

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

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ROBERT F. HOLDEN
Co-Chair

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

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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
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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]

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

21 COUNCIL MEMBER MOYA: Yes, thank you.

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

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

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

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

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

15 MARISA LAGO: I do.

16 CHAIRPERSON SALAMANCA: Okay, thank you.

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

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

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

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

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

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

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

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

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

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

CHAIRPERSON SALAMANCA: Okay. Alright...

[off mic dialogue]

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

MARISA LAGO: Gladly.

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

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

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

[cross-talk]

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

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

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

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

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

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

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

16 CHAIRPERSON SALAMANCA: Yeah, you know I,
17 I know that I publicly came out in opposition to the
18 zoning component of the Southern Boulevard study but
19 to be quite frank I'm looking forward to the report
20 because, you know it's not every day that you get
21 multi-agencies to come into your community and
22 analyze every corner of, of your district and, and
23 come up with recommendations on how to improve the
24 quality of lives whether it's transportation, whether
25 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

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

22
23 CHAIRPERSON SALAMANCA: Okay. I'm going
24 to see if I can get through some of my questions and
25 give my colleagues an opportunity, I know that time

1 20

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...

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]

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?

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

1
2 have resulted in a nuanced, a balanced, contextual
3 zoning of the mid blocks coupled with a up zoning to
4 trigger MIH along the major corridors.

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

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

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

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

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

COUNCIL MEMBER MOYA: Wait, could you repeat that?

MARISA LAGO: 91 million in EDC's budget and about 269 million in DEP's budget. From the outset the monies were held in these two other agencies' budget, budgets.

COUNCIL MEMBER MOYA: Thank you. So, I've been working with my community and the city agencies to realize the goals of the Willets Point rezoning, you know this project is in need of substantial remediation, environmental remediation and other infrastructure cost, would DCP be willing to consider allocating a portion of the NDF to help expedite the first phase of affordable housing in Willets Point?

MARISA LAGO: The NDF is one of the city's tools that is deployed in the context of neighborhood rezonings...

COUNCIL MEMBER MOYA: Uh-huh...

MARISA LAGO: We work hand and glove when there is a neighborhood... a city sponsored neighborhood rezoning to identify the sources of funding that are needed for remediation for infrastructure in the neighborhood, the sources can 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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2 to attract customers from outside of the immediate
3 local community. Big box retail companies are
4 developing new models where they construct a small
5 ground floor space in large department stores in the
6 cellar space, DOB is now interpreting these big box
7 retailers as variety stores in use group 6A that are
8 allowed in almost all commercial districts. Does DCP
9 agree with DOB's interpretation of these big box
10 retailers... retailers on how they are now being
11 classified or that the interpretation is in the
12 spirit of the law?

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

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

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

22 COUNCIL MEMBER MOYA: Okay. So, does
23 building big box retail in cellar space minimize any
24 of the environmental impacts such as traffic that
25

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

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

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

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

1
2 give a flavor of part of the complexity of looking at
3 an issue of unenclosed voids, a good example is
4 actually just across the street, if one looks at
5 those beautiful soaring guastavino arches in the
6 municipal building where one goes down to the subway,
7 that's an example... one example of an unenclosed void.

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

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

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

15 MARISA LAGO: Yeah.

16 COUNCIL MEMBER MOYA: Okay.

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

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

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

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 62nd 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 13th 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?

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

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

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

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

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

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

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

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

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

13 CHAIRPERSON SALAMANCA: But but
14 Commissioner going back to that again, does City
15 Planning... in terms of killing the character of
16 neighborhoods... [cross-talk]

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

18 CHAIRPERSON SALAMANCA: ...you know when
19 we're talking about, I think Bushwick has something
20 very similar to Southern Boulevard in terms of, you
21 know it... I believe my... Southern Boulevard has a 1967
22 rezoning and right now that what its zoned for is
23 inadequate so you're saying that DCP's position on
24 city rezonings are only possible if we're adding
25 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]
25

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

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

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?

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

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

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

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

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

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

17 MARISA LAGO: It was a proposed rezoning
18 on a mid-block in Coney Island. At the time of
19 certifying the project which means the formal
20 commencement of ULURP the Department expressed its
21 concern thinking that it was a site that was quite
22 far removed from public transportation and that was
23 on a mid-block and that the requested rezoning was
24 too dense, the applicant chose to proceed through the
25

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

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

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

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

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

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

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

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

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

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

MARISA LAGO: I would be glad to have the Manhattan office, you know that we are... we have a borough based system in addition to our planners at headquarters, speak about that or, or speak with the 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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2 and in this past year have expanded it to all members
3 of the community board and we have two different
4 types of trainings, one type is done out in the
5 boroughs and we call together the community board
6 members from that borough, in some boroughs the
7 borough presidents have actually joined with us in
8 cohosting the trainings. In addition to that we then
9 have trainings at our headquarters at 120 Broadway
10 where we bring in community board members from across
11 the city and those tend to be more in depth training
12 on particular subject areas not just a planning,
13 zoning, ULURP, environmental review 101. Examples
14 over this past year of the kind of trainings that
15 we've provided were updates on the storefront vacancy
16 report that we did because that affected, it touched
17 all five boroughs, we have done very significant work
18 on the metro region and the relationship between
19 where jobs in housing are, we did a special training
20 for the community boards on that and then one that we
21 found to be particularly well received was training
22 on the digital tools that the department has
23 developed to enhance transparency like our community
24 district profile, like our population fact finder.
25 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
25

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

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

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

COUNCIL MEMBER AYALA: Thank you Mr. Chair, good afternoon Chair Lago. This is... my question is actually related to the NYCHA transfer of development rights. So, numerous planning experts have recommended exploring the expansion of the 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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2 water plan, waterfront plan. So, DCP is currently in
3 the process of developing the next comprehensive
4 waterfront plan required every ten years by the New
5 York City Charter, could you provide how much is
6 being spent and how and if any priority at all is
7 being offered to East River North, I have an
8 esplanade and a pier that are both falling into the
9 water and this is the first time that I'm hearing of
10 this plan so I would like to hear more and, and
11 better gauge why and how the community can become
12 more involved in this process?

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

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

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

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

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

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

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 7th 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

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.
25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL MEMBER BARRON: Certainly had 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?

MARISA LAGO: I'll be glad to get that
for you... [cross-talk]

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

MARISA LAGO: ...that's the only number
that I have at hand right now.

COUNCIL MEMBER BARRON: Thank you, thank
you Mr. Chairs.

CHAIRPERSON SALAMANCA: Thank you, thank
you Council Member, next up we have Council Member
Levin followed by Council Member Deutsch, followed by
Council Member Treyger.

COUNCIL MEMBER LEVIN: Thank you very
much Chair, hi Chair, how are you? I just wanted to
ask about... so last November Department of City
Planning presented an analysis to the community in my
district of the Williamsburg, Greenpoint rezoning of
2005 which showed that some of the basic assumptions
of the... of the EIS at the time did not... did not bear
out so the number of units, overall units proceeded
much more quickly than... and this is keep in mind
through the financial crisis so there was about three
years or four years were nothing at all was built
but, but there have been 17,000 units that were built

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2 or in the pipeline which is more than double the FDIS
3 projection and then on top of that we've seen a... the
4 average for affordable housing is... ends up
5 significantly lower than 20 percent which is what the
6 goal was at the time, now obviously the 2005 rezoning
7 predates your tenure and... but my, my question is, is
8 DCP looking at doing such an analysis for other large
9 scale rezonings that its undertaken in the last 10,
10 15 years and, and then what do we do about it when
11 its not... when, when a rezoning does not end up living
12 up to the anticipated benefit, you know what do we do
13 about it after the fact, 15 years later and the
14 community sees all the impact, I mean its... you know
15 in the neighborhoods of Williamsburg, Greenpoint, I
16 live in Greenpoint and as you said gentrification is
17 a multi, multi headed hydra, it's... you know it's not...
18 it's not... there's no single reason for gentrification
19 but we certainly have seen the impacts in very stark
20 terms in the neighborhood like Greenpoint where the
21 number of evictions of senior citizens is pretty
22 staggering, the amount of rent stabilized housing
23 that's, that's come down, tenants that were forced
24 out through harassment which is well documented,
25 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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2 MARISA LAGO: ...my point is that we need
3 to look at the full panoply of tools. I think the
4 other thing that you had mentioned... that you
5 mentioned that is very much worth putting at, at...
6 highlighting is the difference between a voluntary
7 inclusionary housing approach and mandatory
8 inclusionary housing and so that is part of how we
9 learn, you don't find us now mapping voluntary
10 inclusionary housing, at my age it is the law of the
11 land... [cross-talk]

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

14 MARISA LAGO: ...and we certainly believe
15 that it is an improvement.

16 COUNCIL MEMBER LEVIN: Yeah. Is there any
17 interest on the part of DCP to, to examine other
18 rezonings of the same... in the same method?

19 MARISA LAGO: Sorry, I forgot that part
20 of your... [cross-talk]

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

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

23 COUNCIL MEMBER LEVIN: No problem...

24 MARISA LAGO: The look that we did at
25 your request and the request of the community board

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

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

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

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

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

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

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

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

20 COUNCIL MEMBER LEVIN: Thank you so much...

21 CHAIRPERSON SALAMANCA: Yeah...

22 COUNCIL MEMBER LEVIN: Thank you Chair.

23 CHAIRPERSON SALAMANCA: We have to move
24 on because we're running out of time and we have
25

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

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

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

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.

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

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

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

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

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

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

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

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

COUNCIL MEMBER TREYGER: Thank you...

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

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

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

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

4 COUNCIL MEMBER REYNOSO: And I'm so sorry
5 I don't want to cut you off; I only have a minute and
6 30 and I want to go back and forth a little bit so if
7 like... [cross-talk]

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

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

20 MARISA LAGO: Not development above all,
21 development where appropriate and the densities that
22 were proposed for the up zoned areas, the areas
23 proposed to be up zoned in the Bushwick community
24 plan we think were too low, it was in essence an
25 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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2 playing a fair game with the community in asking them
3 to engage in, in a system where the outcomes are only
4 what you want and nothing else.

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

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

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

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.

CHAIRPERSON SALAMANCA: Last year following the passage of a text amendment restricting enclosed mechanical voids DCP agreed to study unenclosed mechanical voids in residential buildings, what is the status of the study on unenclosed mechanical voids?

MARISA LAGO: We had agreed to report the results of the... of the study this summer and we'll do so.

CHAIRPERSON SALAMANCA: Alright and then finally let's talk a little bit about the borough-based jails, can you give us a... an update on where, where are we?

MARISA LAGO: I would defer to DDC, the Department of Design and Construction which together with MOCJ is taking the lead on this.

CHAIRPERSON SALAMANCA: Alright, with that... do I have any colleagues that wish to ask any questions, no? Seeing none... oh I'm sorry, Council Member Richards.

COUNCIL MEMBER RICHARDS: Thank you Chairman and Chairs. A quick question and thank you Chairwoman for all of the great work that we've certainly accomplished in the Rockaways and I think

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

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

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2 is a... yet again another manifestation of the good
3 community informed planning work that we do.

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

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

you. Alright, good afternoon. My name is Council Member Rafael Salamanca and I'm the Chair of the Council's Committee on Land Use. This hearing will cover the fiscal 2021 preliminary budget for the Department of Information Technology and Telecommunications. Because there are significant technology issues pertaining to the city's franchise agreements with cable and telecommunication companies this is a joint hearing with the Committee on Land Use and the Committee on Technology. I am honored to co-chair today's budgetary hearing with my colleague Council Member Robert Holden, Chair of the Committee on Technology. DoITT provides citywide coordination and technical expertise in the development and use of data, voice and video technologies in the city's services and operations. They also provide infrastructure, support for data processing and communication services to numerous city agencies, researches and manages IT projects and administers the city's cable television, public paid telephones and mobile and high capacity telecommunication franchise agreements. During today's hearing we would like to review many aspects of the department's 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

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

1
2 testimony members will have the opportunity to follow
3 up with questions for the Commissioner. After that I
4 hope that the Commissioner and staff remain to listen
5 to the public testify. In closing I would like to
6 thank the committee staff for working and putting
7 this hearing together including Florentine Kabore,
8 Sabastian Bake and Irene Bihoski [sp?], Charles Kim
9 and my Chief of Staff Daniel Kurzyna. I'll now ask
10 the, the Committee Counsel to, to please swear in the
11 Commissioner, with the Commissioner is Michael Pastor
12 and John Winker.

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

17 [panel affirms]

18 COMMITTEE CLERK: Thank you.

19 COUNCIL MEMBER HOLDEN: You may begin
20 Commissioner.

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

23 JESSICA TISCH: There we go.

24 CHAIRPERSON SALAMANCA: Thank you.
25

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

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

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

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

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

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

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

1
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

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

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

1
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

1
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

1
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?

8 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?

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

1
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.

1
2 Did I miss anyone? Okay and with that I will hand it
3 over to Chair Holden.

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

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

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

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

1
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

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?

1
2 JESSICA TISCH: The time for talking
3 about obstacles is up, we... as I testified we
4 renegotiated the franchise agreements in 2018 at that
5 time CityBridge testified publicly at the FCRC and
6 said that with the renegotiated franchise agreements
7 they would now be able to fully perform under their
8 contract with the city.

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

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

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

1
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

1
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

1
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

1
115
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]

25

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.

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

1
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...

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

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

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

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

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

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

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

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

1
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,

1
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

1
2 factors can be considered when, when renewal comes up
3 so we will be looking at those factors on the renewal
4 question and I would say, you know the entire track
5 record of the company at the time of renewal.

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

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

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

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

1
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?

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

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

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

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

1
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]

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]

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

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

JESSICA TISCH: Not at the NYPD...

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

1
2 and New York City school kids the same kind of first
3 rate modern technology that you worked on, I imagine
4 though that's going to like cost a, a decent amount
5 of money and it looks to me like there's 240,000 in
6 new needs in the DoITT budget proposal this year so
7 can you speak a little more to like what that plan
8 is, when its coming, what it's going to look like,
9 what its ambitions are, how it's going to... how much
10 it's going to cost... [cross-talk]

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

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

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

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

1
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

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

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

COUNCIL MEMBER LANDER: ...started.

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

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

COUNCIL MEMBER RIVERA: Hello.

JESSICA TISCH: Hi.

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

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

1
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

1
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

1
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

1
2 your, you know very serious interest and commitment
3 to these issues that we're hearing today and I, I
4 sense it from, from here and I, I appreciate that.

5 JESSICA TISCH: Thank you.

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

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

20 COUNCIL MEMBER TREYGER: Coney Island.

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

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

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

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

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

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

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

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

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

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

1
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.

1
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

1
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

1
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?

1
2 MICHAEL PASTOR: They do not and that's
3 part of the reason we're focusing on that state law
4 fix.

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

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

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

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

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

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

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

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

23 CHAIRPERSON SALAMANCA: 40 million a
24 year, wow, okay. My, my office would be whatever help
25

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.

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

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?

1
2 COUNCIL MEMBER LANDER: Thank you. So,
3 you talked in your testimony about 5G and the plans
4 for implementation there and you know we heard from a
5 couple of folks about some of the cable challenges in
6 terms of worker protections, worker safety and I
7 guess I just want to ask in terms of these new 5G
8 agreements and I saw some things reported in the
9 media but didn't get much details like what's in
10 place to make sure public safety is protected, worker
11 safety and standards are protected, public access is
12 as broad as we can make it in the new 5G solicitation
13 and... [cross-talk]

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

15 COUNCIL MEMBER LANDER: ...plans and
16 agreements.

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

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

1
2 of... all 12 of those franchisees to report a huge
3 swath of data as to how their workforces are treated.
4 I thought I heard you also mention access and if by
5 that you mean where these installations will be, no...
6 okay... [cross-talk]

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

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

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

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

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

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

20 COUNCIL MEMBER LANDER: ...more affordable
21 5G access.

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

1
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]

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

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

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

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

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

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

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.

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]

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

COUNCIL MEMBER LANDER: ...correct?

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]

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

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

1
2 quickly. As the side I live in Council Member Kallos'
3 district and I'm looking forward to voting next month
4 but to answer your specific question head on, as the
5 budget director testified yesterday I believe we
6 expect that the money will be added by adoption.

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

10 JESSICA TISCH: By adoption.

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

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

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

23 JESSICA TISCH: I do not but can you...
24 [cross-talk]

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

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

1
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]

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

1
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

1
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?

1
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?

1
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?

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

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

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

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

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

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

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

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

1
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,

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

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

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

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

COUNCIL MEMBER HOLDEN: Alright, okay...

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

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

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

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

these, these details they, they may not receive the assistance that they need in, in a timely manner. Additionally, operators that are relatively unexposed to, to stuttering are liable to misunderstand the person who stutters. Accuracy and clarity in communications is of paramount importance during an emergency. Text, text to 9-1-1 would alleviate these major and unnecessary barriers to effective communication. Notably, the benefits of text to 9-1-1 including accuracy and clarity in crucial moments, are benefits shared by groups outside of those with speech disabilities. The increased accuracy and clarity provided by Text to 9-1-1 would also benefit the deaf and hard of hearing communities, the, the visitors with limited English, English proficiency, as well as individuals who need to text subtly, such as people experiencing domestic violence or active shooter situations which my colleague Lowenkron will testify to in greater detail momentarily. Text to 9-1-1 has been implemented by hundreds of call centers around the country. By failing to implement text to 9-1-1 New York City is placing countless people at risk every day. New, New York City must implement

1
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

1 right now and I said June huh and June it is and we
2 are now announcing it to the world so we are all
3 making book on it and it couldn't be more critical, I
4 really appreciated that you are, you know saying to
5 her now make this happen, that you were expressing
6 some skepticism because we in the disability
7 community have been very skeptical and for good
8 reason. This has been going on since 2017 at the very
9 latest and quite frankly we've been advocating for it
10 before then but that's when serious discussions were
11 taking place and we've been told one date and another
12 date and another date and another date. So, again
13 looking you in the eyeballs, make it happen, I too
14 was very impressed with how forceful a personality
15 you have so I know you're going to make it happen.
16 And, and just to be really clear to put it into a
17 context, I mean I think my colleague gave it a great
18 context but let's, let's think about what would you
19 do Chair Holden, what would you do Commissioner Tisch
20 if god forbid there were a fire right now immediately
21 getting out the cell phone calling 9-1-1 and we're
22 all going to be saved, what are my colleagues sitting
23 over there going to do who cannot call? Okay, you're
24 there to help them that's great, what if they're at
25

1
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

1
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

1
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

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

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

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

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

PROFESSOR KLEINPLATZ: ...left.

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

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

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

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

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

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

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

PROFESSOR KLEINPLATZ: Well thank you so much... [cross-talk]

COUNCIL MEMBER HOLDEN: ...so much... that was great, thank you, thank you panel. Are... does the third... do the last one... okay, our, our final panel, panel number three Chris Widelo, Widelo; Julia Duranti-Martinez, this is our final panel, the last panel. Is Chris here? Oh, okay, it's against the rules but... I don't know why. Thank you, thank you Professor, thank you panel, it was terrific. Thanks for waiting around too. Is Chris here, Chris Widelo? No, he left, okay, we have... so, you have it all to yourself. Would anybody else like to testify? You can sign in, okay.

JULIA DURANTI-MARTINEZ: Hi, good afternoon. My name is Julia Duranti-Martinez and I'm campaign coordinator at New Economy Projects. We are an economic justice organization that works with community groups citywide to fight discriminatory economic practices and to support cooperative economics and community led development. So, we and 14 partner organizations are part of a citywide community land trust initiative that seeks 1.5 million dollars in discretionary funding to develop

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

1
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.

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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