

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE JOINTLY  
WITH COMMITTEE ON TECHNOLOGY

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HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS: ADRIENNE E. ADAMS  
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## A P P E A R A N C E S (CONTINUED)

SARAH CARROLL, Commissioner, Chair of  
Landmark Preservation Commission

GARDEA CAPHART, Director of Financial  
Management, Landmark Preservation  
Commission

LISA KERSAVAGE, Landmark Preservation  
Commission, Executive Director

ALI RASOULINEJAD, Director of Community  
and Intergovernmental Affairs, Landmark  
Preservation Commission

MARISA LAGO, Director and Chair of the  
Department of City Planning

ANITA LAREMONT, Executive Director  
Department of City Planning

SUSAN AMRON, Department of City Planning

JON KAUFMAN, City Planning Architect

SAMIR SAINI, Commissioner of the  
Department of Information Technology and  
Telecommunications (DoITT) and New York  
City Chief Communications Officer

MICHAEL PASTOR, General Counsel  
Department of Information Technology and  
Telecommunications

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

JOHN WINKER, Associate Commissioner for  
Financial Services

ARMANDO MORITZ-CHAPELLIQUEN, ANHD

ANTHONY VALDO (SP?), Born and raised in  
Lower East Side Manhattan

PAULA SEAGALL, Senior Staff Attorney at  
the Community Development Project

VALERO ORCELLI (SP?), Project Director of  
the Cooper Square Community on the lower  
east side of Manhattan

JULIA DURANTE MARTINEZ, Community Land  
Trust Coordinator at New Economy Project

ROBERT BRILL (SP?), outside Counsel to  
the Local 3 of the International  
Brotherhood of Electrical Workers

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2                   SARGEANT AT ARMS, EDWIN LOPEZ: Test,  
3 test, today's date is March 7, 2019. This is  
4 Committee Hearing on Land Use being recorded by  
5 Sargeant at Arms, Edwin Lopez.

6                   CHAIRPERSON RAFAEL SALAMANCA JR.: (gavel  
7 pounding). Alright good afternoon and welcome to  
8 today's hearing of the Land Use Committee. I am  
9 Council Member Rafael Salamanca and I am the Chair of  
10 the Committee. Today we will be examining the Fiscal  
11 2020 Preliminary Budget and Fiscal 2019 Preliminary  
12 Mayor's Management Report for LPC and with that I  
13 just want to recognize my esteem colleagues who are  
14 members of the Committee that are present today. We  
15 have Council Members Gibson, Baron, Chair Kallos,  
16 Reynoso, Richards, Grodenchik, Chair Adams, Diaz, and  
17 Council Member Rivera and now I will hand it off to  
18 our Chair Adams.

19                   CHAIRPERSON ADRIENNE ADAMS: Thank you  
20 very much Chair Salamanca and good day to all who are  
21 here for this hearing. I am Council Member Adrienne  
22 Adams, the Chair of the Council Subcommittee on  
23 Landmarks, Public Siting and Maritime Uses. This  
24 hearing will cover the Fiscal 2020 Preliminary Budget  
25 and the Fiscal 2019 Preliminary Mayor's Management

1  
2 Report for the Landmark Preservation Commission or  
3 LPC. With that also since my colleague has  
4 introduced our colleagues with us, we also have the  
5 Landmarks Preservation Commission. LPC is the  
6 largest municipal preservation agency in the nation.  
7 It carries out its responsibility for protecting New  
8 York City architecturally, historically and  
9 culturally significant buildings and sites by  
10 granting them landmark or historic district status  
11 and regulating them after designation. This hearing  
12 will focus on LPCs \$6.8 million Fiscal 2020  
13 Preliminary Budget, which while small holes a  
14 particular importance to the fabric and history of  
15 our great city. As communities evolve, so to should  
16 the landmark designation process. We should ask  
17 ourselves as a City whose story is being told through  
18 our landmark designations. Is the Landmark  
19 Designation Process reflected of the diverse New York  
20 City Community who decides what story our landmarks  
21 should tell? These are some of the questions that we  
22 hope the Commissioner will be able to answer for us  
23 today. We always look forward to working with LPC  
24 towards improving the Land Use Process and I would  
25 like to thank Commissioner Sarah Carroll, Chair of

1  
2 the Landmark Preservation Commission and her staff  
3 for joining us today. Counsel will you please swear  
4 in the panel?

5 COUNSEL: Uhm before responding, please  
6 state your name. Do you each swear or affirm that  
7 the testimony that you are about to give will be the  
8 truth, the whole truth and nothing but the truth and  
9 to answer all questions truthfully.

10 SARAH CARROLL: Sarah Carroll, I do.

11 GARDEA CAPHART: Gardea Caphart, I do.

12 LISA KERSAVAGE: Lisa Kersavage, I do.

13 ALI RASOULINEJAD: Ali Rasoulinejad, I  
14 do.

15 COUNSEL: Thank you all very much you may  
16 proceed.

17 SARAH CARROLL: Thank you Chair Salamanca  
18 and Chair Adams and good afternoon to you and the  
19 members of the Land Use Committee. It is an honor to  
20 come before this body for a hearing on the Landmarks  
21 Preservation Commissions Fiscal Year 2020 Preliminary  
22 Budget and my first Budget in the capacity as Chair  
23 of the Commission. I am joined today by Lisa  
24 Kersavage, our Executive Director, Gardea Caphart our  
25 Director of Financial Management and Ali Rasoulinejad

1  
2 our Director of Community and Intergovernmental  
3 Affairs. As you know, the Commission's Mission is to  
4 protect the significant architectural, historical,  
5 and cultural resources of our city. In the nearly 25  
6 years that I have worked at LPC I have seen first  
7 hand the power of preservation to revitalize  
8 communities to support economic development and bring  
9 pride of place across all five boroughs. Since 1965,  
10 when Mayor Robert Wagner signed introduction 653 into  
11 law the Commission has designated more than 36,500  
12 buildings, districts and sites throughout the five  
13 boroughs. Essential to the continued protection and  
14 preservation of these and future designations are the  
15 resources available to the Commission. With that, I  
16 will begin my testimony today with an overview of our  
17 Preliminary Budget and then discuss my priorities for  
18 the agency including how the pillars of equity,  
19 efficiency and transparency will support our work.  
20 The LPCs adopted Budget of Fiscal Year 2019 was \$6.68  
21 million and for Fiscal Year 2020 the preliminary  
22 Budget is \$6.84 million which consists of \$6.22  
23 million in city funds and \$617,000 in Federal  
24 Community Development Block Grant Funds. The 158,000  
25 increase in our budget is primarily due to collective

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2 bargaining increases for union employees and Merrill  
3 increases for managers and original jurisdiction  
4 employees. Of the overall preliminary budget, 91%  
5 which is \$6.21 million is allocated to personnel  
6 services and 9% \$630,000 to other than personnel  
7 services. Our budget supports the agency's five  
8 department including the research department,  
9 responsible for evaluating and advancing properties  
10 for designation, the preservation department that  
11 reviews permit applications for work on designated  
12 properties, the enforcement department that  
13 investigates complaints of potential violations and  
14 helps owners correct non-compliances and the  
15 archeology and environment review departments that  
16 assist City, State and Federal Agencies in their  
17 environment review process. The agency's total  
18 headcount in the Preliminary Fiscal Year 2020 Budget  
19 is 85, including 77 full-time positions and 8 part-  
20 time positions. Of the CDBG funding about 80% is  
21 allocated to personnel supporting critical community  
22 development related functions such as surveys,  
23 environmental review, archaeology, community outreach  
24 and education. While about 20% or approximately  
25 \$115,000 is allocated for our historic preservation



1  
2 grant program for low income home owners and not for  
3 profit organizations. I will now discuss the work of  
4 the Commission that these resources will support.  
5 First starting with research and designations. In  
6 Fiscal Year 2018 we designated 17 individual  
7 landmarks, two historic districts, one interior  
8 landmark and one scenic landmark for a total of 481  
9 buildings and sites. Among these designations, are  
10 the New York Public Library Main Reading Room and  
11 Catalog Room, the Empire State Dairy Company Building  
12 and Complex in East New York, the Coney Island  
13 Boardwalk and three individual landmarks in East  
14 Harlem. I am especially proud of the designation of  
15 the Central Harlem Historic District which is not  
16 only architecturally significant but also a  
17 remarkable reminder of the substantial role that the  
18 African-American community of Harlem played in  
19 creating political and social change in New York City  
20 and the Nation. In Fiscal Year 2019 we have  
21 designated three individual landmarks and one  
22 historic district to date. These include 550 Madison  
23 Avenue, the former AT&T Headquarters Building and the  
24 World's first post-modern style skyscraper, 236  
25 President Street, the first purpose built free

1 kindergarten in the borough and the Park Terrace  
2 West, West 217<sup>th</sup> Street Historic District. A  
3 significant enclave of revival style residential  
4 architecture in Inwood. We have spent the last  
5 several months conducting extensive surveys, studies  
6 and evaluations for potential future designation  
7 proposals. One of those surveys resulted in  
8 prioritizing four potential historic districts in  
9 Sunset Park which the Commission voted to calendar in  
10 January. This neighborhood does not have a historic  
11 district today but with the calendaring of these four  
12 districts, more than 500 buildings are now being  
13 considered for landmark protection. These districts  
14 contain distinctive streetscapes that represent a  
15 history of the working and middle-class communities  
16 that developed here in the early 20<sup>th</sup> century.  
17 Moving forward, I am committed to ensuring that the  
18 agency continues to recognize the buildings and  
19 communities that reflect the city's diversity to  
20 protect historic resources and communities that have  
21 been less well-represented by designation and to tell  
22 the story of all New Yorkers through our  
23 designations. Since my tenure began as chair, we  
24 have prioritized studies of historic resources  
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1 related to immigrant, LGBT and Labor History as well  
2 as residential and industrial heritage throughout the  
3 five boroughs. I will now turn to our Preservation  
4 and Permitting Operations. The key to success in  
5 preservation is effective regulation which requires  
6 an efficient, transparent and accessible process for  
7 applicants. Buildings are living, thriving  
8 contributors to the dynamism of New York City. Our  
9 job is not to prevent change but to manage it so that  
10 we can ensure that these buildings and sites are  
11 protected and allow to adapt to remain a vital part  
12 of our city's continued growth. Our Preservation  
13 Department is the largest department within the  
14 Commission and is the regulatory arm of our agency.  
15 Our staff are professionally trained preservationists  
16 who work with property and business owners to help  
17 them obtain approval for work that meets their needs  
18 and is sensitive to the historic building and  
19 context. Each year approximately 94% to 97% of  
20 permits are issued by the staff pursuant to the  
21 Commission's rules. The remaining 3% to 6% of the  
22 applications are reviewed by the full Commission. In  
23 Fiscal Year 2018, the Commission received 14,011  
24 permit application and took action on 12,563  
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1  
2 applications ranging from restoration and repairs to  
3 windows and storefronts to additions and new  
4 buildings. Through the first half of this Fiscal  
5 Year we have received 6,858 applications and have  
6 taken action on 6,361 applications. Additionally,  
7 over the past calendar year we engaged in a  
8 comprehensive public process to streamline the permit  
9 review and approval for everyday work. The effort  
10 culminated in the unanimous adoption of our major  
11 amendments and new rules. These updated rules will  
12 be easier to use and will increase transparency and  
13 efficiency for those who interact with the Commission  
14 from homeowners and small businesses who file for  
15 permits to community boards and preservation groups  
16 who weigh in on these projects. A variety of new and  
17 expanded work types are included in the amended rules  
18 such as provisions for barrier free access and to  
19 improve energy efficiency and resiliency in historic  
20 buildings. Outreach and education are also essential  
21 to our success. Since my tenure began our commitment  
22 to raising awareness about the benefits and  
23 responsibilities of preservation has been tangible.  
24 We have ramped up our community outreach and began  
25 publishing new educational materials. Our aim in

1 this effort is two-fold, to boost support for  
2 historic preservation and designations and to educate  
3 and make our processes more accessible to applicants  
4 and the public. We hope that these materials and  
5 increased accessibility will improve the public's  
6 interaction with the commission. For Fiscal Year  
7 2019 we are on track to participate in or host 36  
8 outreach sessions with the public and community  
9 groups an amount higher than the Commission's recent  
10 history and double the number of events from just  
11 five years ago. During outreach events, agency staff  
12 discuss a range of material including the  
13 Commission's History and Designation Process,  
14 instruction on how to obtain permits for work and  
15 funding opportunities available to owners of historic  
16 properties including the Commission's own historic  
17 preservation program. I am confident that these  
18 outreach events will have a probable impact on  
19 improving the public's accessibility to the  
20 Commission and compliance with the landmark's law.  
21 In addition to our increased presence in communities,  
22 we have taken a number of steps to enhance  
23 transparency through technology upgrades. Just prior  
24 to the start of the Fiscal Year and as a part of our  
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1  
2 process to amend the Commission's Rules we launched  
3 two unique online tools. There is a new interactive  
4 web map that for the first time allows users to  
5 geographically see both proposed and approved work at  
6 all landmarks and buildings within historic  
7 districts. There is also an enhanced search tool  
8 allowing users to search for relevant work types  
9 within specific districts. Building on that work, in  
10 December 2018, as a response to feedback from  
11 Community Boards, I directed staff to develop and  
12 launch a monthly reporting system for community  
13 boards. This system implemented in February relays  
14 all permits issued and applications filed to each  
15 community board at the beginning of each month,  
16 providing greater transparency and access to the  
17 agency's regulatory work than ever before. Finally,  
18 we are updating, revising and creating a variety  
19 of new and easy to follow guides and fact sheets for  
20 those interacting with the Commission. During the  
21 fall, we related our updated guidelines for  
22 archeological work in New York City, the product of a  
23 State Grant and consultation with over 100  
24 stakeholders. Shortly thereafter we began to publish  
25 a series of one-page fact sheets and more recently we

1 have begun work on a comprehensive update to our  
2 permit application guide which will provide  
3 applicants with step-by-step instructions on filing  
4 and completing these applications for work. Before I  
5 conclude, I want to return to the Historic  
6 Preservation Grant Program, a modest Federally funded  
7 initiative targeted for low and moderate-income  
8 homeowners and not-for-profit organizations to help  
9 restore and repair the façades of their landmark  
10 buildings. For Fiscal Year 2019, the program has  
11 awarded three \$30,000 grants to three not-for-  
12 profits. They include the Stuyvesant Heights  
13 Christian Church in Bedford Stuyvesant Expanded  
14 Stuyvesant Heights Historic District, the Little  
15 Theater, an individual and interior landmark in the  
16 theater district and the Biltmore Theatre an interior  
17 landmark also in the theater district which is also  
18 listed on the National Register of Historic Places.  
19 So, in summary, we are excited for the future of  
20 preservation in New York City and thank the  
21 administration and the Council for your continued  
22 support and the resources provided in this Budget.  
23 We are a small agency and nearly the entirety of our  
24 budget is personnel based. This is a hard-working  
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1  
2 and dedicated staff with an outsized impact on our  
3 City, responsible for the protection and preservation  
4 of its most significant buildings, districts and  
5 sites. Our commitment is that we will continue to do  
6 so with the resources provided and strive to do so  
7 equitably, efficiently and transparently. Thank you  
8 again for allowing me to testify and I am happy to  
9 answer any questions you may have.

10 CHAIRPERSON RAFAEL SALAMANCA: Thank you  
11 Chair Carroll for your testimony. I want to direct  
12 some of my questions toward the Historic Preservation  
13 Grants that your agency gets from the Federally  
14 Funded Initiative, what was the total amount that LPC  
15 received from the federal government for Fiscal Year  
16 2019.

17 SARAH CARROLL: So, the agency, the  
18 agency receives a little over \$600,000 in CD money,  
19 nearly \$500,000 of that funds personnel services that  
20 relate to community activity and planning activities  
21 such as our Environment Review, Survey Work and  
22 Outreach as well as our Historic Preservation Grant  
23 Program. Specifically, \$115,000 is allocated to the  
24 Historic Preservation Grant Program.



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2 CHAIRPERSON RAFAEL SALAMANCA: So, you  
3 receive \$600,000 from the federal government?

4 SARAH CARROLL: It comes to OMB and ...

5 CHAIRPERSON RAFAEL SALAMANCA: It comes  
6 to OMB, so \$600,000 goes to LBC. And of that  
7 \$600,000, \$500,000 is used for personnel services?

8 SARAH CARROLL: That's cor... it's a little  
9 less than that but close to it. It's about \$485,000  
10 or 95,000.

11 CHAIRPERSON RAFAEL SALAMANCA: And so  
12 about \$115,000 of it goes to the, these uhm.

13 SARAH CARROLL: To the...

14 CHAIRPERSON RAFAEL SALAMANCA: Historic  
15 Preservation Grants?

16 SARAH CARROLL: That's correct.

17 CHAIRPERSON RAFAEL SALAMANCA: Now, is  
18 that a number that is required by the federal  
19 government, that 115 or is that something the LPC  
20 sets aside themselves out of that \$600,000.

21 SARAH CARROLL: That is something that we  
22 work with OMB and we set aside for it and to date we  
23 have been meeting the demand of all eligible  
24 applicants.

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CHAIRPERSON RAFAEL SALAMANCA: But so, my question is, that \$600,000 what percentage of it has to go to grants? What percentage of it is required by the federal government to go to grants? Because I am seeing that you are getting the biggest percentage of the \$600,000 is going to personnel services?

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SARAH CARROLL: So, the \$115,000 is what is set aside for the Grant Program.

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CHAIRPERSON RAFAEL SALAMANCA: Who sets that aside? The federal government or the City of New York?

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SARAH CARROLL: The City of New York.

14

CHAIRPERSON RAFAEL SALAMANCA: So, in essence that entire \$600,000 can go to Grant money for the City, for the City of New York?

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SARAH CARROLL: No, no, we have vital personnel that are funded by that grant, that CD money. Uhm, but I would add that you know we review applications you know every year on a rolling basis, there is no deadline and we have been able to award grants to all eligible worthy applicants.

23

CHAIRPERSON RAFAEL SALAMANCA: So, I mean 91% of your funding comes from the City.

25

SARAH CARROLL: That is correct.

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2                   CHAIRPERSON RAFAEL SALAMANCA: So, you  
3 are getting, you are getting the \$600,000 from the  
4 federal government and you are utilizing \$500,000 for  
5 personnel services. Why are you not utilizing the  
6 91% of the money that you are getting from the City  
7 for personnel services and utilizing that \$600,000  
8 for grant opportunities for New Yorkers?

9                   SARAH CARROLL: No, you know I think that  
10 the CD money funds as I said extremely vital  
11 personnel that, including our grant program personnel  
12 but I do also want to say that again that if there  
13 were a need for more funding, we could work with OMB  
14 on that but to date we have been able to meet the  
15 demand.

16                   CHAIRPERSON RAFAEL SALAMANCA: How many  
17 applications were submitted in Fiscal Year 2019? How  
18 many were granted? I see three were granted. How  
19 many were submitted and how many were denied?

20                   SARAH CARROLL: So, we, we did receive  
21 uhm what did ... alright here we go. We received 12  
22 applications, alright and uhm 7 of those did not meet  
23 the, either the HUD income requirement or the HUD  
24 requirement that the rental unit in the building be  
25 affordable and in one case the owner did not occupy

1  
2 the building which is another HUD requirement. So, 7  
3 of the 12 did not meet the, the HUD eligibility  
4 requirements and then beyond that, 5 others, we  
5 awarded 3 and two applications are current under  
6 review. And again, these come in on a rolling basis  
7 so that's why the 2 are currently under review.

8 CHAIRPERSON RAFAEL SALAMANCA: How many  
9 staff members do you have set aside just for this  
10 Grant Process?

11 SARAH CARROLL: We have three positions  
12 who work within this program. We have a Grant  
13 Administrator, a Grant Coordinator and a Grant  
14 Intern.

15 CHAIRPERSON RAFAEL SALAMANCA: So, these  
16 three positions you tell me that in combination they  
17 are getting a salary of half a million dollars?

18 SARAH CARROLL: No, these are positions  
19 that actually they are people who work in other  
20 positions within the agency and they also work in  
21 this program but the CD money funds, it specifically  
22 has to fund planning efforts and community efforts.  
23 And so, it is, it funds some of our survey work for  
24 designations. It funds our Environment Review and  
25 Archaeology Departments and our Grant Intern.

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CHAIRPERSON RAFAEL SALAMANCA: How can we  
get a breakdown of how this \$500,000 is actually  
being allocated?

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SARAH CARROLL: We can provide that to  
you.

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CHAIRPERSON RAFAEL SALAMANCA: A detail,  
line by line?

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SARAH CARROLL: Yes.

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CHAIRPERSON RAFAEL SALAMANCA: I mean I  
don't need names or so of employees but you know...

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SARAH CARROLL: We can give you an exact  
breakdown.

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CHAIRPERSON RAFAEL SALAMANCA: You can  
give me what the salary is and how much is actually  
being spent in surveys. I see that this year for the  
first time there was a religious institution that was  
awarded this preservation grant?

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SARAH CARROLL: Uh-huh.

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CHAIRPERSON RAFAEL SALAMANCA: About a  
year and a half ago, two years ago I put in a Bill  
requesting that there be grant money set aside for  
religious institutions. In my District I have a  
church that was built in the 1800s. We took them out  
of the Landmark Status. They were in the process, in

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the application process because there were concerns that you know they depend on donations from their parishioners and I represent a very low-income community and the concerns were that should they need to have structural capital needs they would not be able to afford them. But I want to preserve that building, so how are you able to approve this religious institution #1? And #2, what is the status of my Bill because I know that we were holding off on it because we were waiting from, a response from HUD to tell us if they can approve this, this type of request?

SARAH CARROLL: So uhm, we, the first question in how are we able to provide this Grant and that is because the grant is for restoration work on a portion of the building that is used as a daycare. So, not for a portion of the building that is used for worship and #2 we still have not received a response from HUD so we work very closely with OMB to get guidance on how to interpret that requirement.

CHAIRPERSON RAFAEL SALAMANCA: Alright and my last question on this matter, how much? What was the total amount that you, well you receive

1  
2 \$600,000 from, consistently? Is it the same amount  
3 every year? Every Fiscal Year?

4 SARAH CARROLL: About the same amount. I  
5 think it is actually for Fiscal 2020, it is \$630,000.

6 CHAIRPERSON RAFAEL SALAMANCA: Okay, so I  
7 want to, so for Fiscal Year, we are still working on  
8 Fiscal Year '19, for Fiscal Year '18 how much was set  
9 aside for Grant Opportunities?

10 SARAH CARROLL: It's the same \$115,000.

11 CHAIRPERSON RAFAEL SALAMANCA: Alright,  
12 so that means that, and you only utilized \$95,000 of  
13 that money?

14 SARAH CARROLL: That's correct.

15 CHAIRPERSON RAFAEL SALAMANCA: So that  
16 money goes back to OMB?

17 SARAH CARROLL: That money goes back to  
18 OMB.

19 CHAIRPERSON RAFAEL SALAMANCA: And do you  
20 keep track of that money?

21 SARAH CARROLL: So, it is, it is not our  
22 money to keep track of but what I would say is that  
23 we are actively seeking applicants for our Grant  
24 Program.

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CHAIRPERSON RAFAEL SALAMANCA: So, what  
does OMB do with that?

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SARAH CARROLL: We continue to allow  
applications.

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CHAIRPERSON RAFAEL SALAMANCA: Do you  
know what OMB did with that extra? Uhm was it  
\$15,000, \$20,000?

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SARAH CARROLL: I do not.

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CHAIRPERSON RAFAEL SALAMANCA: So, they  
just put it back into the general fund?

11

12

SARAH CARROLL: OMB determines how the  
funding..

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CHAIRPERSON RAFAEL SALAMANCA: Even  
though that money was allocated specifically for your  
Agency?

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SARAH CARROLL: That's correct.

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CHAIRPERSON RAFAEL SALAMANCA: I have  
concerns with that. Alright, I am going to sign it  
off to the Chair of the Committee, Chair Adams.

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CHAIRPERSON ADRIENNE ADAMS: Thank you  
very much Chair Salamanca. Uhm thank you once again  
Chair Carroll and your staff for being here today. I  
have a few questions before I turn it over to my  
colleagues uhm for questions. Specific note is taken

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2 uhm in landmarking in the City of New York  
3 particularly from me since I've been Chairing this  
4 Committee for a little over a year now and realizing  
5 that it is very, very Manhattan Centric if you will,  
6 and I'm sure that is no secret to any of your or  
7 anybody here in this room today. My question and my  
8 concern are outreach to other areas of the City who  
9 have not been afforded if you will, the same  
10 consideration for landmarking, why that is? What  
11 your plans are to change that? Uhm we mentioned a  
12 portion of Harlem, the Circle District that was named  
13 last year which I was really happy. But in doing  
14 that, and speaking to members of the community  
15 surrounding this designation, as historic as Harlem  
16 is, it is maybe 2% of less than 2% landmarked and  
17 particular question was brought to me as the Chair of  
18 the Committee why that would be in the City like this  
19 that celebrates Harlem? So, before I get any further  
20 than that, can you just address that?

21 SARAH CARROLL: Yeah, so I think that uhm  
22 you know it is true that there are many Manhattan,  
23 landmarks in Manhattan and it is interesting  
24 actually, the highest number of buildings and sites  
25 designated is actually in Brooklyn but there are

1  
2 certainly communities with a lot of activism and  
3 advocate in these two boroughs. We have, just to  
4 sort of answer the last, the first question, we've in  
5 particular, I have taken a great interest in  
6 expanding our outreach to communities across all five  
7 boroughs to try to generate support and to support  
8 designations and to be able to include more diverse  
9 communities that represent our entire rich City and  
10 our future designations. Specifically in Harlem we  
11 have been working ver... we actually have a number of  
12 historic district in Harlem and we have been working  
13 closely with Save Harlem Now and Community Board 10,  
14 Community Board 10 did put together a preservation  
15 plan and at this point, we have designated three of  
16 the historic districts from that plan and we continue  
17 to work in the neighborhood and in fact, we're  
18 embarking on another study very soon.

19                   CHAIRPERSON ADRIENNE ADAMS: That is  
20 great to hear and that's really what I wanted to  
21 hear, that you were working with the Community Groups  
22 to increase that percentage, particularly in Harlem  
23 even though we want to see some things done in Queens  
24 as well. I just want to make that clear also. So,  
25 there are more potential designations coming to the

1  
2 Commission related to buildings with cultural  
3 significance, i.e. Stonewall Inn and Young Lord's  
4 Church in East Harlem. These are buildings that  
5 don't necessarily have the architectural merit that  
6 the LPC is used to seeing so financial incentives  
7 that are designed to preserve the exteriors of  
8 history facades may not be helpful in preserving many  
9 historic cultural resources. Is the LPC willing to  
10 develop new tools to address the needs of cultural  
11 landmark designations?

12                   SARAH CARROLL: So, you know I think one  
13 thing is individual landmarks with cultural history  
14 have long been recognized by the Commission but it is  
15 an, a priority for me to continue to look at  
16 designations that represent all aspects of our  
17 cultural history and even architecturally distinctive  
18 buildings, we are trying to bring more of the  
19 cultural history into those designations as well.  
20 With respect to the architectural character of the  
21 building, when we look at properties with cultural  
22 significance, especially where there isn't  
23 architectural significant the fabric of the building  
24 that gets regulated by us after designation must  
25 embody that cultural significance. So, for example

1  
2 with Stonewall Inn, the façade dates to the period of  
3 the event. And/or Louis Armstrong's House is a  
4 relatively modest house but he lived there for a very  
5 long periods and he made alterations to the building  
6 and that building retains the appearance it did when  
7 he lived there and made those changes, so, uhm the  
8 fabric does need to reflect that cultural  
9 significance and so therefore the financial  
10 incentives that would be available for any landmark  
11 for restoration and repair to maintain it in that  
12 intact maintained manner would apply for buildings  
13 with cultural significance as well.

14 CHAIRPERSON ADRIENNE ADAMS: Okay thank  
15 you and thank you for referencing Armstrong House as  
16 well it is another uhm landmark that is near and dear  
17 to my heart. Okay, in addressing legacy businesses,  
18 in recent years there has been growing interest in  
19 creating new tools to help preserve long-time  
20 independent businesses. One tool created in San  
21 Francisco is a legacy business registry in which  
22 long-time businesses apply for listing and must  
23 demonstrate that they have contributed to  
24 neighborhood history and identity. A special subsidy  
25 program is available to businesses that are named to

1  
2 the list. Has LPC undertaken any research or  
3 consideration for a program like this that would  
4 celebrate and help preserve long-time businesses  
5 outside of a traditional landmark designation?

6 SARAH CARROLL: So, I am familiar with  
7 the program, I don't know it in great detail and I  
8 think it would be worth uhm studying. We certainly  
9 would love to support businesses, especially  
10 businesses that have been very critical to the City's  
11 history and in you know when we regulate businesses,  
12 I think that we are very mindful that our regulation  
13 should be flexible enough to meet their needs and you  
14 know so things like store fronts and awnings and  
15 signage. We have rules that allow a lot of  
16 flexibility so that we can support them and so you  
17 know one thing to think about I think is that we  
18 don't regulate use or tendency and as a regulatory  
19 agency I think it would merit some exploration of  
20 whether we would be the appropriate agency to  
21 determine who should benefit from this but I think it  
22 is a very interesting program and worth exploring.

23 CHAIRPERSON ADRIENNE ADAMS: Okay, I  
24 encourage you to do that.

25 SARAH CARROLL: Yeah.

1  
2 CHAIRPERSON ADRIENNE ADAMS: That would  
3 be wonderful. In taking a look at uhm owner  
4 opposition to landmark and we know that we have seen  
5 this over the past year or so, I think that I  
6 probably had the most exciting entrée into this  
7 committee and seeing some very interesting things  
8 that I was told never happened before.

9 SARAH CARROLL: (laughing).

10 CHAIRPERSON ADRIENNE ADAMS: So, I take  
11 credit for that, good or bad. We have gone through  
12 some times last year. What are the major issues that  
13 owners opposed to landmark designation give to you?

14 SARAH CARROLL: So, I think that owners,  
15 the most common fears are the cost and time that  
16 regulation will involve and so they have con... you  
17 know concerns about cost and, and, and delays in  
18 getting permits. And in fact, you know, we work  
19 very, very closely with property owners as we move  
20 through the designation process before we even can  
21 formally consider a property and when we start to  
22 think about it we meet with owners very early on to  
23 try to address those concerns and I think that uhm  
24 you know that relationship building is very important  
25 because after designation obviously, we will have a

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continued relationship and that relationship of it is a good relationship is the best way to kind of avoid those kinds of concerns, but you know I think many of those concerns actually don't bear out. I think it is more of the kind of initial fear of an agency having some oversight over changes you want to make but the reality is, is we are a very user-friendly accessible agency and we work very hard to be efficient and to be able to meet people's needs. It is important to us that buildings continue to adapt and meet property owners needs and so we work very hard to, to do that in an efficient and accessible way.

CHAIRPERSON ADRIENNE ADAMS: Thank you, I've actually seen a lot of that in motion so I can appreciate those comments as well. We know that we have had interesting times so I can appreciate those comments as well. Have you had to alter at all the designation process to respond to any of these concerns?

SARAH CARROLL: We have uhm done a few uhm steps in our process. One is that we have, we start to do more research early in the process so that when we begin to talk to property owner we have

1  
2 more information for them to help them understand why  
3 we are interested and what particular aspects would  
4 be protected uhm and which aspects might not need  
5 regulation so that we can have more you know clearer  
6 conversations earlier on before we even enter into  
7 the process and then of course now before we have a  
8 public hearing we make the draft designation report  
9 available to them which is also something that didn't  
10 happen in the past and so this way they again are  
11 fully informed and we've had a dialog with them about  
12 what we are interested in. And the other uhm and we  
13 do spend a lot of time as I said in meeting with  
14 owners in particularly in historic districts, we are  
15 out in communities many times as we go through the  
16 process. The other uhm aspect of the designation of  
17 course is the Council's support. So, we work very  
18 closely with the Council and I think another new  
19 change that we have made is recently we've been  
20 providing your team with as much information as we  
21 can as early on in the process as we can.

22 CHAIRPERSON ADRIENNE ADAMS: Yes, we  
23 appreciate that. Thank you. Uhm alright I am going  
24 to turn it over to my colleagues for questions. I  
25 may have some more uhm in a second round but we will



1  
2 have questions now from Council Members Richards,  
3 Kallos and Koo in that order.

4 DONOVAN RICHARDS: Thank you Chairs and I  
5 just want to followup on I think what uhm Chair Adams  
6 was eluding too and I'm looking at your Citywide  
7 Landmark Designations Map and first I want to thank  
8 you because I think we got two landmarks in Far  
9 Rockaway.

10 SARAH CARROLL: Yes, we do.

11 DONOVAN RICHARDS: Both the prison and  
12 the fire house. Uhm, but and that's a step forward.  
13 We still have a long way to go but as you look on  
14 this map, the, the further south you go it seems like  
15 you know I don't know if we just don't have enough  
16 civic pride or we are not, we are not a city  
17 attraction but the last I checked in St. Albans is  
18 you know the home of Jackie Robinson and so many jazz  
19 greats I can't even name them all. Uhm, so, I am  
20 just interested in hearing a little bit more on as  
21 you look toward the future of landmarks and I know  
22 that you are sort of adjusting here now. Uhm, how  
23 are you looking from the equity lands to ensure that  
24 communities Southeast Queens, Queens period has so  
25 much culture, coming to America part 2 is coming out.

1  
2 I mean there has to be something going on in Queens  
3 and it is just not reflective, reflecting it on this  
4 particular map.

5 SARAH CARROLL: Yeah, and I think you  
6 know to speak to the Jackie Robinson Home and the  
7 Jazz Musicians we actually do have a lot of that  
8 history captured in our Addisleigh Park Historic  
9 District which we are you know very excited about and  
10 we have done a number.

11 DONOVAN RICHARDS: What is the status of  
12 that by the way?

13 SARAH CARROLL: That.

14 DONOVAN RICHARDS: It is going through  
15 finally right.

16 SARAH CARROLL: It has been a district  
17 for a couple of years now but we have also spent a  
18 lot of time with the community doing outreach  
19 sessions since designation. And, so I think you know  
20 we just haven't seen as much advocacy in some of  
21 these areas but it is incredibly important to us that  
22 we identify designation opportunities that do  
23 represent the entirety of the City and so we are  
24 really, that's why I think it is really important  
25

1  
2 that we increase our presence in all of these  
3 neighborhoods to try to raise awareness and.

4 DONOVAN RICHARDS: And what could we do  
5 to be helpful in this conversation?

6 SARAH CARROLL: So, in many of our uhm  
7 outreach sessions that we have been holding in the  
8 fall, we have partnered with local council members to  
9 host us or provide a forum for us and so we would be  
10 happy to partner with you and talk about doing a  
11 session in your community district.

12 DONOVAN RICHARDS: Great, thank you so  
13 much.

14 SARAH CARROLL: Thank you.

15 DONOVAN RICHARDS: Thank you Chair.

16 CHAIR ADRIENNE ADAMS: Council Member  
17 Koo.

18 PETER KOO: Excuse me, yeah, uhm thank you  
19 Chair Sarah Carroll. Uhm my question to you is that  
20 I want to, Manhattan is the highest number of City  
21 Landmarks but you just said Brooklyn has the highest  
22 number of.

23 SARAH CARROLL: Largest number of  
24 buildings and site.

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PETER KOO: So, we, I was mistaken and but anyway. But we know that there has been a push to get more areas outside of Manhattan, landmark. Even I find our Flushing is very old. You know it was founded in 1645, maybe before New York City.

SARAH CARROLL: Uh-huh.

PETER KOO: So, even in my area there must be a lot of landmark, a lot of duties capable of being landmarked. So, can you provide me a breakdown by volume of where the LPC funds are being spent?

SARAH CARROLL: Okay so we are, you know our research department that does surveys works across all five boroughs to survey. So, I don't know that I can do a breakdown but we can try to think about how we can analyze for that but we do look across all five boroughs and the staff is deployed, deployed equally across, across the City so and we are as a resident of Queens myself I am very interested in looking for opportunities in Queens and I think it is just, it is a matter of really partnering with the members of the Community to generate some excitement.

PETER KOO: Okay, thanks.

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CHAIR ADRIENNE ADAMS: Council Member  
Kallos?

BEN KALLOS: Good afternoon.

SARAH CARROLL: Good afternoon.

BEN KALLOS: How are you doing leading  
the LPC after so many years as a, as a staff person?

SARAH CARROLL: I am enjoying it. It is  
a very exciting time, thank you.

BEN KALLOS: Uhm I have had occasion to  
send request for evaluation to the LPC and I believe  
almost all of them are outstanding since you have had  
a chance to come on. I haven't seen any of the move  
forward. In particular, I have schools that are over  
100 years old in our district that are part of the  
progressive area where we literally had City and  
suburban which was the first middle class built,  
purpose-built housing and they built John J. Park  
with a, with at bath house to provide it and I am not  
sure if the bathhouse is landmarked. You, you would  
know better than I but perhaps we should put in an  
RFE on that too and then we have that and across the  
street we have a library. We haven't heard back on  
that. At the same time, we have Yon Housch (SP?)  
Church (SP?) which was built I believe in 1908. It

1  
2 has survived to this day providing homeless services,  
3 children's services uhm, uhm, give me three seconds.  
4 There is lactation support groups, AA, like we've got  
5 everything there and it's been there for over 100  
6 years and it just got purchased to be redeveloped and  
7 so I think we are at this point if I need to get on  
8 my hands and needs I would but uhm since this is a  
9 budget hearing I would just say how much money do you  
10 know so that you staff can adequately address these?  
11 And what is the status on these important RFEs?

12           SARAH CARROLL: Uhm the, the request for  
13 evaluation and I will look at it. You should have  
14 received responses for them. But when we get  
15 requests for evaluation and we get about 100 a year,  
16 we look at those to determine eligibility under the  
17 Landmarks Law and if they appear to meet the criteria  
18 for designation and may merit then they become part  
19 of our general inventory of areas that we are serving  
20 around the City and decisions to prioritize or  
21 advance certain items are based on many factors  
22 including architectural, cultural, historical  
23 significance, uhm agency priority so for example,  
24 looking equitably across all five boroughs and all  
25 communities and uhm and compare and also comparative

1  
2 analysis with other similar designated and  
3 undesignated buildings. So, there are many factors  
4 in determining which items from that inventory  
5 advance at any given time. We are actively at  
6 Yorkville. We currently have one property  
7 calendared. We are very near to calendaring another  
8 property that speaks also to the immigrant history in  
9 Yorkville and Yon Housch (SP?) is an architectural  
10 that also really speaks to the cultural history so we  
11 are actively looking at that as well.

12                   BEN KALLOS: May I have a followup  
13 question? Just give me a second to remember that  
14 question. Uhm. I will ask if there is a second  
15 round.

16                   CHAIR ADRIENNE ADAMS: You have one  
17 minute.

18                   SARAH CARROLL: And just to correct there  
19 are actually two in Yorkville that are currently  
20 calendared.

21                   CHAIR ADRIENNE ADAMS: Okay. Okay thank  
22 you I've got a couple of more then I'm going to yield  
23 to Chair Salamanca. Uhm Council member Richards  
24 brought Queens into the picture as I, as I did  
25 previously as well, Chair Carroll and you being from

1  
2 Queens also, we are looking for items to be  
3 landmarked in Queens and if we are looking, I saw  
4 look no further than the Unisphere. Uhm which should  
5 have been landmarked a long time ago.

6 SARAH CARROLL: It is.

7 CHAIR ADRIENNE ADAMS: So, uhm I mean the  
8 entire World Sphere if you will. So, I will just  
9 throw that out there. I don't know what's going on  
10 with that but.

11 SARAH CARROLL: Actually, the Unisphere  
12 is landmarked.

13 CHAIR ADRIENNE ADAMS: Is it?

14 SARAH CARROLL: Yeah.

15 CHAIR ADRIENNE ADAMS: Okay, what about  
16 the rest of the campus? (laughing).

17 SARAH CARROLL: Yeah, we, we are we've  
18 been thinking about that as well.

19 CHAIR ADRIENNE ADAMS: Okay, alright, I'm  
20 going to keep that out there then. What is the  
21 process of choosing potential landmarks or historic  
22 district designations to research?

23 SARAH CARROLL: So, again we are  
24 surveying areas across the city as well as getting  
25 requests to look at properties by the public and so



1  
2 we look at all of those and then in determining which  
3 ones to move forward we uhm and again there is sort  
4 of a minimum threshold is that they need to be 30  
5 years or older and significant architectural and  
6 cultural or historically and in the case of a  
7 historic district that the collection of buildings  
8 has a distinct sense of place so we, you know are  
9 looking at areas all the time for potential resources  
10 and when we think about which items to advance, we,  
11 you know some of the decisions that we made to  
12 prioritize have to do with equity across the five  
13 boroughs, trying to spread designations that  
14 represent all communities, looking at areas that are  
15 actually less well-represented by designations  
16 already and uh and of course looking at areas that  
17 have significant cultural history as well. So,  
18 these, these are all sort of the ideas that we think  
19 about as we think about which items to push forward.

20 CHAIR ADRIENNE ADAMS: Okay thank you. I  
21 will just ask one more question and then I will yield  
22 to Chair Salamanca. Now, you mentioned uhm I guess  
23 local uhm community groups. To what extent does LPC  
24 rely on input for elected officials, community  
25 groups, local activists? To what extent is that

1  
2 compared to the work that you pro-actively set out to  
3 do?

4                   SARAH CARROLL: I think we, we, welcome  
5 that support and we are very always excited to hear  
6 from community groups as well as Council members  
7 especially because the Council Members have a role in  
8 the process. We, ultimately, we have to make  
9 determinations on merit but if something is  
10 meritorious that support is very, very helpful to us.

11                   CHAIR ADRIENNE ADAMS: Okay thank you,  
12 Chair Salamanca.

13                   CHAIRPERSON RAFAEL SALAMANCA: Uhm I want  
14 to uhm just give Chair Kallos 30 seconds to ask his  
15 last question.

16                   BEN KALLOS: Thank you, I really  
17 appreciate it. Uhm have you had occasion to uhm read  
18 this story in the New York Times, the Radical Priest  
19 versus the Private School involving basically what is  
20 a remnant of an old orphanage from my district from  
21 the 1800s that was revealed. My understanding is  
22 that LPC and the landmark standards does not protect  
23 items like these that, that is what I was advised by  
24 my local historic organization, Friends at the Free  
25 Side Historic Districts. Is there, is it something

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worth considering that perhaps we might want to start working with the standard so that as buildings are being developed that we are able to say, you know what even though they, that, there are parts of the building that are worth landmarking and remembering or is it just the, the cold hard truth that no, no matter what the story and how compelling the story is and how New York Times worthy the story is uhm it is still just not a landmark?

SARAH CARROLL: There are really kind of two parts to that answer and the first is you know that we regulate entire units of property when we designate them. And so, a, and so in this case the building itself to which this fragment is attached or integrated in is, the building itself does not meet the criteria for designation. But even if it did, the landmarks Commission has no jurisdiction over construction on properties adjacent to landmarks. There is no way under the Landmarks Law that we can protect the view of a sidewall if a new building is constructed next to a landmark.

BEN KALLOS: Thank you, uhm, my last round of questions, when will your um, when will your agency provide this committee with the breakdown of

1  
2 how that, how that money for personnel service, a  
3 half a million dollars is?

4 SARAH CARROLL: We can do that quickly.

5 BEN KALLOS: Okay.

6 SARAH CARROLL: We will get that back to  
7 you quickly.

8 BEN KALLOS: Alright uhm what type of  
9 outreach is your agency doing for this historic  
10 preservation grants? I just find it hard to believe  
11 that only 12 applicants in a city as big as ours  
12 applied?

13 SARAH CARROLL: I know, we, we are  
14 actively seeking people, taking applicants and we do.

15 BEN KALLOS: How? How exactly? Because I  
16 never see you in my community.

17 SARAH CARROLL: We do targeted mailings.  
18 We have again starting last fall we have increased  
19 the number of sessions. We actually did do a session  
20 that you partnered with us on a couple of years ago.

21 BEN KALLOS: Yeah that was a few years  
22 ago.

23 SARAH CARROLL: Yeah.

24 BEN KALLOS: At my request.  
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SARAH CARROLL: Yes, and we have uhm I think we actually are heading to the Bronx again, Mount Haven in the next couple of months, so, we are happy to work with any of you if you would like us to come out into your community.

BEN KALLOS: Chair, in the last three Fiscal Years, actually before I get there, well no, in the last three Fiscal Years how much of that Historic Preservation Grant funding was given back to OMB?

CHAIR ADRIENNE ADAMS: Do we have a dollar amount there?

SARAH CARROLL: I don't have a dollar amount. We can get that to you. But I think that in most years we are, we use the entire money. There have been a couple of years.

BEN KALLOS: Well, Fiscal Year '18 uhm you used \$95,000, right? Fiscal Year, let's do the math here, Fiscal Year '18.

SARAH CARROLL: Okay so there is about \$15,000 to \$20,000 each year that we don't use. This year, we, because we have two applications pending, we still have some money reserved for that but should those not work out and they don't meet the

1  
2 eligibility requirements we would like to return to  
3 the three applicants who have already been awarded  
4 grants to try to increase the amount given to them so  
5 that we do use the entire amount.

6 CHAIR ADRIENNE ADAMS: So Fiscal Year.

7 BEN KALLOS: So, my math, my math there,  
8 between Fiscal Year '17 and '18, there was \$47,326  
9 that was given back to OMB. What does OMB do with  
10 that money?

11 SARAH CARROLL: I don't know what they  
12 do. I mean it's a question, it's for City use and I  
13 think it.

14 BEN KALLOS: But that money is given  
15 specifically to, to the city geared toward your  
16 agency for landmarks. So, if you are not utilizing  
17 that money, what is OMB doing with that funding? How  
18 are they justifying that with the federal government?

19 SARAH CARROLL: So, the money is given to  
20 the City and the City allocates the money to us. And  
21 therefore, if it is not used then they re-allocate it  
22 and I think beyond that it's an OMB question.

23 BEN KALLOS: I just think that whatever  
24 money that OMB allocates for this uhm for this grant  
25 opportunity uhm if that money is being given back to

1  
2 OMB because these homeowners are not falling under  
3 whatever, the criteria that is required by HUD maybe  
4 the City with that funding should create it own grant  
5 funding and create it's own criteria to try to help  
6 out those families that don't qualify to see how we  
7 can help them. I just, it just baffles me that only  
8 12 applicants applied and in this Fiscal Year there  
9 are only three. Uhm I just, it doesn't sit right  
10 with me. Alright with that uhm I want to thank you  
11 Chair, oh, I'm sorry I have uhm a Council Member  
12 Treyger who has some questions.

13 MARK TREYGER: Thank you very much Chair.  
14 Uhm first of all again I do appreciate LPC working  
15 with us to finally landmark the boardwalk and I am  
16 truly appreciative of that. Uhm I just I do have a  
17 quick question on, this just came to my attention  
18 recently so I'm, I'm just learning this and just  
19 wanted to flag this for LPC. Uhm so I think you are  
20 familiar with Charles Denson, Coney Island History  
21 Project. Uhm he posted something on his social media  
22 that I don't know if it got to your attention that  
23 the Grashorn Building on Coney Island which  
24 apparently according to him is the Coney Island's  
25 oldest structure still standing, owned by Joe Sitt of

1  
2 Thor Equities in the Buildings Department, granted  
3 Thor Equities a demolition permit on January 23,  
4 2019, no heads up to my office or to anyone really in  
5 the community. Uhm, does the Buildings Department  
6 check in at all with LPC about any potential  
7 historical structures before a Demo Permit is issued.  
8 I mean this is the last oldest structure still  
9 standing on Coney. I'm not sure, were you aware of  
10 this prior.

11 SARAH CARROLL: I was not aware of it,  
12 no. But the Department of Buildings does have a  
13 process where they, before they issue a Demolition  
14 Permit, they require applicants to submit  
15 documentation showing the building is not a landmark  
16 and not currently calendared for consideration. So,  
17 there is that check but if it is something that  
18 hasn't been calendared uhm but even, but that is for  
19 all buildings I should saw. But there is a status  
20 letter in that it is not landmarked and not  
21 calendared, so we do have an opportunity to look at,  
22 items when they ask for that but this one, I'm, I'm  
23 not aware of.

24 MARK TREYGER: Alright maybe if we could  
25 just followup with your office after.



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SARAH CARROLL: Sure.

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MARK TREYGER: After this hearing. I

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mean it's, I just learned of it myself and there was

5

really no heads up to the community and this was part

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of a contentious you know, Thor Equities went through

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a contentious rezoning in '09, and there was promises

8

about to revitalize this area, not to demolish this

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area uhm and so I would like to follow up with your

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office afterwards.

11

SARAH CARROLL: Certainly, we will

12

followup.

13

MARK TREYGER: Thank you, thank you

14

Chair.

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CHAIRPERSON RAFAEL SALAMANCA: I want to

16

thank you Chair for you and your team for coming here

17

today and we look forward to more conversations on

18

some of our questions. Up next, we will have the

19

Department of City Planning here.

20

SARAH CARROLL: Thank you. (long pause)

21

CHAIRPERSON RAFAEL SALAMANCA: Alright,

22

good afternoon and welcome to today's hearing of the

23

Land Use Committee. I am Council Member Rafael

24

Salamanca and I am the Chair of the Committee. Today

25

we will examine the Fiscal 2020 Preliminary Budget

1  
2 and the Fiscal 2019 Preliminary Mayor's Management  
3 Report for the Department of City Planning. Before  
4 we start, I wanted to recognize my colleagues who are  
5 joining us today. We have Chair Adams, Chair Moya  
6 and Chair Kallos present. We also have Council  
7 Member Reynoso, Kallos, Miller, Chair Adams, Council  
8 Member Gibson and Chair Kallos. This hearing will  
9 review the Department of City Planning's Proposed  
10 \$45.8 million Fiscal 2020 Preliminary Budget. While  
11 this figure appears small in the context of the  
12 City's overall budget, City Planning is about re-  
13 defining our collective future as a City so it is  
14 worth spending a little extra time on it today. Our  
15 questions will not only address the particulars of  
16 this year's budget but the overall approach that the  
17 City is planning in New York City and we are  
18 resourced to do the work that we need to do, broadly,  
19 significant serious questions have been raised by  
20 this Council about the current practice of selecting  
21 only a handful of neighborhoods and engaging in a  
22 continuous years' long individual planning process as  
23 our primary mold of accommodating growth without  
24 comprehensively addressing the needs of the entire  
25 City, New York has allowed decades old regulations to

1  
2 remain in place in many neighborhoods. In my  
3 District for example, much of the zoning is R6 and  
4 R7, unchanged since 1961 allowing the broad zoning of  
5 mid to high-density development regardless of the  
6 local character of neighborhoods. Some of these  
7 areas have single family homes. Some have small  
8 historic row houses and others have large apartment  
9 buildings but all have the same planning thinking  
10 from the early 1960s. How is that possible in a City  
11 as dynamic and New York City that neighborhoods like  
12 my District and many others still operate with  
13 divergent of the future express by planners from the  
14 early 1960s? What if we tolerated that approach in  
15 healthcare? Some neighborhoods get the care and  
16 technology a doctor in 1961 would provide and others  
17 get modern thinking? In the Council's report to the  
18 Charter Revision Commission we included numerous  
19 recommendations for improving the planning process in  
20 New York. Most prominently a potential framework for  
21 the creation of a comprehensive plan develop with  
22 community-level participation and with the clear  
23 guidelines to accommodate the City's projected growth  
24 and infrastructure needs. Such a plan will serve as  
25 a foundation for both public and private development

1  
2 decisions and a framework for updating and  
3 maintaining the zoning map and zoning text for  
4 contemporary needs. We look forward for advancing  
5 the conversation about how the City's Land Use and  
6 Planning Process can be improved with the Charter  
7 Revision Commission and working with DCP in the  
8 interim to collectively deliver better outcomes for  
9 all New Yorkers. I emphasize collective because  
10 without meaningful partnerships, very little of  
11 substance can be accomplished in planning and I hope  
12 we can find a way in the remaining 2 years and 9  
13 months of this Administration to build those  
14 partnerships. I would like to thank the Director and  
15 Chair of the Department of City Planning, Marisa Lago  
16 and Anita Laremont, Susan Amron and Jon Kaufman for  
17 joining us today. I look forward to a robust  
18 conversation about ways in which we can improve and  
19 how we plan for our city. But I know and understand  
20 very well that the work that you do is hard and I  
21 would like to thank you for doing it. So, will the  
22 Committee Staff please swear in the panel.

23 COUNSEL: Before responding uhm please  
24 make sure that your mic is on and state your name  
25 into the mic. Do you each swear or affirm that the

1  
2 testimony that you are about to give will be the  
3 truth, the whole truth and nothing but the truth and  
4 to answer all questions truthfully.

5 MARISA LAGO: Marisa Lago, yes.

6 ANITA LAREMONT: Anita Laremont, yes.

7 JON KAUFMAN: Jon Kaufman, Jon Kaufman,  
8 yes.

9 SUSAN AMRON: Susan Amron, yes.

10 MARISA LAGO: Well, good afternoon Chair  
11 Salamanca and subcommittee Chairs Moya, Adams, and  
12 Kallos, and also all distinguished members of the  
13 Committee. Thank you for giving us this opportunity  
14 to discuss the Department of City Planning. I will  
15 probably end up using the acronym DCPs Preliminary  
16 FY2020 Budget and thank you especially Chair  
17 Salamanca for noting that we are tiny but mighty at  
18 City Planning. Uhm before turning to the Budget, I  
19 would like to touch upon a few critical topics.  
20 Transparency, training and the 2020 census. City  
21 Planning continues to develop and make available for  
22 absolutely free easy to use digital planning tools.  
23 These sophisticated tools are made for the public for  
24 residents, students, businesses and elected  
25 officials. They are meant to increase public fluency

1  
2 in New York City's complicated Land Use Review  
3 process. They allow the public to explore,  
4 understand and navigate Land Use Rules. They put  
5 demographic and socioeconomic information at people's  
6 fingertips. Since I appeared before you last March,  
7 City Planning has released 10 separate digital tools.  
8 The most recent release is a first-ever interactive  
9 digital version of our Zoning Resolution. After this  
10 Green Formatted Zoning Resolution means that we will  
11 no longer have to be printing the 1500+ page  
12 document. This digital edition empowers the public  
13 which no longer will have to pay \$750 to get a hard  
14 copy of the Zoning Resolution making it much more  
15 readily accessible. A complete list of City  
16 Planning's tools that we launched in the last 12  
17 months is attached as an appendix to my written  
18 testimony. We have also made significant progress in  
19 increasing and improving training for community  
20 boards. At the request of this Committee, City  
21 Planning launched a series of training sessions to  
22 better engage with both new and more experienced  
23 community board members. These DCP workshops aim to  
24 strengthen community boards by providing consistent and  
25 ongoing training on fundamental planning principals.

1  
2 They also ensure that community board members are  
3 aware of the many data and planning resources and  
4 tools that are available to them for free through the  
5 Department of City Planning. This past year in  
6 coordination with all five borough president's  
7 offices, each DCP borough office provided training to  
8 new community board members reaching approximately  
9 235 community board participants with the vast  
10 majority of community boards being represented by at  
11 least one person. In addition, DCP has already  
12 hosted two leadership forums for community board  
13 chairs and District Managers. Nearly half of all  
14 boards were represented at these forums and we did a  
15 poll, an exit poll and 84% of those who attended  
16 stated that they would recommend the training to  
17 their colleagues so we will be holding yet another  
18 session. I want to thank this committee last year  
19 who asked us for more training, we have responded  
20 robustly and we are very pleased with the results. I  
21 would be remiss if I did not use absolutely every  
22 public occasion to emphasize the importance of a full  
23 accurate 2020 census calendar. The decennial census  
24 counts directly affected Federal Funding for many  
25 programs that are critical to the well-being of New

1  
2 Yorkers. Because the funding is based on our  
3 population, we must have an accurate count in 2020.  
4 The members of DCPs population division are renowned  
5 experts in counting urban areas. Their expertise was  
6 in View in the New York State Attorney General's Law  
7 Suit challenging the US Census Bureaus Decision to  
8 include a citizenship question on the 2020 census.  
9 Among the nationally recognized expert witnesses who  
10 were called to testify in the case was the City's  
11 Chief Demographer, DCPs own Joseph Salvo. As part of  
12 DCPs work to get a full count in next year's census,  
13 Dr. Salvo and his team submitted addresses for more  
14 than 122,000 housing units that the Federal Census  
15 Bureau didn't have on their address list. Overlooked  
16 addresses are frequently inhabited by vulnerable and  
17 under-represented populations. Finding these  
18 addresses means that about 300,000 more New Yorkers  
19 can now be counted. I will end with the top of this  
20 hearing, the Budget. DCP began Fiscal Year '19 with  
21 an Adopted Budget of \$52 million and an authorized  
22 head count of 355 full-time positions, \$31 million  
23 and 164 positions are funded with City Tax Levy  
24 Dollars and the remaining \$21 million and 191  
25 positions are funded primarily by grant awards from



1  
2 the Federal Government. Another way of looking at  
3 the \$52 million adopted budget, it allocates \$30  
4 million to personnel services and \$22 million to  
5 OTPS, other than personnel services. In comparison  
6 to the FY19 Adopted are FY20 Preliminary Budget of  
7 \$45.8 million and 379 full-time positions, represents  
8 a net reduction of \$6.2 million and a 24-position  
9 increase to our operating budget. This \$6.2 million  
10 decrease is the combination of a \$2.6 million  
11 increase in personnel services and \$8.9 million net  
12 decrease in OTPS funding. This variance of \$6.2  
13 million is driven primarily by the expiration of  
14 several one-time temporary projects and it is off-set  
15 by supplemental funding for a collective bargaining  
16 increases and some minor new needs. In the interest  
17 of getting to your questions on Agency Programming  
18 and Agency Policy I won't go into the detail around  
19 every 100,000 that is part of our adjustments  
20 although it is contained in our written testimony and  
21 if the Committee would prefer through its  
22 questioning, I would be glad to again go through it  
23 in pain-staking details. I will just sum up by  
24 noting that the Mayor's FY20 Preliminary Budget  
25 adequately supports City Planning's Robust Work

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2 Program, I should make that very robust work program  
3 allowing us to meet the needs and expectations of New  
4 Yorkers. So, thank you for inviting us to testify  
5 and we look forward to your questions.

6 CHAIRPERSON RAFAEL SALAMANCA: Thank you  
7 Chair for your testimony. My first round of  
8 questions will go toward the ULURP process, the Land  
9 Use Application Process. This process takes about  
10 seven months to complete but often takes years for an  
11 application to get to the ULURP. This Administration  
12 has approximately two years and nine months left; can  
13 you give us a list of the priority projects for  
14 completing in that timeframe?

15 MARISA LAGO: Certainly, we have quite an  
16 ambitious list of projects that we are looking to  
17 have get through ULURP during this Administration.  
18 It starts with Bay Street which is actually going, is  
19 in post CPC Hearing Review. We agreed as part of the  
20 East Harlem Rezoning to a followup action and that is  
21 now actively in the ULURP process. We have a  
22 provision, a proposed text amendment on mechanical  
23 voids, which again is headed towards a public hearing  
24 before the City Planning Commission. We have, in  
25 scoping, the pre ULURP process of preparing the

1 environmental impact statement, a text amendment  
2 dealing with special natural resource districts.  
3 This affects Staten Island and portions of the Bronx.  
4 We have work underway looking at North Brooklyn  
5 Industrial area. As you had mentioned, much of our  
6 zoning has remained unchanged since 1961 and that is  
7 particularly true of M manufacturing districts. We  
8 are looking at Gowanus. We have issued a framework  
9 working very closely with Council Members Lander and  
10 Levin. We are working with Council Member Reynoso on  
11 a rezoning of Bushwick. The list continues. This is  
12 a bit further out. These are projects that won't be  
13 until next year, entering certification, that  
14 includes Zoning for Resiliency. This is an updating  
15 of the Zoning that we put in place immediately  
16 following superstorm Sandy. We are looking at the  
17 areas around the four new Metro North Stations in the  
18 Bronx to determine whether the Land Use, whether the  
19 zoning around those stations make sense in light of  
20 the new transit access. We are also in your district  
21 and working closely with you looking at Southern  
22 Boulevard to see how we can capitalize on the State's  
23 investment to make that boulevard more, if not  
24 pedestrian friendly, at least easier to cross and get  
25

1  
2 access to the waterfront and then addition, we are  
3 working very closely with Council Member Chen and  
4 Borough President Brewer to look at the Land Use in  
5 SoHo and NoHo.

6 CHAIRPERSON RAFAEL SALAMANCA: Alright,  
7 can your office provide us with a list?

8 MARISA LAGO: Yes.

9 CHAIRPERSON RAFAEL SALAMANCA: Alright.  
10 I want to talk about the Neighborhood Rezoning and  
11 the studies. Has DCP conducted any studies to look  
12 at the effects of previous rezoning on low-income  
13 residents in and around the rezoning areas?

14 MARISA LAGO: It is very hard to look at  
15 impacts on individuals. Privacy considerations make  
16 that a challenge. I would also note that the  
17 rezoning at this point are at the oldest three years  
18 old and rezoning take place over time. The impacts  
19 of them are taking place over time but we are  
20 actually working closely with HPD to see how we can  
21 monitor, anticipate and put in place tools as  
22 neighborhoods change over time.

23 CHAIRPERSON RAFAEL SALAMANCA: No, the  
24 previous neighborhoods rezoned have, well the  
25 previous neighborhood rezoning that have been

1  
2 conducted have been predominantly in communities of  
3 color. East New York, Jerome, Inwood, East Harlem,  
4 Far Rockaways and there is a study happening in my  
5 community and the main concern that we have is  
6 gentrification, displacement of individuals that have  
7 lived there for decades. Do you believe that the  
8 City Led Neighborhood Rezoning Initiatives have  
9 targeted minority communities?

10 MARISA LAGO: No.

11 CHAIRPERSON RAFAEL SALAMANCA: But  
12 Commissioner, East New York, Jerome, Inwood, East  
13 Harlem, Far Rockaway are all communities of color.

14 MARISA LAGO: If, if I could, Chair, I  
15 would like to explain how we select neighborhoods.

16 CHAIRPERSON RAFAEL SALAMANCA: Yes.

17 MARISA LAGO: And it is, very dependent  
18 on requests coming from the communities. In each of  
19 the neighborhoods that we have rezoned and ones that  
20 are currently underway and that work program that I  
21 laid out; we have been approached by a combination of  
22 community boards. If that would be the case, in  
23 Council Member Gibson's District where two Bronx  
24 community boards came forward and asked us to rezone.  
25 They were then rezoned by a third community board.

1  
2 So, a combination of community boards, borough  
3 presidents, individual Council Members, we know that  
4 the key to a successful rezoning to address our  
5 housing crisis is a couple of things, one is transit  
6 access. Uhm, in much of the rest of the Nation  
7 people love to use the term TOD, Transit Oriented  
8 Development. We don't use it in New York because  
9 that is just the essence of how we grow. Another  
10 element though, is the buy-in of the Council Member,  
11 a willingness to start down this path. We are very  
12 pleased that Council Members Lander and Levin have  
13 asked us and been such partners in looking at  
14 Gowanus, a neighborhood where the AMI is well above  
15 the city average. We would welcome other Council  
16 Members who would come forward and ask to partner  
17 with us to look at their neighborhoods. Another  
18 piece of the equation is the private applications  
19 that are taking place. We routinely process private  
20 applications for zonings that result in MIH being  
21 triggered. Perhaps the most significant one that I  
22 would highlight is on the block directly south of  
23 Hudson Yards. Two landowners own two-thirds of that  
24 block. The Council approved a rezoning from an M  
25 zoning, again an outdated M zoning from 1961 to high

1  
2 density residential that was compatible with the  
3 surrounding neighborhood and without any City  
4 discretionary subsidy they are producing hundreds of  
5 units of permanently affordable housing in one of the  
6 City's very wealthy neighborhoods.

7 CHAIRPERSON RAFAEL SALAMANCA:

8 Commissioner, when you are doing, when your Agency is  
9 performing these studies, are you looking at  
10 potential gentrification of displacement of  
11 communities, is there an envir.. when you do your  
12 environmental impact study, is their study on  
13 gentrification or displacement?

14 MARISA LAGO: Yes, that is one of the  
15 categories that is called for to be looked at in the  
16 Secre (SP?) Manual. Council Member I realized that I  
17 did not address a portion of uhm your earlier  
18 question with respect to the concerns about  
19 gentrification when there is a rezoning underway. I  
20 think it is a critical part of our neighborhood  
21 rezoning or the neighborhood plan that precedes the  
22 rezoning because there is a recognition that  
23 certainly we at City Planning recognize that zoning  
24 is a powerful tool but it is not the only tool  
25 available to the City and so an intergel part of our

1  
2 Neighborhood Planning Process is working with HPD and  
3 being able to deploy their full suite of tools be it  
4 a certificate of no harassment policy, uhm be it a  
5 focus on preservation of the existing affordable  
6 housing, be it providing legal, free legal services  
7 to tenants who require them. And so that is part of  
8 the entire packet not just the rezoning alone.

9 CHAIRPERSON RAFAEL SALAMANCA:

10 Commissioner, you know, the main, one of the concerns  
11 that communities of color, at least my community that  
12 I am hearing from this other study is the amount of.  
13 It is easy, it is easy for us to negotiate and rezone  
14 a city-owned land where we can ensure that there will  
15 be 100% affordable housing. It, it is just much  
16 easier for us. Opposed to a vacant lot that has been  
17 sitting there dormant for decades by a private owner  
18 because they do not want to go through the process of  
19 the rezoning because it could be expensive. But yet,  
20 here comes the City which will rezone that piece of  
21 property for them and in essence Council Members will  
22 lose that power. Our power is the power to be able  
23 to rezone, to be able to negotiate and in that sense,  
24 we are taking that piece of land. We are requiring  
25 MIH which in some cases may be 30% of that, of that



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2 development be affordable forever but the other 70%  
3 they can charge whatever they choose to and so the  
4 concern that I hear in my communities is if this  
5 property owner sat on this piece of land for 10 years  
6 what is stopping him from not sitting on this land  
7 for another 5 years, sell it to a deep pocket  
8 developer who can come in and give that community of  
9 bare minimum of MIH and come in and bring above  
10 market rate. See, these communities of color are  
11 transit rich. My community is transit rich and so  
12 there is major concern where there are areas that we  
13 should be down zoning to protect the character of  
14 neighborhoods as part of the study. The options are  
15 being presented by City Planning is Up zoning.

16           MARISA LAGO: With respect Chair, all of  
17 our neighborhood rezoning have had up zoning  
18 components typically on the blocks closest to mass  
19 transit which are the areas that can best handle the  
20 density and then preservation, down zoning of areas  
21 of the neighborhood that are further from transit  
22 that are on the mid-blocks that have an established  
23 lower scale character and so we have that balance of  
24 up zoning in areas that we believe can handle the up  
25 zoning, that can handle the density and provide

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2 housing that is needed for a growing City with  
3 significant preservation components.

4 CHAIRPERSON RAFAEL SALAMANCA: Uhm,  
5 Chair, what are the benefits of the rezoning for  
6 those communities?

7 MARISA LAGO: In each, in each of the  
8 rezoning it is a, it is not a cookie cutter. It is  
9 not okay, here is the rezoning, here is what you get.  
10 The benefits vary based on what we have heard through  
11 the 2-1/2 to 3-years of planning that generally  
12 proceed, uhm based on recommendations from the  
13 community board and ultimately based on what the  
14 Council Member has identified as priorities. If we  
15 look at the East Harlem Rezoning, one of the most  
16 significant needs that was identified there was  
17 repairing the waterfront, giving this dense  
18 neighborhood better access to the waterfront. As  
19 Council Member Gibson will certainly know the  
20 rezoning of Jerome Avenue, the need for parks was  
21 identified and so there was both the addition of park  
22 land and significant capital investments in parks.  
23 What we can do if it is, it is tracked publicly by  
24 the Mayor's Office of Operation is give you a list of  
25 what the Capital Improvements area.

1  
2                   CHAIRPERSON RAFAEL SALAMANCA: Chair, so  
3 you know and that is interesting. Because East  
4 Harlem, their waterfront needed to be redone, Jerome  
5 Avenue, they needed these parks.

6                   MARISA LAGO: Right.

7                   CHAIRPERSON RAFAEL SALAMANCA: Because  
8 the City knew that they needed these parks. And as  
9 part of my study I'm asking for a list of Capital  
10 Needs for schools, capital needs for parks, there is  
11 major transportation infrastructure that is needed  
12 but that is the responsibility of the City, why  
13 should a community have to be rezoned for the City to  
14 do their job and invest those capital dollars where  
15 they are needed? Why is that they are you know  
16 hanging a carrot over us saying that we will give you  
17 a park that you need, we will fix that intersection  
18 that you need, we will add that traffic light that  
19 you need but allow us to build higher with the  
20 potential of gentrification and displacement?

21                   MARISA LAGO: I would address that in a  
22 couple of dimensions Chair, the first is that we are  
23 dealing with a legacy of disinvestment in these  
24 communities by prior Administrations, that is I think  
25 undebatable and it is the responsibility of the City

1  
2 to deploy it's capital budget, to address the needs  
3 Citywide and that is what we are doing. The,  
4 improvements, the amenities these, both capital and  
5 non-capital expenditures that come along with a  
6 rezoning are in addition to the underlying work  
7 programs of our City's Capital Agencies. We are  
8 proud that when we identify neighborhoods that are  
9 transit rich and that do have the opportunity to  
10 produce more housing that we are able as part of the  
11 rezoning to assess the needs and to provide special  
12 emphasis to provide more than what would perhaps  
13 otherwise would have resulted from a citywide  
14 budgeting process. And so, we are unapologetic about  
15 bringing additional resources to them.

16 CHAIRPERSON RAFAEL SALAMANCA: I think  
17 that these resources should be added to communities  
18 without asking these communities to create more  
19 density and, and add potential for displacement.  
20 With that, I am going to go to some of the questions  
21 of some of the Chairs that I have here. So, we are  
22 going to go with the Chair of Zoning, uhm Chair Moya.  
23 We are going to give the chairs five minutes and then  
24 we are going to give the, the Council Members three  
25 minutes.

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CHAIR FRANCISCO MOYA: Thank you uhm

Chairman and thank you all for being here. Just a couple of questions, uhm when it comes to sort of staffing and planning; how many of the current 381 staff at DCP are actual urban planners?

MARISA LAGO: There are 195 urban planners but what I would want to note is that we have a General Council's Office of 14 who are all expert Land Use Lawyers. I would also note that many people while not trained as planners have dedicated their careers to planning and I would note that while none of us here on the dais has a planning degree, we operate as sophisticated planners based on our professional experience.

CHAIR FRANCISCO MOYA: Okay and how many of, of those are assigned to each borough office?

MARISA LAGO: We have 95 planners in our borough offices. What, those those planners are supplemented by subject matter planning experts that we have at our headquarters and it ranges from people with expertise in housing planning, in waterfront and open space planning, regional planning and these resources are made available to our borough offices. I should also note that we have a Division focused on

1  
2 the intricacies of Drafting Zoning Text, another on  
3 Urban Design, another on Transportation and so these  
4 planners supplement the work of our borough offices.

5 CHAIR FRANCISCO MOYA: Okay, so do you  
6 believe that you have enough urban planners to carry  
7 out your mission? With those numbers?

8 MARISA LAGO: Yes, we have an ambitious  
9 mission but we feel properly resourced.

10 CHAIR FRANCISCO MOYA: Uhm, and what do  
11 you say to communities and numerous elected officials  
12 who feel that their voices are not heard in the  
13 planning process? Uhm I have, and with that I have  
14 also have suggested that each community board be  
15 given an urban planner to help navigate the complex  
16 world of City Land Use. Uhm I brought this up last  
17 year and just want to know what progress has been  
18 made, if any on, on that?

19 MARISA LAGO: I agree, uhm that we  
20 benefit when community boards choose to use their  
21 budget to invest in Planning Resources. They are  
22 better able to, to represent their community to make  
23 salient suggestions for improving projects that are  
24 going through the Land Use Review or to participate  
25 in planning studies. As I mentioned in my opening

1  
2 remarks, we are very pleased that last year this  
3 committee pointed out the fact that we needed to up  
4 our game when it came to training community board  
5 members and as a result, we have done sessions in  
6 each of the boroughs. In addition, we have held  
7 sessions at our headquarters because some members of  
8 even, who live in boroughs outside of Manhattan work  
9 in Manhattan and indicated that it would be easier to  
10 have the sessions at our headquarters. We intend to  
11 continue this. We focused initially on new board  
12 members as the highest priority. We then moved on to  
13 the community board chairs and the district managers  
14 and this year we are expanding the program and  
15 opening it up to any community board member. So,  
16 someone may have been on the community board a while  
17 and might appreciate a refresher course. The one  
18 thing that I would note is if it, if it would ever,  
19 if it ever would be helpful, we would welcome the  
20 participation of any of the members of your team that  
21 might be interested.

22 CHAIR FRANCISCO MOYA: Great uhm, I, I  
23 just have, if the Chair could indulge me, I just have  
24 two questions and I just want to make sure I can get  
25 them in. Uhm, when it deals to the unpredictable

1  
2 buildings in recent years, there has been a rise in  
3 the number of what we call unpredictable buildings.  
4 These are buildings that are surprisingly tall or  
5 large for a neighborhood. Many of these buildings  
6 are a result of zoning law mergers as you know and  
7 these are two properties are merged in order to  
8 transfer development rights from one property to the  
9 other, for example a developer could purchase a one-  
10 story commercial building next to a church, execute a  
11 zoning lot merger with the church. Transfer the  
12 church's development rights to their site and all of  
13 a sudden a new development that is much taller than  
14 anyone in the neighborhood has known to be possible  
15 comes through, does DCP have any way of knowing about  
16 these mergers and foreseeing how they will be used  
17 before the developers record a zoning lot development  
18 agreement when filing with the buildings permit?

19                   MARISA LAGO: I would note that this  
20 ability to subdivide and merge zoning lots is a  
21 fundamental property right that we believe underpins  
22 our approach to Land Use. Uhm currently there is  
23 not, it is quite difficult to figure out by going  
24 through the records when the zoning lot mergers have  
25 occurred and we would very much welcome having a



1  
2 system, perhaps through a filing with the Department  
3 of Finance so that it would bring more transparency  
4 to the process.

5 CHAIR FRANCISCO MOYA: Great and just my  
6 last question if that is okay. I note that, and  
7 maybe this was, this was asked before but how often  
8 does DCP help facilitate conversations about public  
9 and private partnerships with the MTA regarding  
10 transit improvements, specifically around transit  
11 accessibility? As, as the Chair of Zoning we've seen  
12 two examples lately and one of course and Chairman  
13 had mentioned it before but one in the Bronx and one  
14 in lower Manhattan. Is more funding needed to make  
15 these conversations happen more often? Uhm and if  
16 you could just elaborate with that a little bit more  
17 that would be helpful?

18 MARISA LAGO: Thank you for raising that  
19 because transit accessibility is a passion of mine.  
20 Uhm we are in I don't know how to emphasize strongly  
21 enough how frequent contact with the MTA looking for  
22 opportunities for accessibility. I am very proud of  
23 the fact that using a zoning mechanism we were able  
24 to with the one Vanderbilt Project make additional  
25 portions of the Grand Central Transit Complex more

1  
2 accessible. The other project that you mentioned was  
3 85 Broad Street here in lower Manhattan and by taking  
4 advantage of a special permit we were able to bring,  
5 well it's still being constructed, we will be bringing  
6 transit accessibility to the Terminus of the J and  
7 the Z-line. It is so important to be able to bring  
8 people with mobility challenges to work in the heart  
9 of the financial district and again that was without  
10 a public subsidy. We have seen in two of our  
11 zonings, uhm the looking over the planning aspect of  
12 it, requiring developers who have sites that could be  
13 the location of expansions of our subway system. In  
14 East Harlem for instance, being required before they  
15 develop to consult with the MTA about whether there  
16 is the need to reserve and easement for future  
17 accessibility. Uhm, we again we work with the MTA  
18 whenever there is a project that is adjacent to our,  
19 to a station.

20 CHAIR FRANCISCO MOYA: Thank you, thank  
21 you chair.

22 CHAIR RAFAEL SALAMANCA: Thank uhm next  
23 we are going to have questions from Chair Kallos.

24 CHAIR BEN KALLOS: Uhm, it's good to see  
25 you Chair Lago. Uhm my understanding is that you a

1  
2 background in physics. Do you know the subject of  
3 today's google doodle?

4 MARISA LAGO: It proudly honors a Russian  
5 female mathematician whose contributions are still  
6 being felt today in our weather forecasting ability.

7 CHAIR BEN KALLOS: Uhm does that mean one  
8 day the weather forecast will be right? Like on  
9 Monday? Fair enough. Uhm last year at the Executive  
10 Budget hearing I asked whether you were on track for  
11 a Zoning Text Amendment to close the loop on voids  
12 you met your target, thank you. Uhm when your report  
13 focused on residential districts, I joined with our  
14 borough president Gail Brewer and our Speaker Corey  
15 Johnson to ask that you include commercial special  
16 districts in Midtown and the Finance District, are  
17 you on track for June?

18 MARISA LAGO: We anticipate that we will  
19 be able to refer an Amendment addressing the very  
20 different conditions in Central Business Districts at  
21 some point this summer.

22 CHAIR BEN KALLOS: So that's June or July?  
23 Or is that July August?

24 MARISA LAGO: Again, I am not, I don't  
25 want to misstate but we are working assiduously on

1  
2 it. As you can imagine, Central Business Districts  
3 present a very different profile than do high-density  
4 residential districts.

5 CHAIR BEN KALLOS: I read in Gothamus that  
6 Rafael Vinoly who designed 432 Park and also  
7 incidentally designed 249 East 62<sup>nd</sup> Street which is  
8 referred to either as the Barbell Building or the  
9 Jetson's Building uhm was getting around the Zoning  
10 Text Amendment that you had prepared by simply  
11 converting their building from having a mechanical to  
12 just popping the walls off so that it is on stilts,  
13 will DCP be looking at this new loop hole was you  
14 look at your summer Text Amendment.

15 MARISA LAGO: We don't intent to, we  
16 don't intent to address that. We uhm are focusing on  
17 where we have seen actual challenges which we  
18 believe. Which is why we focused on mechanical voids  
19 in high-density residential districts. Where, we  
20 haven't seen stilts being abused. Where we see  
21 stilts, a perfect example, which I believe also is in  
22 your district is the City, the City Group Building,  
23 the one with the beautiful angle. The stilts there  
24 are to protect the landmark church.

1  
2 CHAIR BEN KALLOS: Right, so, so, yeah,  
3 it's not it's just outside my district. It's an area  
4 that I enjoy. I think I would distinguish between a  
5 building that uses height to protect a landmark  
6 church and actually, the building meets with a plaza,  
7 a public plaza and shopping center with a beautiful  
8 glassed in area for the public and a public use and  
9 then you have an enhanced subway entrance that I  
10 believe is accessible below, so I guess I would  
11 distinguish the 53<sup>rd</sup> Street Citibank Building which  
12 was not designed properly given different wind forces  
13 and is currently being redesigned and the, the  
14 architect has been the subject of quite some, some  
15 controversy there between space that creates public  
16 usable activation space versus stilts that are quite  
17 cynically so in the middle of a building to do  
18 nothing more than give folks a perhaps billionaires a  
19 better view. So, I guess that I would ask that you  
20 will reconsider. I will continue to advocate that if  
21 somebody tries to get away around the mechanical  
22 voids amendment by simply popping the walls off, that  
23 you would seriously consider it. As the Chair of the  
24 Subcommittee on Planning, Dispositions and  
25 Concessions, we are engaged in the preservation and

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construction of buildings that more often than not have no accessibility and one of the situations that I have in my district where a lot of my, a lot of my units are actually in the mid-block, a majority of my units are in the mid-block and in 4, 5 and 6-story walk ups and those apartments are, once the people age and all of us are going to age, and as we age uhm unless you are blessed in a way that I am your body starts to break down and you become less and less abled, people become shut ins and so it is very disheartening that we are spending billions on preservation for apartments that will be accessible to the tenants let alone if they have anyone in their family who does it and then there is occasions like becoming temporarily disabled, that is the term used for pregnancy uhm if it is something that happens to a lot of women and families in their lives where folks may not be able to get up five or six stories especially when there is complications so, would DCP be able to and do you have sufficient budgeting to investigate perhaps a special permit for 100% of affordable housing to add elevators and relaxed building envelopes and set back requirements to get

1  
2 that without losing the valuable FAR4 for affordable  
3 housing?

4                   MARISA LAGO: I would actually welcome  
5 continuing the conversation because as you are  
6 describing the 4, 5 and 6-story walk ups I am  
7 literally wincing because I now have a beautiful  
8 pain-free titanium knee but went for years with every  
9 step being agony.

10                   CHAIR BEN KALLOS: Thank you.

11                   CHAIRPERSON RAFAEL SALAMANCA: Thank you  
12 Chair Kallos. Up next we have Chair Adams.

13                   CHAIR ADRIENNE ADAMS: Thank you Chair  
14 Salamanca, welcome Chair Lago, it is a pleasure to  
15 see you today. Uhm I represent portions of Southeast  
16 Queens where we've had, we've had zoning over the  
17 past few years also. We also have an influx of  
18 building hotels in the area, so much like my  
19 colleagues question earlier, Chair Salamanca's  
20 question earlier, regarding DCPs studies to take a  
21 look at the effects of previous rezoning in certain  
22 areas, have there been any students by DCP on  
23 previous rezoning in Southeast Queens particularly as  
24 it uhm reflects on the infrastructure and the impact  
25 on infrastructure?

1  
2                   MARISA LAGO: Committee Chair could you  
3 uhm which particular rezoning are you referring to?

4                   CHAIR ADRIENNE ADAMS: Speaking about  
5 Tomeka area, specifically.

6                   MARISA LAGO: I don't believe so. I  
7 welcome following up with you about what the concern  
8 is. I have not heard that before.

9                   CHAIR ADRIENNE ADAMS: Great, okay. Uhm  
10 I'm going to move to another area, I'm going to be  
11 pretty quickly. I am the former chair of a community  
12 board, community board 12, uhm and I know that your  
13 partnership with community board 12, community boards  
14 in general, you take very seriously and I appreciate  
15 that. Uhm how was DCP involved in the recently  
16 passed Charter Revision to establish Specific  
17 Engagement Commission?

18                   MARISA LAGO: We were not involved.

19                   CHAIR ADRIENNE ADAMS: Not at all?

20                   MARISA LAGO: No. I would refer, I would  
21 refer you to Deputy Mayor Phil Thompson. It is he  
22 who is taking the lead.

23                   CHAIR ADRIENNE ADAMS: Uhm, okay, we will  
24 do that, alright, alright my last question is going  
25 to pertain to MIH. Uhm which was created in 2016 as



1  
2 a tool to be applied in new rezoning, the old  
3 voluntary inclusionary housing tools were left in  
4 place where they existed and the previous budget  
5 hearing your committed to reviewing the VIH program,  
6 can you provide an update on that and the timeline on  
7 when to expect the changes to the program?

8           MARISA LAGO: Yes, we have been working  
9 with Council Staff on that and we absolutely agree  
10 that when developers are given a floor area bonus and  
11 other incentives like a tax exemption the results  
12 should achieve more affordability. Now what I am  
13 pleased that HPD has already enacted new rules to  
14 prohibit the use of 421 A units to generate off site  
15 bonus. That was the double dipping uhm that had been  
16 of concern before so that loop hole has been closed.

17           CHAIR ADRIENNE ADAMS: Fantastic. I will  
18 just close with saying that we are so glad that you  
19 are here.

20           MARISA LAGO: Thank you and I also want  
21 to thank you in particular. Last year, I think that  
22 you were perhaps the strongest critic of the training  
23 that we were providing to community boards.

24           CHAIR ADRIENNE ADAMS: Probably.  
25

1  
2           MARISA LAGO: And it was, it was a wakeup  
3 call in which we went back and realized that we were,  
4 it wasn't consistent around the City and so in  
5 addition to the number of trainings, we are very  
6 proud of the materials that we have put together and  
7 are this next year, the fact that we can offer it to  
8 all community board members is a testament to your  
9 questioning so thank you.

10           CHAIR ADRIENNE ADAMS: Thank you very  
11 much, thank you for your leadership. Thank you.

12           CHAIRPERSON RAFAEL SALAMANCA: Thank you  
13 Chair Adams. Up next we have Council Member Reynoso.

14           ANTONIO REYNOSO: Welcome DCP and Chair.  
15 I just want to ask a couple of questions. The North  
16 Brooklyn study, contemplate the inclusion of  
17 residential uses in the study area beyond bringing  
18 residential buildings that predate the City's Zoning  
19 Code into compliance?

20           MARISA LAGO: No.

21           ANTONIO REYNOSO: Uhm, currently the City  
22 is from what I understand, vocally in support of the  
23 Loft Law. Now I wanted to ask how the Loft Law falls  
24 in line with your, your, uhm, your presentation or  
25 study related to the IPZ considering that there is no

1  
2 residential development suggested but the City seems  
3 to support the Loft Law which is looking for, to  
4 legalize conversions from manufacturing to  
5 residential.

6           MARISA LAGO: It's a tough one. In a  
7 city that is growing, growing both in terms of  
8 population and number of jobs and at an all-time high  
9 in population, we have to look for all opportunities  
10 for housing. At the same time, we recognize that  
11 IBZs are a resource consciously set up to preserve  
12 industrial jobs. Uhm, we have heard of ongoing  
13 conversations in which you have been a leader and  
14 look forward to see how they play out.

15           ANTONIO REYNOSO: Can I expect the city  
16 to be a partner in my conversations that I am having  
17 with the State related to the Loft Law that the IBZs  
18 should be protected and that manufacturing jobs are  
19 extremely important to our future.

20           MARISA LAGO: I would refer you to the  
21 Deputy Mayor.

22           ANTONIO REYNOSO: So, the Deputy Mayor  
23 ultimately makes the decision related to a Land Use  
24 issue, not, not DCP?

1  
2           MARISA LAGO: No, not with respect to a  
3 Land Use issue but with respect to the applicability  
4 of the Loft Law which exists alongside Land uses.

5           ANTONIO REYNOSO: So, even though it  
6 contradicts your position and the protecting of  
7 manufacturing. In a study that you spent countless  
8 years and money on, ultimately you defer to your  
9 Deputy Mayor to make these, I guess policy decisions  
10 on, on Land Use?

11           MARISA LAGO: Yes, Council Member because  
12 again there are competing using. There is rarely a  
13 Land Use decision that is made that doesn't have to  
14 balance competing equities. Have you known, we have  
15 been partners with you and are continuing to be on  
16 North Brooklyn, our commitment to that precious IBZ,  
17 I don't think can be questioned? At the same time  
18 the Loft Law is there for a very legitimate reason  
19 and as you know better than anyone there are very  
20 strongly held arguments on both sides.

21           ANTONIO REYNOSO: I want to disagree.  
22 Your support is not strong. I want to be clear this  
23 is one of the only IBZs out of 16 in the City of New  
24 York that were included in the Loft Law and how this  
25 doesn't constitute a, what I want to say, an

1  
2 exception. It is beyond me how the City would go and  
3 support the Loft Law in any way, shape or form. Uhm  
4 so I just want to state that if you are going to be  
5 supportive, then be supportive. This hypocritical  
6 working both sides is not helpful to good planning  
7 and if you are saying there is competing interest,  
8 the IBZs were specifically created to, to ensure that  
9 there are no competing interests and that the city  
10 has a clear policy as to where, as to where support  
11 is thrown. And because my time is up just like a lot  
12 of these underinvested communities and the lack of  
13 rezoning that has happened or the lack of changes in  
14 a lot of these communities related to zoning since  
15 1961 I would also state that there has been very few  
16 to no changes in the, in DCP or the Department of  
17 City Planning since the 1980s and I also think that  
18 as we look to deal with antiquated zoning in our City  
19 we would think about changing the operations on how  
20 exactly DCP does it work because maybe that needs  
21 some changes as well. Thank you.

22 CHAIRPERSON RAFAEL SALAMANCA: Chair, umh  
23 just to piggyback on Antonio's question. You serve  
24 as the Chair of City Planning and also as the  
25 Department, as the Director of City Planning. Why do

1  
2 you, do you think what do you think that there is  
3 value in serving in a dual role as a CPC Chair and  
4 DCP uhm Director?

5 MARISA LAGO: Tremendous value.

6 CHAIRPERSON RAFAEL SALAMANCA: Now, is  
7 your board independent of the Mayor?

8 MARISA LAGO: Absolutely.

9 CHAIRPERSON RAFAEL SALAMANCA: But you  
10 just mentioned that Deputy Mayor is making policy  
11 decisions and you refer us to send questions over to  
12 the Deputy Mayor that City Planning should be you  
13 know taking a stance on.

14 MARISA LAGO: These aren't Land Use  
15 decisions. The Loft Law is a separate provision. If  
16 might elaborate on the dual, on the dual nature. Uhm  
17 it is a structure that many other cities envy because  
18 of the ability of the Commission to provide very  
19 helpful input into the work of the Department and for  
20 the Department to make available to the Commission  
21 the tremendous expertise that we have. I  
22 particularly highlight an example of the Commission  
23 making the Department, making the City better. Uhm  
24 we have seen over the two years that I have been here  
25 a steady stream of lease renewals for ACS and DIFTA

1 Facility, the childcare and elder care centers. One  
2 can look at them and say these are noncontroversial  
3 routine matters that go through ULURP. They are  
4 generally facilities that are beloved by their  
5 community and well-used. Uhm we had two of our  
6 Commissioners, one was a Mayoral appointee and one  
7 was a borough president appointee who started  
8 expressing concern about the fact that at the time of  
9 lease renewal we weren't requiring sprinklering in  
10 buildings where the populations are vulnerable  
11 because at either end of the spectrum and through  
12 these commissioners advocacy there was a marked turn  
13 around by ACD and DIFTA in negotiating and DCAS I  
14 should mention as well, in negotiating scopes of work  
15 as part of the renewal that are providing more and  
16 more sprinkler facilities. Another three  
17 Commissioners, in this incidence, two borough  
18 president appointees and one mayoral became concerned  
19 with the drab appearance of many of these facilities.  
20 Many of them have been leased to for childcare and  
21 senior care centers since the early 70s. Many of the  
22 buildings look like boxes. They are from an area  
23 where not having small windows with bars make people  
24 feel safer. We worked, the Department worked with  
25

1  
2 our Urban Design Team to put in place a menu of low-  
3 cost options for making these centers more welcoming,  
4 both to the children and elders who go there but also  
5 to the community. Suggestions for muraling for clear  
6 signage at the entries. Many of these facilities  
7 have metal chain-link fences on the roof for the play  
8 area and of weaving pieces of plastic into some  
9 bright design and again it is a small way in which  
10 the combination of the Commission and the Department  
11 working together are making these facilities  
12 throughout our City so much better.

13 CHAIRPERSON RAFAEL SALAMANCA: Alright,  
14 thank you. Uhm up next we have Council Member Gibson  
15 for questions.

16 VANESSA GIBSON: Thank you Chair Salamanca  
17 and to all of our Subcommittee Chairs. Good  
18 afternoon Chair, good to see you and the entire DCP  
19 Team and I know in your earlier remarks you mentioned  
20 that upon many of the neighborhood rezoning that come  
21 to DCP many of them are propelled by elected  
22 officials and/or community boards. So, I know that  
23 you made a lot of reference to the Jerome  
24 Neighborhood Plan but this Council Member did not  
25 make that recommendation for Jerome. Uhm my



1  
2 community boards have been working on a number of  
3 different options like 197A Plans for many, many  
4 years before I got to the Council. Uhm and in my  
5 three years of putting together the Jerome, working  
6 with Council Member Cabrera, I learned a lot, I  
7 wouldn't wish that on anyway. And, for the remainder  
8 of my term is going to carry me through the end here  
9 just making sure that DCP and all of the relevant  
10 agents make sure that all of the components that we  
11 agreed to are actually implemented. So, I want to  
12 thank you for recognizing the legislation that was  
13 codified that provides the Capital Commitment  
14 Tracker. We are looking collectively as a Council  
15 because right now we don't have a Capital Tracker for  
16 the City of New York Capital Projects. We have you;  
17 we have SCA and a few other agencies but there is no  
18 system today to track actual Capital Projects. So  
19 that brings me to my question, I chair the  
20 Subcommittee on Capital so we've been looking at the  
21 Mayor's 10-year Capital Strategy which is about  
22 \$108.1 billion. Uhm DCP was very involved in working  
23 with OMB on crafting the Capital Strategy but one of  
24 the things that we recognized in the Capital Strategy  
25 was the first five years of the Capital Account for

1  
2 70% of the entire planned strategy. The front section  
3 of the strategy which details the policies, the  
4 goals, connect to the back of the strategy which  
5 actually lists all of the funding by agency but what  
6 we recognize is that since most of the funding are in  
7 the front years and not in the latter years, what one  
8 would assume as an example SCA, just as an example,  
9 their 5-year Capital Plan. It would assume that  
10 after five years there is no longer a need for more  
11 school seats in the City of New York that is growing.  
12 So my question to DCP so your role with OMB in  
13 crafting the Capital Strategy and what is logic and  
14 the mechanism behind a 10-year Capital Strategy whose  
15 majority of the funding is in the first few years in  
16 terms of front loading and now making sure that it is  
17 more layered which would be a more reflective  
18 accurate presentation on how much we spend every year  
19 agency by agency, could you give us a little bit of  
20 insight into how you developed the Capital Strategy?

21           MARISA LAGO: I will gladly and uhm this  
22 will my, I've been impressed to see the traction that  
23 City Planning is gaining year over year on it's input  
24 into the 10-year Capital Strategy. If you will note  
25 in this year's document, we have laid out four

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guiding principles, uhm those principals are to be used by all of the Capital Agencies and it reflects a lens including equity including physical sustainability through which all capital decisions are made. Uhm the architect of City Planning's engagement with OMB and of the 10-year Capital Strategy of Jon Kaufman our Chief Operating office and if I could I would turn it over ot him to elaborate?

VANESSA GIBSON: Okay.

JON KAUFMAN: Thank you Council Member Gibson and I appreciate your attention to this topic and your new found, I think energy on this. Uhm just to tell you a little bit about it, we do collaborate closely with OMB on it as Chair Lago has mentioned. That has been increasing over this administration with I guess stronger partnership then when we, we started. Uhm part of the document leading to the strategy and the first front is something that we spend a lot of time working with both OMB and other capital agencies on to say how should do in Capital Planning and what is the strategy for the City.

VANESSA GIBSON: Uh-huh.

1  
2                   JON KAUFMAN: The second part of the  
3 document gets very deep into the budgetary numbers.  
4 Oh, because I'm sure you've seen and the sentiment is  
5 stronger point of OMB purvey if you will, in terms of  
6 what is the responsible way to budget over the 10  
7 years. Those meet in the middle and I think that you  
8 can see the principals that we are putting in the  
9 preliminary budget, I think as you get to the  
10 Executive Budget there will be more on investment  
11 priorities and you will see a tighter connection but  
12 I think in the preliminary we want to lay out the  
13 principles that all agencies strive for and then I  
14 think, the, the back end gets into actual allocation  
15 which gets in to a lot more specifics as to what each  
16 agency must have and your term for stating the repair  
17 and then how you think about the remainder that the  
18 budget is capable of holding.

19                   MARISA LAGO: If I might note, uhm when I  
20 arrived, I was shown the Planning Focus in the  
21 Preliminary 10-year Capital Strategy and it was one  
22 page with a few grafts on it. Last year, we through  
23 engagement with OMB were able to put in place a  
24 narrative that began to tease out these guiding  
25 principles. This year, there is a far more robust

1  
2 section and it includes examples which bring to life  
3 what these principles are. What it is that we are  
4 trying to achieve. And so, I am confident that given  
5 the progress since the beginning of this  
6 Administration we are going to see an increased  
7 Planning Focus in the Budgeting Process.

8 VANESSA GIBSON: Okay, thank you. I know  
9 my time is up so I will just say that I look forward  
10 to continuing to work with you as we get to an  
11 Executive Budget. But I do think you know as a City  
12 while you know many of us may not necessarily be here  
13 beyond this term we really have to look at the City's  
14 demographics, population shifts and growth uhm and we  
15 have to look at it from much more than a zoning  
16 perspective in terms of schools and all of the  
17 amenities that every neighborhood should need and I  
18 agree with the Chair, with or without a zoning we  
19 should be looking at that well beyond just year 5.  
20 So I want to make sure that the 10-year Capital Plan  
21 if we do talk about revisions we have to make sure  
22 that all of that money is not front loaded in the  
23 first five years and that it is more of an accurate  
24 reflection of growth that we expect through the  
25

1  
2 entire 10-year strategy so I thank you so much and I  
3 will turn it back to our Chair. Thank you.

4 CHAIRPERSON RAFAEL SALAMANCA: Thank you  
5 uhm Council Member Gibson. Uhm Chair, I, I have  
6 another question regarding your dual role as the  
7 Chair and the Director. Has your role as Director of  
8 City Planning have your agency every approved an  
9 application and then it went before the Commission  
10 and then your role as the Chair of the Commission  
11 that application was denied?

12 MARISA LAGO: To clarify, the Department  
13 does not approve applications. Uhm what we do is we  
14 review applications to make sure that they are  
15 complete and ready to start the ULURP process, that  
16 is not a statement that the private application has  
17 been taken on by the Department.

18 CHAIRPERSON RAFAEL SALAMANCA: Okay my  
19 other question is about the borough-based jails.  
20 What was the, DCPs role in the selection of the  
21 borough-based jails? There are rezoning that are  
22 happening and they are going to, they are going to  
23 certify soon so I am pretty sure that as every ULURP  
24 happens City Planning is involved in those  
25 applications before they are certified.

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2           MARISA LAGO: We were not involved in the  
3 selection. We will be very involved obviously as  
4 site selection progressed through the ULURP process.

5           CHAIRPERSON RAFAEL SALAMANCA: So, your  
6 agency has not, has not had meetings or have not meet  
7 with the Administration about the selection of  
8 borough-based jails compared to the Litman  
9 Commission's Recommendations?

10           MARISA LAGO: Oh no, we have we clearly  
11 have met with sister agencies that are involved  
12 whether the Mayor's Office of Criminal Justice,  
13 whether DDC but we were not the ones who made the  
14 determination. That is driven by the programmatic  
15 agencies.

16           CHAIRPERSON RAFAEL SALAMANCA: Was, was  
17 your agency involved in that decision making? Was  
18 your agency consulted in that decision making?

19           MARISA LAGO: We were.

20           CHAIRPERSON RAFAEL SALAMANCA: In the  
21 site selection of these borough-based jails.

22           MARISA LAGO: No, we worked with a group  
23 that is looking at the design considerations. What a  
24 modern jail is. Uhm what are the features of it?

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How does it fit in an urban environment but we were  
not involved in the site selection?

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CHAIRPERSON RAFAEL SALAMANCA: I am  
surprised you were not involved in the site selection  
since it some of these sites have to be zoned for  
that use?

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7

MARISA LAGO: Uhm Chair, this is the role  
that City Planning plays with respect to any facility  
that comes before us. If the Department of  
Sanitation is looking to locate a garage, they  
determine with DCAS what meets their needs and then  
the actual site selection comes through the ULURP  
process and that is how we get involved but we don't  
make the, the determinations, the real estate  
determinations about what piece of property meets the  
programmatic needs of other City Agencies.

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CHAIRPERSON RAFAEL SALAMANCA: Alright,  
my other question is, I know this may be a mood point  
right now but the entire issue with the Amazon deal.  
You know, the, the, the biggest public outcry was  
that the Mayor and the Governor, the Mayor  
circumvented the Democratic Process which is the  
ULURP Process and kind of shifted you know, did not  
allow the Community to have their say as to where

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25



1  
2 Amazon was being placed. Did your, was your agency  
3 consulted with this, with this decision that the  
4 Mayor and the Governor made?

5           MARISA LAGO: We were, first I will note  
6 that the use of a ESD General Project Plan is not all  
7 that common but has been used for major projects in  
8 the City uhm ranging from the re-development of 42<sup>nd</sup>  
9 Street to Atlantic Yards now called Pacific Park in  
10 Brooklyn to Columbia's Manhattanville project and  
11 major projects so it is a tool that is available to  
12 the City and the State. Uhm we have at the  
13 Department of City Planning, engaged in Long Island  
14 City over the years and have developed waterfront  
15 guidelines and those waterfront guidelines that would  
16 guide any development whether today, post Amazon or  
17 Amazon and they were part of the discussion but we  
18 never met with Amazon.

19           CHAIRPERSON RAFAEL SALAMANCA: Did you  
20 meet with the Mayor's Office regarding their plans of  
21 circumventing the Democratic Process and moving  
22 forward with this override?

23           MARISA LAGO: We were not consulted about  
24 the decision to use the GPP although I will note that  
25 our waterfront guidelines which shape and protect the

1  
2 public realm are developed well before Amazon and  
3 continue to this day.

4 CHAIRPERSON RAFAEL SALAMANCA: Alright, I  
5 will now give Chair Moya two minutes for questions.

6 CHAIR FRANCISCO MOYA: Thank you, thank  
7 you Chair, just uhm really quickly. Thank you again  
8 for your time. Uhm when it deals with schools, does  
9 DCP plan on implementing any mechanisms for  
10 incentivizing construction of public schools on  
11 private land in future rezoning and does this require  
12 any additional funding?

13 MARISA LAGO: Uhm, we routinely engage  
14 with the School Construction Authority and with  
15 respect to private land, uhm when we know that there  
16 is an identified need, we routinely refer the private  
17 applicants to discuss with SCA. What could be a  
18 challenge is, or what we have found to be the case is  
19 that the discussions are generally most productive  
20 when it is a larger piece of land because if one is  
21 to be able to accommodate very different needs of the  
22 school and let's see a residential building, there is  
23 the need for separate cores, separate elevator  
24 shafts, uh it is generally not possible to put a  
25 residence above a school so it works best when there

1  
2 is both a large enough piece of land and a high  
3 enough density that one can have a school or schools  
4 as in the case of 80 Flat Bush co-existing with a  
5 residential tower.

6 CHAIR FRANCISCO MOYA: And just with  
7 that, if it is in a school district that is  
8 overcrowded, is it a priority for DCP to consider  
9 that mixed use development?

10 MARISA LAGO: Again, if the piece of  
11 property is amenable to it, yes.

12 CHAIR FRANCISCO MOYA: And have you seen  
13 any resistance from the development community to  
14 incorporate schools into the uhm mixed use  
15 development uhm that are before the Department of  
16 City Planning? And if so, what were their concerns?

17 MARISA LAGO: The concerns would be if  
18 the property is too small. Where there just isn't  
19 the opportunity to have the two cores to have the  
20 recreation space, the outdoor recreation space to  
21 just fit the program.

22 CHAIR FRANCISCO MOYA: Thank you, thank  
23 you Chair.

24 CHAIRPERSON RAFAEL SALAMANCA: Alright,  
25 thank you Chair Moya. Uhm last round of question,

1  
2 promised. I want to talk about community boards. I  
3 am a former community board District Manager and in  
4 that, in my capacity, my former capacity of District  
5 Manager I always felt that the Department of City  
6 Planning did not, did not take the, uhm the majority  
7 of the times our recommendations when I met. Uhm and  
8 so, how, how does this current Administration, your  
9 current Administration take into consideration  
10 community board recommendations for the Land Use  
11 Applications?

12                   MARISA LAGO: Uhm community boards are  
13 our life blood at City Planning. Uhm any project  
14 that goes through the ULURP process is preceded by a  
15 hearing at the community board as you know and at  
16 the, by the borough president. Uhm you've referenced  
17 the fact that recommendations came with conditions  
18 where, what saddens me is that when we get a  
19 community board saying no without conditions because  
20 that is a lost opportunity to explain what the  
21 concerns are. Uhm we recently had a project come  
22 through with a no and no conditions and fortunately  
23 we had a City Planning Commission Public Hearing  
24 where members of the public came forwards and so our  
25 eyes were opened to what the concerns were and as a

1  
2 result the City Planning Commission modified the  
3 application. Uhm with respect to the conditions, uhm  
4 they break down into two large categories.  
5 Frequently the conditions are not related to Land Use  
6 and so the City Planning Commission is prohibited  
7 from being able to address them, although I will note  
8 in many instances the Council which is not so bound  
9 is able to address a broader array. For every  
10 decision of the City Planning Commission, in our, we  
11 produce a detailed report. The report summarizes  
12 what the Community board has sent to us including all  
13 of the recommendations that are there. We also  
14 summarize all of the testimony at the public hearing  
15 before the City Planning Commission and by the  
16 borough presidents hearing as well. Uhm we then in  
17 our report have a section called the Consideration  
18 Section in which we address each of the community  
19 board's and the borough president's recommendations  
20 and uhm that serves as a permanent record, a very  
21 helpful record for people who might want to pursue an  
22 application and see how the Commission thought about  
23 the issue on prior occasions.

24 CHAIR FRANCISCO MOYA: Alright I just  
25 want to point out that uhm right before I got elected

1  
2 my community board was going through the MIZ QA  
3 Process and it was very challenging uhm for, for my  
4 community board to understand what was happening  
5 because the uhm, representative from the Department  
6 of City Planning, they themselves that understand it  
7 however, it has been our experiences that when there  
8 are City Applications the Urban Planner which the  
9 Department of City Planning provides, they kind of  
10 curtail the conversations to favor the Mayor's office  
11 which is the advocate opposed to community concerns  
12 and uhm it is frustrating Commissioner and I really  
13 hope that you can meet with your borough, your  
14 borough Directors because community boards are the  
15 first level of government and at times we feel that  
16 our voices are not heard and the individuals who are  
17 there representing your agency, rightfully so they do  
18 work for the Mayor but they are pushing the Mayors  
19 Agenda and we feel that the community's input or the  
20 community's preference is being pushed to the side.

21 MARISA LAGO: I would note that I think  
22 it appropriate obviously that as a Mayoral Agency we  
23 would be supportive of Mayoral Initiatives but very  
24 much take to heart that the purpose of the public  
25

1  
2 review process is to listen to, to hear and to learn  
3 from the wisdom that comes from Communities.

4 CHAIRPERSON RAFAEL SALAMANCA: I want to  
5 thank you for coming. I just want to recognize that  
6 we were joined by Council Member Constantinides and  
7 Council Member Lander, did you have questions Council  
8 Member Lander and we were joined by Chair Koo. Thank  
9 you very much your, for coming and testifying today.  
10 Up next in about five minutes, we will have DoITT.

11 (long pause). Alright good afternoon everyone. My  
12 name is Council Member Rafael Salamanca and I am the  
13 Chair of the Council's Committee on Land Use.

14 Today's hearing will cover the Fiscal 2020  
15 Preliminary Budget for the Department of Technology  
16 and Telecommunications, also known as DoITT. Because  
17 there are significant tech issues pertaining to the  
18 City's Franchise Agreements with Cable One  
19 Telecommunication Company. This is a joint hearing  
20 with the Committee on Land Use and the Committee on  
21 Technology. I want to thank my colleagues, Council  
22 Member Koo, Chair of the Committee on Technology for  
23 co-chairing today's Budgetary Hearings. DoITT  
24 provides Citywide coordination and technical  
25 expertise in the development and use of data, voice

1  
2 and video technologies and the City Services and  
3 Operations. They also provide infrastructure support  
4 for data processing and communication services to  
5 numerous City agencies, researches and manages IT  
6 projects and administers the City's Cable Television,  
7 Public Pay Telephones and mobile and high-capacity  
8 telecommunication franchise agreements. Of  
9 particular interest is the interest between charter  
10 communication and the New York State Public Service  
11 Commission. As you are aware in July last year the  
12 Public Service Commission voted to kick Spectrum out  
13 of the state after the company failed to deliver on  
14 its fast internet promises. As such, we would like  
15 to hear the role DoITT plays in the administration of  
16 franchise agreement. Specifically, we would like to  
17 know the ways in which DoITT can increase the  
18 transparency of internet speeds and telecom services  
19 in the city's franchise agreements. So, as to ensure  
20 that large corporations are providing the services  
21 that they advertise to hard working New Yorkers.  
22 Furthermore, I would like to know more about the role  
23 our process of the Link NYC Kiosk around the city and  
24 any issues that we have identified with the role of  
25 the process to date. With an operating budget over



1  
2 \$670 million and hundreds of millions more in capital  
3 investment we must thoroughly examine the financial  
4 plan, its planned projects and operational challenges  
5 to ensure that we are optimizing our return on this  
6 substantial investment. We hope that today's hearing  
7 will contribute to our efforts in finding ways to use  
8 technology to make government more efficient and  
9 productive. We look forward to working with DoITT  
10 toward meeting this goal. I would like to thank  
11 DoITT's Commissioner Samir Saini and his staff with  
12 joining us today. I hope I got your name right.

13 SAMIR SAINI: Yes.

14 CHAIRPERSON RAFAEL SALAMANCA: Alright,  
15 good. With that I would like to pass it on to my  
16 colleague Chair Koo for his opening statement.

17 CHAIR PETER KOO: Thank you Chair  
18 Salamanca. Hello everyone and welcome to the Fiscal  
19 2020 Preliminary Budget Hearing for the Department of  
20 Information Technology and Telecommunications known  
21 as DoITT. My name is Peter Koo and I am the Chair of  
22 the Committee on Technology. Today's hearing is  
23 joined with the Committee on Land Use and I would  
24 like to thank my colleague, Council Member Salamanca  
25 and Chair of the Committee on Land Use for co-

1  
2 chairing today's hearing with me. The Department's  
3 proposed Fiscal 2020 expense budget totals  
4 approximately \$679 million including \$141.8 million  
5 in intercity payments from other agencies for  
6 providing telecommunications and data services and  
7 support for which DoITT coordinates payment. Through  
8 its Fiscal 2020 preliminary Budget is \$12.7 million  
9 more than the Fiscal 2019 adopted budget of \$666.7  
10 million, the increase is primarily due to increased  
11 funding of New York City Cybercommand as its budget  
12 is expected to grow in the coming Fiscal years. At  
13 today's hearing we hope to examine all components of  
14 the Department's Fiscal 2020 Budget. It's contract  
15 budget that is projected at \$249.6 million and is  
16 anticipated miscellaneous revenue created. The  
17 majority of which compound cable television franchise  
18 fees. The Committee would also like to discuss the  
19 Department's Capital commitment, the Capital  
20 Commitment Plan which totals approximately \$603.8  
21 million between Fiscal 2019 through Fiscal 2023. I  
22 will also like to hear updates on the decommissioning  
23 process of the city wireless networks known as NYCWIN  
24 which I highlighted during the last years preliminary  
25 budget hearing. City investments in technology will

1 provide long-term benefits for the city with a goal  
2 of making our city more productive and efficient.  
3 However, we must be diligent and prudent about which  
4 parties we select. In order to ensure the causes for  
5 Technology purpose to not spiral out of control.  
6 Ultimately, we must ensure that we are making the  
7 best use of tax payers dollars. For this reason, the  
8 Committee is interested in hear updates on major,  
9 ongoing IT projects, mainly 5g. The word down on the  
10 next generation implementation and the progress of  
11 the Link NYC among others. I would like to welcome  
12 its Commissioner Sami Saini and his team. After the  
13 testimony, members will have the opportunity to  
14 followup with questions for the Commissioner. After  
15 that I hope the Commissioner and staff remain to  
16 listen to the public to testify. In closing, I would  
17 like to thank the Committee staff for working out,  
18 putting this hearing together including Sebastian  
19 Bachi, John Wezel, Irene Fahouski (SP?), Pedro Muhill  
20 as well as my Chief of Staff Lang John (SP?). Now I  
21 will ask the City Counsel to please swear in the  
22 Commissioner.  
23

24 COUNSEL: Do you affirm to tell the  
25 truth, the whole truth and nothing but the truth in

1 your testimony today and answer honestly to Council  
2 Member questions?

3  
4 SAMIR SAINI: I do.

5 COUNSEL: Thank you.

6 CHAIR PETER KOO: Begin.

7 SAMIR SAINI: Okay, thank you, good  
8 afternoon Chair Salamanca and Koo and members of the  
9 City Council Committees on Land Use and Technology.  
10 My name is Samir Saini and I am the Commissioner of  
11 the Department of Information Technology and  
12 Telecommunications, also known as (DoITT) and New  
13 York City's Chief Information Officer. Thank you for  
14 the opportunity to testify uhm today about DoITT's  
15 Fiscal 2020 Preliminary Budget. With me I have to my  
16 left our General Counsel, Michael Pastor and to my  
17 right John Winker, our Associate Commissioner for  
18 Financial Services. DoITT's Financial 2020  
19 Preliminary Budget provides for operating expenses of  
20 approximately \$679 million allocating \$175.6 million  
21 in personnel services to support 1887 full-time  
22 positions and \$503.4 million for other then personnel  
23 services or OTPS. Interestingly funds transferred to  
24 another agencies account for \$142 million or about  
25 21% of the total budget allocation.

1  
2 Telecommunication costs represent the largest portion  
3 of the intercity expense projected at \$89.1 million  
4 for Fiscal 2019. For Fiscal Year 2019 the Budget  
5 Appropriation increased by \$4.1 million from Fiscal  
6 Year 2020s November Financial Plan. The increases to  
7 the Fiscal 2020 Budget are largely attributed to a \$3  
8 million grant funding roll from Fiscal Year 2018 to  
9 Fiscal Year '19 for the Community Development  
10 Disaster Program. For Fiscal Year 2020, the Budget  
11 appropriation increased by \$4.5 million. We have  
12 implemented savings and efficiencies across several  
13 programs. We have put forward citywide cost  
14 avoidance efforts through our software asset  
15 management division which will entail DoITT regularly  
16 working with agencies to ensure that they deploy  
17 licenses in a most effective ways to their users.  
18 The effort is projected to result in an estimated net  
19 cost avoidance to the city of \$10.6 million per  
20 Fiscal Year. Throughout the year, we have strived ot  
21 find savings both citywide and within DoITT by  
22 negotiating citywide contracts. Our Cityside  
23 contracts have enabled agencies to procure critical  
24 goods and services faster and at a greatly reduced  
25 rate than they would have been able to through

1 individual contracts. We continue to expand this  
2 valuable suite of citywide technology contracts. We  
3 do the heavy lifting, negotiating pricing and terms  
4 and conditions so we can leverage our aggregate  
5 citywide purchasing power to drive aggressive  
6 discounts across all agencies. Our recent example is  
7 a citywide license agreement for service now. It is  
8 a platform which allows agencies including DoITT to  
9 streamline their IT operations. If negotiated terms  
10 and price holds for 10 years, covering all city  
11 agencies with discounts that save approximately  
12 \$500,000 across the city on an annual basis.  
13 Amounting to approximately \$5 million in savings for  
14 the term of the contract. This particularly license  
15 agreement not only saves the city money but it also  
16 creates operational efficiencies within agencies by  
17 automating core processes. We have also successfully  
18 negotiated contracts with two competing resellers  
19 that allow agencies to purchase IT goods and related  
20 services that will ease purchasing for a broad range  
21 of hardware, software, cloud and related service  
22 purchases at large discounts. We are also proud of  
23 our performance in awarding contracts to minority and  
24 women owned businesses or MWBEs. In October of 2018,  
25

1  
2 DoITT was recognized by city hall as a top performing  
3 agency for awarding more than \$449 million to the  
4 MWBEs since 2015. As the Council may be aware, the  
5 City recently implemented a new 150,000 MWBE  
6 discretionary purchase method and since it's  
7 implementation august, DoITT has been the lead agency  
8 for the City on using this new method. Having  
9 awarded 52 contracts directly to MWBEs worth over  
10 \$4.2 million. Aside from that, within the last year,  
11 we awarded a citywide IT purchase contract to an MWBE  
12 with a contract authority of \$285 million over five  
13 years. Further, the master contract has a 20% goal  
14 of MWBE participation at the individual order level  
15 which DoITT actively monitors and enforces. These  
16 key initiatives are just a small part of a wider  
17 strategic plan that we plan to release shortly. In  
18 my first year here, I've been working hard within  
19 DoITT and with our agency customers to do four  
20 things. The first is to prepare our organization for  
21 changes that will strengthen our role and position as  
22 the technology center of excellent for New York City  
23 Government. The second is to run our operations in a  
24 more efficient and effective ways to dramatically  
25 improve service quality and customer satisfaction.

1  
2 The third is to grow our capacity, to deliver on the  
3 surfaces for which there is growing customer demand  
4 by our agency customers and the fourth is to  
5 transform how to empower customers to improve how  
6 they support and serve all New Yorkers. With this  
7 strategic plan, when this strategic plan is unveiled,  
8 I will be more than happy to take a deeper dive with  
9 Committees to show the great things to come here at  
10 DoITT. Finally, before I take questions, I'd like to  
11 take the opportunity to address a topic that has been  
12 a top of mind for the Council and our agency over the  
13 past year. Our relationships with out cable  
14 franchisees, charter spectrum, Altice and Verizon.  
15 We have been engaged in conversations with the Chairs  
16 and Committee Members about ways we as a city can  
17 work together to hold these companies accountable.  
18 Given the limited scope of our cable television  
19 franchise agreements which come up for renewal next  
20 calendar year, we've developed Legislation with the  
21 Law Department and the Mayor's Office of the CTO that  
22 would establish privacy protections and expanded  
23 consumer protections for all services, for all  
24 services these franchisees over beyond cable  
25 including broad band and voice. We fully appreciate



1  
2 the Council's interest in leadership in this  
3 particular policy area. Chair Koo is the prime  
4 sponsor of both Bills, Introduction 1101 and  
5 Introduction 1102 and has graciously introduced these  
6 into the Technology Committee. And Chair Salamanca  
7 is a co-sponsor for both pieces of Legislation. We  
8 look forward to having the opportunity to discuss  
9 them at another hearing and are happy to answer any  
10 outstanding questions the Committees may have about  
11 this package. With respect to the enforcement of our  
12 franchise agreements, as the Committees know we have  
13 been engaged in several audits of charter  
14 communications. Last year, we issued a notice of  
15 default of our franchise agreement pertaining to Fair  
16 Labor Practices as a result of the NLRB ruling  
17 against the company for interfering with the worker's  
18 rights to organize. As recently as December we  
19 issued another default to Charter for failing to  
20 comply with our Franchise agreement provision  
21 pertaining to the hiring of local vendors. Today, I  
22 can share that we have completed our financial audit  
23 and have found Charter in default for altering the  
24 method of calculation for their Franchise Fee  
25 Payments since their merger with Time Warner Cable.

1  
2 Our audit has found that Charter owes the City  
3 approximately \$6 million in unpaid fees. We gave  
4 them a notice on February 6 and gave them until March  
5 1<sup>st</sup>. As many have you may already be aware, we  
6 issued Charter a Notice of Default yesterday for  
7 failing to pay this outstanding fee. This does not  
8 end with a default. We plan to pursue all possible  
9 remedies to retrieve the revenue we believe the City  
10 is owed and we will certainly consider these defaults  
11 as we evaluate Charter's future as a Cable Television  
12 Franchisee for the City. With that, I am happy to  
13 take questions from the Committees and thank you once  
14 again for the opportunity to testify before you.

15 CHAIRPERSON RAFAEL SALAMANCA: Thank you  
16 uhm Commissioner, I just to recognize that we have  
17 been joined by Council Member Lander, Chair Moya and  
18 Council Member Richards was here earlier. Uhm so my  
19 first question in regard to the Charter  
20 Communications and Default with the City of New York  
21 for their failure to pay \$6 million in television  
22 franchise fees. You know, we, this Committee would  
23 like to know first what actions does the City plan to  
24 take as a result of Charter's Defaults?

1  
2           SAMIR SAINI: Sure, uhm I'm going to ask  
3 my General Counsel, Michael Pastor to, to answer that  
4 question. He has been taking lead on this, on this  
5 effort with Charter.

6           MICHAEL PASTOR: Thank you Commissioner,  
7 Council Members. So, the action that we plan to take  
8 are dictated by a Franchise Agreement that we have  
9 with Charter. Uhm we notice the default yesterday.  
10 They have 10 days officially under the Franchise  
11 Agreement to cure. In this instance, the cure is  
12 straightforward. It is payment to the City of the  
13 amounts that are owed. If they do not cure, then the  
14 Franchise Agreement lays out the steps thereafter  
15 which would be a default of the Franchisee and then  
16 we would pursue whatever, whatever other remedies we  
17 needed to pursue uhm to get the money we think the  
18 City is owed.

19           CHAIRPERSON RAFAEL SALAMANCA: Can they  
20 challenge that decision from DoITT, the dollar  
21 amount.

22           MICHAEL PASTOR: They, they very well  
23 might. They have challenged and disagreed with the  
24 dollar amount. We feel strongly about our  
25 calculations and we will proceed if there is a

1  
2 disagreement. If there is a disagreement, there has  
3 been disagreement between Charter and DoITT all  
4 along. It remains so. They disagree with our  
5 findings but we feel confident in what we concluded.

6 CHAIRPERSON RAFAEL SALAMANCA: What's the  
7 process? The next step? Should they, should they  
8 disagree?

9 MICHAEL PASTOR: Uhm the next step would  
10 be 10 days; 10 days need to run under the contract  
11 for them to cure. They would either cure which would  
12 be the remittance of moneys to do it or they would  
13 not and then we would issue a formal default occurs  
14 thereafter.

15 CHAIRPERSON RAFAEL SALAMANCA: Should  
16 they not pay this, the uhm, this \$6 million and they  
17 go on default, what is next?

18 MICHAEL PASTOR: So, I don't want to, to  
19 speculate too much Council Member about what happens  
20 because we will have to see how it shakes out but as  
21 we stated, publicly as the Commissioner just  
22 testified to you uhm we will pursue whatever avenues  
23 we need to pursue to obtain that money from Charter.

24 CHAIRPERSON RAFAEL SALAMANCA: Okay,  
25 alright, I'm going to leave the rest of the questions

1  
2 of Charter to my colleagues. Just have uhm,  
3 something interesting here. I am a former district  
4 manager for a community board, so, this last Sunday  
5 in Ocean City, City Net Community boards has always  
6 interested me. Uhm I know that some Community boards  
7 at least one in the Bronx has it but they had to pay  
8 for it out of their operating budget. What is the  
9 cost to supply all 59 community boards with City Net?

10 SAMIR SAINI: I don't have that exact  
11 cost with me but I could, I can certainly uhm Council  
12 Member have my team evaluate what that would cost.

13 CHAIRPERSON RAFAEL SALAMANCA: And who  
14 would pay for it?

15 SAMIR SAINI: Well there isn't an  
16 appropriated budget, right, within, within uhm uhm  
17 within our Budget to, to cover that cost. So, we  
18 would have to reallocate funds, right, for from other  
19 bucket right to cover this but to your point, we  
20 could certainly evaluate what the estimate would be,  
21 right to get everyone on, on City net per this  
22 request before.

23 CHAIRPERSON RAFAEL SALAMANCA: So, it is  
24 not part of any 5-year Capital Plan?

1  
2                   SAMIR SAINI: It is not part of the  
3 current budget.

4                   CHAIRPERSON RAFAEL SALAMANCA: Alright,  
5 alright thank you very much Commissioner. I am going  
6 to hand it off to Chair Koo.

7                   CHAIR PETER KOO: Thank you Chair  
8 Salamanca. Uhm Commissioner Saini since you are now  
9 one year on the job, I wanted to ask you the  
10 following: Are there any new initiatives you have  
11 put in place over the past year to improve agency  
12 operation?

13                   SAMIR SAINI: Several (laughing) and  
14 again much of what we've accomplished over the past  
15 year will be actually within the strategic plan that  
16 we are going to publish. It will be the 3-year plan  
17 but also a look back at what we've done to improve  
18 our internal operations. But also improve customer  
19 service for all of the agencies that we support so  
20 just give you some, some examples of accomplishments  
21 from an internal operation, operational efficiency in  
22 service quality perspective, one of my key focus  
23 areas was to improve the reliability of our core  
24 infrastructure services that our agency customer rely  
25 on every day so what we've done is instituted new

1  
2 governance procedures, new tools, innovative tools  
3 for monitoring and expense of training within our  
4 staff which has resulted in double digit reduction in  
5 a number of outages and the duration of outages for a  
6 critical services for agencies. So, it's, it's been  
7 a, it's working. I guess is based on the numbers,  
8 the initiatives we are glad to have working. It's a  
9 mixed bag of, of efforts across people, process and  
10 technology but that has been one example I think of  
11 huge win within the past year.

12 CHAIR PETER KOO: Thank you, yeah. On on  
13 5g internet connectivity this is biggest topic  
14 everybody is talking about. Commissioner, in the  
15 previous preliminary budget hearing you testified  
16 that the agency was working on developing 5g internet  
17 connectivity for the City of New York. Can you give  
18 us an update on the work that is being done on the 5g  
19 internet connectivity?

20 SAMIR SAINI: Sure so, let me, let me  
21 first start by saying 5g is new and we are certainly  
22 focused on ensuring that we help enable the  
23 deployments of 5g technology and that specifically is  
24 what is called new small cells, which are small  
25 antennas that allow for uhm for a fast gigabyte plus

1  
2 transmission of data at short distances using this,  
3 these mini antennas mounted on right of way  
4 infrastructure. But uhm before I talk about 5g let  
5 me also, let me just mention that 4g LTE coverage  
6 that is equitably distributed across our boroughs, is  
7 still, is still a priority because that still is  
8 something that, that must be accomplished before we  
9 look to expanding 5g which is relatively new. I am  
10 going to ask Michael Pastor to, to elaborate a little  
11 bit about telecom franchise authority and where we  
12 are headed with that.

13 MICHAEL PASTOR: Yes, Chair Koo, so I  
14 think the two things that I would add to that, is we  
15 have an RFP out for a new telecom franchise which  
16 expires and we are reviewing those responses. I  
17 don't want to give too much, too much information  
18 about our view other than to say that our, our lens  
19 for our review that has an eye toward 5g of course,  
20 because 5g is coming around the corner. I think in  
21 addition to that we work very collaboratively with  
22 the Mayor's Office of Chief Technology Officer uhm to  
23 think about the things that the City can be doing to  
24 uhm be hospitable to 5g technology.

25



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CHAIR PETER KOO: Okay so, uhm, when can  
the City see the rollout of 5g connectivity?

4

SAMIR SAINI: Uhm I think it is a little  
bit hard to say. I think it is a little bit hard to  
say. I think that it is going to depend upon the uhm  
the carriers. The information that we are seeing is  
that it can vary depending upon the cityscape and the  
landscape so I don't know if there is a good, if  
there is a real good answer to say, to say it will be  
here at X time.

12

CHAIR PETER KOO: Okay so there is no  
deadline or?

13

14

SAMIR SAINI: No, there is no deadline  
but I will say this, 5g is a new technology and  
although it is in the press quite a bit and it is  
exciting technology that eventually cities will move  
to, uhm through carrier partners there are, there are  
constraints and limitations right that 5g uhm has.  
For example, something that perhaps many people  
aren't aware is that 5g which is depending on the  
small cells mounted at high density on, on street  
infrastructure can't penetrate walls. So, when you  
have a multifamily complex and you have small cells  
deployed around the parameter, the 5g signal right

25

1  
2 and all of the benefits of the gigabyte plus speed  
3 actually aren't realized within the home because the  
4 signal can't penetrate through the walls. So, this is  
5 a limitation of 5g. Uhm, sure it is great outside  
6 but it's not, it's not, you are still getting 4g LTE  
7 equivalent coverage inside your house although there  
8 is 5g small cells outside our home. But, that said,  
9 we, we understand that this is the direction that all  
10 cities are going to. There is huge potential with 5g  
11 and I think we would start with piloting right this  
12 technology and then seeing where it goes from there.  
13 But certainly, there are challenges to overcome for a  
14 scaled deployment of it across the, across the city.

15 CHAIR PETER KOO: Okay. Thank you yeah,  
16 next question is on the NYCWIN update. Uhm last  
17 year, you allocated \$4.8 million in Fiscal 2018 to  
18 cover the cost associated of developing the scope of  
19 work for decommissioning process of the NYCWIN? Can  
20 you provide a status update on the decommissioning  
21 process or for NYCWIN?

22 SAMIR SAINI: Sure, so NYCWIN I think I  
23 testified about this last year in the Budget hearing  
24 as well. NYCWIN is at its end of its useful life.  
25 We are actively working to migrate this network to

1 carrier's networks. Uhm, we are targeting for a full  
2 shutdown of the NYCWIN network by June of 2020  
3 followed by that will be about 18 to 24 months of  
4 breaking down that the infrastructure. The legacy  
5 infrastructure for NYCWIN that covers across 390  
6 facility sites. Uhm and then it will be officially  
7 off. But by June 2020, we will be off of NYCWIN, we  
8 will be on carrier networks.  
9

10 CHAIR PETER KOO: So, so, so what are the  
11 approximate savings that will be generated by  
12 decommissioning?

13 SAMIR SAINI: The savings will be, will  
14 be significant just to remind that the Council. The  
15 NYCWIN costs us about \$40 million a year to date to  
16 maintain. Once we move to a carrier network, we are  
17 probably looking at about a \$10 million-year expense.  
18 We are looking at \$20 million annual savings,  
19 roughly. Year over year. So, the payback for this  
20 will be, will be quick. Uhm but again we are looking  
21 at June 2020 to shut it down, 18-24 months to break  
22 it down and then, and then take it from there.

23 CHAIR PETER KOO: So, when will the City  
24 begin to realize these savings?  
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SAMIR SAINI: Uhm let me hand that off to John Winker to elaborator on the, on the financials.

JOHN WINKER: Yes, good afternoon, as the Commissioner stated, after the June 2020 decommissioning of the actual network turning it off, there is about a 24-month period where he will be using the current \$40 million allocation per year to actually pay for the deconstruction of sites. So, we expect that over those two years those funds will still be in our budget and will probably and we will be seeing the savings themselves and that saving in Fiscal 2022, 23, somewhere around that, 22, 23.

CHAIR PETER KOO: So uhm, do you anticipate city agencies will have trouble trying to turn off NYCWIN?

JOHN WINKER: No, we don't, again we are actively working with agencies that use NYCWIN uhm. There are several agencies that use it but there are really four power agencies that uhm, that leverage it extensively, that's NYPD, FDNY, DEP and DOT. Uhm so we are working actively with them to get to these carrier networks and we don't see forseer any problems. So far, so good.

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CHAIR PETER KOO: So, what happens to the equipment once it is decommissioned? SAMIR, JOHN?

SAMIR SAINI: Uhm John can you elaborate on that?

JOHN WINKER: Well essentially the equipment is end of life. So, it will, it will be essentially sold for salvage to the extent that it can, otherwise it will just be disposed of.

CHAIR PETER KOO: Thank you, and so I have one more question for you? I just uhm. On the target, the Administration of Programs to eliminate the gap, PEG, targets for all City agencies. In order to achieve \$750 million in savings between Fiscal 2019 and Fiscal 2020 OMB has set DoITTs savings target at \$15.7 million which is approximately 3% of the DoITT city funded budget in both Fiscal 2019 and Fiscal 2020. Will it be a challenge in order to achieve these savings?

SAMIR SAINI: That's going to be a piece of cake.

CHAIR PETER KOO: A piece of cake.  
(laughing).

SAMIR SAINI: Uhm so we just received our PEG as did all the other city agencies, John and I

1

2

and then several of my staff are working hard to look

3

uhm under the hood and identify the savings uhm

4

internally without disrupting operations and services

5

to our agency customer so we are, we are that uhm.

6

We are doing that right now as we speak and uhm I

7

think we are going to be; we are going to be okay.

8

CHAIR PETER KOO: Okay. So, is there

9

room to go beyond the savings target?

10

SAMIR SAINI: There is no room to go

11

beyond the savings. (laughing).

12

CHAIR PETER KOO: No, you said it is a

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piece of cake.

14

SAMIR SAINI: Piece of cake for the

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number that we were given. No more. Well, the

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target is spread over two years. So, we are looking

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at the budget over both of those years and

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ultimately, we are working with out divisions to make

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sure that the reductions that we do take have minimal

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business impact.

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CHAIR PETER KOO: Uhm, I turn over

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questions to uhm Council Member Moya.

23

FRANCISCO MOYA: Thank you, Chair Koo and

24

thank you Chair Salamanca. Uhm Commissioner, thank

25

you and to your entire team who has always been

1  
2 extremely responsive to a lot of the concerns that we  
3 have had and I know that you have all been working  
4 very diligently to lead up to not just this hearing  
5 but to a lot of the concerns that we have had in the  
6 past. I just want to go quickly back to dealing with  
7 Charter. Uhm given that this is now the third time  
8 that they've defaulted. We know that it is \$6  
9 million now. How does the City intend to fill that  
10 gap? Of the \$6 million now that Charter has  
11 defaulted?

12 SAMIR SAINI: I would ask John to take  
13 that?

14 JOHN WINKER: I mean as of now we are  
15 still projected to meet our revenue targets for FY19  
16 so we don't necessarily have a gap. This is  
17 considered to be an underpayment, not necessarily  
18 meeting the minimum commitment. Uhm, so we don't  
19 necessarily see a problem with that necessarily.  
20 Ultimately, they owe us this funding based on the  
21 audit but it doesn't necessarily mean that it is  
22 going to be a problem for us to meet our revenue  
23 targets.

24 FRANCISCO MOYA: Okay, uhm and also with  
25 the amount of, labor issues, and now it is failure to

1  
2 pay for its fair share, why should we renew Charter's  
3 Franchise with the City?

4           MICHAEL PASTOR: I will take that one  
5 Commissioner if I may. So, hi Council Member Moya.  
6 I think that whenever we talk about renewal it is  
7 worthwhile setting the context which is that uhm the  
8 renewal of cable franchise is somewhat subscribed in,  
9 in Federal Law in terms of the things that a  
10 franchisee can or cannot take into account when a  
11 cable franchisee such as Charter or the other two  
12 franchisees come up for renewal. With that said, as  
13 I believe I said earlier and the Commissioner said in  
14 his testimony, uhm one of the care pillars of the  
15 Franchisees obligation is to provide cable service  
16 and to pay uhm and so we take this default seriously  
17 as we take all of the defaults seriously and it is  
18 something that we would be considering when the  
19 renewal process happens next year.

20           FRANCISCO MOYA: Great. Uhm. Also, now  
21 just moving on to something to something else. With  
22 the FCC, the second further notice of proposed rule-  
23 making, in December of 2018 the Committee on  
24 Technology voted and passed resolution 620 which  
25 called on the Federal Communications Commission to



1  
2 reject the proposed uhm rules that were put forth in  
3 the second further notice of proposed rule-making 18-  
4 131 and to create provisions that would strengthen  
5 public, educational and governmental access  
6 television. Now that 18-131 would require local  
7 franchising authorities to choose between reducing  
8 annual franchise fee renewals, revenues and/or fewer  
9 public educational, and governmental access channels  
10 and other in-kind service benefits. What is the  
11 anticipated impact this rule would have on the  
12 revenue that the City collects through its cable  
13 television franchise agreements?

14 SAMIR SAINI: So, uhm, first of all I  
15 think we want to thank the Council for that  
16 resolution and for aligning with us and supporting us  
17 in, our, we opposed that proposed rule as well. Uhm  
18 to answer the Council Members questions, we have not  
19 done any calculations specifically because the rule  
20 has not taken effect. It is something that we might  
21 consider doing and I will take under advisement.

22 FRANCISCO MOYA: Okay and is, can you  
23 provide the committee with any status update on the  
24 FCCs response to resolution 620?

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SAMIR SAINI: Uhm I will, I will look into that and do that, yes.

FRANCISCO MOYA: Great and I just have one more quick question uhm Mr. Chair and it just goes to dealing with neutrality. Uhm Fiscal 2020, New York State Executive Budget proposed requiring state agencies and other state authorities to procure services for only those internet service providers the ISPs that adhered to neutrality principals, however the Federal Attorney General stated that individuals, State, neutralities, principals are illegal and since the FCC has the sole authority to create rules for broad band internet providers uhm what principals are set in place to ensure that the internet service providers abide by the new state neutrality laws and are there any legal repercussions that may arise from the federal government through the enactment of this legislation.

MICHAEL PASTOR: I will take that, Council Member if I understood your questions so we don't ov... as a locality we don't oversee the state, the state laws so it would be more up to the State to determine how they uhm enforce those laws. I will say that we have an advocacy role to play.

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FRANCISCO MOYA: Is there anything that  
the City could implement to ensure that that is  
abided by?

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MICHAEL PASTOR: Yeah so, we are somewhat  
more constrained by law than the State on this point  
but we, whenever we can seek to install net  
neutrality principles without our contractual, we do  
that which is what we did with LINKNYC. The LINKNYC  
Franchise is in agreement has a net neutrality  
provision. That is one of our key tools, but another  
big tool is advocating and, and working with our  
Federal partners to try to get uhm neutrality back to  
where it needs to be.

15

FRANCISCO MOYA: Great, thank you very  
much for your testimony today and thank you to both  
Chairs.

18

SAMIR SAINI: Thank you.

19

CHAIRPERSON RAFAEL SALAMANCA: Uhm  
Council Member Kallos.

21

BEN KALLOS: How are you doing?

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SAMIR SAINI: Good.

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BEN KALLOS: How was your open day of the  
week?

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SAMIR SAINI: It's great actually.

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BEN KALLOS: How many open data events have you attended?

SAMIR SAINI: 12, 13 uh personally, uhm oh actually I'm just getting over strep so I haven't attended. I have...

BEN KALLOS: I have attended infinitely more than you have.

SAMIR SAINI: I will ensure that I will attend more and I don't catch anything during open data weeks.

BEN KALLOS: I used open data a lot to try to convince the Administration that the things that I think are problems based on anecdotal information are actually problems based on data pattern. One of the problems that I run into is that uhm information is only as good as how it is imputed. The phrase goes garbage in, garbage out. Would DoITT be willing to convene so I don't have to pass a Task Force Bill because I hate Task Force Bills and I hate doing Bills where we can just get it done together uhm creating an power users group where you do a quarterly meeting with agencies, stakeholders, perhaps 3-1-1 and others and users to go over data sets and where the data sets are failing and letting

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people make requests and getting back to folks so  
that the data is actually as useful as possible.

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SAMIR SAINI: I am open to the  
conversation so if we could connect off line I am  
happy to have that conversation.

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BEN KALLOS: I was hoping for a yes.  
That was the softball.

9

SAMIR SAINI: Pretty close, pretty close  
to yes.

11

BEN KALLOS: Uhm MOCKS has a product  
called Passport. You were putting approximately \$5  
million in to it. It is unable. I can't log into  
the passport site and just pull out contracts, would  
you just pop what's in the passport site into open  
data so people can transparency look at every single  
city contract without having to go to a terminal in  
the MOX Building at 253 Broadway?

19

SAMIR SAINI: Uhm unless. I guess.

20

BEN KALLOS: If you are spending \$5  
million.

22

SAMIR SAINI: Assuming, assuming there is  
no, there is no violation of privacy, of privacy laws  
there then I don't see why that would be an issue.

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BEN KALLOS: Great.

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2                   SAMIR SAINI: Uhm but I think it is  
3 something that I would want to discuss with MODA and  
4 the Chief Analytics Officers as well.

5                   BEN KALLOS: The Zoning and Franchises  
6 Chair, made reference to our Franchise Agreement.  
7 Working with the public service commission I was able  
8 to secure a commitment from Charter to abide by the  
9 net neutrality rules voluntarily. At the time the  
10 FCC had already propagated rules. They thought this  
11 was a free giveaway now New York State is one of the  
12 last jurisdictions standing to maintain that  
13 neutrality. New York City has Franchising Authority.  
14 Will New York City mandate as part of its franchise  
15 that we have the net neutrality? Additionally, we  
16 ask for a lot of money. I'm sitting on a \$92 billion  
17 budget and we are asking for \$150 million in  
18 franchise fees historically. Uhm what is more  
19 valuable \$150 million or bridging the digital item  
20 ensuring every single New Yorker gets there. At the  
21 public service commission, I was able to help create  
22 spectrum internet assist which was then the model for  
23 Altice Internet Asset but whether you are doing 5g or  
24 the Verizon franchise is it possible as part of our  
25 franchise agreement which you would be negotiating

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say that what we would rather have in lieu of the  
3 payment is universal broadband for low-income New  
4 Yorkers, every single NYCCA let up with Universal  
5 Broadband and accessible lifeline requirement for  
6 mobile providers so that people can use their mobile  
7 devices to access it. I'm sorry for going on. Oh  
8 please.

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SAMIR SAINI: Michael do you want to?

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MICHAEL PASTOR: Sure, I will take. So,  
Council Member we definitely consider both goals to  
be lottable. One is to sort of increase broadband  
connectivity access through our franchise agreements  
and the other one is we think that our rights of way  
have value and we think, we think that it makes sense  
to obtain value for the use of those valuable  
services. I think as we get ready to deal with our  
renewals those two things will be things that we will  
be weighing again as you framed it. I think that we,  
we want to. We have multiple goals and you are  
looking at all of those and you are saying how can we  
change them and weight them.

CHAIRPERSON RAFAEL SALAMANCA: Thank you  
Chair Kallos. Uhm Commissioner I have a few  
questions about the other franchise agreements that

1  
2 we have. Uhm can you give us a status for the  
3 franchise agreements for Altice, Cable Vision and  
4 also for Verizon?

5 SAMIR SAINI: Sure. Michael?

6 MICHAEL PASTOR: Yeah so there are not  
7 much to report in terms of the status of those  
8 agreements other than as the Council is aware, we are  
9 in active litigation with our, with our Cable  
10 Franchise even rising FIOS over the build out.

11 CHAIRPERSON RAFAEL SALAMANCA: I'm sorry,  
12 Ver... and Verizon?

13 MICHAEL PASTOR: Verizon. We are in  
14 litigation right now with Verizon.

15 CHAIRPERSON RAFAEL SALAMANCA: You are in  
16 litigation. And Altice?

17 MICHAEL PASTOR: No.

18 CHAIRPERSON RAFAEL SALAMANCA: When, when  
19 is their agreement up?

20 MICHAEL PASTOR: All three cable  
21 franchisees agreements are up in July of 2020.

22 CHAIRPERSON RAFAEL SALAMANCA: 20? Okay.  
23 Should uhm the State move forward with actually uhm I  
24 would say removing Spectrum, AKA Charter. What will  
25 happen? What kind of impact will this have on City?



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On, on New Yorkers who use them as their provider?

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And what back up plan does the City have to ensure

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that they have services?

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SAMIR SAINI: So, I think that this is

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something that we are thinking about. Uhm as it is

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right now. We haven't seen a lot of movement in that

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direction and frankly I think that we all believe

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that the time where that, where that will actually

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occur is quiet, quiet, quite distant into the future.

11

Uhm but I think it is a fair question. I think what

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we do from DoITTs perspective if we enforce. We try

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to enforce our, our agreements as well as we can but

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I think it is something. It is a fair question,

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maybe something that we should be thinking about.

16

CHAIRPERSON RAFAEL SALAMANCA: Is it

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something that DoITT is in conversation with the

18

State about?

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SAMIR SAINI: We are not in regular

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conversation with the PSC about their enforcement

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action.

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CHAIRPERSON RAFAEL SALAMANCA: So, you

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have not had any conversations with the State?

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SAMIR SAINI: Not recently but some conversations with them last year but no, no recent conversations with the PSC about that this year.

CHAIRPERSON RAFAEL SALAMANCA: So, what is your plan? Should the state get rid of them?

SAMIR SAINI: As I said I think we; we think it is somewhat.

CHAIRPERSON RAFAEL SALAMANCA: Is there a plan?

SAMIR SAINI: Uhm no particular plan.

CHAIRPERSON RAFAEL SALAMANCA: Has there been conversations within your agency? Should they be removed from the state?

SAMIR SAINI: We have had some preliminary discussions about it but as I said Council Member at the moment, we think the eventually of Charter being shut down in New York State is quite far off should it occur.

CHAIRPERSON RAFAEL SALAMANCA: Okay. I see here that DOE Master Service Agreement MSA, Master Services Agreements for data communications services, so in 20, so in September 2018 the Department of Education requested authorization to utilize DoITTs Telecom Master Services Agreement also

1  
2 known as MSA with Verizon Business Network Service  
3 for data and telecommunication services. What role  
4 did DoITT play in that agreement?

5 SAMIR SAINI: Uhm John can you, can you  
6 speak on that?

7 JOHN WINKER: Well we negotiated the  
8 overall MSA, Master Services Agreement and the  
9 Department of Education put a contract in place on  
10 their own utilizing the terms and conditions under  
11 that agreement. It is their own contract.

12 CHAIRPERSON RAFAEL SALAMANCA: So, you,  
13 what was your role? Was there?

14 SAMIR SAINI: Well we have the, we hold  
15 the, the hold the mass contract on a citywide basis.  
16 All other agencies are allowed to put their own  
17 contracts in place and then procure services under  
18 the terms and conditions under the master contract.

19 CHAIRPERSON RAFAEL SALAMANCA: So, are  
20 you aware of any work that was done or that was just  
21 solely the Department of Education who did that work  
22 on their own?

23 SAMIR SAINI: That's correct. The  
24 Department of Education did it on their own.

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CHAIRPERSON RAFAEL SALAMANCA: So, they have their own IT Division?

SAMIR SAINI: That's correct. That's correct.

CHAIRPERSON RAFAEL SALAMANCA: And they do not, your agency does not talk to the Department of Education's IT Division?

SAMIR SAINI: We do not have oversight over that, over their IT Division.

CHAIRPERSON RAFAEL SALAMANCA: That's interesting. Okay. DoITT projects that it will generate \$190 million in miscellaneous revenue for Fiscal Year 2020 yet there has been a decrease in revenue streams from cable television, franchise agreements since Fiscal Year 2015. What are the main reasons for the revenue from Cable Vision Franchise Fees decrease by \$9 million since Fiscal Year 2015?

SAMIR SAINI: Cord cutting.

CHAIRPERSON RAFAEL SALAMANCA: I'm sorry?

SAMIR SAINI: Cord cutting.

CHAIRPERSON RAFAEL SALAMANCA: Okay, alright. So, I would say that New Yorkers are leaning toward using them.

SAMIR SAINI: Yes.

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2 CHAIRPERSON RAFAEL SALAMANCA: Their I-  
3 pads, Netflix, then.

4 SAMIR SAINI: Streaming.

5 CHAIRPERSON RAFAEL SALAMANCA: Streaming  
6 other than paying?

7 SAMIR SAINI: Exactly.

8 CHAIRPERSON RAFAEL SALAMANCA: Okay,  
9 alright. Do you anticipate any further decreases in  
10 revenue from cable television franchises in the next,  
11 in the next upcoming Fiscal Years?

12 SAMIR SAINI: John?

13 JOHN WINKER: I mean if you look at the  
14 uhm projected revenue for cable over the next few  
15 years you will see a decline in the base by a couple  
16 of million dollars. Uhm that is in recognition of  
17 the fact that people are moving to streaming  
18 services.

19 CHAIRPERSON RAFAEL SALAMANCA: What is  
20 that? What's a couple of million dollars?

21 JOHN WINKER: Uhm.

22 CHAIRPERSON RAFAEL SALAMANCA: What he  
23 looks for that answer, Commissioner what are DoITTs  
24 plans to replace that, that lost revenue? Uh is  
25 there one?

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SAMIR SAINI: Well I think we are  
developing that plan.

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CHAIRPERSON RAFAEL SALAMANCA: Okay. Can  
you share?

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SAMIR SAINI: We are still working on it  
so I can report that back to you once we're, we're  
finished with that evaluation. But again, I mean the  
lost revenue is not even within our control. People  
are cutting the, cutting the cord.

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JOHN WINKER: Excuse me, we are looking  
at about \$5 million between FY19 to FY22 decline in  
the cable revenue projects. Uhm as far as other  
alternatives we are seeing increases in revenues from  
other avenues so if you look at overall, the DoITT  
revenue budget over the next several years it is  
actually increasing as opposed to decreasing. This  
is just one funding stream that is decreasing.

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SAMIR SAINI: Right and further to that  
point if I may. There has been a trained up in the  
mobile telecom franchise revenue.

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CHAIRPERSON RAFAEL SALAMANCA: Okay uhm  
yeah LINKNYC we, are we? How many LINKNYC have been  
installed throughout the City of New York?

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SAMIR SAINI: So, we have roughly 80...  
1800 and 1820 odd links active deployed. Uhm across  
the five boroughs. There is a, there is a larger  
number uhm within the Manhattan borough and that is  
largely because there is a higher density of, of uhm,  
old, phone booths in that, in that borough so there  
was a higher count.

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CHAIRPERSON RAFAEL SALAMANCA: What's the  
goal? What's the city's goal?

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SAMIR SAINI: The current agreement that  
we have with our franchisee is a target of 7500  
links.

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CHAIRPERSON RAFAEL SALAMANCA: And who is  
the franchisee?

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SAMIR SAINI: Uhm it is city bridge.

CHAIRPERSON RAFAEL SALAMANCA: Uhm city  
bridge. And what was the total cost of this  
agreement?

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SAMIR SAINI: Uhm so it is no cost to the  
city agreement. No cost whatsoever. There have been  
hundreds of millions of dollars spent already all  
solely by the franchisee to do this capital program.  
It's purely revenue to the city. No closed cost at  
all. I think we estimated they have spent yeah

1  
2 hundreds of millions of dollars already to make the  
3 role happen to date.

4 CHAIRPERSON RAFAEL SALAMANCA: So, they  
5 are paying for the installations of the actual?

6 SAMIR SAINI: That's right. It's an  
7 address. So, if you will look at the kiosk you will  
8 notice that there are ads that will show up. Uhm the  
9 revenue, they are offsetting the costs, right for the  
10 deployment and maintenance of the Link kiosk through,  
11 through a generation of ad revenue using those giant  
12 screens on both sides.

13 CHAIRPERSON RAFAEL SALAMANCA: Is the  
14 city uhm is the city uh receiving any revenue from  
15 these advertisements on these kiosks?

16 SAMIR SAINI: Sure, so I can have John  
17 review the revenues today?

18 JOHN WINKER: Yes, correct uh we do have  
19 a revenue budget. There is a minimum amount in the  
20 revenue budget that the franchise needs to pay on an  
21 annual basis. There is about \$27 million. Uhm we  
22 are looking at, since the inception of the program  
23 over \$90 million in revenue is collected by the City.

24 CHAIRPERSON RAFAEL SALAMANCA: So, they  
25 have to pay the city \$27 million per year?



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JOHN WINKER: Minimum.

CHAIRPERSON RAFAEL SALAMANCA: Minimum  
per year?

JOHN WINKER: Correct.

CHAIRPERSON RAFAEL SALAMANCA: And that's  
just with the 1800 kiosks or that's, that's.

JOHN WINKER: It doesn't matter if they  
have one kiosk or.

CHAIRPERSON RAFAEL SALAMANCA: 7500?

JOHN WINKER: That's correct.

CHAIRPERSON RAFAEL SALAMANCA: It's \$27  
million. How do local community boards or local non,  
nonprofits uhm how can they advertise? Uhm community  
meetings. You know community events on these kiosks  
as they will cost them.

SAMIR SAINI: That's a great question,  
Michael.

MICHAEL PASTOR: Right they shouldn't,  
they can engage with us uh directly and we can help  
them uhm get their advertising up via the, the  
managing company for the franchising which is called  
intersection.

CHAIRPERSON RAFAEL SALAMANCA: Okay  
alright, uhm Mr. Chair that's it for me for now.

1  
2           SAMIR SAINI: I want to inform everyone  
3 that today is the anniversary of the signing of Open  
4 Data. Yes. Applause please.

5           CHAIRPERSON RAFAEL SALAMANCA: So, my  
6 next question. My next question is on the topic is  
7 next generation 911.

8           SAMIR SAINI: Yes.

9           CHAIRPERSON RAFAEL SALAMANCA: In the  
10 report your Agency you published in December 2018,  
11 title 2018 Annual Report under implementation of next  
12 generation 9-1-1 in the NYC. And you mentioned that  
13 the City and DoITT are working on several upgrades to  
14 the old data in 9-1-1 systems. Thus, we would like  
15 to ask a few questions uhm regarding the report that  
16 you published. Does the city anticipate recognizing  
17 budgetary savings but replacing the end of life  
18 components of the current 9-1-1 system?

19           SAMIR SAINI: No, so the, the driver for  
20 the movement to next gen, Next Gen 9-1-1 which moves  
21 us just to clarify from an analog based uhm 9-1-1  
22 system to an IP based system and what that means is a  
23 wide spectrum of new features and, and capability for  
24 both New Yorkers to be able to contact 9-1-1 and  
25 through multimedia channels, uploading pictures and

1  
2 video and not just simply an SMS text. Also, enables  
3 the 9-1-1 itself the peace acts to be able to roll  
4 over the volume of their calls, dynamically to, to  
5 handle Sergus and, in 9-1-1 calls or text messages.  
6 The uhm so the driver isn't about cost savings it's  
7 about, it's about public safety? Right? And  
8 improving public safety capability uhm both for the  
9 9-1-1 center and for New Yorkers. So, the project is  
10 doing well. We are in procurement right now and we  
11 are looking to go live by 2023.

12 CHAIRPERSON RAFAEL SALAMANCA: So, do you  
13 anticipate your agency will need additional resources  
14 to carry out this project?

15 SAMIR SAINI: We, we will have to put in  
16 a capital request for what's, for what's needed.  
17 Right. To support the new system, again we are in  
18 the procurement phase right now so once we see what  
19 the solution is going to look like, we can estimate  
20 what the total cost will be and then that uhm, those  
21 CPs will be put forward and then we will take it from  
22 there.

23 CHAIRPERSON RAFAEL SALAMANCA: So now let  
24 me change the topic. On a 10-year capital strategy,  
25 DoITT 10-year capital strategy totals \$736 million

1  
2 but the majority of the funding is fund loaded in the  
3 first two years. Fiscal 2020 and Fiscal 2021. So  
4 why is the majority of the capital funding, front  
5 loading in the first two years of the 10-year capital  
6 strategy?

7 SAMIR SAINI: Sure, I'm going to ask John  
8 to answer that?

9 JOHN WINKER: Well if you look at the 10-  
10 year flow that we have in the capital plan. There  
11 are two real funding buckets that we manage. We have  
12 the data processing 1 and data processing 2. Data  
13 processing 1, that line item is for the DoITT  
14 technology projects. DP2 is related to ECTP. Which  
15 still has fire cad, ems cad. There is another jock  
16 program, a joint operation center that they are  
17 building up in PSAC 2 and PSAC 1. Those three lines  
18 remain open. Right now, we have certain fundings  
19 that are for DP2 that are only in FY20 and 21, they  
20 drop out in 22. If you took that away and just  
21 looked at the DP1 going out, it would be flat,  
22 roughly flat. So it is, it is in fact that ECTP is  
23 ending in FY21 that really looks it makes it skewed  
24 in the first, in the first two years of the plan.

1  
2                   CHAIRPERSON RAFAEL SALAMANCA: Do you  
3 anticipate use of all of the capital funding during  
4 Fiscal 2021?

5                   SAMIR SAINI: As of now, yes.

6                   CHAIRPERSON RAFAEL SALAMANCA: Okay, how  
7 often do you assess the budget accuracy of your  
8 budget, of your capital strategy?

9                   SAMIR SAINI: Well, we are constantly  
10 reviewing all of our budget allocations whether it be  
11 expense revenue or capital. Uhm we work with OMB  
12 closely to make sure that if we see some delay in  
13 project, uhm Commitment, funding commitment levels we  
14 move the funds to the appropriate Fiscal Year so it  
15 is an ongoing process.

16                   CHAIRPERSON RAFAEL SALAMANCA: Thank you.  
17 I'm finished with all of the questions.

18                   SAMIR SAINI: Thank you.

19                   CHAIRPERSON RAFAEL SALAMANCA: Uhm we are  
20 going to call the next panel. Thank you,  
21 commissioners.

22                   SAMIR SAINI: Thank you very much,  
23 appreciate it.

24                   CHAIRPERSON RAFAEL SALAMANCA: Just a...  
25 this way. We are going to call on Julia Durante-

1  
2 Martinez, Armando Moritz-Chapelliquen of ANHD and  
3 Anthony Valdo, Paula Seagall and Valerio Orcelli  
4 (SP?) yeah. (long pause). So please identify  
5 yourself and you may begin and each, each person has  
6 four minutes. Okay.

7 JULIA DURANTE-MARTINEZ: Good afternoon  
8 Committee Chair Salamanca and members of the Land Use  
9 Committee. Thank you.

10 CHAIRPERSON RAFAEL SALAMANCA: So, I  
11 correct myself.

12 COUNSEL: Two minutes.

13 JULIA DURANTE-MARTINEZ: Great okay and  
14 thank you for the opportunity to testify. My name is  
15 Julia Durante-Martinez and I'm the Community Land  
16 Trust Coordinator at New Economy Project. New  
17 Economy Project co-founded and co-convenes the New  
18 York City Land Initiative, a coalition of more than 2  
19 dozen housing and social justice organizations  
20 advocating for community land trusts to preserve and  
21 create deeply affordable housing in stabilized  
22 neighborhoods. As an outgrowth of this work, New  
23 Economy Project and 14 partner organizations are  
24 proposing a new citywide CLT initiative with Fiscal  
25 Year 2020 discretionary funding support that would

1  
2 inculcate and expand CLTs in all five boroughs of New  
3 York City. CLTs are a proven mechanism to preserve  
4 vital affordable housing stock, prevent extraction of  
5 public subsidies and combat displacement. A CLT is a  
6 nonprofit that owns and stewards land in the  
7 community's interest and leases use of that land for  
8 affordable housing development and other community  
9 needs. CLTs typically issue renewable 99-year ground  
10 leases that establish resale and rental restrictions  
11 which protects public investments in CLTs for being  
12 list to the market over time. A key advantage that  
13 CLTs have over conventional affordability terms of 15  
14 to 30 years. The long-standing Cooper Squares  
15 Community Land Trust that we will hear from shortly  
16 has developed and preserved 400 units of housing on  
17 Manhattan's Lower East side for households earning  
18 roughly 30% of area median income and will continue  
19 to do so in perpetuity. CLTs also engage community  
20 members in meaningful decision making over  
21 neighborhood development and land use. CLT boards of  
22 directors are typically composed of equal part CLT  
23 lease holders, community members and public  
24 stakeholders. Both Cooper Square Community Land  
25 Trust and the East Harlem of CLT grant a sustained

1  
2 community of planning and vision processes and  
3 continue to have strong relationships with their  
4 community boards and other local partners. The CLT  
5 model has sparked a citywide movement that has  
6 achieved tremendous gains in recent years including  
7 passage of the city's first local law defining and  
8 entering CLTs into the Administrative code, increased  
9 HPD support, expanded training, legal and technical  
10 assistance networks and investment of New York State  
11 Attorney General Settlement Funds and local CLTs.  
12 More than a dozen community-based organizations from  
13 the northwest Bronx to Brownsville are working to  
14 develop local leadership, deepen community  
15 partnerships, organize homeowners and identify  
16 properties suitable for CLTs. The proposed citywide  
17 CLT initiative will allow groups to build upon this  
18 exciting progress at a critical moment of  
19 opportunity. We ask the committee to include the CLT  
20 initiative in its budget recommendations for Fiscal  
21 Year 2020. Thank you again for the opportunity to  
22 testify and I am happy to answer any questions you  
23 may have.

24 CHAIRPERSON RAFAEL SALAMANCA: Press the,  
25 press the button. Yeah.



1  
2 VALERIO ORCELLI: Okay, okay that is much  
3 better. Thank you. So, good afternoon uhm Mr. Chair  
4 and members of the Land Use Committee. My name is  
5 Valerio Orcelli. I am the project director of the  
6 Cooper Square Community Land Trust on the lower east  
7 side of Manhattan. I am here to express our stronger  
8 support for the New York City Community Land  
9 Initiative Application for a citywide CLT initiative  
10 recently submitted to the New York City Council. The  
11 Cooper Square CLT founded in 1994 is currently a  
12 fully functioning Community Land Trust in New York  
13 City. We are presently working with NICELY in order  
14 for the Cooper Square CLT to be able to grow and  
15 provide technical assistance and support to emergent  
16 CLT in all five boroughs. Our CLT is based on the  
17 principal of birth yet affordable housing which can  
18 be accomplished only through what we call the  
19 decommodification of the housing. That is to use the  
20 grants and forgivable loans for the renovation,  
21 couple with strict resale restrictions. Cooper  
22 Square CLT would also repay provides for social  
23 equity by keeping maintenance fees and rents low, it  
24 allows us many residents to save money for better  
25 education, childcare, healthcare, start their

1 business, travel and the pursuit of creative  
2 activities resulting in enrichment of family life.  
3 Some 20 years after the renovation of our 21  
4 buildings, our housing remains affordable to  
5 households earning \$17920 a year for a single person  
6 residing in a studio to \$36880 for a family of four  
7 in a three-bedroom apartment. By it's ownership of  
8 the land, under 21 buildings were leased to the  
9 Cooper Square HMA pursuant to a 99-year lease in  
10 exercise of stewardship of the building helping to  
11 protect a long-term affordability. The stewardship  
12 role was a crucial factor in securing the New York  
13 State Office for our plan. The CLT holds tight to  
14 the land under the Cooper Square HMA and monitors any  
15 force of the HMA nonprofit ownership structure, long  
16 term affordability and resale restrictions to a  
17 ground lease. I know I'm out of time so I can just  
18 wish to conclude by referring the chart that is part  
19 of my statement that I am going to hand out to you  
20 folks and to point out that even when the scaled,  
21 produced by the HMA and the CLT stewardship role in  
22 order for the CLTs to succeed they must grow, expand  
23 and create CLTs throughout the city. I urge you to  
24  
25

1  
2 fund this citywide initiative the first one in the  
3 city. Thank you very much.

4 CHAIRPERSON RAFAEL SALAMANCA: Thank you.  
5 Next gentleman here.

6 ANTHONY VALDO (SP?): Uhm I don't really  
7 know how to use this thing, but. Here you go. So,  
8 my name is Anthony Valdo and uhm I was born and  
9 raised on the lower east side of Manhattan. As a New  
10 Yorkers I've seen the City change and not for the  
11 better, working people, minority people, ethnic  
12 groups all be pushed out, our poor people are being  
13 sent to homeless shelters or living in the street. I  
14 joined the Cooper Square Community Land Trust because  
15 I saw that they had a solution to this problem that  
16 is taken control of the land because if you have, if  
17 the community has control of the land, no one can  
18 speculate on it. No one can push you out. We used  
19 to be communities, now I don't know what we are, we  
20 are Starbucks and bars. We desperately need  
21 community land trusts citywide because this problem  
22 is not a lower east side problem. It is happening in  
23 Queens in Brooklyn, even on Staten Island believe it  
24 or not. So, I urge you to please consider our  
25 request. Thank you.

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CHAIRPERSON RAFAEL SALAMANCA: Thank you.

PAULA SEAGALL: Thank you members of the Committee for the opportunity to weigh in on the budget this year. My name is Paula Seagall I am senior staff attorney at the Community Development Project. We are a nonprofit legal services organization that works with grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. My practice specifically, the Equitable Neighborhoods Practice works with directly impacted communities to respond to city planning processes and private developers to help make sure that people of color, immigrant and other low-income residents who have built our city are not pushed out in the name of progress. And you just heard from our colleagues at New Economy and the Cooper Square Community Land Trust, CLTs are an opportunity for resident led preservation of affordability in New York City Neighborhoods. CLTs have been used for housing, for cultural space, for commercial storefronts and for preserving places where people work. We are here to urge you to make sure that the new Citywide CLT initiative is included in the Fiscal Year 20 budget. Where part of the

1  
2 initiative as a provider of transaction or legal  
3 services. As you may have guessed from Mr. Orcelli's  
4 presentation there is no small amount of actual legal  
5 work that needs to go in to creating a Community Land  
6 Trust and making sure that transactions are set up in  
7 a way that actually reflects the organizing. There  
8 are bi-laws to be written. There is offering  
9 statements to be made. There are property tax  
10 negotiations with the Department of Finance and we  
11 are already working with members of the initiative  
12 specifically in the Northwest Bronx Community and  
13 Clergy Coalition, Queens Neighborhood Units, the Mary  
14 Mitchell Family and Youth Center in the Bronx and  
15 Cave in Manhattan and Los Cadavos (SP?). The funding  
16 of this initiative would allow us to deepen our work  
17 with them. To expand legal services opportunities to  
18 other members and also to do some training of other  
19 legal, nonprofit legal services providers so they can  
20 also provide transaction and legal services to  
21 emerging CLTs. Thank you so much.

22 CHAIRPERSON RAFAEL SALAMANCA: Thank you.  
23 Uhm I want to thank you guys for your testimony. I  
24 see the Community Land Trust Initiative those two  
25 organizations that are in my Council District which

1  
2 is Los Cadamos (SP?) and Mary Mitchell and I have had  
3 conversations with Jessica Clemente from Los Cadamos  
4 about it. But there are other not for profits in my  
5 Council District who are putting together or trying  
6 to figure out or put together Land Trust from their  
7 portfolio. You have Banana Kelly and Mid Bronx  
8 Esperados.

9 PAULA SEAGALL: They are also part of the  
10 initiative; they are not just our current client.

11 CHAIRPERSON RAFAEL SALAMANCA: Yes.

12 PAULA SEAGALL: But we actually work with  
13 them in a nonclient on a nonclient basis in response  
14 to their rezoning proposal that the city is putting  
15 together. But in terms of actually being counsel on  
16 their transactions these are groups that we already  
17 work with and we would love to work with the other  
18 groups in the initiative which I don't have a full  
19 list in front of me but maybe Julia does. But Banana  
20 Kelley is one of them.

21 CHAIRPERSON RAFAEL SALAMANCA: Yeah,  
22 yeah, okay alright well thank you very much for your  
23 testimony.

24 PAULA SEAGALL: Yeah. Okay.  
25

1  
2                   CHAIRPERSON RAFAEL SALAMANCA: Thank you,  
3 alright so we are going on to the next panel, we have  
4 Leah Archibald, Leah? Robert Brill (SP?) and Armando  
5 Capelliquen, Armando. Alright so I guess Robert.

6                   ROBERT BRILL (SP?): Good afternoon. Uhm  
7 my name is Robert Brill (SP?) I am outside counsel to  
8 the local 3 of the International Brotherhood of  
9 Electrical Workers. I have appeared with Lance  
10 Osdiel (SP?) of local 3 before Chair Koo's Committee  
11 and I'm not sure of yours Chair Salamanca but perhaps  
12 the subcommittee on Zoning and Franchises. It last,  
13 year. I want to just quickly note that we were  
14 unaware that this was going. This hearing was going  
15 to have public comments so we may want to supplement  
16 with writing. My comments today as well as amplify  
17 it, we look forward to working with the committees  
18 with regards to budget issues amongst other things.  
19 I want to key note a couple of things though related  
20 to DoITTs testimony to you which I think was lacking  
21 and unfortunately much too vague. Cutting the cord  
22 which I think Chair Salamanca you were raising when  
23 they responded to you about cable revenue. So, what  
24 they don't mention is that (1) these cable  
25 franchisees over a 30- or 40-year period of time have

1 developed broadband telecommunications using the  
2 inalienable property of the city and the city has not  
3 done anything certainly in the last decade to  
4 recapture that revenue. So, the notion of New  
5 Yorkers no longer using pure cable called CATV but  
6 still getting broadband internet access, voice over  
7 IP, protocol type telephone, telephony is false. I  
8 think certainly Charter and Altice even though they  
9 are traditionally thought of as cable franchisees  
10 have been deriving revenue from that and I would add  
11 even the Trump era FCC and the now sued upon  
12 Restoring Internet Freedom Act which by the way the  
13 City of New York has submitted an Amicus Brief in  
14 support of New York State to impose on constitutional  
15 grounds. Even they say that you, the City can still  
16 recover reasonable and fair use of the inimitable  
17 property. So, why aren't they doing that and why are  
18 they not responding to you about well here is how we  
19 are going to try to recapture the revenue either by  
20 being aggressive and let them sue us and we will go  
21 to court and fight them or not. Second, they didn't  
22 mention to you at least while I was in here and  
23 listening that the conflict of interest board issued  
24 in January of 2019, the disposition and settlement  
25



1  
2 that a high-level regulator at DoITT was apparently  
3 feeding to his relatives at charter inside  
4 information and giving inside information to charter  
5 to correct things amongst other things. This is all  
6 now in the public domain. So, you have to ask  
7 yourself they had an insider to do it, helping a  
8 particular franchisee, what's up with that? And that  
9 deserve your attention and we look forward to  
10 providing you. That is in the public domain. That  
11 is something that got out there in January.

12 CHAIRPERSON RAFAEL SALAMANCA: I read  
13 that, I read that complaint. Uhm so you have, you  
14 don't have a written testimony but you will, you will  
15 put one together and make sure that you get it to  
16 you.

17 ROBERT BRILL: We will certainly give to  
18 the Committee.

19 CHAIRPERSON RAFAEL SALAMANCA: To the  
20 Committee. One, I'm sorry your time is up.

21 ROBERT BRILL: Okay.

22 CHAIRPERSON RAFAEL SALAMANCA: Okay thank  
23 you very much. Alright is there anyone else from the  
24 public who wishes to testify? Seeing none we would  
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like to thank everyone for today's hearing. This  
hearing is hereby adjourned.

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 14, 2019