 inequities, and a planning process [bell] would
18 involve the public in identifying and addressing
19 disparities within the urban agriculture system.

20 And I'll leave my colleagues to talk
21 about new forms of commercial agriculture which also
22 illustrate the need for a planning process. And
23 also, we should think about regional agriculture,
24 particularly in the Hudson Valley, because urban
25 farms can compliment and support regional agriculture

1
2 and that is only something that could be developed
3 through a comprehensive [bell] plan... [crosstalk]

4 COUNCIL MEMBER ESPINAL: Thank you.

5 NEVIN COHEN: I have specific revisions
6 which I'll leave for my written [inaudible]...
7 [crosstalk]

8 COUNCIL MEMBER ESPINAL: We have all your
9 testimony, so you know, if you feel like you didn't
10 get everything in, don't worry; your testimony is in
11 and we will review it.

12 NEVIN COHEN: Thank you very much for
13 this opportunity.

14 HENRY GORDON-SMITH: Thank you,
15 Councilman Espinal and City Council for allowing me
16 to give my support for Bill 1661. My name is Henry
17 Gordon-Smith; I'm founder and Managing Director of
18 Agritecture Consulting; we help urban agriculture
19 entrepreneurs start those farms. I'm also a founding
20 member of the NYC Ag Collective. I'm gonna try and
21 keep it short and focus on the economic opportunity
22 of urban agriculture in New York City.

23 Some estimates say around \$9 million is
24 the size of the indoor agriculture industry; the more
25 high-tech forms of urban agriculture. More recently,

1
2 about \$285 million in investments have come into that
3 industry in particular. I want to ask all of us:
4 What is our stake in that investment? What is our
5 stake in that market and how are we creating the
6 pathways for those entrepreneurs to develop those
7 businesses and those solutions to provide fresh
8 produce, jobs and not to mention the secondary
9 benefits of the industry, including new approaches to
10 smart cities, IOT, AI, machine-learning, automation;
11 it's beyond just the food and the production, it's
12 the related industries there as well.

13 The great news is that we have a lot
14 people here that want to develop these urban farms --
15 the NYC Ag Collective has over 100 jobs already and
16 we're only one of several organizations acting on
17 this. Forty-four of those people come from other
18 cities to move here because if you can grow it here,
19 then you can grow it anywhere. I just want to
20 highlight what Josh Levin said; that we did have a
21 meeting where we all went there and we actually
22 submitted our questions and our concerns and we had a
23 dialogue and the City agencies that said that they're
24 open to a dialogue were at that meeting and they're
25 not at this meeting anymore, as far as I can tell.

1
2 So I think that's a little bit concerning and I think
3 that that's why we need the plan -- oh thank you for
4 being here; appreciate it. I think that we need that
5 plan because I fully agree that urban agriculture is
6 complicated; there are so many different types and
7 scales and methods and so if anything, this plan
8 might even be a way for education for the City
9 agencies, to help them understand. At that meeting,
10 one of the agencies said vertical farms don't involve
11 us; they're just on the outsides of buildings. So to
12 wrap it up, I'm really in promotion [bell] of this
13 bill; my reasons why are in my written testimony, but
14 I think it's a question of what kind of city do we
15 want in the future; we already know we want an
16 ecological and sustainable city, and that does not
17 exist without urban agriculture. Thank you.

18 QIANA MICKIE: Hi, my name is Qiana
19 Mickie; I'm the Executive Director of Just Food.
20 Thank you for having me and allowing me to submit
21 testimony.

22 I'm here with concerns about Intro 1661,
23 unlike some of my fellow urban ag colleagues and
24 community partners that are here. I'm interested in
25 any legislation that will impact our communities, but

1
2 I want to ensure that there is equity embedded in the
3 process and in the outcomes. It is well known and
4 documented that urban ag is vibrant in New York City
5 and has a long history, from abandoned lots turned
6 into community gardens, to larger urban farms.
7 Longstanding residents, when the City, and
8 particularly those communities that are under-
9 resourced, turned soil into rich soil and grew food
10 when other folks had left. Urban farmers like
11 Sheryll Durrant at Kelly Street Garden, the youth at
12 East New York Farms, Yonnette at Hattie Carthan,
13 Cindy Worley, and many other community leaders are
14 environmental stewards in our community and they're
15 change-makers, urban leaders and offering
16 opportunities for our youth for training, planning
17 and other development.

18 I am encouraged that there is a an
19 opportunity to build a comprehensive urban ag plan
20 for New York City, but in order for it to be
21 comprehensive it must include and benefit those who
22 have worked in the soil, grown food, developed
23 community, all at severe livelihood and impact.

24 I believe that organizations like Just
25 Food, New York City Community Garden Coalition and

1
2 others, like Farm School and other community
3 partners, possess immense valuable expertise
4 knowledge and should be at the table in developing
5 any urban ag legislation. I worry that the 07/18
6 deadline is not sufficient time to build a
7 comprehensive ag plan and that ensures equitable
8 engagement of historically marginalized voices, in
9 particular, the low-income and [bell] folks of color.
10 [pause] Sorry; do... yeah... [background comment] No, I
11 really do wanna keep going; I hear that the term food
12 deserts... [crosstalk]

13 COUNCIL MEMBER ESPINAL: I was hoping
14 you'd give me a summary, a conclusion, sorry.

15 QIANA MICKIE: I have reservations of
16 this bill; I think that there's voices at the table
17 that have not been there and I think that we all need
18 to be there in order to make sure that when we say
19 community; it's everyone, and when we say advocate;
20 they're speaking about the folks that are most
21 impacted.

22 COUNCIL MEMBER ESPINAL: We're speaking
23 the same language.

24 QIANA MICKIE: Well there's been the use
25 of food deserts by many people here; that is not a

1 term that I prescribe to and I think some of my other
2 fellow urban and food justice folks don't because it
3 doesn't speak to the lack of equity and the
4 intentionality of segregation of **[inaudible]** in it.
5 We use terms like food apartheid; this is why we're
6 speaking about or speaking against some of those
7 things and wanting to make sure that our voices are
8 included and that our food the work that we do is
9 also listed in these plans. From my knowledge, but
10 not myself, nor some of my other partners, were aware
11 of this until very recently and were not at other
12 meetings or voices [sic], so when we hear advocate,
13 but we say community, I haven't felt like I've been a
14 part of that, nor have my partners have been and I
15 wanna make sure moving forward that we are..
16 [crosstalk]

18 COUNCIL MEMBER ESPINAL: Right. My staff
19 will reach out to you; we should sit down and have a
20 real meeting, conversation about this.

21 QIANA MICKIE: Thank you.

22 COUNCIL MEMBER ESPINAL: 'Kay.

23 AZIZ DEHKAN: My name is Aziz Dehkan; I'm
24 the Executive Director of the New York City Community
25 Garden Coalition. I want to echo what Qiana just

1
2 said about not being at the table, about sweat
3 equity, about discrimination, and about food
4 apartheid. I have a written statement, but I want to
5 do something else. What I'd like to do is take you
6 all off rooftops, get you out of urban warehouses and
7 back into community gardens, back onto the land,
8 because an urban agriculture bill or initiative or
9 whatever develops from this meeting, is not complete
10 until the words "community gardens" and the
11 recognition of community gardens are in that bill.
12 Community gardens -- there are 600 community gardens
13 in the city; this room is filled with community
14 gardeners; this room understands what community
15 gardens provide to the city; they provide food
16 sovereignty, they provide food security, they take
17 away the walls that create food apartheid. And so
18 what I want to do is talk about how we as community
19 gardeners are working towards making this city
20 sustainable and resilient. The Mayor talked about
21 making New York City a part of the Paris climate
22 accord; you cannot be part of climate accord until
23 you recognize the value of community gardens in this
24 city; they provide carbon sequestration, they provide
25 an answer to climate mitigation, and what they

1
2 actually do is provide an answer for communities to
3 come together and to work together and to provide
4 sweat equity -- you mentioned Cindy Worley; you
5 mentioned all these wonderful people who've been here
6 -- Ray Figueroa is here. These people have worked
7 their... they've worked very hard at making this
8 happen, and so I urge this committee; I urge you,
9 Mr. Espinal, who recognizes where we have to go, but
10 I want you to get off the rooftops; there's no
11 accessibility for people in communities on rooftops..
12 [crosstalk]

13 COUNCIL MEMBER ESPINAL: I mean to be
14 fair; when I drafted this bill, I had no intention of
15 leaving community gardens out; [background comment]
16 if you feel that you're feeling left out 'cause
17 there's not a word that says community gardens [bell]
18 in the bill; that's something that could be easily
19 amended. But you know, I'm from East New York, I
20 represent Bushwick; all we have is community gardens,
21 for the most part, so there's no intention of leaving
22 you out of the conversation; you will be part of the
23 conversation as well.

24 AZIZ DEHKAN: I don't feel like you
25 intentionally did it; I feel like... I feel like

1
2 there's never... the words "community garden" are not
3 always in the lexicon of how the City operates and
4 I'd like to have that changed; I think all of us here
5 believe that; we believe in the urban ag part of this
6 as well, for sure, but it has to be comprehensive.
7 And one last thing on zoning; I think that if this
8 bill creates an urban ag zone or zoning requirement,
9 please, please, please include community gardens in
10 the zoning piece or garden district that promote and
11 preserve these gardens. We are all for affordable
12 housing **[inaudible]**... [crosstalk]

13 COUNCIL MEMBER ESPINAL: Did you submit
14 written testimony by any chance?

15 AZIZ DEHKAN: I... I have it here.

16 COUNCIL MEMBER ESPINAL: Did you submit
17 it?

18 AZIZ DEHKAN: I have not submitted it
19 though.

20 COUNCIL MEMBER ESPINAL: Okay. Well you
21 submit it, we'll... [crosstalk]

22 AZIZ DEHKAN: One last thing on... just on
23 affordable housing. Most people in this room who are
24 community gardeners are able to get affordable

25

1
2 housing, but not at the expense of taking our
3 community gardens away. Thank you.

4 COUNCIL MEMBER ESPINAL: Thank you.

5 MARIEL ACOSTA: Hi, my name is Mariel
6 Acosta and I'm one of the volunteers at Bushwick City
7 Farm in Bedford-Stuyvesant. Thanks to the City
8 Council Committee on Land Use for taking on this
9 important issue and for allowing me to speak today.

10 While discussing an urban agriculture
11 plan for the City, I hope you will include a plan to
12 acquire vulnerable community land such as Bushwick
13 City Farm. As many of you already know, Bushwick
14 City Farm is an urban agriculture space that also
15 functions as a community space located across the
16 street from the NYCHA Sumner Houses. In 2008, some
17 concerned community members began cleaning up an
18 abandoned lot in the hopes of turning it into a farm
19 and since then, Bushwick City Farm has given away
20 thousands of pounds of free organic produce,
21 clothing, eggs, and local honey to the community.
22 Over the years we've also helped build gardens in
23 NYCHA housing and local public schools. Bushwick
24 City Farm has a unique approach to urban agriculture
25 that addresses many of the issues this bill has been

1 called to address. For instance, our neighborhood is
2 in a food desert or food apartheid area -- I just
3 learned a new term -- [laughter] we are in a food-
4 insecure community with limited access to healthy,
5 locally grown, organic food. Bushwick City Farm
6 invites all neighbors to participate in growing and
7 harvesting healthy food, thus serving as a model for
8 sustainable urban food production. There is also a
9 lack of green spaces in our neighborhood that cater
10 to community members of all ages and backgrounds; our
11 farm is a popular green space that is open to
12 everyone. Additionally, one of the main platforms of
13 this bill is to provide youth development and
14 education with regard to local food production.
15 Neighborhood youth spend time at Bushwick City Farm
16 learning firsthand how to take care of plants,
17 develop carpentry skills, and apply new technologies,
18 like solar energy and aquaponics to urban
19 agriculture. [bell] So currently -- I will sum it
20 up real quick -- Bushwick City Farm is facing a
21 possible eviction; this could be avoided if the City
22 intervened to purchase the lot in order to make a
23 city park or a green thumb farm. We are hoping that
24 this bill can help us continue to use this land in
25

1
2 the way the neighborhood has been using it for the
3 last nine years. Zoning and creative land use plans
4 could help us continue to work for a better New York
5 and better underrepresented neighborhood.

6 COUNCIL MEMBER ESPINAL: Thank you. Have
7 you spoken to your council member?

8 MARIEL ACOSTA: Yes, we've been in touch
9 with the council member of our district and...
10 [background comment] Cornegy... Robert Cornegy and the
11 president of the borough's office... the office of the
12 president. Yeah.

13 COUNCIL MEMBER ESPINAL: Okay. Great.

14 MARIEL ACOSTA: Uhm-hm.

15 COUNCIL MEMBER ESPINAL: Thank you all;
16 appreciate it. [background comments]

17 Next panel -- Annel Hernandez, Luisa
18 Santos, Katherine Soll, Adriana Espinoza; Harrison
19 Hillier. [background comments] [pause] You may
20 begin.

21 ANNEL HERNANDEZ: Good morning,
22 Councilman Espinal. My name is Annel Hernandez and
23 I'm here to testify in support of Intro 1661 on
24 behalf of the New York City Environmental Justice
25 Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a

1 nonprofit, citywide membership network linking
2 grassroots organizations from low-income
3 neighborhoods and communities of color in their
4 struggle for environmental justice. NYC-EJA empowers
5 its member organizations to advocate for improved
6 environmental conditions and against inequitable
7 environmental burdens. Through our efforts, member
8 organizations including Nos Quedamos and The Point CD
9 in the Bronx, El Puente and Brooklyn Movement Center
10 in Brooklyn, among others coalesce around specific
11 common issues that threaten the ability of low-income
12 communities and communities of color to thrive and
13 coordinate campaigns designed to affect city and
14 state policies, including around community gardens,
15 green infrastructure; urban agriculture policies
16 directly benefiting these communities.

17
18 Our organization has been a longtime
19 advocate of community gardens and we support Intro
20 1661 that requires the City to develop a
21 comprehensive urban agriculture plan. Our member
22 organizations come from communities overburdened by
23 pollutant infrastructure, lacking green and open
24 space and lacking access to healthy food, and NYC-EJA
25

1
2 recognizes urban agriculture as a key community
3 resiliency strategy.

4 Our New York City climate justice agenda
5 is a multi-year research and advocacy campaign to
6 address the needs for comprehensive community-based
7 approaches to climate adaptation and community
8 resiliency. We highlighted that community gardens
9 are a much-needed piece of green infrastructure to
10 mitigate climate change, to deal with air quality and
11 flooding and coastal resiliency, and a valuable asset
12 for vulnerable communities. For example, a
13 comprehensive approach to the growing threat of
14 extreme heat should also take into consideration the
15 multiple co-benefits associated with green spaces.
16 While the City has provided support for community
17 gardens and urban agriculture, we are troubled by the
18 news that several community garden sites may be
19 offered up for [bell] the development of housing.

20 Finally, our urban agriculture is also an
21 important piece of food resiliency; in the City's
22 recently released Five Borough Food Flow report they
23 flagged that in the event of an emergency, low-
24 income, geographically isolated consumers face
25 additional vulnerabilities, particularly if they have

1
2 already limited food choices under normal
3 circumstances; this increases the need for
4 comprehensive food mapping at the community level so
5 that emergency food supplies are readily accessed by
6 the City's most vulnerable populations during
7 hurricanes, blackouts and other emergency scenarios.
8 So NYC-EJA commends the City Council and Councilman
9 Espinal for proposing Intro 1661 and we look forward
10 to working with you to make sure that it happens.

11 ADRIANA ESPINOZA: Good afternoon, my
12 name is Adriana Espinoza; I'm the manager of the New
13 York City Program at the New York League of
14 Conservation Voters (NYLCV). I'd like to thank
15 temporary Chair Espinal and all members of the
16 Committee of Land Use for the opportunity to testify.

17 The New York League of Conservation
18 Voters strongly supports the development of a
19 comprehensive urban agriculture plan. The City
20 Council and the Mayor have demonstrated their
21 commitment to urban agriculture through supporting
22 programs like **[inaudible]**, Green Thumb Community
23 Gardens, educational programs in schools, etc., but
24 it's only through a comprehensive planning process
25 can we improve sustainability and security of our

1
2 food system while ensuring equitable access to fresh,
3 local, healthy produce.

4 The need for a comprehensive approach in
5 urban agriculture policy is demonstrated by the maze
6 of City agencies who oversee our sustainability goals
7 and those who manage regulation and approval of urban
8 agriculture projects. There does not currently exist
9 a centralized place for urban agriculture programs
10 and processes and we are pleased that this is one
11 important question that the bill will address.

12 Cultivating urban agriculture in the city
13 is inherently challenging, given our heavily
14 developed, densely populated city environment, but
15 these challenges can be exacerbated by a lack of
16 clarity in zoning and regulation; we need a clear,
17 modern and streamlined approach to urban agriculture
18 policy, perhaps the most critical component to
19 examine amendments to the Zoning Code to clearly
20 define permissible urban agriculture practices for
21 both individual and commercial interests in each
22 zoning district.

23 Other specific Zoning Resolutions,
24 Building Code and Fire Code changes that should be
25 explored include: feasibility of allowing urban

1
2 agriculture in all districts, expanding as-of-right
3 use for small-scale projects, and simplifying the
4 permit application and regulatory processes for
5 conditional uses, such as rooftop or vertical
6 farming.

7 Intro 1661 also calls for cataloging
8 existing and potential urban agricultural spaces
9 [bell] and we encourage attention to a couple of
10 externalities that are unique to the city; one I'll
11 point out is; given the city's rich industrial
12 history and poor environmental safety practices of
13 decades past, soil quality and remediation must be
14 taken into consideration when cataloging potential
15 ground level urban agricultural spaces.

16 And to conclude, there are many
17 environmental benefits to reducing the physical space
18 between cultivation and consumption of fresh food --
19 fewer emissions, less reliance on and fossil fuels.
20 For example, a more sophisticated approach to urban
21 agriculture does not replace the need to invest in
22 protection of our regional food shed, but so long as
23 attention is paid to energy intensity of large-scale
24 projects, a robust urban agriculture plan is a
25 benefit to a more sustainable food system and

1
2 increasing access to fresh produce overall. Thank
3 you.

4 LUISA SANTOS: Thank you, Council Member
5 Espinal for hearing public testimony on the proposal
6 for a comprehensive urban agriculture plan. I am
7 Luisa Santos, Equitable Public Space Fellow with the
8 Design Trust for Public Space, a nonprofit dedicated
9 to the future of public space in New York City.
10 Design Trust brings together City agencies and
11 community groups to make a lasting impact through
12 design on how New Yorkers live, work and play.

13 Our projects over the past 20 years have
14 included saving the High Line with our feasibility
15 study and developing sustainability guidelines that
16 became the precursor to New York City's Local Law 86
17 and now OneNYC.

18 Our project on urban agriculture, Five
19 Borough Farm, was a multi-phased project conducted in
20 partnership with Added Value, New York City Parks and
21 Farming Concrete. Five Borough Farm offered a
22 roadmap to farmers and gardeners, City officials, and
23 stakeholders to understand and weigh the benefits of
24 urban agriculture.

1
2 3. communication within the City and with gardening
3 and farming support organization advocate networks.

4 We recognize that this is an aggressive timeframe;
5 nonetheless, the process will be critical to ensuring
6 the effectiveness of the plan.

7 To conclude, let's make sure that the
8 needs of all gardeners and farmers are included in
9 the citywide comprehensive urban agriculture plan.

10 Thank you.

11 HARRISON HILLIER: Thank you for hearing
12 our testimony. I'm Harrison Hillier, the hydroponics
13 manager at Teens for Food Justice (TFFJ), and for
14 time, I'd like to note that this is a joint statement
15 with Kathy Soll, the founder of Teens for Food
16 Justice.

17 In 2016, Teens for Food Justice, our
18 social justice urban agricultural not-for-profit,
19 built its second indoor hydroponic farm at a Title I
20 school in Bed-Stuy. Urban Assembly Unison is a Title
21 I community school where more than 90% of the
22 students are eligible for free and reduced lunch and
23 serve a largely food-insecure community. The
24 wholesome produce, grown by the students at our farm,
25 nourishes the bodies of the students who plant the

1 seeds and watch over the crops until harvest. In
2 2016 school year, our farm, situated in a repurposed
3 science classroom, grew more than 1,100 pounds of
4 produce which students enjoy in the cafeteria and
5 distribute to school's families.
6

7 As they grow food for their school
8 cafeteria and community, our students learn about
9 nutrition, health, food policy, and social justice;
10 they share this knowledge with others, transforming
11 them into advocates who can help their community gain
12 access to resources it sorely needs. This nourishing
13 effect ripples outwards, placing students and their
14 families on a path toward improving their health
15 through greater consumption of fruits and vegetables
16 and better nutrition.

17 Independent evaluations over the last
18 three years have shown that more than 50% of TFFJ
19 students feel more confident in science, see
20 themselves as leaders and believe that they can make
21 a difference in their communities after completing
22 just one semester with the program. In addition, 70%
23 report understanding the importance of eating fruits
24 and vegetables and consider themselves healthy
25 eaters.

1
2 KATHERINE SOLL: Teens for Food Justice
3 is currently completing construction of our third
4 youth-built/youth-run farm at DeWitt Clinton High
5 School in the Bronx, which is set to grow more than
6 20,000 pounds... [interpose]

7 COUNCIL MEMBER ESPINAL: Excuse me,
8 ma'am; can you identify yourself?

9 KATHERINE SOLL: Oh I'm sorry. I'm
10 Katherine Soll; I'm the CEO and founder of Teens for
11 Food Justice.

12 So we are completing construction of our
13 third youth-built/youth-run farm at DeWitt Clinton
14 High School in the Bronx, which is set to grow more
15 than 20,000 pounds, 10 tons of produce annually.
16 This food will be consumed by students in the
17 cafeteria each day and distributed free and
18 affordably directly into the local food-insecure
19 community, significantly increasing healthy food
20 access in that area.

21 The farm will provide integrated STEM
22 learning to 100 students annually, real-life
23 preparation for urban agricultural careers in higher
24 education and in nutrition education and healthy food

1
2 access hub that can improve health outcomes for
3 thousands of community members.

4 Additional farms on this scale are in
5 development in Manhattan and Brooklyn; 1661 would
6 expedite and streamline the implementation process,
7 enabling youth-run farms such as these and the
8 benefits they bring to rapidly expand throughout the
9 city.

10 To ensure the proliferation of projects
11 such as these, and there are many, that both nourish
12 New Yorkers of all ages in all boroughs and provide
13 rich educational and workforce development
14 experiences for the next generation, we highly
15 support this bill in its efforts to create a clear
16 and comprehensive plan and a blueprint for growth.
17 In addition, we support the development of a
18 comprehensive urban agriculture policy that can build
19 this growing industry that's providing a workforce
20 pipeline for the students we train. Thank you for
21 the opportunity to testify.

22 COUNCIL MEMBER ESPINAL: Thank you. Just
23 to clear this up; so the League is supportive of the
24 bill?

25 ADRIANA ESPINOZA: Yes.

2 COUNCIL MEMBER ESPINAL: Okay, great.

3 Thank you; appreciate you all. [pause]

4 Tinia Pina, Carolyn Sezima, Albert
5 Williams, Ricky Stephens, Holly O'Grady. [pause]

6 And the clock has been changed to one
7 minute, so please give me your elevator pitch; the
8 best you've got... [crosstalk]

9 TINIA PINA: Not a problem. [laughter]

10 My name is Tinia Pina; I'm one of the founding
11 members of New York City Agricultural Collective and
12 representing a company called Re-Nuble. And What Re-
13 Nuble is doing is providing an innovative business
14 model where we take food waste from grocers and
15 wholesale produce distributors and we turn it into a
16 soil fertilizer as well as hydroponic fertilizer
17 that's a dry and liquid form. And we want to bring
18 up the topic and theme of food waste that should
19 definitely be considered in this bill, in which we're
20 supportive of, is because of the fact that a lot of
21 times, from the upstream providers of these farms, as
22 well as who they sell to, have an abundance of food
23 waste and we've proven the ability to divert a
24 tremendous amount of carbon emissions, so we can show
25 an 86 reduction compared to transporting a lot of

1
2 that food waste to distant composting facilities,
3 such as in Long Island or even Peninsula Compost --
4 used to be Delaware -- whereas us helping the City
5 compost or process this food waste locally will
6 definitely help the City meet its carbon emissions
7 reduction.

8 [bell]

9 COUNCIL MEMBER ESPINAL: That was really
10 good, by the way.

11 CAROLYN ZEZIMA: Hello; can you hear me?
12 Good morning. I am Carolyn Zezima; I am the
13 President and Chief Consultant for NYC Foodscape, a
14 local food system and urban ag consulting business.
15 I want to express my general support for the proposed
16 comprehensive urban ag plan creation process as a
17 great step toward long-term resilience, economic
18 opportunity, food security, health, and community
19 sovereignty for all New York City residents; it's the
20 planning process itself that I wish to quickly
21 comment on and focus.

22 Most of my background in urban ag is in
23 my longer statements, but I do have a deep history in
24 urban ag, including starting an urban farm in
25 Evanston, Illinois in 2006 and at least seven

1 projects here in New York. I applaud all urban ag,
2 but I focus specifically on those that work in the
3 community and on the ground, and one of my most
4 cherished projects is the Children's Garden at Campos
5 Community Garden, which was started in the wake of
6 Hurricane Sandy, when our local school gave us money
7 to repair the garden.
8

9 I do want to say very quickly about the
10 plan; that the entrepreneurial food access
11 environmental and public health potential of urban
12 agriculture that this plan could lay the groundwork
13 for is clearly backed; the bill's plan brings so that
14 many areas that need input -- and here is where I
15 think the important part is -- either in the form of
16 a task force or other formal structure, from all
17 stakeholders -- from residents and citizens groups,
18 gardeners, community-based organizations, health
19 providers, housing providers, educators,
20 entrepreneurs, philanthropists, and advocates. The
21 plan will need the on-the-ground experience and
22 expertise of those who have led the way -- many of
23 which you have heard from today -- and hear from
24 those whose needs the plan seeks to address to delve
25 deeper into the specifics of the plan, some of which

1
2 are written in your proposed law right now. But one
3 of the things that I think absolutely needs to be
4 explored, in addition to incentives for all types of
5 agriculture, is ensuring that the knowledge and
6 expertise of existing community and backyard and
7 rooftop gardeners and farmers are included and that
8 the plan is equitable, because New York City
9 residents in all communities -- especially those who
10 need it the most -- an equal and increased share of
11 the land access and tenure necessary to grow their
12 own food and retain some degree of sovereignty over
13 their food system. I would be very happy to work
14 with you and to give you my continued input as this
15 plan develops, and feel free to contact me at any
16 time if you'd... [interpose]

17 COUNCIL MEMBER ESPINAL: Thank you;
18 appreciate it.

19 CAROLYN ZEZIMA: like more input.

20 RICKY STEPHENS: Hello; I'm Ricky
21 Stephens; I'm a founder of AgTech X, a Brooklyn-based
22 start-up. I strongly support Bill 1661 and really
23 all forms of urban agriculture, including community
24 gardening, but I want to speak strictly about the
25 economic development opportunity from my perspective.

1
2 So at AgTech X, we serve as a hub for
3 learning, inspiration and collaboration within the
4 urban farming and ag-tech world; we currently run
5 what we refer to as New York City's only ag-tech co-
6 working lab.

7 Using our space as a hub to connect into
8 the industry, we've hosted hundreds of visitors in
9 our five short months of running the space; these are
10 primarily New York City residents, but others have
11 come from all over -- Brazil, France, Japan,
12 Australia, to name just a few. Their ambitions vary
13 too; many young, local professionals are seeking jobs
14 in a more sustainability and impact-driven field,
15 while some of our international visitors have come to
16 size up the opportunity for bringing their existing
17 businesses here. All of these visitors consider New
18 York City to be at the forefront of innovation when
19 it comes to food, [bell] technology and urban design
20 -- the foundations to encourage rapid business growth
21 in the urban agriculture field. My fear, however,
22 that as these enthusiastic professionals uncover more
23 hidden barrier to entry and their associated risks
24 and costs, they will flee for greener pastures,
25 literally -- Chicago in 2011; Baltimore in 2013;

1
2 Boston, as already mentioned by the Council Member;
3 and Los Angeles in 2015 are just a few of the many
4 U.S. cities that have already adopted comprehensive
5 urban agriculture plans or made supportive amendments
6 to zoning policies to spur the growth of this
7 industry. New York City has been behind the curve;
8 let's use this bill to change that. Thank you.

9 HOLLY O'GRADY: Hi, my name is Holly
10 O'Grady... [background comments]

11 COUNCIL MEMBER ESPINAL: Hit the button
12 on your mic.

13 HOLLY O'GRADY: Sorry. Hi, my name is
14 Holly O'Grady and I'm representing Art Lasada [sp?]
15 Foundation and Garden Stories: Leadership Workshop
16 and I am also proud to say that we have work very
17 closely with the Campos Garden and Carolyn Zezima.
18 Our concern is primarily education, connecting
19 children to opportunities to learn actively through
20 green spaces that are available or nearby schools.
21 So we support a plan; a mindful use of that space;
22 the concern is to make sure that these spaces are
23 accessible to the community and to children and that
24 there is a plan for a sustained and systemic
25 educational program. And I've included photos of

1
2 very happy children who have gone through our
3 workshops and they speak volumes. Thank you.

4 ALBERT WILLIAMS: Hello, my name is
5 Albert Williams; thank you for having me today. I'm
6 a student at the CUNY School of Public Health; I'm
7 Research Coordinator at Mt. Sinai Hospital, and also
8 a lifetime resident of Brooklyn, New York.

9 And so in my own experience I've had
10 plenty trouble finding healthy food, even in my own
11 neighborhood and other boroughs in New York City.
12 And when it comes to urban agriculture, this is
13 something that I personally had to really go out and
14 search for to even know what exists in my community,
15 and my concern is that this is even more difficult
16 for people of low-income and other communities who
17 have other barriers, who aren't students in public
18 health, and also have barriers to accessibility.

19 So I have two minutes [sic] today; my
20 first was about explicitly mentioning rooftop gardens
21 because of its clean soil opportunities, as well as
22 space utilization, but also integrating communities
23 in urban agriculture, [bell] so I think that if we
24 are able to use marketing at community events and
25 other health initiatives at points of access, we can

1
2 not only make sure that urban agriculture exists in
3 communities where it's most needed, but also really
4 address the needs of these communities and invite
5 people to actually participate and have urban
6 agriculture as a part of their lives as opposed to
7 compliments. Thank you.

8 COUNCIL MEMBER ESPINAL: Thank you.

9 Tatiana [sic], I would love to follow up on the food
10 waste conversation; it's one of the issues I try to
11 tackle here in the Council as well.

12 TINIA PINA: Sure; we'd appreciate that.

13 COUNCIL MEMBER ESPINAL: Yeah, we'll have
14 Rick Arbelo, my Legislative Director there; if you
15 can just give us your contact information.

16 TINIA PINA: Absolutely. Thank you.

17 COUNCIL MEMBER ESPINAL: Thank you.

18 Thank you all. Thank you.

19 Robert Laing [sp?], Daniel Godein [sp?],
20 Henry Sweets, Alice Forbes Spen [sic] -- I'm sorry if
21 I mispronounce your name -- Raymond Figueroa, Jr.
22 [pause]

23 ROBERT LAING: Uh yeah, so I'm Robert
24 Laing and I represent Farm One; we're a vertical farm
25 actually a few blocks away in Tribeca, very much in

1 support of 1661. I'm coming at this pretty much from
2 a commercial angle; we founded the company about a
3 year ago; we have a new farm that we've built in a
4 basement of a landmarked building in the city; we now
5 employ ten people, and we're just at the beginning.
6 So you know the difficulties that we've faced have
7 really been, as some people have mentioned, that
8 there's just not a lot of clarity around what can be
9 done and I think that a bill that introduces some
10 clarity will have a ripple effect across other
11 departments, so for instance, when we interact with
12 people from the Department of Buildings or the
13 Department of Health or the Fire Department, it would
14 be great to have some kind of structure in place that
15 would allow us as a business to know that we're doing
16 the right thing and also allow us to be confident
17 that we can grow and that New York is supporting us
18 as a business, so very much in support of any bill
19 that can do that. Thanks.

21 DANIEL GODEIN: Daniel Godein from
22 Isabella Farm in Brownsville, Brooklyn. First of
23 all, I would like to thank everyone in this room, and
24 thank you, sir for holding this hearing because I
25 come from a neighborhood where there's a lot of

1
2 elders, a lot of sickly people, and we have been able
3 to provide food to people that would normally not be
4 able to purchase it at a low price or even given away
5 free. Our main focus is to educate the young people
6 in the neighborhood. Being a Future Farmer of
7 America from Virginia, I thought it was important
8 that, you know, 4H and Future Farmers should be
9 discuss... we don't talk about those things in school,
10 but every last one of our gardens -- we have six that
11 we provide -- is around a school and now the feedback
12 is; maybe we should do more farming in the schools
13 and have access, but the problems seem to be that --
14 money, and how do we [bell] generate funds for people
15 that are even coming home **[inaudible]** programs;
16 that's all they're doing Upstate is farming, but when
17 they come home, you can't even give them a job. So I
18 hope in the plan a process that you would take in
19 consideration all of the things that I spoke about
20 and all the things that the people talked about,
21 'cause there was a wealth of information here today,
22 and I thank you all, you know, for supporting this.

23 COUNCIL MEMBER ESPINAL: You have a farm
24 in Howard Houses in Brownsville...? [crosstalk]

25

1
2 DANIEL GODEIN: I am the manager for..
3 Yes, sir. I refused... I opted out that day when you
4 came not to take a picture with you, but I was
5 hiding.

6 COUNCIL MEMBER ESPINAL: Uhm-hm.

7 DANIEL GODEIN: But yes, Howard Houses..
8 [crosstalk]

9 COUNCIL MEMBER ESPINAL: Yeah, I bring it
10 up because I remember being there and a young man who
11 learned how to farm through that farm wanted to be a
12 compost director...

13 DANIEL GODEIN: Yeah.

14 COUNCIL MEMBER ESPINAL: and I just found
15 that amazing to just be able to see young people from
16 the neighborhood being able to learn skills that
17 aren't traditionally available to them, so I wanted
18 just to highlight that.

19 DANIEL GODEIN: And thank you for
20 supporting him and that's what we try to do.

21 COUNCIL MEMBER ESPINAL: Thank you.

22 HENRY SWEETS: Hi, my name is Henry
23 Sweets; I'm a co-founder of the urban farming
24 business North Brooklyn Farms. Thanks for having me
25 today.

1
2 Five years ago North Brooklyn Farms
3 worked with two other organizations to transform a
4 vacant lot into a one-acre public park located on
5 private property owned by Two Trees Development. We
6 now operate our own half-acre green space on the East
7 River at the former Domino sugar refinery. Our farm
8 is full of flowers, vegetables, edible medicinal
9 herbs, and trees in two expansive grassy lawns. We
10 use agriculture as a tool to engage our visitors and
11 have created a green space at a fraction of the cost
12 of a city park. Since we're located on private
13 property, we host events that fund the entire
14 project, create hundreds of thousands of dollars of
15 revenue annually, and create jobs. We've also
16 exhibited that urban farms can activate temporary
17 spaces and continue to pave a viable path for the
18 next generation of urban farmers. Hundreds of local
19 families frequent our space and thousands of visitors
20 [bell] come to our farm every week. As you consider
21 the value of urban agriculture, please consider that
22 urban farming has an impact beyond the produce that
23 it grows; it can also be a tool to create a unique
24 and inclusive community space. Thanks.

1
2 ALICE FORBES SPEAR: Hi, my name is Alice
3 Forbes Spear and I'm a founding member of the 462
4 Halsey Community Farm in Bed-Stuy. Since 2002 our
5 space has gone through a number of transformations --
6 long-abandoned lot to community garden; community
7 garden to New York City park; to its latest iteration
8 as a fully functioning volunteer-run urban farm. We
9 have struggled through myriad projects in this time,
10 from the age-old question, how do we get water, to
11 the age-older question, how do we channel all of our
12 differences as a community to create something
13 valuable? Our successes have been greater than our
14 struggles; ever week more than a 100 families
15 participate in Grow NYC's Fresh Food Box at our farm.
16 We have a sliding scale farmer's market that allows
17 every resident in our gentrified neighborhood to buy
18 affordable organic vegetables with dignity and
19 respect; we have diverted nearly 100 tons of food
20 waste into compost to nourish our crops.

21 But I'm not here today to talk about our
22 successes; we have this book for that -- we gave you
23 guys a copy. Instead, I'm here to talk about how we
24 aren't reaching our potential. Taking pride in our
25 resourcefulness does not mean that we don't wish we

1 had more support from the City. [bell] For the past
2 two years our space has thrown all of its resources
3 into installing a long-term irrigation system powered
4 by solar panels; that project took all of our budget
5 and all of our time. As spaces like ours get more
6 ambitious in scope as we become more necessary in the
7 face of climate change and rising food prices, we
8 need more from the City. Some of us need support for
9 infrastructure projects; all of us could use more
10 people power, which is an opportunity for the City to
11 invest in urban agriculture as well as green jobs for
12 young people. I got my start at Eagle Street Rooftop
13 Farm; like many young hipsters, I thought I was at
14 the forefront of the urban agriculture movement; the
15 more I learned, the more I realized the error and
16 arrogance of my belief. I was not part of the
17 vanguard; the vanguard was the Karen Washingtons,
18 Yonnette Flemings, Brenda Dushanes [sp?], and my own
19 personal garden hero, Ena McPherson. These women,
20 like others before them, had been getting the job
21 done and then some for decades; they've created
22 farmers markets, green jobs; community spaces, labors
23 of love [bell] that nourished their neighborhoods
24 long before kale was trendy. If you want to learn
25

1
2 what will feed our city in the future, look to the
3 past. I have more, but... [crosstalk]

4 COUNCIL MEMBER ESPINAL: Thank you. Did
5 you submit testimony?

6 ALICE FORBES SPEAR: Me?

7 COUNCIL MEMBER ESPINAL: Yeah.

8 ALICE FORBES SPEAR: Yes, it's inside of
9 our book.

10 COUNCIL MEMBER ESPINAL: Okay, great.

11 ALICE FORBES SPEAR: Much longer, but two
12 minutes [sic]... [crosstalk]

13 COUNCIL MEMBER ESPINAL: Thank you.
14 We'll read it.

15 ALICE FORBES SPEAR: Thank you.

16 RAYMOND FIGUEROA: Hello and good
17 afternoon, peace and blessings. Thank you for this
18 opportunity. My name is Raymond Figueroa, Jr.; I
19 have over two decades of experience in agriculture,
20 13 of which are in urban agriculture. I am President
21 of the New York City Community Garden Coalition; I am
22 on the faculty of the Graduate Center for Planning
23 and the Environment at the Pratt Institute Graduate
24 School of Architecture, where I focus my work on the
25 land use ramifications of urban agriculture, so this

1
2 is the perfect opportunity here. I am also Director
3 of an Alternatives to Incarceration Initiative at the
4 Youth Community Farm of the Brook Park Community
5 Garden.

6 Cutting to the chase. In order for the
7 City of New York to develop and implement a
8 comprehensive, a truly comprehensive urban
9 agricultural plan, it must comprehensively reconcile
10 the implicit competition with its rezoning for
11 affordable housing plan. [bell] The City must, in
12 the interest of rightfully promoting the public good
13 in the fullest sense, thoughtfully consider the
14 following:

15 Just as it can and must adapt the Food
16 Retail Expansion to Support Health (FRESH) initiative
17 incentives, the City of New York can and must
18 implement a redeployment of its rezoning and tax
19 exemptions currently earmarked for affordable housing
20 development and consider additional rezoning and
21 additional tax incentives for housing development
22 that includes the development of community-based
23 agriculture and it must further do so in particular
24 where such housing plans overlap with the City's
25 FRESH geographic criteria for the siting of

1
2 supermarkets -- in this case, adapting that for the
3 siting of urban farms -- and where that plan [bell]
4 overlaps with the City's Department of Environmental
5 Protection's geographic designation of combined sewer
6 overflow tributary areas. To be sure in this regard,
7 not only do community gardens, community farms
8 collectively constitute both an infrastructure for
9 urban agriculture, but they bring the added value of
10 providing an already built up and cost-effective
11 green infrastructure for mitigating storm water
12 flooding and runoff. Finally... [interpose]

13 COUNCIL MEMBER ESPINAL: Thank you,
14 Raymond; I have to ask you to...

15 RAYMOND FIGUEROA: Fi...

16 COUNCIL MEMBER ESPINAL: conclude, yeah.

17 RAYMOND FIGUEROA: Just finally?

18 Finally, the simultaneous and strategic deployment of
19 transfer of development rights and/or purchase of
20 development rights and the related utilization of
21 community land trusts can allow for the three goals
22 of developing an urban agricultural infrastructure,
23 the development of a green infrastructure for
24 mitigating extreme weather events, and at the same
25 time, the development of affordable housing.

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COUNCIL MEMBER ESPINAL: Thank you.

Thank you.

ALICE FORBES SPEAR: Can I say one more thing very quickly? The market on urban agriculture has all been focused on pouring millions of dollars into start-ups that grow microgreens and humanity can't survive on microgreens. I mean like some self-starving New Yorkers can, but we calorie-rich, nutrient-dense food like squash and beans and the market is not able to, you know like, investments are not being made on that... [crosstalk]

COUNCIL MEMBER ESPINAL: We're trying... We're trying to expand opportunities, so we're... [crosstalk]

ALICE FORBES SPEAR: Yeah, you know, like spaces on the ground need to grow...

COUNCIL MEMBER ESPINAL: we're gonna... we're gonna... we're... we're... we're trying to accomplish the expansion of opportunities... [crosstalk]

ALICE FORBES SPEAR: Yeah, real food... [crosstalk]

COUNCIL MEMBER ESPINAL: **[inaudible]**.

Thank you.

1
2 ALICE FORBES SPEAR: not just kale. I
3 love kale, but you know.

4 [background comments]

5 COUNCIL MEMBER ESPINAL: Thank you all;
6 appreciate it.

7 Next panel -- Claudia Joseph, Simon
8 Roberts, Kendra Valle, Elizabeth Vaknin, and Mara
9 Kravitz. [background comments]

10 CLAUDIA JOSEPH: Ready? I'm Claudia
11 Joseph; I'm a 30-year community gardener and
12 instructor at New York Botanic Garden, a permaculture
13 teacher, consultant and designer, and the Director of
14 Environmental Education at the Old Stone House in
15 Brooklyn.

16 I support the Introduction 1661 and thank
17 you, Councilperson Espinal for bringing this out into
18 the public and allowing us to say our peace.

19 I agree with Aziz and the other community
20 gardeners who are bringing together these benefits of
21 having community gardens; I'll go beyond that and say
22 that in addition to community gardens, we can have
23 them at every library, school and park. My own
24 landscape has been under development for 12 years; we
25 have about an acre of a three-acre park in gardens

1
2 now; it is a colonially-based [bell] model, but it
3 produces food, medicine, **[inaudible]** material,
4 wildlife habitat, and storm water infrastructure.
5 Training programs can be created in our communities
6 to create foodways, foodscapes, food forests, in
7 public places where perhaps we haven't considered
8 gardening before. Every woody shrub that we plant is
9 a carbon sync [sic] in its bark and roots and
10 becoming aware that soil is alive as one of our
11 greatest potential places to store carbon; it's a
12 revelation to many non-gardeners that carbon
13 sequestration is available in the soil and that this
14 is an avenue we might pursue in dealing with climate
15 mitigation. There are many par.. [crosstalk]

16 COUNCIL MEMBER ESPINAL: I'm gonna ask
17 you... I'm gonna ask you to please conclude the.. your
18 statement.

19 CLAUDIA JOSEPH: Hm?

20 COUNCIL MEMBER ESPINAL: Please conclude
21 your statement.

22 CLAUDIA JOSEPH: Yes, sir. There are a
23 lot of parcels that are available to farm and I
24 believe in-ground farming is our most economical and
25

1
2 offers the best resources for our communities in
3 moving forward with urban agriculture.

4 COUNCIL MEMBER ESPINAL: Thank you.

5 SIMON ROBERTS: My name is Simon Roberts;
6 I have been a farmer... had many farms in the city; I
7 definitely support 1661 and thank you for bringing
8 this to the attention of all the people that need to
9 hear about it.

10 I can't say anything that anyone hasn't
11 already said, but what I can say and put urgency on
12 is the physical and mental health of an entire
13 generation is at stake and to that effect, I'd
14 actually like to share a story.

15 There were two farmers who desperately
16 needed rain; however, only one of them went out to
17 the field and prepared it to receive the rain. Which
18 farmer is New York City? Can the health of future
19 generations really afford to wait any longer for us
20 to invest in them? And I would actually like to
21 challenge you today to actually consolidate all of
22 the insight that you've heard from all the
23 testimonials and present them publicly, so that's a
24 good place to start at least and I myself and I'm
25

1
2 sure several others [bell] in this audience would
3 like to help with that as well.

4 KENDRA VALLE: My name is Kendra Valle
5 and I'm testifying on behalf of East New York Farm,
6 which I assume you're familiar with, as many of the
7 gardens that we work with are in your district. So
8 I'll skip the part about our work.

9 We're very much in support of this
10 proposal and we just want to share a few of our
11 thoughts. We wanna make sure that community gardens
12 remain at the forefront of any conversation about
13 urban agriculture in New York City. While any single
14 garden may not look as impressive as a rooftop farm
15 or a hydroponic greenhouse, when taken as a whole,
16 community gardens constitute a much larger part of
17 our local food system than any of the more high
18 visibility farm projects. Community gardens are also
19 an important part of the legacy of land stewardship
20 in some of the communities hit hardest by redlining,
21 arson, abandonment, and neglect. Community gardens
22 bring together residents of all ages and all
23 backgrounds. In East New York you find gardeners
24 from the American south, the Caribbean, West Africa,
25

1
2 and Bangladesh, all working together [bell] in the
3 same space to feed their families.

4 So in conclusion, we appreciate this
5 effort to bring a broad range of City agencies to the
6 table; we would like to encourage that the Council
7 also consider the Department of Sanitation, which has
8 been a key partner for many urban farms in providing
9 compost; the Department of Environmental Protection
10 should also be at the table, considering the benefits
11 that urban agriculture has on the overburdened sewer
12 system, and we also believe that some of the agencies
13 and institutions holding large amounts of public land
14 should also be at the table -- NYCHA, communities,
15 public schools, and colleges. So that's my
16 conclusion. Thank you.

17 MARA KRAVITZ: I'm Mara Kravitz and I am
18 the Director of Partnerships at 596 Acres. We
19 champion resident stewardship of land to build more
20 just and equitable cities; we believe that
21 communities should have a say in how land in their
22 neighborhood is used and by whom.

23 I'm so glad that this new law can support
24 our network of hundreds of growers across New York
25 City; I'm generally supportive and I'm glad the

1 language of the bill includes resilience, because
2 this is the story of the development of urban
3 agriculture in New York City. Urban agriculture in
4 New York City, most of the community gardens are in
5 formerly redlined areas; that is areas that were
6 effectively cut off from investment which was mapped
7 out on institutionally racist HOLC infamous redlining
8 map. So resilient means facing these challenging
9 circumstances, coming out stronger; that's what we
10 wanna do, so let's make sure that this plan grows
11 from and honors these roots. To do that, we can give
12 clear instruction to DCP and other agencies about how
13 to develop the plan [bell] so that any additional
14 zoning mapping and additional investment
15 entrepreneurship resources can be decided by the
16 people to whom we owe this rich history, the people
17 who will be most impacted by the decision, so that's
18 people who live nearby and people who have been
19 stewarding land for a long time and growing there
20 already.

22 In addition, the language can talk about
23 justice and equity; if new enterprises want to come
24 here, they can be connected with existing people who
25 are stewarding land to make sure that they are

1 steered by people who already know how to make their
2 community stronger.

3
4 Finally I'll conclude. When it comes to
5 investment in this, the plan can also prioritize
6 forms of investment that will truly build community
7 wealth -- and I'm thinking here about credit unions
8 and other forms of cooperative investing, and along
9 with that, cooperative enterprises can run additional
10 farms so that the benefits from these projects can be
11 shared. Thank you.

12 LIZ VAKNIN: Hi, my name is Liz and I'm
13 here on behalf of my company Our Name is Farm, but
14 also as a member of the New York City Ag Collective.
15 I'd like to speak to three things that haven't been
16 mentioned today.

17 The first is a connection between local
18 food and our local business economy with regards to
19 restaurants, chefs; distributors, which is what my
20 company specializes in; connecting those people.
21 There has been a growing consumer demand for local
22 food; a lot of it is inaccessible because of price; I
23 think that if we create more opportunities for farms
24 to grow in the city that price will be driven down
25 and local access to food will become more rampant and

1
2 chefs will be able to include that more on their
3 menu.

4 The second thing is agritourism. My
5 company gets hired often by tourism boards across the
6 country; there's no reason why New York City can't
7 become a destination for agritourism much like it
8 already kind of has been, but we can do a lot better
9 job on that front.

10 And from a personal perspective, as the
11 daughter of a real estate developer, I actually don't
12 think that real estate developers in this city know
13 what to do with all the extra space that they have
14 and if there was a comprehensive [bell] guide from
15 the City to instruct them in a way that was I guess
16 financially beneficial to them, we would have more
17 cooperation from these real estate corporations and I
18 think that there needs to be a guide to instruct
19 these people on how to do so. Thank you.

20 COUNCIL MEMBER ESPINAL: Thank you; I
21 appreciate that. Thank you all.

22 Next panel -- Molly Culver, Jason Green,
23 Elena [sic] Ortiz, Paula Segal -- I think Paula left,
24 right, Paula's not around -- Eliza [sic] Roth.
25 [pause][background comments]

1
2 ALICIA ORTIZ: Hello everyone. My name
3 is Alicia Ortiz and I'm happy I got to speak right
4 after the young lady that just spoke. I'm a real
5 estate agent here in New York; I'm with Keller
6 Williams Tribeca, and as a New Yorkers, born and
7 raised in Williamsburg and as a real estate agent
8 here in the city, I'm in full support of this bill.

9 As an agent I've seen property values
10 boost when rooftop and vertical gardens are
11 integrated into buildings. These innovative designs
12 or retrofitted properties provide the real estate
13 market with new and different inventory, which is
14 much needed, as the market has an excess of the same
15 and now redundant apartments and buildings; this is
16 causing a market in decline right now.

17 I've spoken to people purchasing these
18 spaces and they describe them as a true oasis, and
19 this is a selling point in a city which is now
20 characterized by metal and concrete.

21 As someone born here in the city, I'm
22 proud that this initiative is finally taking place.
23 As a city, we're regarded by the world as forward-
24 thinking in fashion [bell] and finance and
25 entertainment and now we can be a leader in green

1
2 initiatives. We have the opportunity and the
3 responsibility to use these advancements in
4 technology to build a quality of city life. We can
5 create jobs and usher in a new era of green-driven
6 real estate and our laws should facilitate and
7 encourage this.

8 JASON GREEN: Good afternoon. My name is
9 Jason Green and I'm the CEO and Co-Founder at
10 Edenworks. Edenworks is a vertical aquaponic
11 farming company; we are based in East Williamsburg
12 and we grow leafy greens and fish. I'm testifying
13 today to both the opportunity and the challenges for
14 New York's urban agriculture industry.

15 To start with -- the opportunity. The
16 City has a goal of 100,000 new, well-paying jobs by
17 2030; manufacturing, food manufacturing specifically
18 is essential to that goal. Over the past five years
19 U.S. jobs overall have grown by 2.5%, manufacturing
20 has grown by 6.5%. Despite substantial effort to
21 spur New York's manufacturing industry, we've
22 actually lost 3% of jobs. Food manufacturing has
23 been the rare bright spot, growing by 10% in the past
24 five years, and New York City accounts for a third of
25 all of New York State's food manufacturing jobs, more

1
2 than any other region. Food manufacturing is also
3 responsible not just for jobs numbers growth, but
4 wage growth; manufacturing jobs have average wages
5 [bell] of \$15,000 higher and 12% higher in food
6 manufacturing.

7 Just to briefly flip to the challenge.

8 There are some primary challenges to this industry in
9 New York -- energy costs in New York City are twice
10 that in Upstate New York and in New Jersey; certain
11 legislation creates regulatory uncertainty and
12 actually disincentivizes green industries like urban
13 agriculture, especially indoor agriculture; and the
14 nature of incentives in New York has done a very good
15 job of incentivizing the construction of residential
16 and commercial spaces to meet the growing demand in
17 New York; what has not been addressed is the need to
18 address the substantial capital expenditures that
19 operators like food manufacturers spend [bell]
20 outside of the traditional real estate development
21 model.

22 MOLLY CULVER: Hi, Councilman Espinal,
23 thank you so much for holding this hearing. My name
24 is Molly Culver; I am the Farm Manager at the Youth
25 Farm, which is a one-acre in-ground urban farm

1 located at Wingate campus in Crown Heights. I have
2 been involved in lots of different areas of urban
3 agriculture since 2005 and while I'm in a room with
4 many other people who've been in this work so much
5 longer than I have, I do feel compelled to come and
6 speak today just out of concern for making sure that
7 this process is equitable moving forward and that if
8 we're talking about a comprehensive plan that we're
9 really making sure that it is comprehensive and not
10 just responding to new kind of excitement around the
11 potential for increased urban agriculture and green
12 jobs, which I full recognize and I'm also excited
13 about.

14
15 So I also work for Farm School NYC, which
16 is one of the primary outlets for people who are
17 learning to train in different aspects of urban
18 agriculture, looking at jobs [bell] and so I do want
19 to encourage, moving forward, especially for folks
20 who identify as having white privilege in this room,
21 that we are always being aware of that privilege and
22 including others, people who have been at the
23 forefront of this movement for decades, and that's
24 essentially my point, just to encourage people who've
25 been around in this movement at the table, who know

1
2 the benefits of urban agriculture, the many, many
3 benefits; that they are here in the room as we move
4 forward and make a plan and I'm certainly excited to
5 be a part of that process and also figure out ways
6 that in-grown farms that rely on production such as
7 these farms for a means to move forward are able to
8 provide food for DOE schools; that's something that
9 we've had difficulty getting traction in here in the
10 city and we know how important even access to a small
11 8' x 4' plot is for one child, so an urban farm
12 that's one acre in-ground should be able to provide
13 food for City cafeterias, especially Title I schools,
14 so thank you.

15 COUNCIL MEMBER ESPINAL: I would love to
16 continue that conversation on the DOE aspect, so...
17 [crosstalk]

18 MOLLY CULVER: Great.

19 COUNCIL MEMBER ESPINAL: I'll have my
20 staff reach out to you.

21 MOLLY CULVER: Thank you.

22 COUNCIL MEMBER ESPINAL: Thank you.

23 ALYSSA ROTH: Hi, my name's Alyssa Roth;
24 I am here just as an individual representing myself
25 and I am a jobseeker in the urban ag and ag-tech

1 industry. I think that this is much more than an
2 individual hobbyist and environmental benefits; I
3 think there are significant open-market opportunities
4 for small business owners to generate revenues and
5 create jobs. There are hundreds of New Yorkers just
6 like me aiming to establish careers in the urban ag-
7 tech sector. My background is in clean energy
8 finance and clean energy policy and I'm aiming to
9 transfer that and those skills to the sector that I
10 believe addresses one of the most important issues
11 facing New York City, which is urban agriculture.
12 I'm currently a resident of Westchester County and my
13 relocation to New York City is reliant upon finding a
14 job in urban ag, and while the industry is still in
15 an infant phase, well-paying jobs are still far and
16 few between. I would love to see New York City
17 support urban ag and am for 1661 to help bolster the
18 industry and the jobs that will become available to a
19 ready and waiting workforce.
20

21 COUNCIL MEMBER ESPINAL: Thank you.

22 Thank you all; appreciate it. [pause]

23 Daniel Wall, Wythe [sp?] Marshall, Jacob
24 Borday [sp?], Barry Rothstein, Victor Flores.

25 [background comments][pause] Can you all state your

1 names; just to make sure... there's one person missing?

2 So let me see; is Daniel here; Wythe; Jacob; Barry?

3 Victor's gone. You may begin.

4 DANIEL WALL: Hi, my name is Daniel Wall;
5 I'm a student at Columbia University, getting a
6 degree, a master's in public administration,
7 environmental science and policy. I'm interested in
8 urban agriculture and I don't think I can really add
9 too much more to the conversation other than I'm also
10 from Westchester County and I'm part of a group up
11 there that are trying to promote urban agriculture
12 and we're coming up to similar issues that are faced
13 the city dealing with agricultural districting. So
14 as mentioned earlier, that it will be beneficial to
15 make connections between New York City urban
16 agriculture and also promoting peri-urban
17 agriculture, and even farming Upstate and making
18 those connections. And so in Westchester County we
19 have to wait another seven years to address
20 agricultural districting, but I think there can be
21 some connections made between movements going on in
22 the city and also in areas around the city where
23 there is plentiful amount of space for agriculture to
24 take hold.
25

[bell]

WYTHE MARSHALL: Hello. My name is Wythe Marshall; I'm an anthropologist of technology and doing my Ph.D. right now, and I'm also a member at Ag-Tech X as my primary field site, and I wanted to voice support of the bill for many reasons that have already been stated, but largely because of this aspect of community or the comprehensive nature of the plan, the Food and Agriculture Organization of the United Nations actually calls for cities to develop comprehensive urban and peri-urban agriculture plans. And again, Boston has been a leader, Atlanta's been a leader and now I think that it would be great, as a New Yorker of over a decade, if New York sort of stood up and took this initiative. So I wanna thank Council Member Espinal for developing what seems to be from a short framework a truly comprehensive plan that does speak to community gardens, which are absolutely vital. Yeah and so I'll end there, because so much as already been said and it's wonderful just to hear from so many voices across sort of entrepreneurship as well as community groups.

COUNCIL MEMBER ESPINAL: Thank you.

1
2 JACOB BORDAY: Hello. Hello fellow New
3 Yorkers, members of the City Council, my name is
4 Jacob Borday and I am a grad student researching the
5 effects of sustainable urban agriculture in New York
6 City. I've concluded that establishing an
7 environment in which urban farming can thrive is
8 absolutely necessary for the overall sustainability
9 of New York. The first step towards meeting this
10 goal is creating a simpler regulatory framework in
11 which urban farmers can succeed as well as urban
12 gardeners as well.

13 My research indicates that urban ag is
14 already positively impacting lives of everyday people
15 living in New York City, as everyone has testified.

16 Urban farming lowers the cost of fresh
17 produce, increases food security through access to
18 healthy and nutritious food, establishes a new local
19 economy for communities, and stimulates job creation
20 education. These benefits will not be possible in
21 the current patchwork of guidance, regulation and
22 oversight; the evidence strongly suggests the
23 legislation should strive to allow any urban farmer
24 of every size and scale to obtain the right to grow
25 and sell their produce in New York. Legislation is

1 obligated to include regulations and guidelines on
2 zoning, land use, health inspections, licensing,
3 access to open, [bell] fair and equitable markets,
4 tax incentives for developing empty plots into farms,
5 technology integration, environmental impact
6 statements, the works. New York City's
7 sustainability hinges on the success of creating a
8 comprehensive urban agriculture plan and the eventual
9 creation of the Office of Urban Agriculture. I
10 implore you to consider the research and evidence
11 presented in the testimony -- not only mine, but the
12 38 people who went before me who are much more
13 experienced and I thank you for your time and have a
14 great day.

15
16 COUNCIL MEMBER ESPINAL: Appreciate it.
17 Thank you.

18 [laughter]

19 COUNCIL MEMBER ESPINAL: I'll try to.

20 JACOB BORDAY: You better.

21 BARRY ROTHSTEIN: Hi, my name is Barry
22 Rothstein; I'm a student at Brooklyn College studying
23 urban sustainability. I've been involved in the
24 urban food movement here in New York since about
25 2010; I went back to school because I saw a lot of

1
2 the potential inequities that could happen in this
3 urban food movement. So I realize as I'm looking at
4 45, 43, I'm gonna just bullet point it.

5 We spoke a lot about equity; we spoke a
6 lot about community gardens; I think those are very
7 strong take-homes. I was a little remiss to not hear
8 the word community land trust not used as much and I
9 think that would be my take-away. I think land
10 rights and land access need to be in conjunction with
11 a lot of this discussion and I realize a year is a
12 very short amount of time, but I think the
13 conversation needs to be had and as I see 11, 10, 9,
14 I'm gonna leave it at that.

15 COUNCIL MEMBER ESPINAL: Thank you. I
16 think that's it. Thank you guys, I appreciate it. I
17 mean this was a very, very [background comments]
18 informative hearing; I've actually learned a lot from
19 all of you and then I also heard [background comment]
20 a lot of future opportunities as well, not only to
21 amend the bill, but also to introduce new legislation
22 and make different types of pushes as well around
23 urban ag. So again, this is a framework, this is
24 something that I introduced to hopefully broaden and
25 also push the Administration, the Mayor's side to

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2 take on the work to be able to push the agencies to
3 sit around the table and figure out what are the
4 issues, right; this is also -- I need everyone to
5 understand; this is not just for an urban ag
6 industry; this is for everyone, right? What are the
7 rules? You know, this will inspire people who
8 probably are afraid to get involved in urban ag
9 because they're not sure what the rules are, to be
10 able to do that as well, so this is about expanding
11 and making sure that every plot of land can be turned
12 into an urban garden, that every rooftop can be
13 turned into an urban garden, but this is about
14 expanding urban ag across our entire city. So thank
15 you all, thank you all for being here; appreciate it.

16 [gavel]

17 [clapping, background comments]

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C E R T I F I C A T E

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



Date November 2, 2017