

COMMITTEE ON LAND USE WITH COMMITTEE ON TECHNOLOGY

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE JOINTLY WITH THE COMMITTEE  
ON TECHNOLOGY

March 3, 2020  
Start: 1:19 p.m.  
Recess: 5:03 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: RAFAEL SALAMANCA, JR.  
Chairperson

ROBERT F. HOLDEN  
Co-Chair

COUNCIL MEMBERS:

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COMMITTEE ON LAND USE WITH COMMITTEE ON TECHNOLOGY

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Marisa Lago  
Chair of the New York City Planning Commission,  
Director of the Department of City Planning

Susan Amron  
General Counsel of the New York City Department  
Of City Planning

Jessica Tisch  
Commissioner of the Department of Information  
Technology and Telecommunications, DoITT and  
New York City's Chief Information Officer

Michael Pastor  
General Counsel for the Department of Information  
Technology and Telecommunications, DoITT

John Winker  
Associate Commissioner of Financial Services at  
The Department of Information Technology and  
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Christopher Schuyler  
Senior Staff Attorney with New York Lawyers for  
The Public Interest, Disability Justice Program,  
member of National Stuttering Association

Ruth Lowenkron  
Director of the Disability Justice Program at  
New York Lawyers for Public Interest, NYLPI

Professor Kleinplatz  
Survivor of Cancer, Survivor of 9/11

Julia Duranti-Martinez  
Campaign Coordinator at New Economy Projects

[gavel]

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CHAIRPERSON SALAMANCA: Okay, good  
afternoon everyone. Welcome to today's hearing of  
Land Use. I am Council Member Rafael Salamanca and  
I'm the Chair of the Committee. Today we will examine  
the fiscal 2021 preliminary budget and fiscal... and  
the fiscal 2020 preliminary mayor's management report  
for the Department of City Planning. Before I begin I  
would like to recognize Council Member Francisco  
Moya, he's the Chair of the Subcommittee on Zoning  
and Franchises and my colleagues on the Land Use  
Committee who have joined us today; we have Council  
Member Ayala, Rivera, Grodenchik, Diaz, Chair Moya  
and Lancman and Council Member Perkins. This hearing  
will review the Department of City Planning's  
proposed 45 million fiscal 2021 preliminary budget.  
While this figure appears small in the context of the  
city's overall budget ensuring that the Department of  
City Planning is adequately equipped to perform its  
function is crucial. City Planning is about defining  
our collective future as a city so as were spending a  
little extra time on it today. Our questions will not  
only address the particulars of this year's budget  
but the overall approach to city planning in New York  
and whether we are resourced to do the work we need

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to do to further the needs of our residents. Broadly significant and serious questions have been raised by this Council about the current practice of selecting only a handful of neighborhoods and engaging in continuous yearlong individual planning processes as our primary mode of accommodating growth. Without comprehensively addressing the needs of the entire city New York has allowed decade old regulations to remain in place in many neighborhoods, a status quo the Council would like to remedy. I would like to thank the Director of the City Planning, Marisa Lago and Anita Laremont, Susan Amron and Jon, Jon Kaufman for joining us today. I look forward to a robust... a robust conversation about ways in which we can improve on how we plan for our city but I know and understand very well that the work you do is hard work and I want to thank you for doing it. Chair Moya would like... would, would you like to give an opening statement?

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COUNCIL MEMBER MOYA: Yes, thank you.

Good afternoon and, and thank you Chair Salamanca and thank you to my colleagues and the committee and Subcommittee in attendance today and thank you to the representatives of the Department of City Planning

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for testifying here today. The Subcommittee on Zoning and Franchises reviews and makes recommendations on modifications to New York City's zoning regulation, changes in zoning districts, applications for sidewalk cafes and resolutions authorizing the city to make franchise agreements, is important that touch... important... that is important work that touches the lives of all New Yorkers. During this hearing in, in addition to discussing recent budget actions taken by the Department of City Planning we will address many of the issues concerning the current zoning landscape of New York City specifically exploited loopholes in the zoning resolution which some use to skirt the legal use of space. How the Department plans to work with the Council to close these loopholes and looking, looking forward to how the Department plans to approach future zoning actions in a comprehensive manner. We here on the Committee on Land Use and the Subcommittee on Zoning and Franchises are looking forward to a very productive conversation today. Thank you Chair for the opportunity to say a few words.

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CHAIRPERSON SALAMANCA: For sure, thank you Chair, Chair Moya and now we will hand it off to you Madame Chair, do they need to be sworn in?

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MARISA LAGO: Thank you so much Chair Salamanca and Subcommittee Chair Moya and all the members of this Committee. I'm... [cross-talk]

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CHAIRPERSON SALAMANCA: Can... allow the Counsel to swear you guys in before we begin.

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COMMITTEE CLERK: Do you each swear or affirm that the testimony that you are about to give will be the truth, the whole truth and nothing but the truth and to answer all truth... questions truthfully?

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MARISA LAGO: I do.

16

CHAIRPERSON SALAMANCA: Okay, thank you.

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MARISA LAGO: I want to apologize in advance for subjecting you to this raspy voice, it's the last remnants of the flu three weeks ago and my doctor assures me that I'm not contagious. I also want to thank you Chair Salamanca for noting that while our budget is tiny, we're a Department that does have a big impact. I'd like to touch upon some of our joint accomplishments of the past year as well as some challenges that we face in the year ahead.

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Chief among them and the topics that I'll discuss in my brief testimony are the 2020 census, the creation of housing and in particular affordable housing, our neighborhood planning work, climate resiliency and community board training. Starting with the census, the administration and the City Council share our commitment to achieving a full accurate 2020 census knowing that it is critical to New York City to our representation in Congress, to the city's budget and to the needs of our communities. At perhaps no other time in memory has it been so important for government to have the services of dedicated experts and the department's professional demographers serve as the analytical backbone of the census advising not just City Hall and all of our partners but also the federal, the US Census Bureau. For the first time the Census Bureau is going to be collecting much of the data online and this is going to enhance our ability to track self-response rates across city neighborhoods almost in real time. Our demographers are going to be analyzing the response rates and they'll share their perspectives with the New York City census office, with the city's public engagement unit so that these front line community focused

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2 offices can further mobilize trusted voices in our  
3 communities that have low response rates but even  
4 with this new capacity we continue to rely upon you,  
5 our elected officials to report any issues or  
6 challenges with the census that you're hearing or  
7 that you're seeing on the ground. Turning to  
8 affordable housing. We know that stable, quality  
9 housing provides a direct path to equity and access  
10 to opportunity so creating and preserving affordable  
11 housing is a top De Blasio administration priority.  
12 Most of our new housing at least 80 percent of it is  
13 built as of right, under zoning as it exists today.  
14 This new housing is disproportionately being built in  
15 the city's most affluent neighborhoods. Since 2015,  
16 30 percent of new housing units have been in the 20  
17 percent of neighborhoods with the highest median  
18 incomes and these neighborhoods are also getting a  
19 proportionate share of new affordable housing. Again  
20 since 2015, 20 percent of new affordable units have  
21 been built in these most affluent 20 percent of  
22 neighborhoods. Rezoning actions are important to  
23 sustaining the city's capacity for as of right  
24 housing creation. The City Council is an important  
25 partner in this endeavor. Since 2016, the Council has

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2 approved more than 100 individual land use  
3 applications across the city. These applications  
4 create capacity for the construction of tens of  
5 thousands of new mixed income homes and they trigger  
6 mandatory inclusionary housing but even more  
7 effective than individual rezonings are the homes  
8 that will be created through the six comprehensive  
9 neighborhood plans that the Council has adopted since  
10 2016. If we look at the communities around these six  
11 rezoned areas, they are home to 1.2 million New  
12 Yorkers, that's the equivalent of twice as many  
13 people as live in Boston. The population growth that  
14 New York City has been able to support over the past  
15 four decades has contributed to the amazing diversity  
16 that we're so proud of. Since 1980, four decades ago,  
17 the city's population has grown by over 400,000 and  
18 the share of our residents who are of Hispanic origin  
19 or non-white has increased from 48 percent to over 68  
20 percent. I had the privilege of working in Mayor  
21 Dinkins administration and it is Mayor Dinkins who  
22 said, I see New York as a gorgeous mosaic of race and  
23 religious faith, of national origin and sexual  
24 orientation. We have to make sure that this gorgeous  
25 mosaic remains true for generations of New Yorkers to

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2 come, regardless of where they lived before calling  
3 New York City their home. But the same population  
4 growth that makes the mosaic possible also has placed  
5 strains on our neighborhood's housing markets. We  
6 share the important concerns expressed by housing  
7 advocates, residents and many of you on this  
8 Committee about fears of gentrification and  
9 displacement in our communities. We will continue to  
10 work closely with our shared constituencies to make  
11 sure that growth benefits our residents and that New  
12 York City's extensive tenant protection resources are  
13 made available to New Yorkers. Neighborhood planning  
14 is some of the most important work done by the  
15 department. The work is centered on community  
16 engagement and relies on extensive use of data, this  
17 informs conversations that we have with stakeholders.  
18 Whether in a neighborhood rezoning adopted by the  
19 City Council or in a land use framework, the  
20 Department memorializes these discussions, which  
21 guide future neighborhood improvements and potential  
22 future zoning actions. There are many and diverse  
23 neighborhood planning efforts underway. One example  
24 that I'd note is our ongoing and in-depth studies of  
25 the areas around four new metro North stations in the

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Bronx: at Hunts Point, Parkchester/Van Nest, Morris Park and Co-Op City. These are communities that are collectively home to half a million New Yorkers. 2020 is going to be a banner year for our waterfront and climate resiliency efforts culminating in the December 2020 release of our comprehensive waterfront plan. Together with the waterfront management advisory board, the Department is undertaking extensive public engagement to ensure that New Yorkers' voices are well represented in the comprehensive waterfront plan and I'll note that the waterfront management advisory board benefits from the fact that a member of the City Council is a member and that there are additional members appointed by the Council. Another critical part of the Department's ongoing climate resiliency initiative is zoning for coastal flood resiliency. This is a citywide text amendment that we expect will enter the public review process in the coming months. Building on years of engagements with coastal communities, the new rules, the proposed rules will allow homeowners in the flood plain to more easily retrofit their homes. For example, a family in the Rockaways may want to raise and flood proof their

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2 home to protect against future sea level rise but if  
3 they do so today they would lose their basement which  
4 they may have been using a recreation room. Today  
5 they wouldn't be able to replace this lost space  
6 because of longstanding zoning rules that didn't  
7 account for flood risk. If adopted these new clear as  
8 of rules will help homeowners throughout the city  
9 take strides towards a safer, more resilient future.  
10 I'll end my remarks by mentioning the Department's  
11 community board training. Last year, I mentioned the  
12 series of ongoing training sessions that the  
13 Department launched to better engage community board  
14 members. The goal of these sessions which were  
15 augmented markedly at the request of this Committee,  
16 is to strengthen community boards through consistent  
17 and ongoing training on fundamental planning  
18 principles. This fiscal year the Department has  
19 already trained more than 200 community board members  
20 offering insights into some of the databased research  
21 that we've prepared and introducing community board  
22 members to our online digital tools which enhance  
23 public transparency. The feedback has been  
24 overwhelmingly favorable, and I thank this Committee  
25 for in 2017 urging us to embrace this very active

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2 robust training of our community boards. And with  
3 that I'll gladly take your questions.

4 CHAIRPERSON SALAMANCA: Thank you Chair  
5 Lago. My, my first line of question here is in  
6 regards to your statement about affordable housing,  
7 you mentioned that 20 percent of new housing units  
8 that have been built have been built in affluent  
9 neighborhoods, can you be more specific, what  
10 neighborhoods are... what affluent neighborhoods are  
11 you, you mentioning that you've built affordable  
12 housing in since 2015?

13 MARISA LAGO: What we have done is look  
14 at the 20 percent of neighborhoods with the highest  
15 area median income and then we have looked at the  
16 approvals and permit issuance and matched it up  
17 against that, we would be glad to share that with  
18 you, with the Committee as a follow up.

19 CHAIRPERSON SALAMANCA: But can you give  
20 me a specific neighborhood?

21 MARISA LAGO: I don't have that at hand.

22 CHAIRPERSON SALAMANCA: Okay. Alright...

23 [off mic dialogue]

24 CHAIRPERSON SALAMANCA: Can you... can you  
25 provide us that information?

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2 MARISA LAGO: Gladly.

3 CHAIRPERSON SALAMANCA: Alright, when can  
4 we get that information?

5 MARISA LAGO: We'll gladly do it as a  
6 follow up to this hearing.

7 CHAIRPERSON SALAMANCA: Thank you. Is it  
8 possible that maybe someone from your team could text  
9 and you could get that information from your office,  
10 maybe you can provide us with a few of those  
11 neighborhoods? I'm just curious to know because...

12 [cross-talk]

13 MARISA LAGO: Yep... [cross-talk]

14 CHAIRPERSON SALAMANCA: ...you know when  
15 we're talking about building affordable housing, when  
16 we're talking about... when we, we're discussing and  
17 we're realizing rezonings, you know it looks.. it  
18 seems to me that City Planning's focus is in low  
19 income, black and, and brown communities.

20 MARISA LAGO: What I would note Council  
21 Member is a, a couple of different answers to the  
22 question, one is that as I mentioned 80 percent of  
23 housing construction that takes place takes place as  
24 of right, turning to the rezonings which obviously  
25 are discretionary actions, with respect to

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2 neighborhood rezonings we always look for Council  
3 Members to invite us to come and plan in their  
4 communities, to look at neighborhood rezonings. The  
5 six rezonings that have been completed with Council  
6 approval have been done hand and glove with a local  
7 Council Member. Now in addition to a Council Member  
8 interest in take... undertaking a comprehensive  
9 planning process we also look for other indicia, one  
10 of the key ones being access to public transportation  
11 because we know that the best location for additional  
12 housing production is near in particular subway  
13 stations.

14 CHAIRPERSON SALAMANCA: Alright, thank  
15 you for that. After several years of community  
16 engagement and analysis conducted by DCP related to  
17 the Southern Boulevard study the Department has  
18 gathered a lot of important information, when does...  
19 when do you plan on releasing the Southern Boulevard  
20 study?

21 MARISA LAGO: I want to start Council  
22 Member by thanking you and your community board for  
23 the work, it's been around three years of engagement  
24 on Southern Boulevard and we realized that even  
25 without a rezoning there is value in pulling together

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the insights, the understandings of the community and so we anticipate in the coming months that we will be coming out with a document that memorializes the work that was done and that identifies the challenges and the opportunities that the community put forward. We were struck by the fact that the issues identified by the community went beyond land use issues and.. which is why when we plan we do it with a host of sister agencies; transportation was clearly identified, access to open spaces, issues of health and when we release this document we think that it will be quite helpful as if and as private applications come forward to have this memorialization of what the vision is for the future of the community.

CHAIRPERSON SALAMANCA: Yeah, you know I, I know that I publicly came out in opposition to the zoning component of the Southern Boulevard study but to be quite frank I'm looking forward to the report because, you know it's not every day that you get multi-agencies to come into your community and analyze every corner of, of your district and, and come up with recommendations on how to improve the quality of lives whether it's transportation, whether it's lighting, parks, public safety, health and so I

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2 do look forward to that study. Does City Planning do  
3 or are you planning or doing studies of neighborhoods  
4 without the zoning component?

5 MARISA LAGO: I'm so glad Council Member  
6 that you focused on the distinction between planning  
7 and zoning and that you share our sense that solid  
8 planning has value whether or not it results in a  
9 rezoning and we see that in Southern Boulevard, we  
10 learned so much about the neighborhood. The same has  
11 happened in other neighborhoods across the city in  
12 which we take a deep dive, I might give one example  
13 which is the North Brooklyn industrial area. We did a  
14 very comprehensive look at this thriving but also  
15 very varied industrial area, the report that we put  
16 out while specific to North Brooklyn has informed how  
17 we look at industrial areas across the city. I would  
18 also note that we take deep dives into issues where  
19 there is interest in a dearth of information. I'll  
20 give an example with respect to resiliency, we looked  
21 at resiliency measures that could be adopted by  
22 businesses in the flood plain and put out a report  
23 that has been very well received by the business  
24 community. We looked at different typologies of  
25 business, businesses from small businesses to larger

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2 industrial concerns, there were no zoning  
3 recommendations as part of that planning but yet it,  
4 it is an important document that is out there that is  
5 a tool to aid businesses. One other example that I  
6 could give is the work that the Department undertook  
7 last year with respect to storefront vacancies, we  
8 had heard a lot of talk about the retail vacancies  
9 attended... most of the public discussion tended to be  
10 about Manhattan high income retail districts, what we  
11 did is take a look at 24 different neighborhood  
12 retail strips across the five boroughs to identify at  
13 a very granular level what the situation was, we  
14 found that particularly outside of Manhattan there  
15 were thriving neighborhood retail strips, I'll  
16 mention Jackson Heights as just one example and to us  
17 it was not a rezoning proposal but an important  
18 lesson that we needed to understand our neighborhood  
19 retail strips in their individual context, that a one  
20 size fit, fits all approach to the retail crisis was...  
21 wouldn't work in a city as complex and varied as New  
22 York.

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CHAIRPERSON SALAMANCA: Okay. I'm going

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to see if I can get through some of my questions and

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give my colleagues an opportunity, I know that time

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2 is limited here. What are the remaining neighborhood  
3 rezonings that you expect to certify before the end  
4 of this administration?

5 MARISA LAGO: I would anticipate that we  
6 will see a rezoning for Gowanus, we are very far  
7 advanced in our discussions with Council Members  
8 Lander and Levin and again this is after a multi-year  
9 planning effort in which the Department and the  
10 Council Members joined hands. As I mentioned.. [cross-  
11 talk]

12 CHAIRPERSON SALAMANCA: And, and you see  
13 that happening before the Mayor's term is, is up?

14 MARISA LAGO: I can imagine that  
15 happening.

16 CHAIRPERSON SALAMANCA: Where are you  
17 right now in this stage?

18 MARISA LAGO: We're in active discussions  
19 of finalizing the environmental analysis and of  
20 working with the two Council Members to... before  
21 launching the public review process.

22 CHAIRPERSON SALAMANCA: You haven't  
23 certified yet?

24 MARISA LAGO: No, it... we have not  
25 certified yet...

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CHAIRPERSON SALAMANCA: Okay. Let me get through my questions, I'm sorry. There are many times that Council Members are interested in downzoning certain parts of their district and I remember something that got me to the finish line in terms of my opposition to the Southern Boulevard rezoning was in my conversation with Deputy Mayor Vicki Been about downzoning and she mentioned that the city is not in the business of downzoning communities, is, is that.. do you share that sentiment?

MARISA LAGO: We have.. we frequently receive requests from communities asking for downzoning, as a Department that looks citywide at a city that is growing and at a city that has an affordability crisis we need to recognize that the solution is not to stop housing construction.. [cross-talk]

CHAIRPERSON SALAMANCA: But what about those... [cross-talk]

MARISA LAGO: If I could... [cross-talk]

CHAIRPERSON SALAMANCA: ...those, those... [cross-talk]

MARISA LAGO: ...could... [cross-talk]

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CHAIRPERSON SALAMANCA: ...districts that are zoned for an R7 and there... and those... and those blocks are two and three bed... two and three family homes and we're having issues with developers who are purchasing lots in between and building buildings that are out of character with the neighborhood, does the city, City Planning not care about keeping the character of neighborhoods intact?

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MARISA LAGO: Whenever we look at a neighborhood we look at it holistically Council Member and what we do is we look to identify areas where there are opportunities particularly in areas served... well served by transit where there are opportunities to produce housing and in particular affordable housing because as we know it has been decades in the making that we have not kept up with producing housing as our population has grown by 400,000. At the same time if one looks at the neighborhood of the six neighborhood rezonings they have in each instance taken a very fine grained approach looking for up zoning opportunities along major transit corridors and most especially near subway stations while at the same time recognizing the character of the mid blocks and engaged... and, and

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have resulted in a nuanced, a balanced, contextual zoning of the mid blocks coupled with a up zoning to trigger MIH along the major corridors.

CHAIRPERSON SALAMANCA: Alright, I am going to hand off some of these questions to my colleague Chair Moya and then we'll, we'll go to other questions from Council Members.

COUNCIL MEMBER MOYA: Thank you Chair Salamanca and thank you again Commissioner for your time. I just want to touch on the NDF, can you tell us how much money is left in the Neighborhood Development Fund and where do you expect to spend these funds?

MARISA LAGO: Certainly, on... whoops... if I could turn that over to... oh, I'm sorry, I was looking at the wrong pages of my notes... [cross-talk]

COUNCIL MEMBER MOYA: Take your time, it's okay... [cross-talk]

MARISA LAGO: ...I'll get them for you in a second, I don't want to misspeak on the exact number. Currently we have 360 million dollars in the NDF, and it is comprised of around 91 million which is in EDC's budget and... [cross-talk]

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COUNCIL MEMBER MOYA: Wait, could you

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repeat that?

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MARISA LAGO: 91 million in EDC's budget

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and about 269 million in DEP's budget. From the

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outset the monies were held in these two other

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agencies' budget, budgets.

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COUNCIL MEMBER MOYA: Thank you. So, I've

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been working with my community and the city agencies

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to realize the goals of the Willets Point rezoning,

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you know this project is in need of substantial

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remediation, environmental remediation and other

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infrastructure cost, would DCP be willing to consider

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allocating a portion of the NDF to help expedite the

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first phase of affordable housing in Willets Point?

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MARISA LAGO: The NDF is one of the

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city's tools that is deployed in the context of

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neighborhood rezonings...

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COUNCIL MEMBER MOYA: Uh-huh...

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MARISA LAGO: We work hand and glove when

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there is a neighborhood.. a city sponsored

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neighborhood rezoning to identify the sources of

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funding that are needed for remediation for

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infrastructure in the neighborhood, the sources can

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range from the NDF to the city's capital budget. As

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2 you know as part of any neighborhood rezoning, we  
3 work with the full panoply of city capital agencies  
4 including DOT, DEP, School Construction Authority and  
5 the funds ultimately come from the same place which  
6 is the city's capital budget.

7 COUNCIL MEMBER MOYA: So, is that a yes?

8 MARISA LAGO: Again, the NDF is but a  
9 source of funding and.. [cross-talk]

10 COUNCIL MEMBER MOYA: I hear that, I'm  
11 just asking is that a... is that a yes, is that a  
12 possibility for us to.. [cross-talk]

13 MARISA LAGO: At, at this point we don't  
14 have a neighborhood rezoning for Willets Point and so  
15 were there to be a comprehensive neighborhood  
16 rezoning the NDF could be one of the sources of  
17 funds.

18 COUNCIL MEMBER MOYA: Thank you. Moving  
19 on to the use groups, as you know the, the nature and  
20 you talked a little bit about this before the nature  
21 of brick and mortar retail is drastically changing  
22 across the country, destination big box retail  
23 companies have been classified as a use group ten,  
24 10A by the DOB which restricts their location to a C4  
25 district or other commercial districts that are meant

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to attract customers from outside of the immediate local community. Big box retail companies are developing new models where they construct a small ground floor space in large department stores in the cellar space, DOB is now interpreting these big box retailers as variety stores in use group 6A that are allowed in almost all commercial districts. Does DCP agree with DOB's interpretation of these big box retailers... retailers on how they are now being classified or that the interpretation is in the spirit of the law?

MARISA LAGO: I would actually defer to DOB, their roll under the charter is to be the interpreter of the zoning resolution.

COUNCIL MEMBER MOYA: Okay, so DCP never makes an interpretation on...

MARISA LAGO: No, it is DOB, we adopt... well it's actually the Council that adopts the zoning resolution, but interpretations are the remit of the Department of Buildings.

COUNCIL MEMBER MOYA: Okay. So, does building big box retail in cellar space minimize any of the environmental impacts such as traffic that

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2 could be associated with big box retail that is built  
3 above the cellar space?

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MARISA LAGO: If I understand your  
5 question it would be... if there were a discretionary  
6 zoning review would the EIS have to look at traffic  
7 impacts? The environmental assessment would have to.

8

COUNCIL MEMBER MOYA: Okay. I'm going to  
9 move quickly just... I know we have some folks... now  
10 going on to something that we've talked about over...  
11 for a while, voids. In a letter from DCP to the  
12 Council on May 13<sup>th</sup>, 2019, DCP agreed to conduct a  
13 study of unenclosed voids in residential buildings  
14 exploring potential abuse of the zoning resolution  
15 while considering the many desirable architectural  
16 and functional uses of unenclosed space to be shared  
17 in the summer of 2020, what is the status of this  
18 proposal?

19

MARISA LAGO: We actually have work  
20 underway. As I had mentioned in my formal written  
21 testimony but not in my briefer oral remarks, we are  
22 very much a databased agency and before putting  
23 forward a zoning proposal go out and assess the  
24 nature of the challenge and so we will be coming back  
25 to the Council as committed this summer. I want to

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give a flavor of part of the complexity of looking at an issue of unenclosed voids, a good example is actually just across the street, if one looks at those beautiful soaring guastavino arches in the municipal building where one goes down to the subway, that's an example... one example of an unenclosed void.

COUNCIL MEMBER MOYA: Okay, so just to be clear, the... there's no status right now of where we are with the proposal that's coming out?

MARISA LAGO: No, the work is underway so... [cross-talk]

COUNCIL MEMBER MOYA: Is it... is it on track to...

MARISA LAGO: Yeah.

COUNCIL MEMBER MOYA: Okay.

MARISA LAGO: We committed to release the study this summer and we intend to.

COUNCIL MEMBER MOYA: Okay, thank you. And how would DCP define abusing the zoning resolution to the... to artificially inflate building heights?

MARISA LAGO: I think we had a recent example if we looked at the work that we did on mechanical voids, we saw a small number of developers

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look to create artificially tall mechanical spaces and seeing that that was not the intent of the zoning resolution we worked with the Council Members but we also worked with building engineers to come forward with a proposal that was adopted by the Council to address those unintended consequences.

COUNCIL MEMBER MOYA: Okay and do you... do you believe that the proposed building on 249 East 62<sup>nd</sup> Street is abusing the zoning resolution in that... in this respect?

MARISA LAGO: I would actually leave it to the Department of Buildings again which would interpret building permits.

COUNCIL MEMBER MOYA: Okay. In the same letter the... to the Council on May 13<sup>th</sup> DCP agreed to conduct a study related to the establishment of minimal lot size for nonresidential zoning lots exploring how small otherwise unusable zoning lots may yield unintended building forms in certain zoning districts, the preliminary results were shared with the Council in 2019, can you provide an overview of the study and the preliminary direction that was shared with the Council last year?

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MARISA LAGO: We looked at small zoning lots and identified ones where there was a very appropriate reason for having the small zoning lots and in others where they appear to be intended to avoid other provisions of the zoning resolution, this is one of the challenging bits of research that is actually actively underway and I do want to give a shout out to the Council land use staff which is so helpful in undertaking... [cross-talk]

COUNCIL MEMBER MOYA: Always, always Commissioner, they, they are the best. So... and just to... just to, to go with that what is the... what is the current status of, of, of that study?

MARISA LAGO: It's still underway.

COUNCIL MEMBER MOYA: It's still underway, okay. I got just two more questions and that's it.

MARISA LAGO: Gladly.

COUNCIL MEMBER MOYA: In August of 2018, January... and January 2019 a joint letter from Council Members of the Manhattan Delegation and the Manhattan Borough President asked Department of City Planning to pursue a holistic solution through the introduction of zoning text amendments that consider

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2 all of the following issues; limits on mechanical  
3 voids and other kinds of voids, a tightening on the  
4 definition of zoning lot and restriction on floor and  
5 ceiling heights in response DCP pursued a text  
6 amendment to address enclosed mechanical voids in  
7 residential buildings within R9 and R10 districts and  
8 equivalence outside of the central business district  
9 for CBDs, later DCP agreed to explain this proposal  
10 to the CBDs then to study unenclosed voids and small  
11 issues offering a partial peace meal approach. So, my  
12 question is why this approach and why not fix the  
13 zoning rules so that they can provide clarity,  
14 consistency, predictability that they were intended  
15 to provide?

16           MARISA LAGO: I'll answer a number of  
17 different threads that are reflected in the letter  
18 and in your... and your question Council Member. With  
19 respect to central business districts we are actively  
20 working with individual Council Members and with  
21 Council land use staff and with the Manhattan Borough  
22 President to look at the issue of mechanical spaces  
23 in central business districts. I was particularly  
24 heartened by the fact that a Council Member and the  
25 Borough President joined department staff and

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2 building engineers in touring mechanical spaces in  
3 newly constructed building, certainly my takeaway  
4 from it was that these were not mechanical voids but  
5 actually incredibly intensely packed and cramped  
6 spaces that provided the, the backbone, the  
7 infrastructure of these buildings and in speaking  
8 with building engineers and with structural and  
9 mechanical engineers we learned that the new  
10 requirements for higher energy efficiency codes are  
11 requiring even larger mechanical spaces and so we are  
12 continuing work on a proposal in the central business  
13 districts but very much informed by the tours that we  
14 took with the Council Member and the Borough  
15 President and by the real life experiences of the  
16 building engineers who operate these mechanical  
17 spaces.

18 COUNCIL MEMBER MOYA: Yeah, I'm, I'm  
19 going to end it with this but the, the State Supreme  
20 Court ruled that the zoning lot for 200 Amsterdam  
21 which is made up of partial tax lots was illegal  
22 consistent with the policies proposed by the  
23 Department of Buildings why doesn't DCP propose an  
24 amendment to the zoning resolution to provide clarity  
25 on the definition of the zoning lot and.. instead of

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2 just deferring this critical decision to the courts  
3 and to the Department of Buildings?

4 MARISA LAGO: I would note that this is a  
5 provision that has been on the books since I believe  
6 the 1961 adoption of the 61 zoning resolution, I will  
7 also note that the Department of Buildings has issued  
8 an interpretation, a reinterpretation of this  
9 provision, I would not... I do... I do not believe it  
10 judicious to undertake a citywide zoning text  
11 amendment of this sort, it would require a tremendous  
12 amount of analysis and environmental review.

13 COUNCIL MEMBER MOYA: Thank you for your  
14 testimony, I'm going to turn it back over to Chair  
15 Salamanca and come back for... [cross-talk]

16 CHAIRPERSON SALAMANCA: Thank you... thank  
17 you Chair Moya. Right before I get to my other  
18 colleagues, I... question regarding the Bushwick, what  
19 is the Department's rationale for walking away from  
20 the Bush... from Bushwick after years of work?

21 MARISA LAGO: The Department has very  
22 much welcomed the years because it isn't measured in  
23 months but rather years with Council Member Reynoso,  
24 with Council Member Espinal, with the community board  
25 and with various advocacy organizations throughout

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the community, we learned very much about this neighborhood, this transit rich neighborhood and this neighborhood that has over the past decade experienced very significant housing pressure and housing growth without any affordability requirement. I will note... I will make reference to a letter from the Deputy Mayor in which she noted that the Bushwick community plan was in essence a downzoning and that at a time when our city is facing a housing crisis and an affordability crisis that that was not a direction that we could pursue...

CHAIRPERSON SALAMANCA: But but

Commissioner going back to that again, does City Planning... in terms of killing the character of neighborhoods... [cross-talk]

MARISA LAGO: Yeah... [cross-talk]

CHAIRPERSON SALAMANCA: ...you know when we're talking about, I think Bushwick has something very similar to Southern Boulevard in terms of, you know it... I believe my... Southern Boulevard has a 1967 rezoning and right now that what its zoned for is inadequate so you're saying that DCP's position on city rezonings are only possible if we're adding additional density to the neighborhood?

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2           MARISA LAGO: We always look for a  
3 balance to rezoning that recognizes the fact that we  
4 have to address our housing crisis and in particular  
5 an up zoning that triggers mandatory inclusionary  
6 housing. I would note that again in Bushwick we have  
7 seen over 6,600 new primarily market rate housing  
8 units built but without any affordability and looking  
9 comprehensively at the neighborhood we identified  
10 areas along the two subway corridors that bisect the  
11 neighborhood where there were opportunities for  
12 significant growth and also mid-block areas but again  
13 the community plan which proposed markedly less up  
14 zoning and identified as soft sites, sites that we do  
15 not believe under any reasonable interpretation would  
16 be redeveloped was fundamentally a downzoning wasting  
17 the opportunity to address both the neighborhoods and  
18 the citywide need for affordable housing.

19           CHAIRPERSON SALAMANCA: So, if a  
20 neighborhood's existing zoning is causing disrupt,  
21 disruptive out of character development is that not a  
22 reason enough to update the zoning in such cases as  
23 Bushwick? You just admitted... [cross-talk]

24           MARISA LAGO: We... [cross-talk]

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CHAIRPERSON SALAMANCA: ...that we need to  
3 update that rezoning, but you would only do it if you  
4 up zone not, not fix the zoning.

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MARISA LAGO: Council Member if I might  
6 again explain, we do it as part of a comprehensive  
7 plan that identifies appropriate areas for up zoning  
8 along wide avenues and along transit corridors  
9 balanced with a very finely grained look at mid  
10 blocks and areas further removed from transit.

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CHAIRPERSON SALAMANCA: Alright, I'm  
going to get onto my, my other question. Chair I, I  
asked you this question last year and I had more time  
to think about it throughout the, the year, I want to  
know the, the independence between the Department of  
City Planning and the Commission because you wear two  
roles here, right and two hats, you are the, the head  
of the Department of City Planning, the, the agency  
and, and you are the Chair of the Commission now is  
there any independence or is the Mayor running the  
show here in both, both the Commission and the, the  
agency?

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MARISA LAGO: Thank you for clarifying  
that I two... I do wear two very different hats, I am  
the Director of the Department and run the day and

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2 day out planning work of the Department, I am also  
3 the Chair of a 13-member Planning Commission that is  
4 a deliberative body. The Planning Commission's  
5 membership is comprised of seven mayoral appointees  
6 including myself, one appointee by each Borough  
7 President and an appointee by the Public Advocate.  
8 The one thing that I would note when one looks at the  
9 decisions of the City Planning Commission is that  
10 they are... they reflect the fact that the Commission  
11 is a deliberative body, our deliberations occur on  
12 the record, our sessions at which we discuss  
13 proposals either before putting them into ULURP,  
14 before a public hearing before the Commission and  
15 after the public hearings before our votes are all  
16 done on the record and I am pleased that the members  
17 take their role so seriously and that one doesn't end  
18 up with seven, six votes. I think it reflects the  
19 good work of the Department in shaping proposals  
20 before they enter the process but also that the  
21 Commission takes its deliberative role seriously.  
22 I'll also note that all of the matters that go  
23 through ULURP the Commission prepares a written  
24 report that describes the application, describes the  
25 input from the community board, from the Borough

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President that reflects the comments at our public hearings and then has a consideration section in which it describes its rationale, we find this incredibly helpful because we are setting a public record of what the considerations are that went into the... into the decision.

CHAIRPERSON SALAMANCA: Some have said that a dual role undermines the independence of the city's Planning Commission, has the Commission approved an application certified by DCP since your appointment?

MARISA LAGO: Yes, we just approved an application in Coney Island.

CHAIRPERSON SALAMANCA: Okay, you... well what, what project was that?

MARISA LAGO: It was a proposed rezoning on a mid-block in Coney Island. At the time of certifying the project which means the formal commencement of ULURP the Department expressed its concern thinking that it was a site that was quite far removed from public transportation and that was on a mid-block and that the requested rezoning was too dense, the applicant chose to proceed through the

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2 ULURP process and when it returned to the Commission  
3 the Commission turned down the, the application.

4 CHAIRPERSON SALAMANCA: Thank you. We  
5 want to recognize that we've been joined by Council  
6 Members Koo, Barron and Miller and we're going to go  
7 to our first round of questions, we're going to start  
8 with Council Member Rivera and we're going to have  
9 five minutes for questioning.

10 COUNCIL MEMBER RIVERA: Thank you so much  
11 Mr. Chair. So, you mentioned that there's a decline  
12 in... well there's a decline in plans that DCP presents  
13 to the public that's what we... we've seen on some of  
14 our information, does this free up resources for  
15 reviewing community-based plans?

16 MARISA LAGO: Council Member I'm not  
17 quite sure what you're referring to... [cross-talk]

18 COUNCIL MEMBER RIVERA: Sure, we have...  
19 [cross-talk]

20 MARISA LAGO: ...decline in plans... [cross-  
21 talk]

22 COUNCIL MEMBER RIVERA: ...the, the  
23 performance... we have the performance measures in  
24 front of us and the number of economic development

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2 and housing proposals presented to the public has  
3 decreased since fiscal year 2018.

4           MARISA LAGO: That's a highly variable  
5 number year by year. What we are seeing is that the  
6 projects that are coming forward are increasingly  
7 complex not surprising given that the city is already  
8 so substantially built out that the areas where we  
9 are seeing proposals going through ULURP tend to be  
10 harder to develop sites and so the complexity of the  
11 projects means that they are taking additional  
12 resources.

13           COUNCIL MEMBER RIVERA: So, they're  
14 increasingly complex, well I just had my community  
15 board, one of mine, community board three approve the  
16 special enhanced commercial district for the East  
17 Village, what's the process for DCP to review this  
18 plan and what would the timeline be for review and  
19 approval?

20           MARISA LAGO: I would be glad to have the  
21 Manhattan office, you know that we are... we have a  
22 borough based system in addition to our planners at  
23 headquarters, speak about that or, or speak with the  
24 proponents of this plan and following that we could  
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2 better assess whether... what the path forward might  
3 be.

4 COUNCIL MEMBER RIVERA: That would... that  
5 would be great because they've been working... they  
6 were working on this when I was a community board  
7 member in like 2012 so I would really... since it is  
8 from the bottom up which typically doesn't happen and  
9 we receive a lot of these plans from your office I  
10 think it's helpful to show support for something that  
11 truly came from the people that are on the ground.  
12 So, does DCP... I saw in your testimony you talked a  
13 little bit about the trainings that you're giving to  
14 community boards and do you... so you're providing  
15 expertise and resources to community boards and other  
16 organizations looking to create these community based  
17 plans?

18 MARISA LAGO: Yes, if I could elaborate  
19 on the trainings for the community board and.. as I  
20 mentioned this grew out of a request from this  
21 Committee to markedly enhance the trainings. What we  
22 did in the first year of the trainings is we focused  
23 on community board chairs and land use chairs because  
24 of the role that they play, we have... we then expanded  
25 the trainings to new members of the community board

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and in this past year have expanded it to all members of the community board and we have two different types of trainings, one type is done out in the boroughs and we call together the community board members from that borough, in some boroughs the borough presidents have actually joined with us in cohosting the trainings. In addition to that we then have trainings at our headquarters at 120 Broadway where we bring in community board members from across the city and those tend to be more in depth training on particular subject areas not just a planning, zoning, ULURP, environmental review 101. Examples over this past year of the kind of trainings that we've provided were updates on the storefront vacancy report that we did because that affected, it touched all five boroughs, we have done very significant work on the metro region and the relationship between where jobs in housing are, we did a special training for the community boards on that and then one that we found to be particularly well received was training on the digital tools that the department has developed to enhance transparency like our community district profile, like our population fact finder. I'll note that at the end of each of the trainings we

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2 provide a feedback form and its not often that one  
3 gets 100 percent but when it comes to the training,  
4 they have been that well received.

5 COUNCIL MEMBER RIVERA: Well I, I think  
6 that's, that's great that, that you're providing that  
7 kind of training, I mean now with term limits I do  
8 feel like it'll have to ramp up and again we have  
9 this plan for this special enhanced commercial  
10 district in the East Village that we've been working  
11 on for a very, very, very long time so I know that  
12 you said that you would get back to us with, with the  
13 Manhattan liaison. I just want to ask what resources  
14 are dedicated to reviewing community based plans and  
15 I could give an example of, of, of a 197A plan, what  
16 kind of resources are dedicated to that and thank you  
17 Mr. Chair for the time?

18 MARISA LAGO: No, gladly. There is a  
19 reason why we have parole offices and that is to be..  
20 to be aware of the community boards to interact there  
21 and that would be our principal liaison. I'll note  
22 though that we also have central planners who focus  
23 on issues of waterfront and resiliency, who focus on  
24 urban design, who focus on economic development, on

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2 housing and those are additional resources that can  
3 be brought to bear when reviewing a community plan.

4 COUNCIL MEMBER RIVERA: Well I was just  
5 asking to see if there was an actual number of  
6 personnel, I don't... because you said there's a...  
7 there's an office but I want to just make sure that  
8 they have people they can talk to. You, you mentioned  
9 a bunch of staff doing analytical work for the census  
10 too so I just hope that with, with, with all of these  
11 people that are assigned as resources that you work  
12 very, very closely with us and, and, and our  
13 community board since we are the people on the ground  
14 and, and thank you so much for your testimony and Mr.  
15 Chair for, for being gracious with the time.

16 CHAIRPERSON SALAMANCA: Thank you Council  
17 Member. I just want to be... recognize that we've been  
18 joined by Council Member Levine and now we'll have  
19 Council Member Diana Ayala questions.

20 COUNCIL MEMBER AYALA: Thank you Mr.  
21 Chair, good afternoon Chair Lago. This is... my  
22 question is actually related to the NYCHA transfer of  
23 development rights. So, numerous planning experts  
24 have recommended exploring the expansion of the  
25 transfer of development rights to allow NYCHA to more

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2 broadly sell it's air rights to raise money for  
3 capital improvements, has DCP studied this issue and  
4 what is DCP's position if they have?

5 MARISA LAGO: Thank you for that  
6 question. I want to reaffirm our support for the  
7 current transfer of development rights to adjacent  
8 zoning lots which currently exist and so that is a  
9 tool that we think for certain NYCHA developments in  
10 high opportunity areas hold promise. With respect to  
11 a TDR scheme, a new TDR scheme more broadly, we  
12 actually have very practical concerns about that.  
13 When one has a TDR proposal it is dependent upon a  
14 private land owner saying that it wants to purchase  
15 the rights that the economics are such and so there  
16 is absolutely no certainty or even predictability  
17 about when a revenue stream would come through. In  
18 addition to that, we believe that there are potential  
19 legal issues, we know that TDRs, transfer of  
20 development rights have to be premised on a land use  
21 basis and cannot run afoul of the zoning for sale  
22 restriction.

23 COUNCIL MEMBER AYALA: I mean I, I think  
24 that I share two concerns, one I'm concerned about  
25 the, the, the... I have a... I have a NYCHA property in

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2 my district and they're in conversation to sell air  
3 rights for three million dollars and the three  
4 million dollars would be allocated to the adjacent  
5 NYCHA development, three million dollars we all know...  
6 I mean when we... a few years ago I thought it was a  
7 lot of money, I know better now. I don't... I don't  
8 know if that's considered fair market value, I don't  
9 know who is determining what the right amount is and  
10 it also concerns me that a private developer is  
11 buying air rights and then developing, who's ensuring  
12 that what that private developer is considering  
13 developing on that property is in the best interest  
14 of the community because is, is, is there two  
15 conversations to be had, yes, NYCHA could always  
16 benefit from any additional revenue however it should  
17 never come at the expense of the community and so are  
18 we doing our due diligence to ensure that when we're  
19 considering these, these transfer of air rights that  
20 there's also a conversation with the developer about  
21 what the intent of the use of that land is?

22 MARISA LAGO: I'd be glad to pass along  
23 these concerns to NYCHA.

24 COUNCIL MEMBER AYALA: Okay. And my, my  
25 final question is regarding the, the comprehensive

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water plan, waterfront plan. So, DCP is currently in the process of developing the next comprehensive waterfront plan required every ten years by the New York City Charter, could you provide how much is being spent and how and if any priority at all is being offered to East River North, I have an esplanade and a pier that are both falling into the water and this is the first time that I'm hearing of this plan so I would like to hear more and, and better gauge why and how the community can become more involved in this process?

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MARISA LAGO: Thank you for asking about the comprehensive waterfront plan, this is a plan that is a requirement to be produced and updated every ten years so there is currently a comprehensive waterfront plan, and this is the 2020 update. The plan is developed in conjunction with a waterfront management advisory board and it is a fascinating group of folks that includes a Council Member and appointees by the Council as well and it encompasses people that range from environmental justice advocates to the maritime industry to people interested in recreation to... just across the board, we have 520 miles of waterfront and its uses are just

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so varied. The plan is not going to come out with specific recommendations of put this much money into this particular proposal but rather look more comprehensively at what the uses of the waterfront and what protections are needed for the waterfront.

COUNCIL MEMBER AYALA: Is there more emphasis that's going to be placed on the resiliency and preparing for climate change as part of this process?

MARISA LAGO: Absolutely. It's... if I might continue, both... the last update of the plan was in 2010 before Sandy, Sandy was a game changer in how we have to think about the reality of climate change and its impact of the city... on the city and it's not just more frequent and more intense storms, we also have to consider sea level rise from climate change, we have to consider areas of our city that are already subject to full moon tidal flooding... [cross-talk]

COUNCIL MEMBER AYALA: Uh-huh... [cross-talk]

MARISA LAGO: ...at the edges of the neighborhood and so I think that that will be a key difference in this update of the plan.

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COUNCIL MEMBER AYALA: I mean I, I would love for an opportunity to sit down and discuss it further offline, I think that I want to reiterate that East Harlem, I, I grew up in the Lower East Side, I was really excited about their resiliency planning, was really disappointed that East Harlem was not part of any conversations considering that we also did flood and that the communities that flooded were the communities that, you know are populated with the lowest income residents in my community and so I would welcome an opportunity to have a further discussion about how we are a little bit more strategic about identifying funds to move this along a little bit faster.

MARISA LAGO: We'd welcome reaching out to you to get you more information and in particular about the waterfront management advisory board...

[cross-talk]

COUNCIL MEMBER AYALA: I'd appreciate it, thank you.

CHAIRPERSON SALAMANCA: Commissioner, I mean Madame Chair on May 7<sup>th</sup> of last year at a secret oversight hearing before this very committee representatives from City Planning shockingly

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2 admitted that we do not go back and try and figure  
3 out whether precisely what we had projected comes to  
4 be in ten or 15 years or five years so how are  
5 communities supposed to take comfort in the pleasures  
6 you make when this is what was said by your personnel  
7 at your agency and that was a comment made by the  
8 general counsel... your general counsel Susan Amron?

9           MARISA LAGO: Thank you for that question  
10 Council. It gets to what is the nature of an  
11 environmental impact statement, I think that many  
12 labor under the misperception that an EIS is a  
13 crystal ball that predicts the future rather it's a  
14 disclosure document, it's a disclosure of reasonable  
15 assumptions about what will change and so it is not a  
16 predictive document that says this is what will  
17 happen. I thank you also for mentioning the time  
18 frames, rezonings don't occur in particular  
19 neighborhood wide rezonings, its not as if they occur  
20 and bam, next day everything has changed, rezonings  
21 play themselves out over time; five, ten, 15, 20  
22 years. The one thing I do want to note though is that  
23 we have a secret manual which is continually looked  
24 at to be refined as science changes and so it... while  
25 the... an EIS will never be a crystal ball predictive

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document we always look to make sure that it reflects the best and current science.

CHAIRPERSON SALAMANCA: Along with our public advocate Jumaane Williams I am the sponsor, the co-sponsor with him on Intro 1572 which would require a racial impact analysis as part of the city's environmental impact study. Does City Planning support this measure?

MARISA LAGO: We very much understand the fear of displacement that community members associate with change in their neighborhoods and I'll note that change in neighborhoods occurs whether or not a rezoning is being discussed. I'll give this... an example, its Flatbush where change is occurring, and we have not been speaking or working on a community rezoning. We also very much agree on the need critically to analyze land use actions and we also need to analyze the status quo, what is happening even in the absence of a discussion about rezoning. The fight against displacement has to go so far beyond zoning, the administration is fighting displacement as you know with record levels of affordable housing production, free legal services for tenants, programs to combat harassment. I'm

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2 especially proud of the fact that while the federal  
3 government has walked back from its commitment to  
4 fair housing, through the Where We Live initiative we  
5 in New York are looking at fair housing policy, how  
6 can we fight discrimination and build more inclusive  
7 neighborhoods. I would welcome the opportunity to  
8 engage with the Council on identifying whether there  
9 is a causality between racial displacement and  
10 rezoning, we, we don't see that the rezoning is the  
11 causality, neighborhoods change for a whole variety  
12 of purposes, neighborhoods change because of national  
13 economic trends, neighborhoods change because of  
14 societal changes, societal changes with respect to  
15 retail which we've discussed, societal changes with  
16 respect to average housing sizes and displacement can  
17 be caused by any of these factors individually and  
18 collectively not just by rezoning.

19 CHAIRPERSON SALAMANCA: So, do you  
20 support this, this bill?

21 MARISA LAGO: We look forward to ongoing  
22 discussions with you about how we can address in a  
23 land use and a non-land use setting the concerns  
24 about displacement.

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CHAIRPERSON SALAMANCA: Alright, we've  
3 been joined by Council Member Deutsch, Richards and  
4 Treyger and we're going... next up will be Council  
5 Member Miller for questions.

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COUNCIL MEMBER MILLER: Excellent. Thank  
7 you Mr. Chair and that is a great Segway into my  
8 questioning because I recall when City Planning last  
9 testified before this Committee there was a lot of  
10 conversation about the fact that the agency was  
11 highlighting as success some of the past rezonings  
12 such as downtown Brooklyn, LIC and other places which  
13 address very specifically the issues that the Chair  
14 just spoke of and... displacement, lack of  
15 infrastructure because of how things were done and,  
16 and very specifically communities like downtown  
17 Brooklyn where you kind of planned for 900 units of  
18 housing and you ended up with 15, 20,000 units at...  
19 differently or what, what... did that address the  
20 infrastructure needs and, and somewhere like Long  
21 Island City where the same thing took place where  
22 there was no transportation, no libraries, no schools  
23 and then after the fact we have to come in and try to  
24 address some of these municipal services and so the  
25 question that was asked then was by what metrics you

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2 claim success if in fact these things did occur and  
3 as we move forward we would like to know what plan...  
4 what rezonings do you have in the future throughout  
5 the city and do we plan on using the same metrics to,  
6 to, to address those rezonings and then my final  
7 question would be once again about the diversity of  
8 the staff particularly amongst the planners?

9           MARISA LAGO: Thank you for all those  
10 questions. I'll start by reiterating that an EIS is  
11 not a crystal ball, it is not a predictive document,  
12 it's a disclosure document to inform the decision  
13 makers including the City Planning Commission and the  
14 Council. I believe that downtown Brooklyn is an  
15 absolute success and I say that as a Brooklynite. At  
16 the start of the rezoning there were 1,000 housing  
17 units total in downtown Brooklyn, today we have 2,000  
18 permanently affordable units. When the downtown  
19 Brooklyn rezoning was undertaken it was with the  
20 expectation that it would become a back-office  
21 market, a lower cost alternative to Manhattan central  
22 business districts. Following the rezoning... I had  
23 mentioned that global trends affect how the city  
24 develops, following the rezoning there was the 2007  
25 and 2008 recession, we were fortunate in New York

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that we recovered from it more quickly than most of the rest of the country but that recession basically froze up the need, the demand for more office space. Fortunately the rezoning was comprehensive and flexible enough to allow for the creation of housing, housing in a neighborhood that is as transit rich as can possibly be sitting aside... astride so many subway lines, Long Island Railroad station and countless bus lines as well and so we have seen an extraordinarily virtuous cycle. One key part of the success of downtown Brooklyn are the academic institutions that are there, it is not widely known that in downtown Brooklyn we have more students in higher education than the city of Cambridge, Massachusetts which most people would think of as an education MEChA. The combination of the students and the workforce has now attracted employers, we very much welcome this because any resident who walks, who bicycles, who skateboards to, to work in downtown Brooklyn is one less person that is not getting onto the subway system commuting into Manhattan and so it actually relieves pressures in that way. I would be very glad to share with the Council a lengthy and detailed memo... or a letter I should say that outlines in great

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2 depth why we believe that downtown Brooklyn is an  
3 example of a very wise rezoning that has benefited  
4 our city.

5 COUNCIL MEMBER MILLER: So, I'm, I'm  
6 sorry because that was almost the same answers that  
7 was just given but we know that somewhere like  
8 downtown Brooklyn particularly around the Clinton  
9 Hill, Fort Greene area was probably an area about 68  
10 percent African American leading into, prior to the  
11 rezoning and is, is less than 25 percent now so... but  
12 just based on that metric and I... and I do understand  
13 that you created this and as was testified last year  
14 an entirely new economy but there's also a dynamic  
15 where you have to provide resources for the thousands  
16 of people that were... was displaced where are they now  
17 and what services are being provided, what additional  
18 municipal services have to happen including in Long  
19 Island City so we put the cart before the horse and  
20 now we find ourselves now with no transportation, no  
21 education, no libraries and schools as well as  
22 healthcare but now we're in the... when we have a cross  
23 mutual budget taken from somewhere else to make sure  
24 that these now emergent communities have these type  
25 of municipal services if in fact this is a design

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2 that you agreed to swear by do we next... the next  
3 rezoning are they going to be of the same model, can  
4 we expect the same thing and, and where would they be  
5 located in the city?

6 MARISA LAGO: Thank you Council Member  
7 for noting that rezonings are one part of the way we  
8 address the needs of a growing city, the other is  
9 through the annual capital and expense budget which  
10 is how the city delivers services to communities  
11 across the city. I'm actually very pleased that we  
12 have taken the process of the community district  
13 statement of needs which used to be such a cumbersome  
14 paper based process and have streamlined it in a way  
15 that allows community districts much more critically  
16 to identify their top needs and that is very helpful  
17 to the city's capital planning agencies.

18 CHAIRPERSON SALAMANCA: Thank you, thank  
19 you Council Member Miller. I want to recognize we've  
20 been joined by Council Member Treyger and Gibson and  
21 next up for questioning is Council Member Barron.

22 COUNCIL MEMBER BARRON: Thank you to the  
23 Chairs for the hearing and thank you to the panel for  
24 coming. We're talking about applications for  
25 development of projects and going through the ULURP

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2 process, what... where does the community land trust  
3 concept and organizations fit into this plan for  
4 development?

5 MARISA LAGO: It's good to see you again  
6 Council Member... [cross-talk]

7 COUNCIL MEMBER BARRON: Thank you...  
8 [cross-talk]

9 MARISA LAGO: ...it was just last week that  
10 we were out in East New York with those absolutely  
11 incredible 5<sup>th</sup> graders who... [cross-talk]

12 COUNCIL MEMBER BARRON: Yes... [cross-talk]

13 MARISA LAGO: ...provided us input on the  
14 comprehensive waterfront... [cross-talk]

15 COUNCIL MEMBER BARRON: Yes... [cross-talk]

16 MARISA LAGO: ...plan. With respect to  
17 questions about community land trust and that form of  
18 ownership I would defer those to HPD.

19 COUNCIL MEMBER BARRON: Do you have any  
20 projects that have come before you from community  
21 land trust?

22 MARISA LAGO: I'm aware of projects that  
23 have come before us with neighborhood-based  
24 nonprofits... [cross-talk]

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COUNCIL MEMBER BARRON: Uh-huh... [cross-talk]

MARISA LAGO: ...I will have to get back to you with respect to community land trust.

COUNCIL MEMBER BARRON: Okay, thank you and I just want to say that when the plans for the East New York rezoning began about 1998 or thereabouts the federal government issued a document talking about what the objective was for the redevelopment in that area and they very definitively clearly stated that gentrification is a byproduct of the development of these transit rich zones, I have to go back and find that document but it was unequivocal that that's what happens so joining my comments with those of my colleagues who've talked about that we know that that is a byproduct, that is a, a product of what we get when we have projects that are so called affordable but yet are nowhere near the existing AMIs of the community in which these projects are being brought. So, for example in East New York the neighborhood median income is about 36,000 dollars so for me it doesn't make sense to say that a project is affordable and its bringing in housing at a percentage of 25 percent, at 100 percent

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2 AMI or 120 percent AMI because that's not what exists  
3 in my community which is about 90 percent black and  
4 Latino.

5 MARISA LAGO: Thank you Council Member,  
6 I'm not aware of the federal government document, I  
7 would... I would welcome a statement... [cross-talk]

8 COUNCIL MEMBER BARRON: I'll look for it  
9 because I remember reading it about 12 years ago or  
10 15 years ago and I'll look for it and try to refer it  
11 to you.

12 MARISA LAGO: I would actually... I'm glad  
13 that you mentioned the East New York because that is  
14 the first of the neighborhood rezonings... [cross-talk]

15 COUNCIL MEMBER BARRON: Uh-huh... [cross-  
16 talk]

17 MARISA LAGO: ...that was adopted and that  
18 mapped MIH and its been a number of years, as I  
19 mentioned rezonings play themselves out over five,  
20 ten, 15 years... [cross-talk]

21 COUNCIL MEMBER BARRON: Right... [cross-  
22 talk]

23 MARISA LAGO: ...but what we are already  
24 seeing in East... in East New York is encouraging  
25 because the rezoning was part of a comprehensive

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2 neighborhood plan, we have already seen the... [cross-  
3 talk]

4 COUNCIL MEMBER BARRON: So... [cross-talk]

5 MARISA LAGO: ...investments... [cross-talk]

6 COUNCIL MEMBER BARRON: ...you're saying  
7 it's encouraging; I'm talking particularly about the  
8 change in the ethnic composition.

9 MARISA LAGO: If I could note it is  
10 encouraging because we have already seen market  
11 enhancements to City Line Park, we have seen the old  
12 Surrogate's court building which had first been  
13 underutilized and then closed for years come back to  
14 life as a police use activity center that is a  
15 beehive of activity, we are seeing the construction  
16 of affordable housing and the neighborhood is not one  
17 that supports housing construction without subsidy  
18 and so we are seeing significant housing construction  
19 on the Chestnut Dinsmore site and also the  
20 construction of a school, these are all as a result  
21 of the East New York neighborhood plan and so it is  
22 good to see this level of investment in a community  
23 that had been ignored for too long.

24 COUNCIL MEMBER BARRON: Certainly had  
25 been but my point again comes to the East New York

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2 rezoning plan at the outset said 50 percent of the  
3 units that come in will be market rate, that was a  
4 given at the beginning and of the remaining 50  
5 percent of the units it turns out that about 20  
6 percent of them match the income of the community so  
7 it does result in displacement and I will look for  
8 that document and share that with you. And in terms  
9 of your staff where can we find the diversity numbers  
10 that talk about the demographics of your staff?

11           MARISA LAGO: No, certainly, I can give  
12 you a topline number which is that the department in  
13 FY 17 was 63 percent white, this past year it was 56  
14 percent, it is changing, I think though we always  
15 know that we need to redouble our efforts. Among the  
16 initiatives that we have launched at the department  
17 are having paid internships so that internships, that  
18 opportunity to get your foot in the door are not  
19 reserved only for those who can afford to.. for  
20 students who can afford to work for free and with the  
21 rollout of the paid internships the diversity of our  
22 intern, intern pool has increased markedly.

23           COUNCIL MEMBER BARRON: And thank you,  
24 you indicated a decrease in the white staffing what  
25 has been the increase in the black staffing?

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MARISA LAGO: I'll be glad to get that

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for you... [cross-talk]

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COUNCIL MEMBER BARRON: Thank you...

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[cross-talk]

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MARISA LAGO: ...that's the only number

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that I have at hand right now.

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COUNCIL MEMBER BARRON: Thank you, thank

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you Mr. Chairs.

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CHAIRPERSON SALAMANCA: Thank you, thank

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you Council Member, next up we have Council Member

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Levin followed by Council Member Deutsch, followed by

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Council Member Treyger.

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COUNCIL MEMBER LEVIN: Thank you very

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much Chair, hi Chair, how are you? I just wanted to

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ask about... so last November Department of City

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Planning presented an analysis to the community in my

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district of the Williamsburg, Greenpoint rezoning of

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2005 which showed that some of the basic assumptions

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of the... of the EIS at the time did not... did not bear

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out so the number of units, overall units proceeded

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much more quickly than... and this is keep in mind

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through the financial crisis so there was about three

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years or four years were nothing at all was built

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but, but there have been 17,000 units that were built

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or in the pipeline which is more than double the FDIS projection and then on top of that we've seen a... the average for affordable housing is... ends up significantly lower than 20 percent which is what the goal was at the time, now obviously the 2005 rezoning predates your tenure and... but my, my question is, is DCP looking at doing such an analysis for other large scale rezonings that its undertaken in the last 10, 15 years and, and then what do we do about it when its not... when, when a rezoning does not end up living up to the anticipated benefit, you know what do we do about it after the fact, 15 years later and the community sees all the impact, I mean its... you know in the neighborhoods of Williamsburg, Greenpoint, I live in Greenpoint and as you said gentrification is a multi, multi headed hydra, it's... you know it's not... it's not... there's no single reason for gentrification but we certainly have seen the impacts in very stark terms in the neighborhood like Greenpoint where the number of evictions of senior citizens is pretty staggering, the amount of rent stabilized housing that's, that's come down, tenants that were forced out through harassment which is well documented, owners seeking to get out of rent stabilized

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2 regulation and so what do we do when 15 years later  
3 its... we see how a rezoning may have exacerbated the  
4 problem?

5 MARISA LAGO: Thank you for a multiheaded  
6 hydra of a question which I'll try to unpack the  
7 answer. You so eloquently noted the number of nonland  
8 use measures that are needed to address the issue of  
9 displacement and fear of displacement... [cross-talk]

10 COUNCIL MEMBER LEVIN: One, one thing I  
11 just might add really quickly is that when this  
12 administration allocated legal services dollars for  
13 housing court this was not a neighborhood that  
14 received those resources because it was a prior  
15 rezoning and in some sense it, it gave the, the  
16 message to, to that... to the community was you guys  
17 are too far gone which is not the case, there are  
18 still people that need representation in the  
19 neighborhood so, anyway, continue...

20 MARISA LAGO: No certainly you mentioned  
21 the change in rent stabilization laws which will have  
22 a very significant impact... [cross-talk]

23 COUNCIL MEMBER LEVIN: Hopefully... [cross-  
24 talk]

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MARISA LAGO: ...my point is that we need

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to look at the full panoply of tools. I think the

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other thing that you had mentioned... that you

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mentioned that is very much worth putting at, at...

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highlighting is the difference between a voluntary

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inclusionary housing approach and mandatory

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inclusionary housing and so that is part of how we

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learn, you don't find us now mapping voluntary

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inclusionary housing, at my age it is the law of the

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land... [cross-talk]

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COUNCIL MEMBER LEVIN: Uh-huh... [cross-

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talk]

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MARISA LAGO: ...and we certainly believe

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that it is an improvement.

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COUNCIL MEMBER LEVIN: Yeah. Is there any

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interest on the part of DCP to, to examine other

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rezonings of the same... in the same method?

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MARISA LAGO: Sorry, I forgot that part

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of your... [cross-talk]

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COUNCIL MEMBER LEVIN: Okay... [cross-talk]

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MARISA LAGO: ...of your hydra...

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COUNCIL MEMBER LEVIN: No problem...

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MARISA LAGO: The look that we did at

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your request and the request of the community board

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was tremendously helpful for us and it was at a point in time where enough time had lapsed from the rezoning to be able... [cross-talk]

COUNCIL MEMBER LEVIN: Uh-huh... [cross-talk]

MARISA LAGO: ...to begin to see trends. Within one year, two year, five years it is very early days... [cross-talk]

COUNCIL MEMBER LEVIN: Yeah... [cross-talk]

MARISA LAGO: ...here we had a 15-year track record... [cross-talk]

COUNCIL MEMBER LEVIN: Uh-huh... [cross-talk]

MARISA LAGO: ...we found it very useful and I can well imagine us looking at other neighborhoods in the same way.

CHAIRPERSON SALAMANCA: Okay, thank, thank you...

COUNCIL MEMBER LEVIN: Thank you so much...

CHAIRPERSON SALAMANCA: Yeah...

COUNCIL MEMBER LEVIN: Thank you Chair.

CHAIRPERSON SALAMANCA: We have to move on because we're running out of time and we have

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2 DoITT who's next so, next up we have Council Member  
3 Deutsch followed by Treyger followed by Reynoso.

4 COUNCIL MEMBER DEUTSCH: Thank you Chair,  
5 thank you so much. Good afternoon. While, while I  
6 appreciate all the work that City Planning does to  
7 plan our future I have a... my question is, is that in  
8 the city of New York we have approximately 100 land  
9 lease buildings and where many or some of them have  
10 an expiration date of 20 to 30 years, usually the  
11 lease is between 50 and 99 years and one of the fears  
12 that many have is that they could face eviction and  
13 it's also very difficult for the, the condo or co-op  
14 owners because they can't... they cannot even go for  
15 any type of refinance since usually its done as a 30  
16 year mortgage and many people have difficult times  
17 making ends meet so cannot even do any type of  
18 refinance so what conversations does City Planning..  
19 what, what conversations is City Planning in, in  
20 regards to the land lease and the future of these  
21 thousands of tenants who might be homeless?

22 MARISA LAGO: I'm aware of land leases  
23 from a very personal experience, I went to Cooper  
24 Union and the school is financed by owning the land  
25 on which the Chrysler building sits, it is leased

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land. I'm not aware of the issue with respect to the homeownership units, what I can do is follow up with the Department of Finance which I believe would probably be the correct city agency to look at this.

COUNCIL MEMBER DEUTSCH: Okay, so I'd like to know because I have... I have several buildings... I have a few buildings in my district that are under this current land lease... land lease obligation so I wanted to see if we could get the right agencies involved and see if we could set up a meeting.

MARISA LAGO: Yeah, we will be glad... we'll reach out to your office to find out what are... the particular buildings are and then also to see if we can assemble the right agencies.

COUNCIL MEMBER DEUTSCH: Great, thank you so much.

CHAIRPERSON SALAMANCA: Council Member Treyger.

COUNCIL MEMBER TREYGER: Thank you two Chairs. I just want to bring to the attention to DCP something that is very pressing and I would say it has reached a crisis level in my district, a district that DCP did quite a bit of work in particularly in

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2 the last administration but still moving into this  
3 administration, we're now ten years past... over ten  
4 years past the infamous Coney Island 2009 rezoning  
5 and I was still a public school teacher at the time  
6 but I remember receiving a lot of information, seeing  
7 presentations on the glitzy and glamorous portraits  
8 of what Coney Island it was going to be five to ten  
9 years from then, from 2009, we're now at... in the year  
10 2020, I want to tell DCP that we're down to one bank,  
11 one bank that serves over 50,000 people, we have a  
12 double than average small business vacancy rate, we  
13 have a commercial retail crisis and the response that  
14 I've received so far from the administration has been  
15 well don't worry Councilman Treyger the 2009 rezoning  
16 made way to build housing in the future. That is  
17 insulting to the people who live in my district  
18 today, the answer cannot be wait for the housing  
19 that'll be built five to ten to 15 years from now, it  
20 is insulting to tell my constituents that they have  
21 to travel to a different zip code to conduct basic  
22 banking services and again this was presentations  
23 handled by City Planning, EDC and a plethora of other  
24 agencies. I'd like to hear the response from City  
25 Planning.

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2           MARISA LAGO: Thank you for raising these  
3 issues what I would love to do is to be able to  
4 follow up with you and the issues that you raised  
5 strike me as perhaps benefiting from the involvement  
6 of our Department of Small Business Services. What is  
7 interesting is that in some neighborhoods we hear  
8 concerns about too many bank branches, but I think  
9 you raised if anything a bigger challenge which is  
10 under banking and the absence of those resources.

11           COUNCIL MEMBER TREYGER: Respectfully  
12 the, the reason why I'm bringing this to the  
13 attention of DCP is because it was your agency and  
14 others that sold my community a bag of goods about  
15 the 2009 rezoning and I also want to say it was City  
16 Planning that somehow allowed operators and the  
17 administration to utilize significant lots of public  
18 land, think about the amusement district, think about  
19 the amphitheater, think about MCU Park, the baseball  
20 stadium that is on prime land that only operates  
21 three to four months of the year and one of the  
22 reasons why businesses are afraid to come into Coney  
23 Island is because they can't survive with the foot  
24 traffic only three months of the year but somebody  
25 gave them permission to basically utilize the land

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2 only three, four months of the year. So, we have all  
3 of this massive public land in prime locations only  
4 activated during the warm seasonal months and that's  
5 why a small mom and pop shop have... has difficulty to,  
6 to survive so City Planning is very much involved in  
7 this as well... as well as EDC and Parks and, and other  
8 agencies.

9 MARISA LAGO: I was not at all suggesting  
10 Council Member... [cross-talk]

11 COUNCIL MEMBER TREYGER: Yeah... [cross-  
12 talk]

13 MARISA LAGO: ...that we are not involved.  
14 As I had mentioned rezonings play themselves out over  
15 years and you're quite right that market conditions  
16 in Coney Island have not produced very significant...  
17 [cross-talk]

18 COUNCIL MEMBER TREYGER: Michael  
19 Bloomberg failed Coney Island and we, we need to  
20 address the crisis that my folks are feel... that my  
21 constituents are experiencing right now.

22 MARISA LAGO: And that, that is actually  
23 why I don't think that the answer is to say wait for  
24 the housing...

25 COUNCIL MEMBER TREYGER: Thank you...

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MARISA LAGO: ...putting in place an as of right rezoning that will allow for housing is one part of the solution, but I would welcome reaching out to you with... [cross-talk]

COUNCIL MEMBER TREYGER: Thank you... [cross-talk]

MARISA LAGO: ...the Department of Small Business Services.

COUNCIL MEMBER TREYGER: Alright, thank you, thank you Chairs.

CHAIRPERSON SALAMANCA: Thank you, Council Member Reynoso.

COUNCIL MEMBER REYNOSO: Thank you Chair and thank you Chair and for everyone being here today. Just wanted... a couple of questions, DCP put out a report related to... DCP put out a report related to the units being developed in the city of New York in certain neighborhoods and one of those neighborhoods they saw a significant amount of increase in development was Bushwick, Bushwick before even the, the conversation about the rezoning saw 6,000 units of housing growth in only a couple of years, it is one of the fastest growing communities in the city of New York. When the Bushwick community

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2 came together alongside DCP in an attempt to rezone  
3 it the city of New York said quote, unquote, "it  
4 wasn't worth it to pursue it because it didn't  
5 produce enough affordable housing". The current  
6 status quo an R6 rezoning in mostly black and brown  
7 neighborhoods like Flatbush and Bushwick are examples  
8 and Brownsville are three examples of R6 zoning from  
9 like the 1960s. If kept the same, we will continue to  
10 build housing that is not affordable in the.. for  
11 example in Bushwick these 6,000 units. We put... went  
12 through a plan in the Bushwick rezoning to allow it  
13 to move a lot of this housing to what we consider  
14 appropriate areas and under city parameters that are  
15 considered transportation hubs and moving density  
16 into areas that have... are within a quarter mile of a...  
17 of a transportation hub, it just really feels like  
18 we've hit all the marks on the head and at this  
19 moment am... are already producing market rate housing.  
20 Wanted to know if this conversation about 5,000  
21 additional housing units were for rezoning was really  
22 the fight that DCP had, had to draw a line on the  
23 sand... not on the sand, had to draw a line to, to not  
24 develop in Bushwick?

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2           MARISA LAGO: Thank you for your question  
3 Council Member and with apologies to the other  
4 members because we did address this earlier, I'll go  
5 back through it. I want to thank you for highlighting  
6 a few things, one is that displacement occurs with or  
7 without... we are seeing displacement occurring with or  
8 without rezoning. As you noted years before there was  
9 a discussion of a rezoning in Bushwick, we saw the  
10 production of these 6,000 plus units overwhelmingly  
11 market rate units that's why it's so important to  
12 recognize in addressing displacement, fear of  
13 displacement that we deploy tools, land use but also  
14 beyond land use, many of the tenant protection and  
15 anti-harassment measures. With respect... the other  
16 thing I had... I want to thank you for is for the work  
17 of you, Council Member Espinal, the community board  
18 and countless community leaders and organizations in  
19 getting this very rich fine grained understanding of  
20 Bushwick of where there were opportunities in  
21 particular along the wide avenues that have two  
22 different subway lines that's a treasure and also of  
23 mid blocks that had a very different character from  
24 the wider avenues. As you note and as Deputy Mayor

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Been noted in her letter to you the Bushwick  
community plan... [cross-talk]

COUNCIL MEMBER REYNOSO: And I'm so sorry  
I don't want to cut you off; I only have a minute and  
30 and I want to go back and forth a little bit so if  
like... [cross-talk]

MARISA LAGO: Gladly... [cross-talk]

COUNCIL MEMBER REYNOSO: ...just, just at...  
the core of this question is what do we have in, in a  
planning proposal that... and... which I think we can  
both agree on, the 1960s rezoning is a problem, the  
current status quo is, is producing only market rate  
housing, why is a plan by which we were to be able to  
create 2,000 units of housing and move the current  
development into transit hubs and wider streets, why  
is that not a good conversation to have between a  
community and the administration? Why is this solely  
that the only out is development above all?

MARISA LAGO: Not development above all,  
development where appropriate and the densities that  
were proposed for the up zoned areas, the areas  
proposed to be up zoned in the Bushwick community  
plan we think were too low, it was in essence an  
overall neighborhood downzoning... [cross-talk]

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COUNCIL MEMBER REYNOSO: Not if... not if...

[cross-talk]

MARISA LAGO: ...the other... the other...

[cross-talk]

COUNCIL MEMBER REYNOSO: ...there's not...

by... even by your standards that it wouldn't be considered downzoning, we're talking about rightsizing the R6 area and the R6 area along Broadway, Myrtle Wyckoff and Wilson and Knickerbocker would all see an increase and we see a production of 8,000 units of housing of which 2,000 would be affordable so that would... and, and by no means would be considered a downsizing, if that's the narrative that you want to play I think it, it kind of speaks to this inability for DCP to work with a community and come to a place where... that is considered a compromise where everyone feels like they lost a little bit but we made the city better, the, the current conversations in the Bronx and in other areas of the city are going to continue to happen and its almost like you're okay, you're buying time till we get out of office so maybe you can have negotiations with the future Council Members but at this point it just doesn't seem like you're playing... you're, you're

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playing a fair game with the community in asking them to engage in, in a system where the outcomes are only what you want and nothing else.

MARISA LAGO: There has been a back and forth dialogue as you know Council Member over the past few years. I do have to note that the number of projected housing units we do not believe is realistic, sites that have been identified in the community plan as soft sites include an active post office, they include a building with 60 residential units, we do not believe that it is reasonable to assume that these are sites that would be able to be developed for affordable housing.

COUNCIL MEMBER REYNOSO: Okay, we'll have further conversations which I... which I would love to, but I also want to know... I just want to make sure we also get the amount of money spent by DCP over the last five years to get to this point with Bushwick because at this point it's a... it's wasted money so I want to know how much money was spent in consulting and the work that is being done by the staff so we could just put it into perspective on whether or not we're spending our time wisely when it comes to DCP and these rezonings.

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MARISA LAGO: And Council Member if I might pick up on a comment that you made, again a comment that I had made earlier with respect to Southern Boulevard, I do not believe that time spent on solid planning and understanding a neighborhood is wasted time. We have in the neighborhood plan in the Bushwick community plan documents that pull together thoughts about the future even if there is not rezoning, it sets a framework for the future should private applications come forward, here is a document that memorializes the thinking.

COUNCIL MEMBER REYNOSO: Yeah, we, we know this administration is not too keen on outcomes but in communities we are, we care about outcomes and while you have all this information my community continues to get displaced and my community continues to give you units of market rate housing with no affordability so I'm glad that you have a paper and content and data that you can give to private developers when they want to move forward but this community is not going to suffer and be relegated to outdated land use and zoning work so again I want to thank the, the Chair for... [cross-talk]

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2 MARISA LAGO: Council Member if... [cross-  
3 talk]

4 COUNCIL MEMBER REYNOSO: ...indulging and  
5 giving me... [cross-talk]

6 MARISA LAGO: ...it is not... [cross-talk]

7 COUNCIL MEMBER REYNOSO: ...all this time...  
8 [cross-talk]

9 MARISA LAGO: ...it is not information for  
10 developers, it is information for the community  
11 boards, community members and the Council Members as  
12 they evaluate any private applications that would be  
13 endorsed... [cross-talk]

14 COUNCIL MEMBER REYNOSO: Yeah, when  
15 Bushwick is 50 percent white and no longer has any  
16 Latino or black families or no more poor families and  
17 the average income goes from 38,000 to 64,000 would  
18 love to have a conversation about the data that you  
19 have when we no longer... when I no longer represent a  
20 majority minority neighborhood. So, continue the, the  
21 tale of two cities and the displacement of families  
22 that are happening I just don't see the urgency  
23 coming from this administration, sorry.

24 CHAIRPERSON SALAMANCA: Thank you Council  
25 Member, very well said. Chair just my last few

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questions, how many units have been created under the Mayor's housing plan as of date?

MARISA LAGO: I'll get back to you after consulting with HPD.

CHAIRPERSON SALAMANCA: Okay, considering how many units are tied up within the finance... the finance pipeline, is the Mayor's housing plan on track to reach the 300,000 units?

MARISA LAGO: As Deputy Mayor Been recently commented we are on track with respect to any issues about the financing pipeline I would refer you to HPD.

CHAIRPERSON SALAMANCA: Okay. Does the City Planning weigh in on when housing projects close as part of the city's pipeline?

MARISA LAGO: That's an HPD determination.

CHAIRPERSON SALAMANCA: So, there's no... City Planning has no recommendations, no, no decision making at all?

MARISA LAGO: No, our role is to process discretionary land use applications including for the production of housing.

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CHAIRPERSON SALAMANCA: Last year

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following the passage of a text amendment restricting

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enclosed mechanical voids DCP agreed to study

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unenclosed mechanical voids in residential buildings,

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what is the status of the study on unenclosed

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mechanical voids?

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MARISA LAGO: We had agreed to report the

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results of the... of the study this summer and we'll do

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so.

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CHAIRPERSON SALAMANCA: Alright and then

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finally let's talk a little bit about the borough-

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based jails, can you give us a... an update on where,

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where are we?

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MARISA LAGO: I would defer to DDC, the

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Department of Design and Construction which together

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with MOCJ is taking the lead on this.

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CHAIRPERSON SALAMANCA: Alright, with

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that... do I have any colleagues that wish to ask any

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questions, no? Seeing none... oh I'm sorry, Council

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Member Richards.

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COUNCIL MEMBER RICHARDS: Thank you

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Chairman and Chairs. A quick question and thank you

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Chairwoman for all of the great work that we've

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certainly accomplished in the Rockaways and I think

1  
2 things are really moving in a way that most people  
3 were speaking of today; true affordability,  
4 infrastructure investment, all of the things that  
5 matter to communities. One of the questions I had and  
6 although Rockaway is, is certainly a template of  
7 where we should go is... in the other rezonings, you  
8 know how are we tying... I'm interested in hearing a  
9 little bit more of how HPD is truly working hand in  
10 hand with you to alleviate a lot of these fares  
11 because the big problem is as, as we heard from most  
12 of my colleagues is that subsidy has to be there  
13 especially when you're talking about neighborhood  
14 rezonings so I'm interested in hearing just a little  
15 bit more about how closely HPD is working with you  
16 and then on all the other things that matter to  
17 communities; healthcare investment, school seats  
18 which is a big one in light of more density coming  
19 into neighborhoods, you know how are we strategically  
20 working with the other agencies in a comprehensive  
21 manner around Queens specifically on these rezonings?

22 MARISA LAGO: Thank you Council Member  
23 and it actually is a treat to be in a room with  
24 Council Members representing a third of the  
25 neighborhood rezonings that we have between you and

1  
2 Council Member Gibson and you quite properly point  
3 out that in a neighborhood plan it's not just about  
4 the zoning, the zoning may be the controversial piece  
5 but when we are invited in to a community by the  
6 community board, by the Council Member to take a  
7 comprehensive look we bring along lots of friends and  
8 those friends include HPD, Department of  
9 Transportation, School Construction Authority, DEP,  
10 sort of the major capital agencies but they also  
11 involve health and mental hygiene, they involve Small  
12 Business Services with their workforce one centers  
13 and so the look that we take at a community with the  
14 community is a holistic one that identifies the  
15 needs. Many of the needs have nothing to do with land  
16 use but are absolutely essential. I would note in  
17 particular with respect to downtown Far Rockaway the  
18 fact that a new library it is under construction is  
19 already one manifestation of the planning and the  
20 responsiveness to the neighborhood's call. I think  
21 the second is we usually talk about building, the  
22 fact that as a result of the downtown Far Rockaway  
23 rezoning we were able to tear down an embarrassment  
24 of a shopping mall to pave the way for future housing  
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is a... yet again another manifestation of the good community informed planning work that we do.

COUNCIL MEMBER RICHARDS: And, and I know I've heard a lot of concerns and I don't know if H and H is at the table in a lot of these conversations, health and hospitals corporation but certainly the stress on health care has been tremendous even for downtown Jamaica, Jamaica hospital and I know a lot of times we like to shy away from hospitals such as Jamaica who may not be in the H and H system but we need to ensure that the administration is certainly paying a lot more attention, Elmhurst hospital, all of these different locations where we're seeing a lot more population increases, Long Island City so just more of a holistic look at that. And then I noticed in the budget the November 2019 plan includes federal community development block grants, funding of 1.2 million in fiscal... for funding of 1.2 million and then in fiscal year 2020 another 1.7 million dollars for Edgemere rezoning, can you just speak specifically... I'm very happy that more monies are coming to my district but just want to hear a little bit more about what's... [cross-talk]

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MARISA LAGO: Gladly, if I could pick up on your comment about health and hospitals I've had the good fortune to discuss with Doctor Mitchell Katz that... the head of it that he thinks very holistically about his institutions and also recognizes that they have something that is increasingly a tight commodity in New York which is land and so I think we have in him a forward looking head of H and H that will think not just about the four corners of the hospital, the H and H buildings. With respect to resilient Edgemere this is an HPD initiative that we are pleased to be working with HPD on. HPD has taken a look at the neighborhood and recognized one, it is one of the areas in the city where HPD still has a number of city owned lots but they are challenging lots to develop, they are small interest widely dispersed lots. In looking at the neighborhood HPD recognized that the lots closest to Jamaica Bay were the ones that were most inundated both by Sandy but also by full moon tidal flooding and that those are areas that are at special coastal risk and where development should be very sharply curtailed. We have done this in a number of other neighborhoods throughout the city with the strongest support from

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2 the neighborhoods and the Council Members. At the  
3 same time HPD realized that along Rockaway Beach  
4 Boulevard, along the 8 train that is both the high  
5 point of the peninsula and the area most accessible  
6 to mass transit and in much the same way that we saw  
7 with the peninsula hospital site that the development  
8 was able to build in a resilient fashion so close to  
9 public transportation HPD believes that there are  
10 opportunities for a modest up zoning along Rockaway  
11 Beach Boulevard. They asked... HPD reached out to us  
12 and indicated that it would facilitate and accelerate  
13 their work if they would be able to make use of our  
14 existing environmental consulting contracts so while  
15 they will be in charge of the work they put the money  
16 into our budget to be able to take advantage of these  
17 contracts.

18 COUNCIL MEMBER RICHARDS: I look forward  
19 to working with you on these and once again I want to  
20 thank you for the work we've accomplished here and we  
21 got a long way to go for the entire city, thank you  
22 Chairs.

23 CHAIRPERSON SALAMANCA: Thank you, thank  
24 you... I want to thank you Chair for this dialogue and  
25 we will be in recess DoITT would be up next, thank

1  
2 you. Alright, good afternoon. My name is Council  
3 Member Rafael Salamanca and I'm the Chair of the  
4 Council's Committee on Land Use. This hearing will  
5 cover the fiscal 2021 preliminary budget for the  
6 Department of Information Technology and  
7 Telecommunications. Because there are significant  
8 technology issues pertaining to the city's franchise  
9 agreements with cable and telecommunication companies  
10 this is a joint hearing with the Committee on Land  
11 Use and the Committee on Technology. I am honored to  
12 co-chair today's budgetary hearing with my colleague  
13 Council Member Robert Holden, Chair of the Committee  
14 on Technology. DoITT provides citywide coordination  
15 and technical expertise in the development and use of  
16 data, voice and video technologies in the city's  
17 services and operations. They also provide  
18 infrastructure, support for data processing and  
19 communication services to numerous city agencies,  
20 researches and manages IT projects and administers  
21 the city's cable television, public paid telephones  
22 and mobile and high capacity telecommunication  
23 franchise agreements. During today's hearing we would  
24 like to review many aspects of the department's  
25 fiscal 2021 preliminary budget as well as other

1  
2 issues related to the department's operations and  
3 organizations. In particular I would like to get  
4 status updates on franchise agreements with the  
5 city's major telecommunication companies as well as  
6 the agreements with CityBridge for the continued  
7 expansion of Link NYC kiosks. Additionally, last year  
8 we spoke about the dispute between the city and  
9 Charter Communications so we would like an update on  
10 the resolution of that matter. We must ensure that  
11 DoITT's vendors are meeting their deliverables on  
12 time and that major telecommunication companies are  
13 in compliance with their franchise agreements.  
14 Furthermore, I am interested in further examining the  
15 department's organizational structure specifically I  
16 would like to gain a better understanding of the  
17 operational relationship between DoITT and the  
18 Mayor's Office of Media and Entertainment and why it  
19 makes sense for MOME to be under the DoITT umbrella.  
20 With an operating budget of over 695 million dollars  
21 and hundreds of millions more in capital investments  
22 it is critical that we thoroughly examine DoITT's  
23 financial plan, it's planned projects and operational  
24 challenges to ensure that we are optimizing our  
25 return on this substantial investment. We hope that

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today's hearing will contribute to our efforts in finding ways to use technology to make government more efficient and productive. We look forward to working with DoITT towards meeting this goal. I would like to thank DoITT Commissioner Jessica Tisch and her staff for joining us today. Now I will pass it along to my co-chair, Council Member Holden.

COUNCIL MEMBER HOLDEN: Thank you. Good afternoon and welcome to the fiscal 2021 preliminary budget hearing for the Department of Information, Technology and Telecommunications known as DoITT. I am Council Member Robert Holden, Chair of the Committee on Technology. I am pleased to be... to join the Committee on Land Use chaired by Council Member Rafael Salamanca. The Department of Information, Technology and Telecommunications fiscal 2021 preliminary budget totals 695.2 million including 181.3 million for personal services to support 1,891 full time employees. These resources are spread across six programs that include cybercommand, 9-1-1 emergency call center, IT support, 3-1-1 NYC.gov operations, Mayor's Office for Media and Entertainment, citywide tech services and DoITT administrative and operations. Additionally, DoITT's

1  
2 preliminary commitment plan totals 523.5 million in  
3 fiscal 2020 to 2024 and provides for the upgrades for  
4 several major citywide technology systems including  
5 both 9-1-1 public safety answering centers. At  
6 today's hearing we will examine, examine the budget  
7 and operational performance of each of the program  
8 areas as well as other major components of the  
9 department's budget including its contract budget  
10 that is projected to be 234.7 million dollars, new  
11 needs and budget saving initiatives proposed in the  
12 financial plan, revenues generated through franchise  
13 agreements and other city fees and major IT  
14 infrastructure investments. We would also like to  
15 discuss staffing levels at the department and whether  
16 the city is providing competitive salaries which is  
17 an important factor so that we can attract the talent  
18 necessary to make New York City one of the most  
19 advanced cities in the country. City investments in  
20 technology should provide long term benefits with the  
21 goal of making a municipal government more  
22 productive, efficient and accessible to New Yorkers.  
23 We look forward to working with DoITT toward  
24 achieving that goal. I would like to welcome DoITT's  
25 Commissioner Jessica Tisch and her team. After the

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testimony members will have the opportunity to follow up with questions for the Commissioner. After that I hope that the Commissioner and staff remain to listen to the public testify. In closing I would like to thank the committee staff for working and putting this hearing together including Florentine Kabore, Sabastian Bake and Irene Bihoski [sp?], Charles Kim and my Chief of Staff Daniel Kurzyna. I'll now ask the, the Committee Counsel to, to please swear in the Commissioner, with the Commissioner is Michael Pastor and John Winker.

COMMITTEE CLERK: Thank you. Please raise your right hand, do you swear or affirm to tell the truth and answer honestly to Council Member questions?

[panel affirms]

COMMITTEE CLERK: Thank you.

COUNCIL MEMBER HOLDEN: You may begin Commissioner.

CHAIRPERSON SALAMANCA: Jessica if you can just turn on the mic, yeah just...

JESSICA TISCH: There we go.

CHAIRPERSON SALAMANCA: Thank you.

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2 JESSICA TISCH: Thank you, good afternoon  
3 Chair Salamanca and Holden and members of the City  
4 Council Committee on Land Use and Technology. My name  
5 is Jessica Tisch and I am the Commissioner of the  
6 Department of Information Technology and  
7 Telecommunications, also known as DoITT and New York  
8 City's Chief Information Officer. Thank you for the  
9 opportunity to testify today about DoITT's fiscal  
10 2021 preliminary budget. With me is John Winker,  
11 Associate Commissioner of Financial Services and  
12 Michael Pastor, our agency's General Counsel. I've  
13 been working for the city for 11 years and for me  
14 watching livestreams of agency budget hearings has  
15 become like sport. I am so honored to be here leading  
16 an agency, testifying in front of the Council and  
17 answering your questions. And I am humbled to be  
18 joined today by a group of people who have made it  
19 their lives work to advocate for vulnerable New  
20 Yorkers. I am speaking in particular about  
21 representatives of the deaf, hard of hearing and  
22 survivors of domestic violence communities who I have  
23 had the pleasure of getting to know and work arm in  
24 arm with over the past three months on the Text to 9-  
25 1-1 program. Nicolyn Plummer, Dennis Martinez thank

1  
2 you for your patience, your guidance and your  
3 partnership. I would also like to thank Deputy  
4 Inspector Craig Adelman, the Executive Officer of the  
5 NYPD's Communications Division, as well as Captain  
6 Michael Tracey from the Fire Department for being  
7 here, your presence at this hearing is an important  
8 symbol of our agencies' close partnership on all  
9 things 9-1-1. I have a bold vision for the future of  
10 technology in New York City and I am working on a  
11 plan to modernize the city's technology  
12 infrastructure, which I look forward to briefing you  
13 on in full during the executive budget. This is  
14 exactly what I did, for a single, albeit very large,  
15 agency over six years as CIO of the NYPD. And I am  
16 certain that it is exactly what is needed across City  
17 government today. my way of saying; this is what I  
18 do. Over the past few months, we have made  
19 significant progress on a number of fronts and I  
20 thought I might use this opportunity to highlight  
21 some projects that I know are of interest to the  
22 Council. Let's start with some good news and on a  
23 program that many of you know is near and dear to my  
24 heart. I am pleased to report that it is looking like  
25 Text to 9-1-1 will go live by June, so we will meet

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our commitment made at last November's oversight hearing to the Council. And that is because Text to 9-1-1 is now technology ready and training is underway. As part of testing, we intentionally flooded the system and it performed up to our high public safety standards. We have also worked very closely with Cyber Command on robust cyber testing of the system. As you know, this Text to 9-1-1 system will be an interim solution, designed to bridge the gap between where we are today with an entirely legacy, analog 9-1-1 system and where we will be in 2024, when we roll out NextGen 9-1-1. The purpose of NextGen 9-1-1 is to allow voice, photos, videos and text messages to flow seamlessly from the public to 9-1-1 on modern, digital infrastructure. Make no mistake about it, NextGen 9-1-1 has the potential to be hands down, the most impactful new public safety system in the city of New York over the next decade. As a woman who has public safety IT running through her veins, I can tell you it is absolutely imperative that we get it right. So, what progress have we made? Just last month, we selected vendors and completed contract negotiations for three key systems that are fundamental to the development of NextGen 9-1-1. We

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2 selected Vesta Solutions to build out the core  
3 backend and geographical information systems, and  
4 NICE Systems Inc. to build out the new logging and  
5 recording system. These decisions were based on a  
6 rigorous vendor selection process that involved an  
7 evaluation committee with representatives from DoITT,  
8 NYPD and the FDNY, with advice and guidance from  
9 Cyber Command. The evaluation committee traveled to  
10 call centers to review products and gather firsthand  
11 customer feedback; to vendor labs across the country  
12 for live demonstrations of NextGen technologies and  
13 briefings on each proposer's approach to factory  
14 staging and implementation. Our selection balanced  
15 the equities of price, performance and technical  
16 capability. And yes, the contracts that we negotiated  
17 have exhaustive protections in place to ensure that  
18 vendors we pay with city tax dollars deliver on time  
19 and on budget. As for timeline, selecting vendors and  
20 completing contract negotiations by the end of  
21 January was key to getting NextGen 9-1-1 on track to  
22 be fully implemented in 2020... 2024. Moving on from 9-  
23 1-1, but staying in the telephony space, I'd like to  
24 discuss 5G, which is one of the things I pledged to  
25 fix when I took this position three months ago. I am

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2 committed to working with the carriers and our agency  
3 partners to kick start the 5G buildout across the  
4 city and to do so equitably and safely. To that end,  
5 just weeks ago, DoITT awarded 12 new mobile  
6 telecommunications franchises to companies for the  
7 deployment of infrastructure to support the  
8 densification of 4G LTE and ultimately, the buildout  
9 of 5G. The franchises enable the use of city light  
10 poles and for the first time, street furniture, for  
11 the deployment of wireless facilities. With these new  
12 franchises in place, I am proud to announce that we  
13 will be opening a new pole reservation phase in the  
14 coming months, during which franchisees will be  
15 permitted to reserve poles throughout the five  
16 boroughs for 5G rollout and 4G densification. Details  
17 of this reservation phase are being hammered out now,  
18 but I am confident that its scope and safeguards will  
19 underscore our commitment to aggressively build out  
20 this highway for the future and to do so equitably in  
21 a way that ensures that carriers build their networks  
22 in neighborhoods beyond Midtown Manhattan, bringing  
23 5G to all New Yorkers. Unfortunately, federal and  
24 state forces are trying to dismantle our franchise  
25 model, a key revenue generator for the city, in lieu

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2 of an approach that claims to streamline and  
3 accelerate the expansion of 5G. It will not. And it  
4 will come at the expense of public safety. For  
5 context, for 5G to work, carriers need to put  
6 equipment on New York City's poles and other  
7 infrastructure. This equipment is larger than the  
8 equipment required for 4G. we cannot risk harm to New  
9 Yorkers through the unfettered proliferation of  
10 suspended refrigerators on poles not built to support  
11 them. It is our responsibility to protect New York  
12 City's local control of its streetscape and this  
13 important revenue stream. Finally, I wanted to give  
14 you an update on two additional topics before I move  
15 on to the budget. Since last year's executive budget  
16 hearing, we launched a new platform for the 3-1-1  
17 system. This was a long overdue overhaul to the  
18 legacy 3-1-1 system that had been in place since the  
19 program's inception nearly 20 years ago. Since  
20 launch, we have continued to make enhancements,  
21 including, notably implementing local law eight of  
22 2020, the legislation that requires the city to post  
23 monthly complaints of illegal parking of vehicles  
24 operated on behalf of the city and requires 3-1-1 to  
25 accept pictures of suspected illegal parking of

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2 vehicles with placards. I am aware that there are  
3 many ways we can improve even the most basic of  
4 functions, and I look to the Council Members and your  
5 constituents as core users of 3-1-1 to continue to  
6 give us helpful feedback, as Chair Holden, you and  
7 Council Member Cabrera did in your letter from  
8 February which is becoming an important part of the  
9 platform's roadmap. We are also full steam ahead on  
10 decommissioning 9-1-1... excuse me, on decommissioning  
11 NYCWiN. I am pleased to report that NYPD, DCAS,  
12 DOHMH, Parks, FISA and DOB have already completely  
13 migrated to commercial carriers and DOT, DSNY and DEP  
14 should be fully migrated by the committed deadline of  
15 June 2020. Once all the agencies are off the network,  
16 we will begin the work of closing out the Northrop  
17 Grumman contract by removing the NYCWiN  
18 infrastructure from rooftops and restoring facilities  
19 leased for this purpose. In the interest of time, I  
20 will now take the Committees through the FY 21 budget  
21 as it stands today. DoITT's fiscal 2021 preliminary  
22 budget provides for operating expenses of  
23 approximately 695.3 million dollars allocating 181.3  
24 million in personnel services to support 1,891 full  
25 time positions and 514 million for other than

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2 personnel services or OTPS. Intra-city funds  
3 transferred from other agencies account for 141.5  
4 million or about 20 percent of our total budget  
5 allocation. Telecommunications costs represent the  
6 largest portion of the intra-city expense projected  
7 at 106 million dollars for fiscal year 2020. For  
8 fiscal year 2020, the expense budget appropriation  
9 increased by 2.5 million dollars from the fiscal year  
10 2021 November financial plan to the preliminary  
11 financial plan. The increase to the fiscal year 2020  
12 preliminary budget is largely attributed to the  
13 intra-city funding transfers from agencies that have  
14 been reflected in the January financial plan. For  
15 fiscal year 2021, decreased by 2.2 million dollars  
16 from the fiscal year 2021 November financial plan to  
17 the preliminary financial plan. The decrease to the  
18 fiscal year 2021 preliminary budget is largely  
19 attributed to the savings initiatives that we have  
20 implemented through IT hardware decommissioning and  
21 the discontinuation of software licenses,  
22 subscriptions and support services. Finally, Council  
23 Members, before taking your questions, I'd like to  
24 address head on an issue that I know is of concern to  
25 many of you and certainly is to me; that is the

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2 general downward trend of DoITT's franchise revenues.  
3 For FY 19, these revenues, projected at approximately  
4 186 million, came in at 156 million dollars. There is  
5 several reasons for this. Notably, cable revenue has  
6 suffered because of shifting consumer practices and  
7 cord cutting. But make no mistake about it, the  
8 largest source of this revenue hit is not a change in  
9 consumer preferences, which government couldn't and  
10 shouldn't affect; it's something that we, as stewards  
11 of New York City's franchises, can fix and that is  
12 CityBridge's failure to pay the city what it owes us  
13 under the terms of their agreement to provide free  
14 Wi-Fi and telephony services through LinkNYC kiosks.  
15 The breach I am describing goes beyond money owed to  
16 the city of New York. CityBridge has also failed to  
17 install and activate new Link structures and remove  
18 old payphones. One source of good news; in my short  
19 time here, I have worked with CityBridge to get the  
20 payphone removal portion of the franchise agreement  
21 moving again and already authorized the removal of  
22 hundreds of public payphones, which many of your  
23 offices have been bringing to our attention. But on  
24 the Links, we have not gotten CityBridge to make any  
25 progress. Installation of new Links stopped in fall

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2 of 2018. Troublingly, a large majority of the 537  
3 Links owed to the city are in underserved areas in  
4 boroughs other than Manhattan. New Yorkers who would  
5 benefit most from this service are not getting it,  
6 including thousands of people who live in districts  
7 that many of you represent, because CityBridge is  
8 delinquent. By way of background, CityBridge is a  
9 consortium of companies, one of which is a subsidiary  
10 of Alphabet, the parent company of Google. CityBridge  
11 owes the city tens of millions of dollars, going back  
12 to FY 19. All of this is against the backdrop of  
13 millions of dollars in advertising revenue that  
14 CityBridge has reported they received over the same  
15 time period. But for me, the most shocking part is  
16 that the city has actually gone out of its way over a  
17 number of years to work with the franchisee to  
18 address a number of burdens that it said were  
19 affecting its ability to perform. For example, as  
20 recently as June of 2018, DoITT amended CityBridge's  
21 franchise agreement to provide more time to complete  
22 the buildout of the Links and even to defer some of  
23 the revenue-based franchise compensation potentially  
24 owed to the city to later years. At the time of this  
25 renegotiation, CityBridge told DoITT and testified

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2 publicly at the FCRC that with the relief granted by  
3 the amendment to the franchise agreement, CityBridge  
4 would be on sound financial footing and fully capable  
5 of performing all remaining obligations under the  
6 agreement. Just three months later, in September of  
7 2018, DoITT went as far as to grant CityBridge  
8 forbearance from payments for a period of one year.  
9 The city has been more than a reasonable partner,  
10 working with CityBridge to help it fulfill its  
11 obligations to New Yorkers. So, let me be absolutely  
12 clear, so there is zero ambiguity here, the city's  
13 expectation remains that CityBridge will pay the city  
14 what it is contractually obligated to pay. I am here  
15 today to commit to you that as the new Commissioner  
16 of DoITT, I am poised to take any and all necessary  
17 action against these multiple breaches of contract to  
18 collect the money the city is owed. With that Council  
19 Members, I want to thank the Committees for this  
20 opportunity to update you on DoITT's important work  
21 and I am now happy to take your questions.

22 CHAIRPERSON SALAMANCA: Thank you, thank  
23 you Commissioner. I'm just going to ask a few brief  
24 questions and then I'm going to hand it over to my  
25 co-chair here. I'm curious to know about the Mayor's

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2 Office of Media and Entertainment which imposes the  
3 Mayor's Office of Nightlife and the Mayor's Office of  
4 Film, Theater and Broadcasting which is located under  
5 your... under DoITT's budget, why is the Mayor's Office  
6 of Media and Entertainment budget housed under  
7 DoITT's budget?

8 JESSICA TISCH: Chair as you know DoITT  
9 is a fairly large agency, we have almost 2,000  
10 employees and one source of great strength in the  
11 agency is we have... we perform a lot of administrative  
12 functions very well so our General Counsel's Office,  
13 our budget office, our HR capacity and so we perform  
14 these administrative functions for a number of  
15 smaller offices in the city to create efficiencies.

16 CHAIRPERSON SALAMANCA: So, the... your  
17 agency... for example, the, the night life office I  
18 would imagine, you know whoever is in charge night  
19 life there actually visiting night lives so you're  
20 telling me someone from DoITT is visiting these clubs  
21 and bars and night life?

22 JESSICA TISCH: I wish, no. No, that  
23 falls under the Mayor's Office of Media and  
24 Entertainment and in 2016 I believe that office was  
25 expanded to include this night life capacity. If you

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2 have specific questions on it I would be thrilled to  
3 put you in touch with Anne del Castillo who runs the  
4 Mayor's Office of Media and Entertainment and  
5 oversees that whole function.

6 CHAIRPERSON SALAMANCA: Wouldn't,  
7 wouldn't it make more sense for the Mayor's Office of  
8 Night Life to be under the... to be located under the  
9 budget of the Department of Consumer Affairs?

10 JESSICA TISCH: As I said Chair DoITT  
11 performs the administrative functions because we have  
12 such strong administrative capacities.

13 CHAIRPERSON SALAMANCA: Alright. So,  
14 going to the administrative functions, so the Mayor's  
15 Office of Film, Theater and Broadcasting, one of the  
16 concerns that I have... so, I have two studios, I have  
17 York Studios and Silvercup Studios in my... in my  
18 council district and one of the issues that I'm  
19 having is that these studios are basically getting  
20 permits, no parking permits surrounding their entire  
21 facility and it's, it's causing a rift between the  
22 community and the, the studio, is that a function  
23 that DoITT is responsible for?

24 JESSICA TISCH: That is not a function  
25 that DoITT is responsible for but if there are any

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2 offices under DoITT's larger umbrella that we service  
3 with these administrative functions I would be happy  
4 to work with you to get to the bottom of it.

5

CHAIRPERSON SALAMANCA: What  
6 administrative functions do you perform for the city  
7 Mayor's Office of Night Life?

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JESSICA TISCH: Sure, we do all of the  
9 Mayor's Office of Media and Entertainment's hiring,  
10 we do their procurements, we do their budgeting so  
11 that each of these smaller offices don't have to  
12 replicate those functions, its really a question of  
13 creating efficiencies.

14

CHAIRPERSON SALAMANCA: Okay. Alright,  
15 next I'm going to ask a little bit about Link NYC and  
16 then I'll, I'll hand it over to our Chair, Chair  
17 Holden. So, CityBridge the entity responsible for the  
18 maintenance and operation of Link NYC kiosks only  
19 paid 2.6 million dollars as part of its contract with  
20 the city related to advertisement revenue and this  
21 was subsequently less than the two previous fiscal  
22 years, why did CityBridge pay only 2.6 million in  
23 fiscal year 2019?

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JESSICA TISCH: So, in fiscal year 2019,  
25 that's true they paid 2.6 million of the 32.3 million

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2 dollars owed and so far in FY 20 they have paid us  
3 zero of the 43.7 million dollars owed, that's on top  
4 of revenues that they told us that they had collected  
5 from advertising of 105 million dollars. To me, it's  
6 unacceptable that they haven't paid. As I said in my  
7 testimony I believe that the city has bent over  
8 backwards to work with CityBridge to amend the  
9 franchise agreements to grant forbearance, to make  
10 things work and I can't speak for them about why they  
11 haven't paid, I have no patience for it.

12 CHAIRPERSON SALAMANCA: Will the city  
13 pursue litigation to recoup this money?

14 JESSICA TISCH: As I said in my testimony  
15 Chair the city will pursue every pathway, we have  
16 available to us to one, collect the money that the  
17 city is owed and two, to keep the Link NYC program  
18 moving forward. I believe very strongly in what the  
19 franchise agreement was set up to do which was to  
20 provide free internet service and phone service to  
21 New Yorkers across all five boroughs.

22 CHAIRPERSON SALAMANCA: Okay, thank you.  
23 So, I want to recognize that we've been joined by.. we  
24 have Chair Holden, Chair Moya, Council Members Ayala,  
25 Rivera, Treyger, Lander, Constantinides, and Lancman.

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Did I miss anyone? Okay and with that I will hand it over to Chair Holden.

COUNCIL MEMBER HOLDEN: Thank you Commissioner and I appreciate your testimony, it was very, very complete and I think very forceful, I like the idea of questioning CityBridge which I don't see those... I don't see the Link NYC; I don't see the kiosks in my district as you've mentioned..

JESSICA TISCH: I didn't see them when I came to visit you.

COUNCIL MEMBER HOLDEN: Right, yes and I... and I asked Grodenchik, Council Member Grodenchik and he didn't even know what these were because in his district it didn't get out there apparently yet. So, this is the problem we're facing and you... and you touched upon it that Queens and many other, other boroughs are forgotten other than Manhattan and so I... you know I'd, I'd like to know what your plan is if CityBridge doesn't come through with the money, what's the city's plan to recoup the, the money that's owed us?

JESSICA TISCH: So, as I said in my testimony, we are prepared to exercise every right that we have under the franchise agreement. To speak

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2 in specific detail about it because it does involve  
3 a... [cross-talk]

4 COUNCIL MEMBER HOLDEN: And I understand  
5 but... [cross-talk]

6 JESSICA TISCH: ...legal agreement, I'm  
7 happy to... [cross-talk]

8 COUNCIL MEMBER HOLDEN: Right... [cross-  
9 talk]

10 JESSICA TISCH: ...let our general counsel,  
11 Michael Pastor brief you in full.

12 MICHAEL PASTOR: Just to add to that  
13 point Council Member I mean what we have is a  
14 contract and the contract has in it a number of  
15 protections and one of the means we might go about to  
16 protect the city's interest would be to, to pursue  
17 enforcement of those provisions and in addition there  
18 are... there are provisions in those contracts that  
19 give us security in the event a vendor is not  
20 performing and that's another tool at our disposal.

21 COUNCIL MEMBER HOLDEN: But... so, what  
22 we're concerned about is that you may modify the  
23 contract again to like bend over backwards so to  
24 speak that's what... are you going to draw a line in  
25 the sand this time? I mean I, I saw your resolve, I

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mean it seemed forceful I just want to make sure we don't keep renegotiating things and giving them more time.

JESSICA TISCH: As I said in my testimony... [cross-talk]

COUNCIL MEMBER HOLDEN: Okay... [cross-talk]

JESSICA TISCH: ...Chair Holden... [cross-talk]

COUNCIL MEMBER HOLDEN: Right... [cross-talk]

JESSICA TISCH: ...our patience is up.

COUNCIL MEMBER HOLDEN: Good, okay, well that's what I wanted to hear. I wanted to get that on the record, so your patience is up and I, I kind of read that. I just want to make sure that we, we draw the line in the sand. So, let me just go one, one more thing with the Link NYC. I think CityBridge was saying they ran into obstacles, do you... do you... do you, you understand some of those obstacles or are you buying it or... tell me what you feel about the obstacles that they faced with some of the installations?

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JESSICA TISCH: The time for talking about obstacles is up, we... as I testified we renegotiated the franchise agreements in 2018 at that time CityBridge testified publicly at the FCRC and said that with the renegotiated franchise agreements they would now be able to fully perform under their contract with the city.

COUNCIL MEMBER HOLDEN: So, so the... CityBridge reasoning for not paying the city, what, what it, it owed us like I said are you... do you... do you hear... I mean the, the fact that the city kind of renegotiated kind of or they modified the contract means that they understood, they, they realized there was a problem, the city realized their problem, is that... is that the case?

JESSICA TISCH: I'll have to ask our General Counsel to answer that, he was deeply involved in those negotiations.

MICHAEL PASTOR: Sure Council Member so one of the key components of the amendment that was passed in 2018 was to extend the time to perform, so if you hear from CityBridge that it's, it's difficult to perform giving a vendor more time to perform is the kind of solution you think that would get them

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2 there. So, the, the... that, that argument was made, we  
3 took it into consideration and obviously we supported  
4 that amendment, we thought that amendment was  
5 worthwhile, but we thought we were done.

6 COUNCIL MEMBER HOLDEN: Okay. alright,  
7 enough about CityBridge now, we'll move on, may come  
8 back to it because you'll have other Council Members  
9 asking questions. So, Commissioner Tisch you've been...  
10 you had the opportunity to review your department's  
11 operations, not much time but you had a little time  
12 to review it, are there new initiatives other than  
13 what you testified... your testimony had that you plan  
14 to implement and, and improve the department's  
15 operations?

16 JESSICA TISCH: Chair Holden... [cross-  
17 talk]

18 COUNCIL MEMBER HOLDEN: Because we did... I  
19 mean I'm just saying... we... you know we met with a lot  
20 of companies and tech companies and we did get a lot  
21 of complaints about the agency so... I told you this  
22 already.

23 JESSICA TISCH: Chair Holden as you  
24 referenced I am a new Commissioner, I've been on the  
25 job for two and a half months, I am working

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2 diligently to survey the entire agency through that  
3 process, I am assessing where our impact can be the  
4 greatest and where reforms are needed and I look  
5 forward to keeping you and your Committee very much  
6 informed as part of that process but I am not  
7 prepared today to speak beyond the programs that I  
8 laid out in the testimony about any new specific  
9 initiatives other than to say that my goal is to  
10 modernize the city's IT infrastructure and that is  
11 the course that I am charting for DoITT, it's what  
12 I've done in my previous job at the NYPD and it's  
13 what frankly I know how to do.

14 COUNCIL MEMBER HOLDEN: Okay, about the  
15 department... DoITT's organization it's broken... your...  
16 DoITT's budget is broken out into several areas which  
17 include the Mayor's Office of Media and Entertainment  
18 which we mentioned 3-1-1, customer service center and  
19 Cyber Command amongst others, what... in what ways are  
20 you working with these offices to understand their  
21 budgetary and operational needs?

22 JESSICA TISCH: Chair Holden I'll start  
23 answering the question and then for more specificity  
24 I'll turn it over to our Associate Commissioner who  
25 oversees our budget for the past 20 years, John

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2 Winker and I will just start by saying that we  
3 perform many of the administrative functions for  
4 these smaller entities that fall under the DoITT  
5 umbrella. As I said the Council's Office,  
6 procurement, HR, budgeting but if you have specific  
7 questions about it, John Winker can answer.

8           JOHN WINKER: Good afternoon. Yes, with  
9 regard to these other units of appropriations that we  
10 created within our budget structure we do work with  
11 the various departments and, and those entities,  
12 agencies, whatever you want to call them to determine  
13 what their funding needs are then we'll communicate  
14 those to OMB, justify them, etcetera, etcetera and  
15 then as the Commissioner stated we'll work with them  
16 to administer whether it be hires, procurements,  
17 payments, etcetera. So, it... that's really the extent  
18 that we're working with them.

19           COUNCIL MEMBER HOLDEN: Alright but how  
20 often do you have meetings with the heads of these  
21 offices to discuss any operational challenges or, or  
22 progression...

23           JOHN WINKER: Well the operational  
24 challenge to the extent that they have a fiscal  
25 impact or an administrative impact it'll be as

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2 needed. With regard to resource needs it'll be during  
3 the financial plan process.

4 JESSICA TISCH: And I would just say in  
5 my two months at DoITT, two and a half months at  
6 DoITT I've met with most of them... most of the agency  
7 heads.

8 COUNCIL MEMBER HOLDEN: Okay, moving on  
9 to some technology projects. Over time, I mean this  
10 is... this is... this is historic and it's... we've seen  
11 problems arise with large scale technology projects  
12 or contracts across the city, there's a history of  
13 that as you... as you know... [cross-talk]

14 JESSICA TISCH: Uh-huh... [cross-talk]

15 COUNCIL MEMBER HOLDEN: ...firstly under  
16 the emergency communications transformation program  
17 ECTP and then the New York City wireless network and  
18 now the delay and the implementation of NextGen 9-1-1  
19 which is frustrating but you know we get... it keeps  
20 getting pushed back and you know I was glad to hear  
21 the text to 9-1-1 is finally coming but some people  
22 out there are saying they'll believe it when they see  
23 it so... but... [cross-talk]

24 JESSICA TISCH: Fair... [cross-talk]

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COUNCIL MEMBER HOLDEN: ...it's a... it's a very important... you know because we, we've been burned a few times so... [cross-talk]

JESSICA TISCH: Touché...

COUNCIL MEMBER HOLDEN: Okay, alright, I like that... I like that you're, you're understanding because you do... you are forceful and I... I've, I've met with you a number of times. Can you explain to the Committee though which entity or which person in the agency is responsible for over, overseeing the large-scale citywide technology projects, I mean I guess they're here?

JESSICA TISCH: Me.

COUNCIL MEMBER HOLDEN: You, okay...

JESSICA TISCH: Yeah.

COUNCIL MEMBER HOLDEN: Okay, so the fun... [cross-talk]

JESSICA TISCH: So... [cross-talk]

COUNCIL MEMBER HOLDEN: Stops here... [cross-talk]

JESSICA TISCH: ...I believe the bucks stops with me.

COUNCIL MEMBER HOLDEN: Okay.

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JESSICA TISCH: It's part of my management style, I'm a very deeply engaged leader, I believe in, well first of all transparency but second of all in delivering IT programs on time and on budget. Things happen, if things do happen you have my commitment that you will hear it from me first, I'm a very transparent leader but as I said in my testimony this is what I do and when I say me, I mean the buck stops with me but one of the things I've most enjoyed in my few months at DoITT is getting to meet a lot of very talented IT leaders in that organization and also I've recruited a number of new talented IT leaders to come and join me in particular we have a new Chief Operating Officer, a new Deputy Chief Operating Officer, a new Deputy Commissioner of Infrastructure, a new Chief Information Security Officer, I'm going to forget someone but needless to say we've hired almost 30 people, there are a lot of fantastic people in that agency and I'm going to have that agency focused on delivering IT transformation on time and on budget. I'll just say one other thing, in the area of public safety which I know has been a source of concern for you and for the Committee and for the Council in, in general I have created a new

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2 position called Deputy Commissioner of public safety  
3 and I've appointed to that position one of the most  
4 talented IT leader I have had the pleasure of meeting  
5 and that is Deputy Commissioner Steve Hart who spent  
6 many, many, many years working at DoITT before he  
7 joined me at the NYPD where he worked very closely  
8 with DoITT on a number of 9-1-1 programs. Under Steve  
9 Hart we've created for the first time a public safety  
10 division that is so.. of 140 people that is solely  
11 responsible for new 9-1-1 projects so NextGen 9-1-1,  
12 Text to 9-1-1 as well as the maintenance support and  
13 partnership with the Fire Department, with the NYPD,  
14 with Cyber Command on all things 9-1-1 so under  
15 Steve's leadership I feel really good sitting here  
16 testifying before the council and telling you we are  
17 on this 9-1-1 stuff and I expect that we will deliver  
18 these systems on time and on budget.

19 COUNCIL MEMBER HOLDEN: That's  
20 encouraging, I appreciate that. One other question  
21 then I'll turn it over to my co-chair to ask... our  
22 Council Members to ask questions but what leadership  
23 lessons has DoITT learned from the issues that arose  
24 from the NYCWiN shutdown last year or it will... some...

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2 most of it will shut down this year, right but what,  
3 what lessons have we learned?

4 JESSICA TISCH: I can't speak really to  
5 the lessons that were learned during the NYCWiN  
6 issue, I can just tell you that I am committed to  
7 modernizing the city's IT infrastructure, I'm  
8 committed to getting the basics done right because  
9 you can't do the sexy until you have the basics done  
10 the right way and cyber security, building modern  
11 platforms this is all fundamental to the work, we're  
12 rolling up our sleeves and doing now. I should also  
13 say that in city government in this job I look as  
14 like my top partner in this is Jeff Brown, the  
15 Director of Cyber Command who rolls up his sleeves,  
16 is very detail oriented, has created an amazing  
17 organization that is really a gem and a gift to New  
18 York City government and to all city agencies.

19 COUNCIL MEMBER HOLDEN: Thank you again  
20 and I'll turn it over to my co-chair, thanks, thanks  
21 so much.

22 CHAIRPERSON SALAMANCA: Thank you Chair  
23 Holden so now we will be taking questions from the  
24 Council Members and we will... each member will get

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2 three minutes to ask their questions and we will  
3 start with Chair Moya.

4 COUNCIL MEMBER MOYA: Thank you, thank  
5 you to both Chairs, thank you as well for being here.  
6 Just quickly on the cable television franchise, cable  
7 television franchise contracts will expire in 2020,  
8 these contracts provided hundreds of millions of  
9 dollars of revenue to the city each year, revenues  
10 that may be in jeopardy due to the recent FCC rulings  
11 that require that the INet cost, public access  
12 operating cost and certain other fees be treated as  
13 in kind contributions that are deducted from the cash  
14 paid to the city under the city's franchise, has the  
15 agency prepared an orderly process to renew these  
16 contracts and when can we expect an authorizing  
17 resolution?

18 JESSICA TISCH: The high-level answer is  
19 yes, for the details of it I'm going to ask our  
20 General Counsel, Michael Pastor to respond.

21 MICHAEL PASTOR: Thank you Commissioner  
22 and thank you Council Member Moya. Yes, we have a  
23 detailed process that is in place right now, we've  
24 been collecting feedback from the community as to  
25 their needs, we are in the process of preparing a

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2 draft authorizing resolution in conjunction with  
3 other city agencies that we hope to deliver to the  
4 Council for your review very soon.

5 COUNCIL MEMBER MOYA: Great, how will the  
6 city provide support for the public access channels  
7 to continue and expand their current levels of  
8 service if the funds the cable system pays to the  
9 access center are deducted from the municipal  
10 franchise fees that the cable companies pay to the  
11 city?

12 MICHAEL PASTOR: So, the number one way  
13 we can support those organizations is fighting the  
14 FCC, we are active in litigation against the FCC, the  
15 FCC is our problem in that regard and we are  
16 completely aligned with the community access  
17 organizations actively involved in national  
18 organizations that are fighting that off so I think  
19 that the two things we do is we fight the FCC in  
20 court and we also communicate regularly with those  
21 organizations and, and keep very close to them as, as  
22 to their needs.

23 COUNCIL MEMBER MOYA: Great and my last  
24 question, so it's been over a thousand one hundred  
25 days since workers at Spectrum have been on strike,

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2 where does the Spectrum franchise agreement stand in  
3 your opinion and in your opinion are they worthy of  
4 terminating the franchise.. terminating the franchise  
5 agreement based on the labor rulings that have come  
6 against them?

7 JESSICA TISCH: So, I appreciate your  
8 concerns on this issue Council Member and I share in  
9 them, we are monitoring the strike closely and as you  
10 know this administration will always stand on the  
11 side of the workers, we want fair contracts. For the  
12 specifics on this, again our General Counsel.

13 MICHAEL PASTOR: So, where we are as, as  
14 the Council Member is aware, we have provisions in  
15 our franchise agreement that prohibit Charter from  
16 violating federal law and also from not using best  
17 efforts to find local vendors for their business. We  
18 vigorously enforce those provisions; we've defaulted  
19 Charter once for each of those provisions and we also  
20 defaulted them for miscalculation of fees that netted  
21 the city four million dollars in revenue. To the  
22 Council Member's specific question about renewal, as  
23 we've discussed at prior hearings the renewal process  
24 is sketched out in federal law and then the federal  
25 law ties the hands of municipalities as to what

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factors can be considered when, when renewal comes up so we will be looking at those factors on the renewal question and I would say, you know the entire track record of the company at the time of renewal.

COUNCIL MEMBER MOYA: Thank you, I, I just want to say I just hope that that does not get lost as we move forward with the franchise agreements that are coming up, it is extremely disheartening to know that so many workers and so many families right now are suffering because of the refusal of a company that comes into the city of New York that is gaining all of these benefits just refuses to sit down and actually do the right thing for its workers I just think is very troubling for me.

MICHAEL PASTOR: If I may I can commit to you Council Member it will not get lost.

CHAIRPERSON SALAMANCA: Thank you, we will now recognize Council Member Lancman followed by Lander, Rivera and Treyger.

COUNCIL MEMBER LANCMAN: Thank you, good afternoon. Commissioner you testified, as you know this administration will always stand on the side of workers and I have to be honest with you in this situation with Spectrum and Local three I haven't

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2 seen much evidence of that, these folks have been on  
3 strike since 2017 and we have been begging and  
4 imploring the administration to use every tool at its  
5 disposal to try to force Spectrum to negotiate a good  
6 faith resolution to this dispute and to this day that  
7 is not happened. I'm alarmed that we're in March and  
8 this contract, the franchise is going to expire in  
9 July as I understand, and this Council has still not  
10 been given an authorizing resolution to consider. I  
11 want to know whether or not you intend to put into  
12 this authorizing resolution the maximum labor  
13 protections allowed under the law and is that a goal  
14 and an aim of, of this resolution so that any  
15 potential provider who wants to compete for this  
16 franchise will be constrained to conduct themselves  
17 consistent with both the law when it comes to labor  
18 relations and our values as New Yorkers because this  
19 franchisee has not?

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MICHAEL PASTOR: Yes, Council Member so  
we are committed to, to answer your first question  
to, to approaching the authorizing resolution process  
with an expansive view as we can on the labor  
question, I just wanted to add to that point one of  
the things that we included in the mobile telecom

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2 franchise which was recently approved by the FCRC was  
3 some of the most expansive reporting requirements on  
4 the labor issues specifically that we've ever had  
5 such that we know that those franchisees will, will  
6 be reporting in data to us as to how they treat their  
7 workers and that's something we are going to actively  
8 pursue as well for the cable franchise so at least on  
9 that front we're going to increase our, our... DoITT's  
10 awareness and knowledge of the work... the work... the  
11 treatment of the work force.

12 COUNCIL MEMBER LANCMAN: Uh-huh and  
13 unsurprisingly a company that will abuse its work  
14 force will also abuse its consumers and its  
15 customers. What can you tell us that will be in this  
16 franchise process that will deal with what the  
17 comptroller found in a report in July I think of last  
18 year that 29 percent of New York City households  
19 lacked broadband access that in many communities a  
20 third of the households lack any internet access  
21 whatsoever, what are you going to do to make sure  
22 that this company or whichever company gets the  
23 franchise actually provides access to New Yorkers?

24 MICHAEL PASTOR: So, I think that the,  
25 the biggest thing there Council Member that we are

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2 focusing on is competition because a lack of  
3 competition under guards the entire problem. One of  
4 the problems we face right now is we don't have a  
5 ready mechanism to give internet franchises to other  
6 companies other than to Charter... [cross-talk]

7 COUNCIL MEMBER LANCMAN: So, before my  
8 time expires, I apologize for interrupting, I  
9 understand what you're saying, I want to get this  
10 last question in, this counts. By giving the... by, by,  
11 by doing the authorizing resolution so close to the  
12 expiration of the franchise isn't for want of a  
13 better term, the fix in or if not a fix because that  
14 is a connotation I don't want to suggest, have you  
15 really made it possible for other providers to  
16 compete and be able to take over that, that franchise  
17 agreement when this expires if it's not going to go  
18 to Charter or Spectrum?

19 MICHAEL PASTOR: So, I think... we  
20 definitely think that the process for the authorizing  
21 resolution will not be squeezed, it will be rigorous,  
22 it will be robust. The other point I was trying to  
23 make which I can get back to another time is a state  
24 law... [cross-talk]

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COUNCIL MEMBER LANCMAN: That's on your time so go ahead.

MICHAEL PASTOR: Okay, thank you. The, the other issue that we face is as I was mentioning is a lack of competition so right now we don't have an easy mechanism to give other fiber, fiber providers a franchise for internet service and we have a proposal that we are going to be taking to Albany to try to get that fixed, if we get that fixed what it means is we'd finally have the ability to open up internet franchises to a whole new cadre of companies and when you do that then you have a new entrant, you have new competitors and any abusive behavior on the part of any incumbent they get squeezed.

JESSICA TISCH: And in fairness this has been on DoITT's legislative agenda for Albany for a while, for... how long have we been working on this?

MICHAEL PASTOR: Two years.

CHAIRPERSON SALAMANCA: Alright... [cross-talk]

COUNCIL MEMBER LANCMAN: Thank you guys... [cross-talk]

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CHAIRPERSON SALAMANCA: Thank you, thank  
3 you very much, now we'll take questions from Council  
4 Member Lander.

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COUNCIL MEMBER LANDER: Thank you Mr.  
6 Chair, Commissioner welcome, good to have you in this  
7 job, congratulations. I'm going to start by asking  
8 about this question that, you know the sentence that  
9 starts your third paragraph, I have a bold vision for  
10 the future of technology in New York City and I am  
11 working on a plan to modernize the city's technology  
12 infrastructure, I have seen a lot of the city's  
13 technology infrastructure as I've visited a wide  
14 range of agencies and I've... we've talked... today you  
15 talked about NextGen 9-1-1 and the Link kiosks but  
16 like most of the technology are old terminals  
17 connected to some printer that's from 1982... [cross-  
18 talk]

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JESSICA TISCH: Not at the NYPD..

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COUNCIL MEMBER LANDER: So, I... and I saw  
21 some of what you did at the NYPD but I just... so, I'm  
22 excited about the idea of a plan that genuinely  
23 modernizes the city's technology infrastructure and  
24 certainly we need it if we're going to deliver it to  
25 public assistance recipients and homeless residents

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and New York City school kids the same kind of first rate modern technology that you worked on, I imagine though that's going to like cost a, a decent amount of money and it looks to me like there's 240,000 in new needs in the DoITT budget proposal this year so can you speak a little more to like what that plan is, when its coming, what it's going to look like, what its ambitions are, how it's going to... how much it's going to cost... [cross-talk]

JESSICA TISCH: Sure... [cross-talk]

COUNCIL MEMBER LANDER: ...how we should prepare for it?

JESSICA TISCH: We are... I am since day one have been doing a deep dive into the operations, the budget, the personnel, all things DoITT at the agency and really working diligently to survey the entire agency. Through that process we're doing a full assessment of where the impacts can be greatest, and I look forward to briefing this Committee on it in full over the next several weeks and months and certainly as part of the executive budget cycle.

COUNCIL MEMBER LANDER: Okay so we... so you want to do that, you've just been there a little bit, you don't yet... the, the current budget does not

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2 include your ambitious plan but you anticipate  
3 bringing us some significant new steps in that  
4 direction in time for us to review them for the  
5 executive budget... [cross-talk]

6 JESSICA TISCH: As part... [cross-talk]

7 COUNCIL MEMBER LANDER: ...and get started...  
8 [cross-talk]

9 JESSICA TISCH: ...of the assessment that  
10 we're doing we're looking at the current budget  
11 available to DoITT, what can be done with it and  
12 we're assessing other types of modernization that may  
13 be required.

14 COUNCIL MEMBER LANDER: Okay, so I'll  
15 just stay on this point and I might need to go up a  
16 second round, I mean I'm enthusiastic about your  
17 leadership but there's less than two years left of  
18 this administration and if the kind of stuff... how  
19 long were you at the NYPD?

20 JESSICA TISCH: Six years.

21 COUNCIL MEMBER LANDER: Six years, okay  
22 so if we're going to get started and do a serious  
23 modernization of our technology infrastructure then  
24 we need like a real plan and real resources so we  
25 look forward in the executive budget to seeing more

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2 of what that looks like and really getting.. [cross-  
3 talk]

4 JESSICA TISCH: Thank you.. [cross-talk]

5 COUNCIL MEMBER LANDER: ...started.

6 Alright, I have some questions in round two as well  
7 though.

8 CHAIRPERSON SALAMANCA: Thank you Council  
9 Member Lander, next up Council Member Rivera.

10 COUNCIL MEMBER RIVERA: Hello.

11 JESSICA TISCH: Hi.

12 COUNCIL MEMBER RIVERA: Thank you for  
13 being here. I wanted to ask about the Links again and  
14 I realize the financial challenges aside and I'm, I'm  
15 sorry that there is clearly issues and problems there  
16 but I, I have a lot of Links, Link NYCs in my  
17 district, I believe we were the, the.. almost the  
18 pilot from... not incorrect... I represent district two  
19 which is like the east side, Union Square and I want  
20 to ask what is the plan to expand these to the outer  
21 boroughs considering?

22 JESSICA TISCH: So, in my testimony I  
23 said that CityBridge today is 537 Links behind on  
24 their deployment plan, the vast majority of those if  
25 not all of them are supposed to be sited in the outer

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2 boroughs, I can't give you a timeline at this time  
3 because CityBridge hasn't installed a new Link NYC  
4 kiosk since 2018.

5 COUNCIL MEMBER RIVERA: Okay, so I also  
6 read somewhere recently that there was an issue with  
7 just the maintenance of the existing ones that are  
8 installed, is that... has that been rectified?

9 JESSICA TISCH: So, whenever we are  
10 notified at DoITT of a maintenance issue we let  
11 CityBridge know and it is my understanding that they  
12 have been doing the regular maintenance of the Links  
13 that have been activated.

14 COUNCIL MEMBER RIVERA: Do you know how  
15 many are working and how many aren't?

16 JESSICA TISCH: I believe there are... is  
17 it 50 that haven't been activated? There are 50 Links  
18 that have been installed but have not yet been  
19 activated by CityBridge, the others have all been  
20 activated so it's like 1,750.

21 COUNCIL MEMBER RIVERA: So, you have  
22 1,750 working right now?

23 JESSICA TISCH: Well active... yes,  
24 activated Links, I can't speak to is there one that  
25 has a maintenance problem at this hearing but I can

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2 go back to the office afterwards and follow up with  
3 you on the specific numbers if we have any out of  
4 service for maintenance reasons that had previously  
5 been activated.

6 COUNCIL MEMBER RIVERA: Sure, I'd be  
7 happy to do that. I also wanted to ask, you know we  
8 have many of them and I... and I understand their  
9 original purpose was to replace the phone booth and  
10 so I have many of them... sometimes I had like two on a  
11 block and so we do receive a few complaints about the  
12 quality of life and how people are utilizing them and  
13 I wonder what steps have you taken to kind of  
14 addressing the concerns associated with Link NYC and  
15 maybe its people just hanging out all day, sometimes  
16 they're aggressive sometimes they're not and what is  
17 the process to removing Links that are in locations  
18 that are just clearly not working for the residents  
19 in our... maybe the sidewalk is too narrow or its too  
20 busy of a... an area?

21 JESSICA TISCH: So, thank you for that  
22 question, anytime there is an issue with a Link like  
23 for example, a quality of life issue as you  
24 referenced when that issue is brought to DoITT's  
25 attention we have a team of ten people who work

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2 specifically on, on the Links when that issue is  
3 brought to our attention we work with our partners at  
4 the NYPD and DHS to assess the quality of life issue  
5 and to get to the bottom of it so the entity to tell  
6 about a Link problem is definitely DoITT and then we  
7 take it to NYPD and DHS and do an assessment.

8 COUNCIL MEMBER RIVERA: Well thank you so  
9 much, I look forward to working with you, I'm sorry  
10 I'm not always on the Technology Committee, it seems  
11 very interesting but it was very nice to hear from  
12 you and thank you to the Chairs for giving me so much  
13 time.

14 COUNCIL MEMBER HOLDEN: But, but I'll  
15 take some of your kiosks in my... [cross-talk]

16 COUNCIL MEMBER RIVERA: You can have  
17 some... you can have some of them, you can have some of  
18 them, I'll bring them to you, I know exactly which  
19 ones I want to remove.

20 COUNCIL MEMBER HOLDEN: You heard that  
21 Commissioner, it's on the record.

22 CHAIRPERSON SALAMANCA: Alright, thank  
23 you Council Member, Council Member Treyger.

24 COUNCIL MEMBER TREYGER: Thank you Chairs  
25 and thank you Commissioner and I really appreciate

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your, you know very serious interest and commitment to these issues that we're hearing today and I, I sense it from, from here and I, I appreciate that.

JESSICA TISCH: Thank you.

COUNCIL MEMBER TREYGER: I, I represent one of those outer boroughs, I actually consider Southern Brooklyn the outer, outer borough which some folks at City Hall forget about and it's my understanding when I was... I asked this question a number of years ago about why the Link systems are not reaching my part of the world it was not just about the company and the financial issues, I was told by the administration that we have virtually no infrastructure in place in my end of the world to even, you know welcome Link kiosks into our region, is that... is that your understanding as well?

JESSICA TISCH: I don't know what specific neighborhood you're... [cross-talk]

COUNCIL MEMBER TREYGER: Coney Island.

JESSICA TISCH: Coney Island. How about this, why don't we meet after this and I can... we can walk through the specific infrastructure that is in place in that area... [cross-talk]

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2 COUNCIL MEMBER TREYGER: Sure... [cross-  
3 talk]

4 JESSICA TISCH: ...but I don't think that  
5 that should be a reason why you wouldn't have Links  
6 because it is my understanding it is part of the  
7 franchise agreements that the vendor or the  
8 franchisee needs to get the infrastructure there to  
9 support it.

10 COUNCIL MEMBER TREYGER: Yeah, so I'm  
11 just repeating answers that I was told by senior City  
12 Hall officials which I could debrief with you  
13 afterwards... [cross-talk]

14 JESSICA TISCH: So, let's debrief on it...  
15 [cross-talk]

16 COUNCIL MEMBER TREYGER: You got it...  
17 [cross-talk]

18 JESSICA TISCH: ...let's make sure I didn't  
19 misspeak...

20 COUNCIL MEMBER TREYGER: Sure... [cross-  
21 talk]

22 JESSICA TISCH: ...and let's get to the  
23 bottom of it.

24 COUNCIL MEMBER TREYGER: I would  
25 appreciate that. I also want to ask about in addition

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2 to Link, when I, I learned this, you know when I  
3 chaired the Recovery, Resiliency Committee so I'm  
4 going to raise some issues with you as well. Number  
5 one, the city of New York apparently partners with  
6 some private companies like AT&T and others to  
7 provide free wi-fi in parks, is that correct like  
8 does central park provide... have free wi-fi with, with  
9 an AT&T, is that correct?

10 MICHAEL PASTOR: That is correct, there  
11 are some partnerships with some companies for free  
12 wi-fi in certain parks.

13 COUNCIL MEMBER TREYGER: Correct, so I  
14 pointed out that we have agreements with AT&T and I  
15 think maybe Google and... or other... some folks in  
16 central, I believe also is it Prospect Park as well?

17 MICHAEL PASTOR: There is... there are some  
18 wi-fi hotspots in, in, in Prospect Park as well.

19 COUNCIL MEMBER TREYGER: And are there  
20 agreements with a company for Dumbo in, in Brooklyn  
21 as well?

22 MICHAEL PASTOR: It's park by park, so  
23 I'm not off the hand... off the hand aware of anything  
24 in Dumbo but I can certainly check for you.

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2 COUNCIL MEMBER TREYGER: And many of  
3 these decisions were, were handled by the Bloomberg  
4 Administration originally, is that correct?

5 MICHAEL PASTOR: Yes.

6 COUNCIL MEMBER TREYGER: But they're  
7 still in place today, is that correct?

8 MICHAEL PASTOR: Yes.

9 COUNCIL MEMBER TREYGER: So, just to  
10 paint a picture for the public when we hear about  
11 inequity and fairness and issues you have free wi-fi  
12 in Central Park, you have free wi-fi in Prospect  
13 Park, you do not have free wi-fi for folks in Coney  
14 Island along the Boardwalk, you do not, Cable Vision  
15 or Optum you have to be a customer, its only for a  
16 few minutes, you have to pay. So, that is a serious  
17 equity issue in the city of New York and I encourage  
18 folks to look at the agreements and to reexamine them  
19 on how to reach areas, lower income neighborhoods  
20 that can't... that really could use that help to bridge  
21 the digital divide and the last point I'll make is on  
22 the same topic, I passed a bill in the last term to,  
23 to require the climate change adaptation task force  
24 to look at communication resiliency because one of  
25 the lessons learned from hurricane Sandy was

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2 communication systems were down during the storm,  
3 folks cannot... folks were, were told call 9-1-1 but  
4 you couldn't reach the 9-1-1 system and so... matter of  
5 fact in the case of the Rockaways the way folks knew  
6 there was a fire they pulled the old fire box, it  
7 wasn't through a phone call. So, what have we done,  
8 are we better prepared today in terms of  
9 communication resiliency, wi-fi networks to reach  
10 emergency personnel in the event of a major storm?

11 JESSICA TISCH: I have to look into that,  
12 the details of that and probably put you in touch  
13 with our new Deputy Commissioner of Public Safety,  
14 Steve Hart who can have very long conversations with  
15 you about this.

16 COUNCIL MEMBER TREYGER: Would appreciate  
17 that, thank you Commissioner and thank you Chairs  
18 for, for your time.

19 JESSICA TISCH: And thank you for raising  
20 the issue about the parks to our attention.

21 COUNCIL MEMBER TREYGER: Thank you.

22 CHAIRPERSON SALAMANCA: Thank you Council  
23 Member, Commissioner a few questions regarding  
24 miscellaneous revenue, cable television franchises.  
25 Since fiscal 2016 DOT has seen a decrease of

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2 approximately eight million dollars in cable  
3 television franchises, do you anticipate revenue from  
4 cable television franchises to continue decreasing in  
5 the outer years?

6 JESSICA TISCH: Certainly, with cord  
7 cutting anecdotally, most people I know... [cross-talk]

8 CHAIRPERSON SALAMANCA: And as, as we...  
9 [cross-talk]

10 JESSICA TISCH: ...are getting rid of their  
11 cable boxes and moving to streaming services.

12 CHAIRPERSON SALAMANCA: Has your agency  
13 made a projection or an estimate of how much is  
14 anticipated on... [cross-talk]

15 JESSICA TISCH: Yes, I believe we did. Do  
16 you have the cable on... I can get that if not at the  
17 hearing right now I can get that information to you.

18 CHAIRPERSON SALAMANCA: I appreciate it,  
19 thank you...

20 JESSICA TISCH: Yeah.

21 CHAIRPERSON SALAMANCA: And then my last  
22 question, do cable television franchise agreements  
23 include revenue from internet service provided by  
24 these companies?

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MICHAEL PASTOR: They do not and that's part of the reason we're focusing on that state law fix.

CHAIRPERSON SALAMANCA: Alright... [cross-talk]

JESSICA TISCH: Yeah, that's the legislation that we've been pushing for two years.

CHAIRPERSON SALAMANCA: And there's an opportunity to generate revenue, it should... [cross-talk]

JESSICA TISCH: Yes... [cross-talk]

CHAIRPERSON SALAMANCA: ...be a part of it... [cross-talk]

JESSICA TISCH: ...and that would... if we were able to do that it would more than make up the shortfall from the decline in the cable franchise revenue.

CHAIRPERSON SALAMANCA: You, you have an estimate of how much that would generate?

MICHAEL PASTOR: Estimated four... 40 million a year.

CHAIRPERSON SALAMANCA: 40 million a year, wow, okay. My, my office would be whatever help

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I can provide to you in this... on the state level...  
[cross-talk]

JESSICA TISCH: Thank you... [cross-talk]

CHAIRPERSON SALAMANCA: ...to advocate for  
that, that's important... [cross-talk]

JESSICA TISCH: Thank you.

CHAIRPERSON SALAMANCA: Alright. Alright,  
with that I'm going to hand it over to, to my co-  
chair, Chair Holden.

COUNCIL MEMBER HOLDEN: Thank you, I, I  
have two questions and I'll jump... you'll, you'll get...  
Council Member Lander. Just to back on, on the... on  
the Link NYC, I thought that was a typo in your  
testimony that they haven't installed any Links since  
the fall of 2018 and... but I haven't heard why, I... you  
know we, we haven't heard anything about why they  
stopped and why they were allowed to stop.

JESSICA TISCH: I... well they certainly  
been allowed to stop, it's not like the city  
authorized them to stop but in terms of why they  
stopped I'd love for you to ask Google or CityBridge  
why they stopped rolling out free wi-fi services in  
the city of New York which they signed up to do as  
part of their franchise agreement with New York City.

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COUNCIL MEMBER HOLDEN: So, we have no clue as to why the contract... like they didn't hold up to the contract and they stopped installing in the magical fall of 2018... [cross-talk]

JESSICA TISCH: At a high level, this is not going to be acceptable to you because it's not to me, but at a high level what I understand is they're crying poor and for me that doesn't work when you're talking about Google... [cross-talk]

COUNCIL MEMBER HOLDEN: Google is crying that they don't have enough money, that's historic.

JESSICA TISCH: That's why I hid it in my testimony.

COUNCIL MEMBER HOLDEN: Okay. So, that's why you didn't want to say it outright because it's so absurd..

JESSICA TISCH: I feel like I said it.

COUNCIL MEMBER HOLDEN: Well you didn't really... you, you... we really... it... they never... if they were crying poverty that needs to be the headlines in any newspaper or whatever on any news station because New York isn't being shortchanged. So, just a crystal ball, do you expect them to honor or meet their

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contract obligations by the end of the year, this year? Do you expect that, does the city expect that?

JESSICA TISCH: To meet their full contractual obligations... [cross-talk]

COUNCIL MEMBER HOLDEN: Yes... [cross-talk]

JESSICA TISCH: ...by the end of it... the year? That would require the installation of a lot of Links very quickly so I don't want to speak to that but I certainly encourage them to immediately pay the city what they owe us and to restart the rollout of free wi-fi services per their franchise agreement with New York City that they voluntarily entered into, that the city already renegotiated once.

COUNCIL MEMBER HOLDEN: Okay, so you, you've been in touch with CityBridge and, and trying to get them moving since... [cross-talk]

JESSICA TISCH: For years... [cross-talk]

COUNCIL MEMBER HOLDEN: ...you came in... since you came in... [cross-talk]

JESSICA TISCH: Since I came in, yes and our General Counsel for years.

COUNCIL MEMBER HOLDEN: Okay, alright. Alright, I'll, I'll just... you have a couple of questions Councilman Lander?

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COUNCIL MEMBER LANDER: Thank you. So, you talked in your testimony about 5G and the plans for implementation there and you know we heard from a couple of folks about some of the cable challenges in terms of worker protections, worker safety and I guess I just want to ask in terms of these new 5G agreements and I saw some things reported in the media but didn't get much details like what's in place to make sure public safety is protected, worker safety and standards are protected, public access is as broad as we can make it in the new 5G solicitation and... [cross-talk]

JESSICA TISCH: Sure... [cross-talk]

COUNCIL MEMBER LANDER: ...plans and agreements.

JESSICA TISCH: Thank you for that question. So, we actually recently in the past month or so got 12 new mobile telecommunications franchise agreements approved and those agreements have unprecedented protections and provisions in those areas, Michael can give you chapter and verse on that.

MICHAEL PASTOR: Yes, Council Member so basically it is an unprecedented requirement on all

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of... all 12 of those franchisees to report a huge swath of data as to how their workforces are treated. I thought I heard you also mention access and if by that you mean where these installations will be, no... okay... [cross-talk]

COUNCIL MEMBER LANDER: I've been... well I mean I'm happy to know some... [cross-talk]

MICHAEL PASTOR: Okay... [cross-talk]

COUNCIL MEMBER LANDER: ...things about that but I guess more... getting to more universal access how we get towards sort of the 5G equivalent of broadband for all, you know these are private companies and yet we're giving them... [cross-talk]

JESSICA TISCH: Yeah... [cross-talk]

COUNCIL MEMBER LANDER: ...public access so I'm hoping that we're giving them some standards to achieve... [cross-talk]

JESSICA TISCH: Sure... [cross-talk]

COUNCIL MEMBER LANDER: ...more affordable 5G access.

JESSICA TISCH: Well the, the way that we control where 5G is rolled out i.e. that its rolled out equitably that we don't build 5G in Midtown Manhattan and not in the outer boroughs, the way that

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2 we make sure that we don't have 5G deserts is through  
3 our poll reservation process so when the carriers  
4 start to build out these networks they will do it on  
5 city infrastructure; city light poles, street  
6 furniture, that's what these mobile telecom franchise  
7 agreements put in place is the ability for them to  
8 use these city assets but in order to do that they  
9 need to request to use specific assets of the city  
10 and we are hammering out now provisions in that  
11 reservation process is what we call it that will  
12 ensure that as the carriers build out the network  
13 geographically that its done equitably meaning..

14 [cross-talk]

15 COUNCIL MEMBER LANDER: If you want one  
16 pole in... [cross-talk]

17 JESSICA TISCH: If you want one... [cross-  
18 talk]

19 COUNCIL MEMBER LANDER: ...Manhattan you  
20 have to... [cross-talk]

21 JESSICA TISCH: ...pole in Midtown it has..  
22 [cross-talk]

23 COUNCIL MEMBER LANDER: ...do one pole in  
24 the Bronx or... [cross-talk]

25 JESSICA TISCH: Correct... [cross-talk]

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COUNCIL MEMBER LANDER: ...some version of that... [cross-talk]

JESSICA TISCH: Like that, yep.

COUNCIL MEMBER LANDER: Okay, that's good. Are there any provisions for attending just sort of the affordable... so it's great if the things in the Bronx but if I can't afford it, is there any way to use this opportunity to influence the provision of affordable... [cross-talk]

MICHAEL PASTOR: So... [cross-talk]

COUNCIL MEMBER LANDER: ...access?

MICHAEL PASTOR: ...we have limited powers when it comes to price based upon federal regulations but striking back to a point we made earlier since we have 12 the more competition the better so I think our focus is on competition, competition, competition and equitable distribution.

COUNCIL MEMBER LANDER: One thing I know some in other places when this has happened the folks that have gotten the agreements then hired subcontractors who were either like didn't practice safety protocols and... crown castle subcontractor had an explosion or then those subcontractors violated

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2 worker rights, do we have provisions to make sure  
3 we're covering subcontractors as well?

4 MICHAEL PASTOR: Yes, the provisions we  
5 described earlier go to that very point, one of the  
6 things we're going to be demanding from the  
7 franchisees in that data pool is data as to what  
8 subcontractors they're using.

9 COUNCIL MEMBER LANDER: Okay, that's  
10 great. Alright and then my last question is kind of..  
11 begins... sorry, ends where, where Chair Salamanca  
12 began on an area that you wouldn't... a normal New  
13 Yorker would not believe was sitting at the  
14 Department of Information Technology and  
15 Telecommunications but it's my understanding that the  
16 city's commitments through the civic engagement  
17 commission to roll out citywide participatory  
18 budgeting which two thirds of the voters of New York  
19 voted for back in 2018 rest at DoITT, is that, that..  
20 am I correct in that understanding or the money moves  
21 through DoITT's part of the budget... [cross-talk]

22 JESSICA TISCH: Yeah, so... [cross-talk]

23 COUNCIL MEMBER LANDER: ...I don't mean  
24 you're implementing it but... [cross-talk]

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JESSICA TISCH: ...we, we provide for the administrative functions for a number of smaller offices and so yes, the participatory budgeting does flow through DoITT.

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COUNCIL MEMBER LANDER: And right now there's about seven staff at the civic engagement commission and last year at this time there were no staff at the civic engagement commission so seven is a... is an improvement and we're projecting to keep those but there's no dollar commitment for the pieces of participatory budgeting that New Yorkers are supposed to get to vote on and that they voted by ballot referendum to achieve, is that... [cross-talk]

15

JESSICA TISCH: So... [cross-talk]

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COUNCIL MEMBER LANDER: ...correct?

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JESSICA TISCH: So, I happen to be a big fan of participatory budgeting, I know you didn't ask my personal opinion about it... [cross-talk]

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COUNCIL MEMBER LANDER: I'm glad to hear it...

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JESSICA TISCH: ...but also know that you advocated for that important program and I have to say that it's amazing that it's grown from four Council Members to almost the entire Council so

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quickly. As the side I live in Council Member Kallos' district and I'm looking forward to voting next month but to answer your specific question head on, as the budget director testified yesterday I believe we expect that the money will be added by adoption.

COUNCIL MEMBER LANDER: Okay, so it's not in the prelim but we can see it... well, with... by adoption or, or we'll see it in the executive budget?

JESSICA TISCH: By adoption.

COUNCIL MEMBER LANDER: Alright, I, I thought I heard the Mayor say in the briefing to the Council that it would be in the executive budget.

JESSICA TISCH: By... what, what I have in my notes is by adoption.

COUNCIL MEMBER LANDER: Okay. Well I'll follow up with the folks that were at the meeting with the Mayor because he told us that it would be in the executive budget maybe we'll get it even higher from the executive budget but... at adoption but... alright, do you know how much Paris puts in its citywide participatory budgeting?

JESSICA TISCH: I do not but can you...

[cross-talk]

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COUNCIL MEMBER LANDER: Alright... [cross-talk]

JESSICA TISCH: ...tell me?

COUNCIL MEMBER LANDER: It's over hundred million euros and euros are even more than dollars as I understand it so we would love to be first again and you know to be first we could count the 35 million that the Councils already putting in but I hope the Mayor will at least exceed what the Council puts in and put us on path to really be taking leadership for local democracy so, thank you and thank you Mr. Chair.

COUNCIL MEMBER HOLDEN: Thank you, just a few more questions. In the citywide savings program DoITT will generate savings through decommissioning of systems the agency no longer needs and the introduction of more efficient processes across the agency, can you elaborate more on these savings and which systems it will impact?

JESSICA TISCH: John Winker can elaborate more on it but I want you to know that this is all part of the assessment that is going on now so he can elaborate as to like what the current plan has been

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but it may be subject to change over the next few weeks... [cross-talk]

COUNCIL MEMBER HOLDEN: Sure... [cross-talk]

JESSICA TISCH: ...we get a hold on every... [cross-talk]

COUNCIL MEMBER HOLDEN: Yeah, yeah... [cross-talk]

JESSICA TISCH: ...thing.

COUNCIL MEMBER HOLDEN: Yeah, sure.

JOHN WINKER: I can give you more of a high level at this particular point if you... we can give you some more detailed information subsequent to the hearing, I mean it really is software, software as a service, subscription types of things that we're eliminating, hardware decommissioning, support services that we're reducing those are the types of things that we're doing and we have done over the course of the year to achieve the savings that we have identified.

COUNCIL MEMBER HOLDEN: Alright, let's talk about the vacancy rate at DoITT, as of November 2019, the department was operating with a vacancy rate of 12.3 percent, that's equivalent to about 225

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2 vacant positions, can you provide additional  
3 information as to the type of vacant positions the  
4 agency has?

5 JESSICA TISCH: Do you have that John?

6 JOHN WINKER: I don't have the specifics  
7 in terms of titles and things along those lines but  
8 since November we have hired a significant number of  
9 positions so the vacancies right now in DoITT proper  
10 are, are quite low. The vacancies that do exist  
11 primarily are in cyber and other non DoITT proper  
12 offices and entities.

13 COUNCIL MEMBER HOLDEN: So, so can you  
14 get us what your vacancy rate is... [cross-talk]

15 JESSICA TISCH: We will... [cross-talk]

16 JOHN WINKER: Absolutely... [cross-talk]

17 COUNCIL MEMBER HOLDEN: ...you know... you  
18 know after... yeah. Is there an attrition rate that you  
19 can also get, get us like are we losing people?

20 JOHN WINKER: We are losing people, its  
21 roughly seven percent but we're hiring at a higher  
22 rate so as... in the past years we were basically just  
23 treading water on vacancies, we're now actually  
24 filling those vacancies and making headway on that.

25 JESSICA TISCH: And... [cross-talk]

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COUNCIL MEMBER HOLDEN: So, you... yeah, go ahead.

JESSICA TISCH: My, my goal like vacancy rate wherever I work is... or attrition rate is something that I look at very closely, my goal is to help DoITT continue to be a place where people want to work, where they feel proud of their work and where they're respected for their work so that they can see rate and the attrition rate is something that we're going to look very closely at going forward.

COUNCIL MEMBER HOLDEN: So, you said that in the Cyber Command we're, we're lacking?

JOHN WINKER: Well there's vacancies there, correct.

COUNCIL MEMBER HOLDEN: The vacancy...  
[cross-talk]

JESSICA TISCH: But Cyber Command was funded for new positions so I think that the vacancy rate there is a function of the hiring that I know is going on there now because we handle their hiring for them and our HR director is very busy doing that.

JOHN WINKER: They've been ramping up.

COUNCIL MEMBER HOLDEN: But our, our salaries are competitive in, in that area, I mean I

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2 just don't want... I know it happens in the city a lot  
3 we lose talent to private... the private industry  
4 because they're paying a lot more so, do, do you... do  
5 you know the, the starting salaries of somebody in  
6 that area?

7 JESSICA TISCH: We can get back to you on  
8 that.

9 COUNCIL MEMBER HOLDEN: Okay, because  
10 that happens a lot in government and that's why we  
11 can't... we can't keep people and we... and we don't get  
12 the best talent and that's why we have issues later  
13 on so I just want to... I'll touch... I, I may touch upon  
14 that again. Let me just... in MOME incentive fund  
15 savings, in the preliminary plan the Mayor's Office  
16 of Media and Entertainment expects to generate  
17 328,000 dollars for savings achieved through delayed  
18 program implementation, can you elaborate on, on how  
19 the incentive fund works and how the benefit... and the  
20 benefit it generates to the city?

21 JESSICA TISCH: Do you have that?

22 JOHN WINKER: I have some general  
23 information on that, I mean the incentive program is  
24 really to incentivize production and filming within  
25 the city of New York so what they're doing they're

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2 achieving the savings by delaying a couple of  
3 programs, that's really the extent of the knowledge I  
4 have on this.

5 COUNCIL MEMBER HOLDEN: Alright. So, the  
6 other questions, if you don't have much, I'll, I'll...  
7 we'll send that to, to you in an email and... [cross-  
8 talk]

9 JESSICA TISCH: I have the dollar value  
10 of their savings if that's what you're looking for...

11 COUNCIL MEMBER HOLDEN: Yeah, if you  
12 could... yeah.

13 JESSICA TISCH: So, there are savings of  
14 329,000 dollars in fiscal year 20 and 328,000 dollars  
15 in fiscal year 21 through the delay in program  
16 implementation which is what you were discussing.

17 COUNCIL MEMBER HOLDEN: Okay, thank you.  
18 The internet master plan... so this year the chief  
19 technology officer issued the internet master to  
20 ensure that all New Yorkers will have world class...  
21 they'll be connected in a world class way and that  
22 will compete with other, you know large cities and  
23 the ability to use the internet to its fullest  
24 potential, are there resources in DoITT, in the DoITT  
25 budget to implement the master plan?

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2 JESSICA TISCH: So, we work very closely  
3 with the Mayor's Office of the chief technology  
4 officer and we will definitely assist where necessary  
5 I as far as 5G goes am very focused on getting this  
6 poll reservation phase moving and getting... working  
7 with the carriers to deploy 5G equitably across this  
8 city but we are committed to working with the Mayor's  
9 Office and the chief technology officer to deploy.. to  
10 get broadband deployed equitably across the city. I  
11 will say that I thought one of the most impressive  
12 parts of the internet master plan was the data  
13 collection that they had done where that plan if, if  
14 you read the, the first few pieces of it goes in very  
15 great detail into exactly where the broadband deserts  
16 are and I think that you can't fix a problem until  
17 you, you know where it is and I think that that plan  
18 offers a lot in that specific area to moving the ball  
19 forward.

20 COUNCIL MEMBER HOLDEN: Okay, I have a  
21 question about procurement card rebate, we saw that  
22 line on the, the budget and we looked at the fiscal,  
23 fiscal 2019 actual... the thing we saw was revenues for  
24 procurement card rebates decreased to 281,000, can  
25 you elaborate on that?

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2                   JOHN WINKER: I can, the P, P-card  
3 program, it's, it's really... it's, it's designed to  
4 get rebates from the credit card company for  
5 processing payments through that vendor, the vendor  
6 right now is US Bank, the, the vendor that we use to  
7 make payments is Verizon Tele sector Resources and  
8 what's happening is the reason why its decrease is  
9 the way that DCAS has negotiated the contract, the  
10 incentive percentages have decreased over the term of  
11 the contract, my understanding is that DCAS is  
12 negotiating a new contract that should see those  
13 percentages increase under the new contract. So, we  
14 will be seeing these, these percentages and the  
15 dollar values increase over time?

16                   COUNCIL MEMBER HOLDEN: Yeah, we were  
17 confused on that one but... so I'm glad you explained  
18 it, thank you.

19                   [off mic dialogue]

20                   COUNCIL MEMBER HOLDEN: Sorry, 3-1-1  
21 operations, the preliminary plan, the fiscal 2021  
22 budget for 3-1-1 technical support decreases by  
23 nearly seven million dollars compared to the 2020  
24 budget, what is the cause of, of the decrease in  
25 funding?

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2 JESSICA TISCH: Are you talking about the  
3 technology or the operations?

4 COUNCIL MEMBER HOLDEN: The, the  
5 technical, the technology.

6 JESSICA TISCH: So, 3-1-1 is a big part  
7 of the assessment that is underway now, so I'd like  
8 to talk to you about 3-1-1 in the coming weeks and  
9 months and what the city's needs there are.

10 COUNCIL MEMBER HOLDEN: So, it's not  
11 going to impact service in 3-1-1 to New Yorkers?

12 JESSICA TISCH: 3-1-1 is a... one of the  
13 most critical services to New Yorkers as we're  
14 dealing with COVID now, you hear the Mayor keep  
15 sending people to 3-1-1 for, you know the most up to  
16 date city messaging so no, the 3-1-1 program is not...  
17 [cross-talk]

18 COUNCIL MEMBER HOLDEN: Yeah, I, I  
19 outlined some, some improvements and you mentioned  
20 that... [cross-talk]

21 JESSICA TISCH: You did... [cross-talk]

22 COUNCIL MEMBER HOLDEN: ...in your  
23 testimony which... because, you know when it started I  
24 thought 3-1-1 was a godsend especially for quality of  
25 life obviously in New York City and it was... it was...

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2 it was a great system when it came out and... but I  
3 think we've fallen behind looking at... I've been  
4 researching other systems, 3-1-1 systems throughout  
5 the nation and they, they seem a little bit more user  
6 friendly, I had mentioned that to you.

7 JESSICA TISCH: Uh-huh...

8 COUNCIL MEMBER HOLDEN: And that's,  
9 that's where we're concerned about that can we make  
10 the improvements faster because it seems like I make  
11 a suggestion and then it takes years to implement  
12 because I have made suggestions over the years even  
13 before I was a Council Member I, I saw flaws because  
14 I use it a lot, I used to use it almost every day in  
15 making some complaint or you know making some issue  
16 especially as a civic leader, you know I, I love the  
17 app and I think the app is great but it needs work to  
18 make it better, to make it more user friendly so just  
19 if we... you know any reduction in, in the cost and.. or  
20 the software I'd like to see changes made a little  
21 quicker so... and then maybe we can talk some more, I  
22 don't expect... [cross-talk]

23 JESSICA TISCH: Understood.

24 COUNCIL MEMBER HOLDEN: Alright, yeah  
25 so... anything else, do you want... I think that's it,

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2 anybody... okay, nobody is here. Thanks so much and  
3 again... [cross-talk]

4 JESSICA TISCH: And then it... [cross-talk]

5 COUNCIL MEMBER HOLDEN: ...I think it went  
6 pretty good, didn't it, I mean it was... [cross-talk]

7 JESSICA TISCH: Thank you, yes, I mean I  
8 do, we'll see what they think but... [cross-talk]

9 COUNCIL MEMBER HOLDEN: Alright, okay...

10 JESSICA TISCH: ...I just... but before we go  
11 I just again want to thank Nicolyn Plummer,  
12 Marsellette Davis, Dennis Martinez, Huberta Ugar who  
13 represent the advocate community who sat through for  
14 deaf, hard of hearing, survivors of domestic violence  
15 who sat through this whole hearing listen to me drone  
16 on about so many topics but who have really rolled up  
17 their sleeves and partnered with us over the past  
18 three months on text to 9-1-1 and to thank you and  
19 the Council for the wonderful introduction that you  
20 made.

21 COUNCIL MEMBER HOLDEN: Well thank you  
22 again Commissioner and I think we have a lot of work  
23 to do but I think you're up to it and I, I think  
24 you're... I know your staff is because, you know  
25 speaking to your staff they're terrific so thanks so

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much again and we, we'll... we really appreciate your testimony and you were very forceful, thanks so much. Alright.

[off mic dialogue]

COUNCIL MEMBER HOLDEN: Alright, we have our second panel. Panel two; Christopher Schuyler, Ruth Lowenkron, Professor Kleinplatz, Professor Kleinplatz, okay.

[off mic dialogue]

COUNCIL MEMBER HOLDEN: And we would hope that some, someone would stay from the administration to listen to the testimony. Okay, good, thank you. So, Christopher if you want to start, Schuyler you want to start...

SERGEANT AT ARMS: Quite please.

COUNCIL MEMBER HOLDEN: Alright, just press the red button and you could start.

CHRIS SCHUYLER: For people who stutter and those with other speech disabilities, the option to, to text 9-1-1 is, is more than a matter of, of convenience, it's absolutely essential. Good afternoon Mr. Chair, my name is Christopher Schuyler, I'm a Senior Staff Attorney at, at the New York Lawyers for, for the Public Interest, Disability

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2 Justice Program. I am also a person who stutters and  
3 an active member of the National Stuttering  
4 Association. Stuttering affects one percent of the  
5 general population; accordingly, there are... there are  
6 tens of thousands of New York City residents who  
7 stutter, not to mention scores of others who, who  
8 work in and visit the city every day. While the, the  
9 root cause of stuttering is believed to, to be  
10 neurological and physiological rather than, than  
11 psychological, it can be triggered by, by emotional  
12 and situational factors. For instance, some people  
13 who stutter experience increased difficulty speaking  
14 in situations when time of the essence. It's also not  
15 uncommon for people who stutter to experience  
16 heightened difficulties when referring to proper  
17 nouns such as names and places. These communication  
18 challenges while inconvenient in everyday life, can  
19 be... can be life threatening in a true emergency. Text  
20 to 9-1-1 is imperative for people who stutter because  
21 it would remove the, the very real, real risks of  
22 miscommunication. When reporting an emergency,  
23 specific details are, are important such as location,  
24 specific individuals involved and what is happening.  
25 If, if a person who stutters is unable to verbalize

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2 these, these details they, they may not receive the  
3 assistance that they need in, in a timely manner.  
4 Additionally, operators that are relatively unexposed  
5 to, to stuttering are liable to misunderstand the  
6 person who stutters. Accuracy and clarity in  
7 communications is of paramount importance during an  
8 emergency. Text, text to 9-1-1 would alleviate these  
9 major and unnecessary barriers to effective  
10 communication. Notably, the benefits of text to 9-1-1  
11 including accuracy and clarity in crucial moments,  
12 are benefits shared by groups outside of those with  
13 speech disabilities. The increased accuracy and  
14 clarity provided by Text to 9-1-1 would also benefit  
15 the deaf and hard of hearing communities, the, the  
16 visitors with limited English, English proficiency,  
17 as well as individuals who need to text subtly, such  
18 as people experiencing domestic violence or active  
19 shooter situations which my colleague Lowenkron will  
20 testify to in greater detail momentarily. Text to 9-  
21 1-1 has been implemented by hundreds of call centers  
22 around the country. By failing to implement text to  
23 9-1-1 New York City is placing countless people at  
24 risk every day. New, New York City must implement  
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2 text to 9-1-1 without further delay, delay. Thank  
3 you.

4 COUNCIL MEMBER HOLDEN: Well, well thank,  
5 thank you Christopher and what you mentioned is  
6 hundreds of other cities are using text to 9-1-1 and  
7 New York City was lagging behind which we were  
8 concerned with but we did hear something, we heard  
9 that June, I know you're hopeful, we, we keep hear..  
10 we've heard that for a year now that we're going to..  
11 June is going to be the roll out so we're very, you  
12 know cautious because we've seen other delays that..  
13 over the years so... but I think the Commissioner laid  
14 out that they've been testing it and that's  
15 encouraging so we're at a point where I'm hopeful and  
16 I have... I have confidence that they'll roll it out in  
17 June and... but I want to thank you for your testimony,  
18 it was very accurate, thank you.

19 CHRIS SCHUYLER: Thank you.

20 RUTH LOWENKRON: Thank you, Chair Holden.  
21 I was listening to the Commissioner, I was very glad  
22 to hear it, perhaps what was more important was that  
23 I heard it at a meeting when I was face to face with  
24 the Commissioner and that was very important, we  
25 looked each other in the eyeballs just as we're doing

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right now and I said June huh and June it is and we are now announcing it to the world so we are all making book on it and it couldn't be more critical, I really appreciated that you are, you know saying to her now make this happen, that you were expressing some skepticism because we in the disability community have been very skeptical and for good reason. This has been going on since 2017 at the very latest and quite frankly we've been advocating for it before then but that's when serious discussions were taking place and we've been told one date and another date and another date and another date. So, again looking you in the eyeballs, make it happen, I too was very impressed with how forceful a personality you have so I know you're going to make it happen. And, and just to be really clear to put it into a context, I mean I think my colleague gave it a great context but let's, let's think about what would you do Chair Holden, what would you do Commissioner Tisch if god forbid there were a fire right now immediately getting out the cell phone calling 9-1-1 and we're all going to be saved, what are my colleagues sitting over there going to do who cannot call? Okay, you're there to help them that's great, what if they're at

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2 their homes and they don't have you to help them?  
3 What if my colleague here can't be made to be  
4 understood because of a stuttering episode, what  
5 about the person with an asthma attack that stops it,  
6 there's so many people with disabilities to think  
7 about, they're also the many people that Mr. Schuyler  
8 talked about; the domestic violence, the shooter, the  
9 hostage, the... and so on so these are the real people  
10 that we need to be thinking about, this is not just,  
11 you know we, we want to get... have something on the  
12 chart to check off that we would like to have this  
13 happen. It means literally saving lives and it's in  
14 your hands Commissioner Tisch and we appreciate what  
15 you do.

16 COUNCIL MEMBER HOLDEN: And, and I agree  
17 with that 100 percent and this would be if... when it  
18 get, gets rolled out New York City it would be the  
19 most advanced step we've taken in quite some time in  
20 technology because like you mentioned there's all  
21 sorts of horror stories of people not being able to  
22 connect with 9-1-1 and there... people lose lives when...  
23 you know when we can't connect to 9-1-1 they're cut  
24 off and you know people perish in, in situations and  
25 we've heard so many in domestic violence like you

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2 mentioned some people didn't think of that but in  
3 domestic violence once you pick up the phone and  
4 somebody... you're getting abused you're going to get...  
5 [cross-talk]

6 RUTH LOWENKRON: Absolutely... [cross-talk]

7 COUNCIL MEMBER HOLDEN: ...abused some more  
8 once you pick up the phone and try to call the police  
9 or 9-1-1 so that's a given and that's happened  
10 probably thousands of times. So, this is a big step  
11 forward for New York City and that's why we're so  
12 anxious Commissioner, I'm glad you stayed and sitting  
13 right in the first row... [cross-talk]

14 RUTH LOWENKRON: Yeah, no I... [cross-talk]

15 COUNCIL MEMBER HOLDEN: ...that'll tell you  
16 something... [cross-talk]

17 RUTH LOWENKRON: ...that's appreciated too  
18 that... [cross-talk]

19 COUNCIL MEMBER HOLDEN: Yeah... [cross-  
20 talk]

21 RUTH LOWENKRON: ...that you did not just  
22 walk out. One sentence, this is one thing that I  
23 didn't quite get to say, this is the... this is the  
24 short text that literally saved a life, I'm deaf I  
25 can't talk on the phone, need fire department

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2 immediately, fire department arrived, life saved,  
3 this is... this is real, this is not me making stories  
4 up and, and that, that's, that's powerful. Thank you  
5 for allowing... [cross-talk]

6 COUNCIL MEMBER HOLDEN: Thank, thank you...  
7 [cross-talk]

8 RUTH LOWENKRON: ...me to add that... [cross-  
9 talk]

10 COUNCIL MEMBER HOLDEN: Thank you so  
11 much, thank you.

12 PROFESSOR KLEINPLATZ: I'm speaking on  
13 behalf of the Spectrum workers as a private citizen.  
14 I think it's appalling that three years have gone by  
15 and these workers continue to be on strike, it's a  
16 national disgrace. It would have been better for most  
17 of the Council people to hear the message  
18 unfortunately some of them have left, some other  
19 tried to advocate. There's a reason why not one  
20 single worker is here today, do you know why because  
21 they are working three or four jobs, they can barely  
22 feed their families, we should be embarrassed that a  
23 three plus year strike has continued and no one has  
24 reached out to these people. The franchise needs to  
25 be ended period, nothing else will end this. The only

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2 presidential person that's come forward has been  
3 Bernie Sanders, we've reached out to the... other  
4 people, I receive no money for this, I do this out of  
5 my heart as a cancer survivor and a 9/11 survivor. I  
6 am pleading with you; I'm pleading with the entire  
7 Council and I'm pleading the public... with the public  
8 at large we cannot continue this disgrace. This is a...  
9 this is a labor state, we have to protect the  
10 workers, something has to be done and that something  
11 is end the franchise period. I'd like to speak about  
12 one other issue, and it involves 3-1-1 complaints,  
13 there's a problem with 3-1-1 complaints as far as  
14 unanimous versus nonunanimous. Again I'm representing  
15 senior citizens who are fearful of calling 3-1-1  
16 because of retribution, landlords and landladies ask  
17 them who's called knocking on their door, some of  
18 them are in their 90's. I have to say that one of the  
19 most responsive people has been Corey Johnson who's  
20 the Speaker as far as this issue is concerned however  
21 there still remains a problem with 3-1-1 and let me  
22 say what that is. There's a confusion about what is  
23 unanimous and not... what is not unanimous, if a door  
24 is broken in the front and senior citizens afraid  
25 because there are homeless people sleeping on the

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2 sixth floor in the vestibule 3-1-1 needs to be clear  
3 about what is unanimous and what is not. I underscore  
4 the following, it's very important that seniors be  
5 able to report anonymously so there's no retribution  
6 especially for those that are rent controlled and  
7 rent stabilized citizens. Returning to the spectrum  
8 issue besides the strike there's huge, huge amounts  
9 of problems in terms of customer service, I know  
10 because I'm a spectrum customer. Those are basically  
11 the three things that I'd like to bring to your  
12 attention, I am a little saddened that there's nobody  
13 sitting here except the Chair and both Council but  
14 these issues really have to be brought to the  
15 forefront, I'm willing to stay behind if you have any  
16 questions Commissioner to clarify but they're very,  
17 very important and critical is that the spectrum  
18 strikers be able to feed themselves and feed their  
19 children, the franchise needs to end and we will... I'm  
20 a cancer survivor and 9/11 survivor, I had my thyroid  
21 removed, I was one of the first responders in, in a  
22 situation where we came downtown and tried to do  
23 everything we could with the fire brigade but this,  
24 this really needs to be addressed and the franchise

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2 needs to be ended and I thank you for remaining and  
3 hearing me out because there's nobody... [cross-talk]

4 COUNCIL MEMBER HOLDEN: Well I... [cross-  
5 talk]

6 PROFESSOR KLEINPLATZ: ...left.

7 COUNCIL MEMBER HOLDEN: But thank you  
8 Professor and I... and I... and I thank you on behalf of  
9 the Spectrum workers who have been on strike for so  
10 long and we don't see really any moment... [cross-talk]

11 PROFESSOR KLEINPLATZ: The, the best  
12 movement is to end their franchise... [cross-talk]

13 COUNCIL MEMBER HOLDEN: Right... [cross-  
14 talk]

15 PROFESSOR KLEINPLATZ: That's the single  
16 best movement and the single best movement is to all  
17 the Council people to support these workers when the  
18 next rally occurs that's the best thing, we could do...  
19 [cross-talk]

20 COUNCIL MEMBER HOLDEN: I, I agree... I  
21 agree 100 percent and thank you for... [cross-talk]

22 PROFESSOR KLEINPLATZ: Thank... [cross-  
23 talk]

24 COUNCIL MEMBER HOLDEN: ...speaking it out...  
25 [cross-talk]

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PROFESSOR KLEINPLATZ: Well thank you so

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much... [cross-talk]

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COUNCIL MEMBER HOLDEN: ...so much... that

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was great, thank you, thank you panel. Are... does the

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third... do the last one... okay, our, our final panel,

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panel number three Chris Widelo, Widelo; Julia

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Duranti-Martinez, this is our final panel, the last

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panel. Is Chris here? Oh, okay, it's against the

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rules but... I don't know why. Thank you, thank you

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Professor, thank you panel, it was terrific. Thanks

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for waiting around too. Is Chris here, Chris Widelo?

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No, he left, okay, we have... so, you have it all to

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yourself. Would anybody else like to testify? You can

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sign in, okay.

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JULIA DURANTI-MARTINEZ: Hi, good

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afternoon. My name is Julia Duranti-Martinez and I'm

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campaign coordinator at New Economy Projects. We are

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an economic justice organization that works with

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community groups citywide to fight discriminatory

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economic practices and to support cooperative

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economics and community led development. So, we and

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14 partner organizations are part of a citywide

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community land trust initiative that seeks 1.5

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million dollars in discretionary funding to develop

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2 community land trusts and permanently affordable  
3 housing, commercial space and other community needs.  
4 So, we ask the Committee on Land Use to recommend  
5 funding for the CLT initiative in the city budget for  
6 fiscal year 2021. Community Land Trusts are a proven  
7 model to combat speculation and displacement, protect  
8 public subsidy and facilitate community led  
9 development. A CLT is a nonprofit that owns and  
10 stewards land in the community's interest and leases  
11 use of that land for affordable housing and other  
12 community needs and CLTs ensure permanent  
13 affordability of their housing through 99-year ground  
14 leases. The flexibility of the CLT model can support  
15 any land use, CLTs in New York are working to develop  
16 permanently affordable housing but also many are  
17 incorporating commercial uses, community and cultural  
18 space, community gardens, open space and green  
19 infrastructure into their CLT plans. And one thing to  
20 flag especially for the Land Use Committee is that  
21 CLTs engage their members in meaningful decision  
22 making over neighborhood and housing development and  
23 this is through their governance, their community  
24 organizing, leadership development and other  
25 stewardship activities. So, they facilitate broad

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2 community participation in land use and planning  
3 decisions and ensure that development meets local  
4 needs. So, we really appreciate the City Council's  
5 support of Community Land Trusts including through  
6 discretionary funding in fiscal year 2020 and this  
7 support has bolstered a dozen emerging CLTs that are  
8 doing deep community education and organizing,  
9 holding workshops, envisioning sessions, developing  
10 grass roots leadership and securing additional legal  
11 and technical assistance. So, expanded discretionary  
12 funding for 2021 will allow groups to build on this  
13 progress as they move toward incorporating their CLTs  
14 and acquiring properties for a long-term community  
15 stewardship so thank you for the opportunity to  
16 testify.

17 COUNCIL MEMBER HOLDEN: Thank you for  
18 your excellent testimony and we certainly need more  
19 affordable housing in New York City, it's getting  
20 worse and worse by the day so thank you for staying  
21 and... [cross-talk]

22 JULIA DURANTI-MARTINEZ: Yeah... [cross-  
23 talk]

24 COUNCIL MEMBER HOLDEN: ...thank you for  
25 the testimony.

COMMITTEE ON LAND USE WITH COMMITTEE ON TECHNOLOGY

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JULIA DURANTI-MARTINEZ: Thank you.

COUNCIL MEMBER HOLDEN: Thanks.

[off mic dialogue]

COUNCIL MEMBER HOLDEN: Okay, this meeting is adjourned, thank you.

[gavel]

C E R T I F I C A T E

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



Date

April 6, 2020