

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

----- X

December 14, 2021
Start: 2:32 p.m.
Recess: 2:44 p.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 2)

B E F O R E: Diana Ayala
CHAIRPERSON

COUNCIL MEMBERS:
Margaret Chin
Peter Koo
Ben Kallos
Kalman Yeger
Carlos Menchaca
Justin Brannan
Helen Rosenthal
Karen Koslowitz
Jimmy Van Bramer

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

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

3

2 SERGEANT-AT-ARMS: PC recording is up.

3 SERGEANT-AT-ARMS: Thank you. Cloud is up.

4 Good afternoon, everyone. Welcome to today's New

5 York City Council vote on Consumer Affairs and

6 Business Licensing. At this time, will all panelists

7 please turn on their videos. To minimize disruption,

8 can you please place electronic devices on vibrate or

9 silent mode? Thank you. Chair Ayala, we are ready

10 to begin.

11 CHAIRPERSON AYALA: Thank you. Good

12 afternoon. My name is Diana Ayala and I am the Chair

13 of the Committee on Consumer Affairs And Business

14 Licensing. I would like to welcome you to our vote

15 today. Before we get started, I would like to

16 acknowledge that we have been joined by Council

17 members-- wait. I'm sorry. Let me just go back.

18 Chin, Yeger, Lander, Menchaca, Barron, Brannan. If I

19 missed anyone, I will come back around. Today, we

20 will be voting on three important bills, two related

21 to sidewalk cafes and a third that seeks to address

22 waste caused by plastic single use ware. The first

23 bill we will vote on today is proposed Introduction

24 number 2096-A, sponsored by Council member Kallos,

25 which seeks to improve the sidewalk café licensing

2 system. Under the current sidewalk café licensing
3 process, applications are reviewed by multiple city
4 agencies, the Council, as well as community boards.
5 Even when this process runs smoothly, it can take as
6 long as four to five months to be finalized. With
7 restaurants still struggling as to having been closed
8 for indoor dining for so long and with the likelihood
9 of having to endure another slow winter and new COVID
10 variants, proposed Intro 2096-A would speed up the
11 sidewalk café licensing process. If enacted,
12 proposed Intro 2096-A would allow DCWP to issue
13 temporary operating licenses to applicants for a
14 sidewalk café license if the plans for the new
15 sidewalk café are identical to the plans for
16 previously operating sidewalk café at the same
17 location. This bill would also allow the Department
18 to issue a temporary operating license for new
19 sidewalk café applicants whose petitions have been
20 approved but are pending registration by the
21 Comptroller.

22 The second bill we will be voting on
23 today also seeks to address the lengthy sidewalk café
24 application process. Under the current scheme,
25 sidewalk café applicants must include a plan of their

2 proposed layouts that's prepared by a licensed
3 architect or engineer. DCWP agrees that this
4 requirement and burdensome and expensive for
5 applicants and has also testified that it is unduly
6 challenging for agency staff who review the plans
7 without any background in engineering or
8 architecture. Intro 2134, sponsored by Council
9 member Salamanca, would address this issue by
10 allowing sidewalk café applicants to self prepare
11 such plans.

12 The final bill we will be voting on today
13 is proposed Intro 1775-C, sponsored by Council member
14 Van Bramer. This bill will finally address the
15 mountains of waste created by unnecessary single-use
16 eating utensils and food ware, soft packages, and
17 napkins. Globally, more than 320 million tons of
18 plastic are consumed each year and more plastic has
19 been produced in the last decade than ever before.
20 While plastics last for centuries, they are often
21 only used once before being discarded. 95 percent of
22 plastic packaging, for example, is only used once and
23 only 14 percent is collected for recycling. As a
24 result, millions of tons of plastic lead into our
25 oceans each year, endangering fish and aquatic birds.

2 The World Economic Forum predicts that, under a
3 business as usual scenario, there will be more
4 plastic in the ocean than fish by 2050. In the
5 United States, over 100 million plastic utensils are
6 used daily and some analysts estimate that the U.S.
7 wastes 40 billion plastic utensils per year. The
8 Ocean Conservancy lists cutlery as among the most
9 deadly items to sea turtle, birds, and mammals. The
10 time to address the climate crisis is now if we want
11 to leave a habitable planet for the children of this
12 city. We must take immediate action to create a more
13 green and sustainable society. For consumers, a
14 major way to reduce our waste and be more
15 environmentally conscious is to reduce our reliance
16 on plastics. Proposed Intro 1775-C would decrease
17 the amount of plastic waste used in our city.

18 Consumers at food service establishments will have to
19 ask for plastic utensils, sauce packages, napkins, or
20 extra bowls and cups instead of automatically
21 receiving them from the restaurant for takeout and
22 delivery orders. This bill is common sense win-win
23 scenario. It will lead to a reduction in utensil
24 purchasing and waste for businesses. Less plastics
25 will be used by consumers and, as a result, our city

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

7

2 will be greener. I, therefore, encourage my fellow

3 Council members to vote yes on this bill and the two

4 sidewalk café licensing bills. Before I ask the

5 clerk to call the roll, I would like to turn it

6 over-- I'm not sure if there's any of the sponsoring

7 members who would like to make remarks? I don't see

8 any. Okay. Then let's call the roll.

9 COMMITTEE CLERK: Thank you and good

10 afternoon. This is the Committee on Consumer Affairs

11 and Business Licensing. Roll call vote on proposed

12 Intro 1775-C, Intro 2134, and proposed Intro 2096-A.

13 Chair Ayala?

14 CHAIRPERSON AYALA: I vote aye.

15 COMMITTEE CLERK: Council member Chin?

16 COUNCIL MEMBER CHIN: I vote aye.

17 COMMITTEE CLERK: Council member Koo?

18 COUNCIL MEMBER KOO: I vote aye.

19 COMMITTEE CLERK: Thank you. Council

20 member Lander? Council member Lander?

21 COUNCIL MEMBER LANDER: Sorry. I vote aye.

22 Thank you.

23 COMMITTEE CLERK: Thank you. Thank you,

24 as well. Council member Menchaca?

25 COUNCIL MEMBER MENCHACA: I vote aye.

2 COMMITTEE CLERK: Council member Brannan?

3 COUNCIL MEMBER BRANNAN: Aye.

4 COMMITTEE CLERK: Thank you. Council
5 member Yeger?

6 COUNCIL MEMBER YEGER: Chair, may I be
7 excused to explain my vote?

8 CHAIRPERSON AYALA: You may.

9 COUNCIL MEMBER YEGER: Thank you. I'm
10 sure you're surprised by that request. First, I just
11 wanted to say it's been an honor and privilege to
12 serve on this committee with you. I came to be a
13 member of this committee later in my term in the
14 Council and, honestly, I was asked to do so as a seat
15 filler at a time when we were down a couple of
16 members and there were some elections that had been
17 cancelled and we just needed bodies on different
18 committees and I agreed to do it really as just a
19 favor to the Council. And the Chair at that time was
20 Chair Cohen, my friend and our friend who has left on
21 to greener pastures or so he thinks. But once you
22 became Chair, I told the Council that I would be
23 happy to stay. You're an incredible leader, a good
24 friend, and you're somebody who was always open to
25 hearing opposing views, even if it's not one that you

2 agree with, but you've given the floor to members who
3 didn't agree with you which is where we stand today
4 because I am not voting aye on all, as I'm sure
5 you're shocked. I am voting aye on Intro 2134 which
6 I am a cosponsor to make it easier to apply for the
7 revokal [sic] of consent for sidewalk cafés. As a
8 member of the community board for 18 years before I
9 came to this Council, we heard my of these
10 applications and I think that the place for-- an
11 application for a revokal of consent is that it ought
12 to be applied for in order to be heard and in order
13 to be decided upon and, for that same reason, I'm
14 voting no on Intro 2096 because I believe that if the
15 ownership of an establishment changes, it ought to go
16 back through the application process. I don't see
17 how the world ends if somebody wants to have a
18 sidewalk café and they are new establishment just
19 because there was a café there prior there, too,
20 under a different entity. It shouldn't necessarily
21 exclude the new owner from having to go through that
22 process and make the case for why one is necessary,
23 needed, or whether or not they are a good proprietor
24 and responsible enough to be entrusted with our
25 valuable space on the streets. I am voting no on

2 Intro 1775 because, while I agree with everything you
3 said, Chair, and that there is too much plastic and
4 that we ought to do better with the environment and
5 we ought to do better about paying attention to how
6 much waste we're creating in the world. But at the
7 same time, I've been very consistent for 47 and a
8 half months in the Council voting for bills that
9 impose fines and penalties on the smallest businesses
10 in the city. It's just not something I'm comfortable
11 with. I would have been comfortable with if this
12 bill, as I said when we heard it a number of weeks
13 ago, if this bill had a provision that the first
14 violation when the summons warriors go storming into
15 businesses around this city to throw around their
16 summonses, the first time that they walk into a
17 restaurant that has, in their estimable view,
18 violated this provision of law, they issue a warning.
19 Now, the statute does have a provision that no
20 violation can be issued before July 1st of 2023, but
21 at the same time, this is still a new requirement so
22 it should always be-- for a new requirement or a
23 new statute-- the law should be-- and I've been
24 consistent about this-- no penalty for the first
25 time. No penalty for the first because otherwise the

2 agencies are encouraged to run around and build the
3 city's budget on the backs of small businesses in
4 this city and so, for that reason and that reason
5 alone, no matter what the fine folks in the
6 environmentalist lobby have said about this bill,
7 because I do agree with them on this, but I can't
8 impose these fines on small businesses. So I vote no
9 on Intro 1775. Thank you very much, Madam Chair.

10 CHAIRPERSON AYALA: Thank you, Council
11 member.

12 COMMITTEE CLERK: Thank you. Council
13 member Kallos? Council member Kallos?

14 COUNCIL MEMBER KALLOS: I had to bring the
15 car to a full and complete stop. I vote aye on all.

16 COMMITTEE CLERK: Thank you. Council
17 member Koslowitz?

18 COUNCIL MEMBER KOSLOWITZ: I vote aye on
19 all.

20 COMMITTEE CLERK: Thank you. Chair Ayala,
21 by a vote of nine in the affirmative, zero in the
22 negative, and zero abstentions, Intro 2134 was
23 adopted. By a vote of eight in the affirmative, one
24 negative, and zero abstentions, Intros 1775-C and
25

1 COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING
12

2 2096-A were also adopted. And, Chair Ayala, I
3 believe Council member Van Bramer wishes to speak.

4 CHAIRPERSON AYALA: Council member Van
5 Bramer?

6 COUNCIL MEMBER VAN BRAMER: I just want to
7 say thank you, Chair Ayala, and to all the members of
8 the committee and to praise the activists and my team
9 to help make this possible. I'll say more tomorrow,
10 but thank you very much.

11 CHAIRPERSON AYALA: Thank you. Thank
12 you. And with that, unless anyone has anything else
13 to add, this vote is closed. Thank you, guys. Thank
14 you so much.

15 COUNCIL MEMBER KOSLOWITZ: Thank you.
16
17
18
19
20
21
22
23
24
25

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 January 31, 2022