

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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August 22, 2017
Start: 11:34 a.m.
Recess: 12:08 p.m.

HELD AT: Committee Room - City Hall

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

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

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

2 [background comments] [sound check,
3 pause] [background comments]

4 CHAIRPERSON GREENFIELD: Good morning. My
5 name is David Greenfield. I am the Council Member
6 the 44th District in Brooklyn. I'm privileged to
7 serve as the Chair of the Land Use Committee. I want
8 to welcome my esteemed colleagues who are members of
9 the committee and joined us today, Council Member
10 Palma, Council Member Mendez, Chair Koo, Council
11 Member Lander, Council Member Rose, Council Member
12 Williams, Chair Richards, Council Member Barron,
13 Council Member Cohen Council Member Kallos, Council
14 Member Torres and Council Member Treyger. I want to
15 thank Chair Salamanca, Chair Richards and Chair Koo
16 for their outstanding work on Land Use Subcommittees.
17 I also want to welcome back to the City Council Land
18 Use Team James Lloyd. Let's give him a big round of
19 applause. James. [applause] Where is he hiding out?
20 Right over there. James has returned from his one
21 year in the U.S. Navy. We thank him for service to
22 our country. You can ask him what he was doing. He
23 will tell you, but then he has to kill you. So, it's
24 top secret. Do not ask him where he was or what he
25 was doing. Suffice to say he was serving us well,

2 and looks good. Have an Asia day. Thank you, James,
3 for your service, and we missed you. Welcome back.

4 Today, we will be voting to approve LU
5 709 the Handcraft Kitchen and Cocktails sidewalk café
6 in Council Member Mendez's district, and to approve
7 the While we were Young sidewalk café, LU 711 in
8 Council Member Johnson's district. Both sidewalk
9 cafes are being reduced in size. However, we will be
10 voting to disapprove LU 710, the Made in Puerto Rico
11 sidewalk café in Council Member Vacca's district.

12 Yesterday, we heard testimony about this restaurant's
13 track record of noise, disorderly conduct, trash on
14 the street, consumer complaints, and liquor license
15 violations. We'll also be voting to approve LU 729,
16 the Special West Chelsea District Text Amendment
17 applicable in Council Member Johnson's district,
18 which will result in a new development next to the
19 High Line providing a much needed staff only access
20 stair for High Line maintenance operations.

21 [background comments] If we can just whisper in our
22 conversations, folks, that would be very helpful to
23 us. Thank you. Also in Council Member Johnson's
24 district, we will voting to approve LU 728, a new
25 Article 11 tax exemption for the Polyclinic

2 Apartments to facilitate the preservation of 151
3 occupied Section 8 units. We will be voting to
4 approve LU 737, the 1616-18 Fulton Street Development
5 in Council Member Cornegy's district. This
6 application for designation and disposition of the
7 project of an Urban Development Action Area Project.
8 The project will result in 100 (sic) affordable units
9 under HPD's M-2 term sheet. We will be approving
10 several projects with modifications. They are the
11 Downtown Far Rockaway, LU 721 to 726 in Chair
12 Richard's district. The Council's approval is
13 required for this application including a zoning text
14 amendment, zoning map amendment, designation of the
15 Downtown Far Rockaway Urban Renewal Area. Approval
16 of the Downtown Far Rockaway Urban Renewal Plan and
17 two approvals for dispositions of city-owned property
18 both inside and outside the Urban Renewal Area.
19 We'll be voting to modify the zoning text amendment
20 in order to-- [background comments]. Folks, once
21 again, if we can just whisper. Feel free to have a
22 conversation, but if we just use our inner voice,
23 that would be very helpful. We'll be voting to
24 modify the zoning text amendment in order to add the
25 deep affordability option to the MIH area

2 designation, require more extensive signage, hours of
3 operations and litter receptacles in designated open
4 areas, restrict the proposed authorization to allow
5 waivers of both regulations that only rules governing
6 yards, and distant between buildings can be waived
7 and limit the waiver's applicability to buildings
8 containing only income resident restricted dwelling
9 units, make a series a changes to clarify the zoning
10 bulk regulations to ensure that the zoning reflects
11 the understanding of the community. We'll also be
12 voting to modify the disposition of the approval that
13 excludes sites on the northwest corner of Augustina
14 and Nameoke Avenues, Block 15534, Lot 70 in order to
15 ensure that this area is developed as a park by the
16 Department of Parks and Recreation. In addition to
17 our ULURP action, in this application the City has
18 committed to extensive investment of the neighborhood
19 as par of the overall Downtown Far Rockaway
20 Development Program. This includes committing to
21 financing 100% affordable development on city-owned
22 property with units in each development available to
23 families with income as low as 30% of the AMI. The
24 plan also reserves space for an additional school to
25 be developed should the need arise. Millions of

2 dollars in investments to a park, a new park,
3 investments in sewers, sidewalks, streets and
4 sidewalk infrastructure, a pilot shuttle service to
5 connect residents to the city's ferry service and
6 many other investments in the community totaling \$126
7 million. Congratulations to Council Member Donovan
8 Richards the Chair of the Subcommittee. Some folks
9 win the lottery, other work hard for years and able
10 to deliver massive amounts of resources to their
11 communities, and this is an amazing achievement. So,
12 with that, I would the turn it over to Chair
13 Richards. I want to congratulate him on this huge
14 victory, something that I know he's been working on
15 since he was an intern here in the City Council and
16 now he is actually running the show, and it's with
17 great pride and congratulations that we turn it over
18 to Council Member Richards to talk about a rezoning
19 that will provide \$126 million in new funding and
20 infrastructure, and literally change the face of
21 Downtown Far Rockaway for the future. Chair
22 Richards.

23 CHAIRPERSON RICHARDS: Thank you, Mr.
24 Chairman, and I want to thank you for your
25 partnership through this journey. Today, we begin a

2 new chapter in the history books for the Far Rockaway
3 community, a community that for decades has felt the
4 remnants of Robert Moses era planning that created
5 both an economic and social tsunami that this
6 committee still hasn't recovered from. To make
7 matters worse, the lack of city investment for nearly
8 40 years created cynicism in government and a life of
9 hopelessness for young men and women I grew up with
10 whose limited options to educational programming and
11 jobs created a conduit straight into the present
12 industrial complex. This is why today's agreement to
13 set Far Rockaway's Roadmap for Action into play is
14 much bigger than just about the words density, bulk
15 and height. This rezoning engages and rectifies the
16 compounding issues that have plagued this community
17 for decades. Furthermore it ensures that current
18 residents can reap the benefits of new amenities as
19 new development comes online. The infusion of \$288
20 million in which \$126 million is city funding will
21 strengthen infrastructure, quality jobs, schools,
22 parks, streetscape, transit and both community
23 facility and open space, and this is a game changer
24 for our community. These investments will ensure
25 that Far Rockaway benefits from the amenities that so

many other communities in the city enjoy. Today, I'm happy to say that it is a new day for Far Rockaway. I'll go through some of the highlights of this plan. I think you spoke of the Department of Sanitation lot, which the city was considering putting housing on. That now will turn into a nearly \$10 million park. We also can speak of many of the things that the community has asked for for a very long time. One, we'll start with affordable housing. We anticipate 3,000 units of new housing, 250,000 square feet of retail space and 90,000 square feet of community facility space including 36,000 square feet of new publicly accessible plaza space within the proposed Downtown Far Rockaway Urban Renewal Area. As part of the Comprehensive Neighborhood Plan, there also will be some other investments, and I think you spoke of the 100% of new housing built on public land will be 100% affordable, and the city intends to create 1,700 new units in the Urban Renewal Area that will be 100% affordable including units set aside for families making 30% or below AMI. The city is also committed to preserve affordable housing by providing free legal services for Rockaway residents facing unlawful evictions, and tenant harassment and

2 expanding legal services and financial tools for low-
3 income homeowners and supplying 200 rental assistance
4 vouchers for families from the Rockaways to ensure
5 that some of our most vulnerable families have the
6 additional housing support they need. There will be
7 countless infrastructure investments. We know that
8 school in the Rockaways are also overcrowded so we've
9 secured a commitment with the city to reserve a
10 portion of the Urban Renewal Area for SCA to provide
11 a new school. We also secured \$10 million in new
12 funding that will be used to invest in upgrades to
13 our existing schools, playgrounds, libraries,
14 auditoriums and science labs. \$59 million for Bays
15 Water Park. \$9 million for Redfern Houses Playground.
16 We wanted to make sure that our public housing
17 residents also saw parks and new upgraded parks
18 coming up. \$77 million in new infrastructure and
19 plaza space. The new ferry shuttle service, which
20 will not extend into Mott Avenue. Also upgrades to
21 the 101st Precinct establishing a new community land
22 trust in Edgemere, and funding for cultural arts and
23 a new library as well. Finally, we established a
24 local steering committee that will meet quarterly to
25 monitor the progress of development in Downtown Far

2 Rockaway, ensuring that the commune—commitments made
3 during this process will be realized for Far Rockaway
4 residents. With these investments from the city
5 totaling \$126 million not counting federal and
6 private money, I'm confident that this plan will help
7 kick off a new period of prosperity for the Rockaway
8 community. I'd like to thank Mayor de Blasio, Deputy
9 Mayor Alicia Glen, EDC President James Patchett, HPD
10 Commissioner Maria Torres Springer and City Planning
11 Commissioner Marisa Lago, and all the other involved
12 city agencies for their work on this plan. I'd like
13 to also thank Jon Paul Lupo, Ume Deckie (sp?) and
14 Sunam, Emma Wolf, Alani, Kelly Williams, Rebecca,
15 Eric, Nate, Jordan, Paris, John and Brent...and
16 Brendon. I'd like to also thank our Committee on
17 Land Use staff. First I'll start with the Speaker
18 obviously for her help during this process, but Ramon
19 Martinez, Dylan Casey, Julie Lubin, Amy Levitan. John
20 Douglas thank you. Raju Mann, thank you and to my
21 staff member Devany Brown and Jordan Gibbons, who put
22 in countless hours years and hours to get us here. I
23 want to thank you all and thank the committee and
24 urge you to vote yes on this application.

2 CHAIRPERSON GREENFIELD: Thank you, Chair
3 Richards. Congratulations. This, of course, being
4 the second community wide rezoning in New York City
5 in the de Blasio Administration, and certainly expect
6 some more to come with East Harlem next up on the
7 list. Congratulations. I know this was years of
8 work on your part, and it wasn't easy, but the result
9 is really quite extraordinary. So congratulations on
10 the work, and the achievements that you've had here
11 today.

12 We will also be modifying LU modifying LU
13 720, the East 34th Street Heliport, a special permit
14 application in Council Member Garodnick's district.
15 The special permit would allow continued operation of
16 the heliport for ten years. The modification of the
17 site plan will require lighting and fencing around
18 the teleport, and also mandate and enhanced the
19 reporting requirements that came out of the public
20 review process. Council Member Garodnick is
21 supportive of the modifications as discussed. So, we
22 will be modifying the Ebenezer Applications, LU 718
23 to 719 in Council Member Barron's district. This
24 application for a zoning map change from M1-1 to
25 R7A/C2-4 and RYD/C2-4, a zoning text amendment to

2 establish Mandatory Inclusionary Housing with Options
3 1 and 2 would facilitate a 531-unit affordable
4 housing development. The modification the Council is
5 making is to remove Option 2 and also to remove one
6 of the three blocks proposed to be rezoned. The
7 block was not suited (sic) development site in the
8 Environmental Review and is not controlled by the
9 applicant. It is an irregular shaped block adjacent
10 to low-scale buildings, and is being developed in
11 part with the new use that is conforming under the
12 existing the M zoning. I'll turn it over to Council
13 Member Barron who would like to make some remarks on
14 this this application.

15 COUNCIL MEMBER BARRON: Thank you, Mr.
16 Chair. I want to encourage all of my colleagues to
17 vote in support of this issue. You may recall that
18 when it was at the subcommittee I had lots of
19 concerns about parts of elements of this bill--of this
20 proposal. I wanted to say that we want to thank the
21 development team. We've worked very diligently with
22 them. We've had some very pointed, very engages
23 sessions with them as long--along with HPD, and Land
24 Use staff, and we have come to the conclusion that we
25 now have a project that everyone can feel good about.

2 It's a project also, which talks about giving the
3 black developer, Risa, a significant role in terms of
4 the decision making, not just talking about making
5 suggestions, but in terms of having decision making.
6 We're also going to have a goal in this project that
7 exceed what the city's goal is for 30%. This project
8 is gaining at 50% of WMBEs and MWBEs to be involved
9 in this project. The developer is working with a
10 local CBO. The developer has at the request of the
11 Community Board reduced the number of studio
12 apartments and, as you know, studio apartment size is
13 an important issue for me. The average studio is
14 about 450 square feet. So, there's a respect to
15 those persons who are living there. Additionally,
16 we're going to have a site in Site A, which is the
17 first site to be up about 300 units. Twenty percent
18 of the units here are designated for formerly
19 homeless. We can't have the issue of the homeless
20 and burgeoning crisis and not have targeted issues
21 and targeted programs that are going to help reduce
22 that number. Additionally, there is going to be a
23 set-aside for community preference for people who
24 live in this area, and it's a project that has units
25 designed for people from 10 to 29% of the AMI, units

2 at 37% of the AMI, at 47% of the AMI, and 50%--57% of
3 the AMI. So, what this says is that the people who
4 are living there now will have an opportunity to
5 benefit now from development that's coming in, and
6 we're very pleased about that, and want to thank the
7 developer Prosida, Risa and it's a church that owned--
8 that's another interesting point. The property was
9 owned by a black church, and they had an opportunity
10 to come with mixed use development. So, there will
11 be commercial on the lower level, and the church will
12 have condominium space in the development as well,
13 and there will be apartments above. So, we're very
14 pleased with the fact that we came through with a lot
15 of battling, but we are all very pleased, and I ask
16 my colleagues to support this project. Thank you.

17 CHAIRPERSON GREENFIELD: We'll be voting
18 to modify LU 727, an application for site selection
19 and acquisition to locate the Department of
20 Sanitation Manhattan District 11 Garage and Lot
21 Cleaning Unit to a site located at 207 to 217 East
22 127th Street in the Speaker's district. The facility
23 would increase the capacity for the existing facility
24 and allow more sanitation trucks to be stored off the
25 street. Although DSNY has changed the design to

2 incorporate a more attractive façade than the
3 original proposal, the proposed facilities for an
4 enclosed and there is still significant concern about
5 the lack of permanent enclosed and adequately sized
6 facility. For that reason, the vote to approve LU
7 727 with the modification to limit the acquisition to
8 a term 20 years. Whoever is here in 20 years from
9 now make sure that you get this one right. We'll be
10 modifying one out of the 400. That was a joke. Such
11 serious people here today. I promise you that some
12 of our colleagues will return in 20 years from now.
13 I don't know who it will be, but I assure you that
14 some of us will be back in our capacities as council
15 members. We will be modifying—

16 COUNCIL MEMBER: That's sort of a threat.

17 CHAIRPERSON GREENFIELD: Ah, well, you
18 and I will take that offline. Incidentally, we will
19 be modifying one of the 462 Broadway special permit
20 applications. 462 Broadway is an existing six-story
21 building in the SoHo Cast Iron Historic District in
22 Council Member Chin's district. This special permit
23 pursuant to Section 74-781 of the Zoning Resolution
24 will allow retail uses in the cellar and ground floor
25 of the building. The application has agreed—the

2 applicant has agreed that no establishment will have
3 more than 10,000 square feet of customer occupiable
4 selling space, and the Council will be modifying
5 Special Permit plans to reflect some additional
6 restrictions such as time and place of loading, and
7 trash removal replaced on the Special Permit plans.
8 Retailers will need to comply with them as a
9 condition of the zoning. However, we will be voting
10 to disapprove LU 717, the other special permit
11 application at 462 Broadway. This special permit
12 under Section 74-922 the Zoning Resolution will allow
13 for a large retail use over 10,000 square feet. The
14 applicant proposed to convert the ground floor
15 through third floor to—of the building to a single
16 retail establishment of approximately 28,634 square
17 feet exclusively the cellar, which would also be used
18 as a retail space. They're not considered floor area
19 under the zoning. Council Member Chin has indicated
20 she's unable to support the special permit because
21 retail at this scale is not appropriate for this
22 location. The community has then articulated quality
23 of life concerns that cannot be adequately addressed.
24 They include concerns about loading and the amount
25 that will be necessary for retail of that size,

2 accessible elimination (sic) of multiple floors, the
3 amount of trash in any of the large retails and areas
4 of now public sidewalks, and the increase is likely
5 to disrupt a pop-up (sic) events in establishments
6 further than 10,000 square feet. Are there any
7 questions or remarks on any of these applications?
8 Hearing none, we will now move on a vote in
9 accordance with the recommendations of the
10 Subcommittee to approve LUs 709, 711, 729, 728, 727
11 to approve modifications of LUs 716, 718, 719, 720,
12 721, 726, and 727, and to disapprove LU 710 the Made
13 in Puerto Rico Café and LU 717 special permit under
14 74-922 at 462 Broadway. Will the clerk pleas call
15 the roll?

16 CLERK: Committee Clerk Matthew Di
17 Stefano, Committee on Land Use. Roll call vote to
18 approve LU Nos, 709, 711, 728, 729 to 737, and to
19 approve with modifications 716 and 718 through 727
20 and to disapprove 710 and 717. Chair Greenfield.

21 CHAIRPERSON GREENFIELD: That was almost
22 as fast as me. Pretty good. I vote aye.

23 CLERK: Gentile.

24 COUNCIL MEMBER GENTILE: [off mic] I vote
25 aye.

2 CLERK: Palma.

3 COUNCIL MEMBER PALMA: [off mic] Aye

4 CLERK: Mendez.

5 COUNCIL MEMBER MENDEZ: [off mic] Aye

6 CLERK: Rodriguez.

7 COUNCIL MEMBER RODRIGUEZ: [off mic] Aye.

8 CLERK: Koo.

9 COUNCIL MEMBER KOO: I vote aye on all.

10 CLERK: Lander.

11 COUNCIL MEMBER LANDER: [off mic] Aye

12 CLERK: Rose.

13 COUNCIL MEMBER ROSE: [off mic] Aye

14 CLERK: Williams.

15 COUNCIL MEMBER WILLIAMS: [off mic]

16 Permission to explain my vote?

17 CHAIRPERSON GREENFIELD: Council Member

18 Williams to explain his vote.

19 COUNCIL MEMBER WILLIAMS: [on mic] Thank

20 you very much. First, again I want to thank—I want

21 to congratulate Council Member Richards on his

22 negotiations with Rockaway and the deep affordability

23 that's there. (coughs) I still have some—some concern

24 about the negotiations that have to be worked out to

25 fill in the banks, but at least we have some deep

2 affordability there. I want to congratulate Council
3 Member Barron for the great work she did (coughs) and
4 now beginning that project, and then part of the
5 committee I believe helped to push forward on those
6 issues and concerns that she had. So, I'm going to
7 vote aye on all with the exception of LU No. 737, and
8 I also just want to congratulate my colleague Cornegy
9 for the work he must he must have put into get where
10 we are today. I just want to remain consistent on
11 voting against projects that are either zonings or
12 have city funding in it. That does not go into deep
13 affordability that is needed as we continue to talk
14 about the homelessness crisis and the lack of deep
15 affordability. I'm very glad that he got a
16 commitment to things we want to do in the commercial
17 and residential. I'm sorry, commercial and retail I
18 would have been apt to support if those were binding,
19 but since it is only an agreement, we've too many of
20 the agreements go awry, and once they do go awry,
21 we're going to be left with something that I don't
22 think brought the most benefit that we have brought.
23 But congratulations given because I know those are
24 difficult negotiations. So aye on all with exception
25 LU 737, aye on all. [background comment]

2 CLERK: Richards.

3 COUNCIL MEMBER RICHARDS: I want to say
4 congratulations to all my colleagues as well on their
5 projects, and also I neglected to thank the Far
6 Rockaway Working group for all of their work that was
7 done. I vote aye.

8 CLERK: Barron.

9 COUNCIL MEMBER BARRON: Permission to
10 explain my vote.

11 CHAIRPERSON GREENFIELD: Council Member
12 Barron to explain her vote.

13 COUNCIL MEMBER BARRON: Thank you, Mr.
14 Chair. I neglected to say that the other issue of
15 the shadow that this development was going to cast on
16 the Garden was also addressed by the developer and
17 the developer has agreed to give the garden \$10,000
18 each year to help facilitate getting the electricity
19 hookup for the garden, and to get grow lights in the
20 garden, and additionally as a part of the Community
21 Benefits Agreement, the developer has agreed to give
22 \$15,000 each year to community-based organizations in
23 the district. So, I vote aye on all with the
24 exception of 437 on which I'm abstaining. Thank you.

25 CLERK: Cohen.

2 COUNCIL MEMBER COHEN: I am abstaining on
3 LUs 718 and 719, and I am voting aye on all other
4 items on the calendar. [pause]

5 CLERK: Council Member Barron.

6 COUNCIL MEMBER BARRON: Yes, that
7 abstention is on 737. Thank you.

8 CLERK: Kallos.

9 COUNCIL MEMBER KALLOS: Aye on all.

10 CLERK: Reynoso.

11 COUNCIL MEMBER REYNOSO: Congratulations
12 to Council Member Donovan Richards and all the
13 Council Members for their work today. I'm look
14 forward to the ferry to Mott Avenue instead of having
15 to take it halfway there and then take the shuttle
16 bus and I thought we were done with unicorns, but
17 this is a really good idea. I think you did a very
18 good job. So, congratulations. I think Far Rockaway
19 is going to be much better for it. So, I vote aye on
20 all.

21 CLERK: Torres.

22 COUNCIL MEMBER TORRES: I vote aye on
23 all.

24 CLERK: Treyger.

2 COUNCIL MEMBER TREYGER: With
3 congratulations to my colleagues who have done great
4 jobs for their districts, I vote aye on all.

5 CLERK: Alright, by a vote of 16 in the
6 affirmative, 0 in the negative and no abstentions,
7 the LU items have been adopted with the exception of
8 LU 737, which was adopted by a vote of 14 in the
9 affirmative, 1 in the negative and 1 abstention and
10 LU 716 and through 718 through 727, which were
11 adopted by a vote of 16 in the affirmative, 0 in the
12 negative and no abstentions, with exception of LU 718
13 and 719, which was approved with modifications.
14 Adopted the approval modifications with a vote of 15
15 in the affirmative, 0 in the negative and no
16 abstentions, and LUs 710 and 717, which were
17 disapproved by a vote of 16 in the affirmative, 0 in
18 the negative and no abstentions.

19 CHAIRPERSON GREENFIELD: Thank you and to
20 respond to a point made by Council Member Reynoso, I
21 think the layperson doesn't appreciate the
22 significance of the Far Rockaway Rezoning because it
23 happened so smoothly. The fact that it happened so
24 smoothly is to the credit of Council Member Richards,
25 who has been working on this literally for years and

2 lined up the support, and made sure that he had the
3 buy-in of his community organizations and Community
4 boards and civic groups and ended up with an
5 incredibly successful result. So, we should not
6 lessen the celebration of this achievement simply
7 because there are not people picketing outside who
8 are upset. If anything, I think it speaks to the
9 success of this project and under your stewardship
10 and with the cooperation of the Administration and
11 the Department of City Planning, and our outstanding
12 Land Use staff who were able to achieve a really
13 wonderful result that we can celebrate here today.
14 So, I reiterate my congratulations on this wonderful
15 transformative achievement for your district, and
16 that we're looking forward to great things to come
17 for Far Rockaway. With that, we will keep the vote
18 open for another ten minutes until 12:07 p.m. for the
19 late comers and then we will adjourn. Thank you very
20 much. [pause] Thank you all. This concludes the Land
21 Use Committee for the meeting of August 22, 2017.
22 This meeting is hereby adjourned. [gavel]

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C E R T I F I C A T E

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



Date September 2, 2017