

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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May 2, 2023  
Start: 11:19 a.m.  
Recess: 12:19 a.m.

HELD AT: 250 Broadway - Committee Rm. 14<sup>th</sup> fl

B E F O R E: Kevin C. Riley  
Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
Erik D. Bottcher  
David M. Carr  
Kamillah Hanks  
Farah N. Louis  
Francisco P. Moya  
Lynn C. Schulman

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

Frank St. Jacques  
Akerman LLP

Dan Eggers  
Greenberg Traurig

Chase Villafana  
Planet Fitness

Maria Platis  
Property Management for Big Six Towers

Lisa Orrantia  
Akerman LLP

Steven Sinacori

Michelle Craven  
Assistant Commissioner for Cityscape and  
Franchises at DOT

Miranda Alquist  
Director of Legal Affairs at DOT



1  
2 UNIDENTIFIED: And I just want to alert  
3 you guys that once we get the quorum, we'll probably  
4 take a pause to do the vote, and we'll continue the  
5 hearing.

6 SERGEANT AT ARMS: Good morning and  
7 welcome to the Subcommittee on Zoning and Franchises.  
8 At this time, please place all phones on vibrate or  
9 on silent mode. If you want to submit testimony,  
10 send it to testimony@council.nyc.gov. Once again,  
11 that's testimony@council.nyc.gov. At any time during  
12 this hearing, do not approach the dais. Thank you  
13 for your cooperation. Chair, we are ready to begin.

14 [gavel]

15 CHAIRPERSON RILEY: Good morning and  
16 welcome to the meeting of the Subcommittee of Zoning  
17 and Franchise. I am Council Member Kevin Riley,  
18 Chair of the Subcommittee. This morning I am joined  
19 by Council Member Abreu, Carr, Schulman, Hanks, and  
20 remotely by Moya. Today we will vote on three  
21 rezoning proposals, one in Queens, one in the Bronx,  
22 and one in Brooklyn, and hold public hearings for  
23 three rezoning proposals in Queens and authorize a  
24 resolution for an amendment and the extension of the  
25 Coordinated Street Furniture Franchise Agreement.

2   Before we begin, I recognize the Subcommittee Counsel  
3   to review the hearing procedures.

4                   COMMITTEE COUNSEL:   Thank you Chair  
5   Riley. I am Angelina Martinez [inaudible] Counsel to  
6   the Subcommittee. This meeting is being held in  
7   hybrid format. Members of the public who wish to  
8   testify may testify in person or via Zoom. Members  
9   of the public wishing to testify remotely may  
10  register by visiting the New York City Council  
11  website at [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to sign up or  
12  for those of you here in the room, please see one of  
13  the Sergeants at Arm to [inaudible] submit a speaker  
14  card. Even if you are an applicant, I need a speaker  
15  card. Members of the public may also view a live  
16  stream broadcast of this meeting on the Council's  
17  website. When you are called to testify before the  
18  Subcommittee, if you are joining us remotely, you  
19  will remain muted until recognized by the Chair or I  
20  to speak. When the Chair or I recognize you, your  
21  microphone will be unmuted. Please take a moment to  
22  check your device and confirm that your mic is on  
23  before you begin speaking. We will limit public  
24  testimony to two minutes per witness. If you have  
25  additional testimony you would like the Subcommittee

1 to consider, if you have written testimony you would  
2 like to submit instead of appearing before the  
3 Subcommittee, please email it to  
4 landusetestimony@council.nyc.gov. Please indicate  
5 the LU number and/or project name in the subject line  
6 of your email. We request that witnesses joining us  
7 remotely remain in the meeting until excused by the  
8 Chair as Council Members may have questions.

9 Finally, there will be pauses over the course of this  
10 hybrid for various technical reasons and we ask that  
11 you please be patient as we work through any issues.  
12 Chair Riley will now continue with today's agenda.

13 CHAIRPERSON RILEY: Thank you, Counsel.

14 We've been joined by Council Member Bottcher as well.  
15 Today we will vote to approve LUs 184 and 185 for the  
16 2560 Boston Road Rezoning Proposal in Council Member  
17 Velázquez's district in the Bronx. This proposal  
18 would rezone existing R6 in a CA-1 zoning district to  
19 an R7-2/C2-4 zoning district and establish an MIH  
20 program area, utilizing MIH option one and two.  
21 These approvals will facilitate a new mixed-use  
22 building where approximately 333 mixed-income  
23 affordable housing units. Council Member Velázquez  
24 is in support of this application. We will also vote  
25

1 to approve LUs 186, 187, and 188 relating to the 23-  
2 10 Queens Plaza South Rezoning Proposal in Council  
3 Member Won's district in Queens. This proposal seeks  
4 to rezone existing M1-5/R9 zoning district to an M1-  
5 6/R9 rezoning district, and a zoning text amendment  
6 to establish an area D and both controls within the  
7 Queens Plaza subdistrict of the Special Long Island  
8 City Mixed-Use District and a Zoning Special Permit  
9 pursuant to Zoning Resolution Section 117-533 to  
10 modify the distance between building and street wall  
11 location requirements in Council Member Won's  
12 district in Queens. These approvals will facilitate  
13 the construction of a 22-story enlargement of an  
14 existing four-story building for commercial office  
15 space, retail, and community facility uses. Council  
16 Member Won is in support of this proposal. We will  
17 also vote to approve with modifications LUs 189, 190,  
18 and 191 relating to the Paperific Rezoning Proposal  
19 in Council Member Hanif's district in Brooklyn. This  
20 proposal will rezone existent M1-2, M2-1 in R6 zoning  
21 district to C4-4A and R6 rezoning districts,  
22 established an MIH program area utilizing MIH option  
23 one and two, and a special permit pursuant to Zoning  
24 Resolution Section 74-681A2 to allow development over  
25

2       portions of a railroad or transit railway. These  
3       approvals will facilitate the development of a new  
4       five-story commercial building. The Council will  
5       modify this application to strike MIH options two and  
6       add the deep affordability option. Council Member  
7       Hanif is in support of this proposal as modified.  
8       Members of the Subcommittee who have questions or  
9       remarks about today's items should use the raise hand  
10      button if you're online, or if you're here, just let  
11      me know. Council will announce members in the order  
12      that hands are raised. Counsel, are there any  
13      Council Members with questions or remarks at this  
14      time?

15                   COMMITTEE COUNSEL: Chair Riley, it  
16      doesn't appear that any members have questions at  
17      this time.

18                   CHAIRPERSON RILEY: Thank you, Counsel.  
19      I know call for a vote to approve LUs 184 and 185  
20      related to the 2560 Boston Road Rezoning Proposal, to  
21      approve LUs 186, 187, and 188 relating to 23-10  
22      Queens Plaza South Rezoning Proposal, and to approve  
23      with modifications I have described, LUs 189, 190,  
24      and 191 relating to the Paperific Rezoning Proposal.  
25      Counsel, please call the roll.



2 COMMITTEE COUNSEL: Chair Riley?

3 CHAIRPERSON RILEY: Aye on all.

4 COMMITTEE COUNSEL: Council Member Moya?

5 COUNCIL MEMBER MOYA: I vote aye.

6 COMMITTEE COUNSEL: Council Member Abreu?

7 COUNCIL MEMBER ABREU: Aye on all.

8 COMMITTEE COUNSEL: Council Member

9 Bottcher?

10 COUNCIL MEMBER BOTTCHEER: Aye on all.

11 COMMITTEE COUNSEL: Council Member Hanks?

12 COUNCIL MEMBER HANKS: Aye on all.

13 COMMITTEE COUNSEL: Council Member

14 Schulman?

15 COUNCIL MEMBER SCHULMAN: Aye on all.

16 COMMITTEE COUNSEL: And Council Member

17 Carr?

18 COUNCIL MEMBER CARR: Aye on all.

19 COMMITTEE COUNSEL: The vote currently

20 stands at 7 in the affirmative, no negatives, no

21 abstentions, and we can leave the vote open.

22 CHAIRPERSON RILEY: Thank you, Counsel. I

23 will now open the public hearing on Pre-considered

24 LUs relating to the ULURP Number C 210283 ZMQ

25 relating to the 26-50 Brooklyn Queens Expressway West

2 Rezoning in Council Member Cabán's district in  
3 Queens. This application seeks a zoning map  
4 amendment to rezone the existing M1-1 zoning district  
5 to an M1-2 zoning district. For anyone wishing to  
6 testify on this item remotely, if you not have  
7 already done so, you must register online and you may  
8 do that now by visiting the council's website at  
9 council.nyc.gov/landuse. Once again, for anyone with  
10 us in person, please see one of the Sergeants to  
11 prepare and submit a speaker's card. Counsel, please  
12 call the first panel to the item.

13                   COMMITTEE COUNSEL: So, the panel for  
14 this item is Frank St. Jacques and Sal Casey [sp?].

15                   CHAIRPERSON RILEY: Counsel, please  
16 administer the affirmation?

17                   COMMITTEE COUNSEL: Can you both please  
18 raise your right hand? Do you affirm to tell the  
19 truth, the whole truth and nothing but the truth in  
20 your testimony before the Subcommittee and in your  
21 answers to all Council Member questions?

22                   UNIDENTIFIED: I do.

23                   CHAIRPERSON RILEY: Thank you. For the  
24 viewing public, if you need accessible version of  
25 this presentation, please send an email request to

2 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). And now the  
3 applicant team may begin. Panelists, before you  
4 begin, just state your name and organization for the  
5 record. You may begin.

6 FRANK ST. JACQUES: Good morning Chair  
7 Riley and Committee Members. I'm Frank St. Jacques  
8 with Akerman LLP. We're Land Use Counsel for the  
9 applicant. I'm joined by the applicant, Sal Ocasey  
10 [sp?], the owner of BQE Fitness. Next slide, please?  
11 This application is for a zoning map amendment to  
12 change an existing M11 zoning district to an M12  
13 zoning district in the area that's shaded red on the  
14 slide on the screen. The proposed M12 zoning  
15 district is consistent with the surrounding built  
16 context and uses and would promote the enlargement of  
17 BQE Fitness, the fitness center that has occupied the  
18 site for over 40 years, which is outlined in red on  
19 the map. Next slide, please? The site was zoned  
20 M11 in 1961. It is part of a large M11 zoning  
21 district that extends from western Queens as shown on  
22 the inset. This has historically served as an area  
23 for a range of industrial and commercial uses,  
24 separate from surrounding residential communities.  
25 The built environment is predominantly conforming

1 industrial and commercial consistent with the  
2 underlying M11 zoning. In addition to 2650 BQE West,  
3 the end of the block fronting 27<sup>th</sup> Avenue is included  
4 in the proposed rezoning. 2660 BQE West is a 7,400  
5 square foot lot with an auto repair shop. Next  
6 slide, please. The site is about 4,300 square feet.  
7 It's an irregularly shaped lot taking up about half  
8 block. It's improved with a 35-foot tall building  
9 that was constructed in the 1960s and originally used  
10 as a factory. In 1979, a racket ball center opened  
11 that expanded into a tennis center and eventually a  
12 gym that has changed ownership a few times over the  
13 decades. It is currently BQE Fitness which is owned  
14 by the applicant. The other use in the building is  
15 the New York City Gentleman's Club which is not owned  
16 by the applicant, and which would be replaced with a  
17 proposed enlargement. Next slide, please. The  
18 proposed M12 zoning district allows an increase in  
19 the maximum floor area ratio, or FAR, from 1.0 to 2.0  
20 for commercial use. The proposed rezoning will  
21 facilitate the expansion of BQE Fitness both within  
22 the existing building at the first floor and  
23 mezzanine levels, replacing the gentleman's club. In  
24 addition, the rezoning will allow a three-story  
25

2 enlargement on the parking area with an additional  
3 14,000 square feet floor area, resulting in a total  
4 FAR of 1.31. This will allow for new programming and  
5 amenities space for BQE Fitness including two new  
6 7,000 square foot basketball courts. Additional  
7 customer parking will also be provided. Next slide,  
8 please. Just go through these next slides quickly  
9 showing in plan the proposed enlargement. The site  
10 plan and section on this slide show the proposed  
11 three-story enlargement of the existing building on  
12 the southern edge of the site where there's surface  
13 parking today. Next slide, please. On the-- sorry,  
14 looks like my slides aren't matching up. If we could  
15 just go back one slide, please? Sorry, one more  
16 slide. So, on the-- on this slide, this is the first  
17 floor plan shown on the left-hand side of the screen.  
18 BQE Fitness would expand into the space that's shaded  
19 in blue where the New York City Gentleman's Club is  
20 now in the existing building, and the first floor of  
21 the enlargement which is shaded in red would be used  
22 for enclosed parking. The right hand side of the  
23 screen shows where a new mezzanine would be added to  
24 connect an existing mezzanine within the existing  
25 building. Next slide, please. The second and third

2 floors of the enlargement which are shaded in red  
3 have two new approximately 7,000 square foot courts  
4 that can be used for basketball or is flexible space  
5 for a range of BQE Fitness programming. Next slide,  
6 please. BQE Fitness is an important resource in the  
7 community for fitness and activity space. It has  
8 approximately 6,000 members offering fitness as well  
9 as activities and camps. It serves as-- offers space  
10 to several local school and community organizations  
11 for free or reduced rates. The enlargement will  
12 allow BQE Fitness to expand their existing  
13 programming and better serve members in the  
14 community. It will also allow BQE Fitness to ad  
15 employees, most of which are currently from Queens.  
16 We believe it will approximately double the existing  
17 55 employees. So we appreciate your time and  
18 consideration on this matter and hope that you'll  
19 support this project, and we're happy to answer any  
20 questions.

21                   CHAIRPERSON RILEY: Thank you so much. I  
22 just have a few questions. The rezoning would allow  
23 higher density than the proposed expansion. Why not  
24 make use of more FAR?

1  
2 FRANK ST. JACQUES: So, the-- really the  
3 answer to that is the balance between adding  
4 additional FAR within the proposed M12 and also  
5 providing parking. So, the parking requirement in  
6 M12 districts is relatively high. It's about one  
7 space per 300 square feet of floor area. So each  
8 additional square foot of floor area results in a  
9 corresponding parking requirement. So what we've  
10 done is balanced providing as much space as possible,  
11 most importantly the two new 7,000 square foot  
12 courts, also utilizing the space in the existing  
13 building to-- but also accommodating that additional  
14 parking requirement. So, it's really-- the answer is  
15 we would expand more if the parking requirement were  
16 lower, but it's just an aspect of the M12 zoning,  
17 that it has a high parking requirement.

18 CHAIRPERSON RILEY: Thank you. What  
19 features will the building include to increase energy  
20 efficiency, reduce emissions and manage storm water  
21 on and off the site?

22 FRANK ST. JACQUES: Alright, so the  
23 building will be fully-compliant with all the current  
24 building code and Local Law requirements as it  
25 relates to sustainability and resiliency. Solar

2 panels are planned on the existing roof which is  
3 pitched. So that will be an appropriate place for  
4 solar, and also pervious pavement will be used on the  
5 roof of the enlargement for storm water resilient--  
6 storm water retention, and new street trees will  
7 planted surrounding the site.

8                   CHAIRPERSON RILEY: Thank you. Two more.  
9 Will you provide electric vehicle charging stations?  
10 If so, how many?

11                   FRANK ST. JACQUES: We don't have an  
12 exact number yet, but we're planning to have electric  
13 charging stations within the parking structure within  
14 facility, but we can certainly get back to your  
15 office on that. So, yeah, we haven't made that  
16 determination yet.

17                   CHAIRPERSON RILEY: Okay. And lastly,  
18 how will you ensure people accessing the site on bike  
19 or foot can access the site safely, being that this  
20 is going to be in an industrial area?

21                   FRANK ST. JACQUES: Sure. So what the  
22 applicant has observed in their years operating the  
23 site is that a number of their patrons do ride by  
24 bicycle and they're actually-- that bicycle use is  
25 promoted at the site. They provide bike racks, and



2   so there's bike parking. The area is an industrial  
3   area, but what they found is that their patrons are  
4   able to arrive-- travel safely to and from the site.  
5   The sidewalks surrounding the-- the new building once  
6   it's been enlarged will be improved as I noted. The  
7   street trees will be added, but any broken pavement,  
8   you know, will be--

9                   CHAIRPERSON RILEY: [interposing] How are  
10   the streets?

11                  FRANK ST. JACQUES: The streets  
12   themselves, we-- there's currently no plans for the  
13   applicant to make improvements in the street, but  
14   we're happy to work with DOT on any improvements that  
15   may be proposed there.

16                  CHAIRPERSON RILEY: Yeah, I think it's  
17   always important for business owners especially to  
18   work with the Community Boards through the advocates  
19   to speak about, you know, the transportation issues  
20   that happen in the specific area. so I would just,  
21   you know, suggest to work with the Community Boards  
22   to see how you could make that area more accessible  
23   for people that are approaching there with bicycles  
24   and who are even walking.

2 FRANK ST. JACQUES: We're happy to do  
3 that.

4 CHAIRPERSON RILEY: Thank you. That's  
5 all the questions I have. Any of my colleagues have  
6 any questions? No? Okay. There being no further  
7 questions, this applicant panel is excused. Thank  
8 you so much for presenting today.

9 FRANK ST. JACQUES: Thank you, Chair  
10 Riley.

11 CHAIRPERSON RILEY: Counsel, are there  
12 any members of the public who wish to testify on 26-  
13 50 Brooklyn Queens Expressway West Rezoning Proposal  
14 remotely or in-person?

15 COMMITTEE COUNSEL: There are no people  
16 who signed up to testify remotely, and if there's  
17 anyone here in the room, if you want to come up to  
18 the podium or see one of the Sergeants at Arms to  
19 fill out a speaker card. Doesn't look like there's  
20 anyone, Chair, so we can go ahead and close the  
21 hearing.

22 CHAIRPERSON RILEY: There being no members  
23 of the public who wish to testify on Pre-considered  
24 LUs relating to ULURPs Number C 120283 ZMQ relating  
25 to the 26-50 Brooklyn Queens Expressway West

2 Rezoning, the public hearing is now closed and the  
3 item is laid over. I will now open the public  
4 hearing on Pre-considered LUs relating to ULURP  
5 Number C 230052 ZMQ relating to the 61-10 Queens  
6 Boulevard Rezoning Proposal in Council Member Won's  
7 district in Queens. This application seeks a zoning  
8 map amendment to rezone the existing R7-1/C1-2 and an  
9 R6/C1-2 District 2 and R7-1/C2-4 and R6/C2-4 zoning  
10 district. For anyone wishing to testify on this item  
11 remotely, if you have not already done so you must  
12 register online and you may do that now by visiting  
13 the Council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse).  
14 And once again, for anyone with us in person, please  
15 see one of the Sergeants to prepare and submit a  
16 speaker's card. Counsel, can please call the first  
17 panel for this item?

18                   COMMITTEE COUNSEL: So the panel for this  
19 item is actually online. So, if the three panelists  
20 that are online can state your name for the record?

21                   DAN EGGERS: Sure. Hi, Dan Eggers, Land  
22 Use Attorney at Greenberg Traurig.

23                   CHASE VILLAFANA: Chase Villafana, Planet  
24 Fitness Director of Design and Construction.

2 MARIA PLATIS: [inaudible] Towers  
3 Property Management.

4 COMMITTEE COUNSEL: I'll go ahead and  
5 administer the oath. So can you, the three of you,  
6 raise your right hand and answer the following  
7 question. Do you affirm to tell the truth, the whole  
8 truth and nothing but the truth in your testimony  
9 before the Subcommittee and in your answers to all  
10 Council Member questions?

11 DAN EGGERS: I do.

12 CHASE VILLAFANA: I do.

13 CHAIRPERSON RILEY: Thank you. For the  
14 viewing public, if you need an accessible version of  
15 this presentation, please send an email request to  
16 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). And now the  
17 applicant team may begin. Panelists, as you begin,  
18 I'll just ask that you please restate your name and  
19 organization for the record. You may begin.

20 DAN EGGERS: Sure. Good morning, Chair  
21 Riley, Committee Members. Dan Eggers, Land Use  
22 Attorney at Greenberg Traurig. I'm representing  
23 Planet Fitness. I'm joined by Chase Villafana from  
24 Planet Fitness and Maria Platis from the Property  
25 Management of Big Six Towers. This is an application

1           to change the commercial overlay at 61-10 Queens  
2 Boulevard from C12 to C24 to allow Planet Fitness to  
3 have a 16,000 square foot gym instead of a 10,000  
4 square foot gym which I hear the residents of the Big  
5 Six Towers are very excited about. Next please.

6 Thanks. 61-10 Queens Boulevard is at 61<sup>st</sup> Street and  
7 Queens Boulevard and is part of the Big Six complex.

8 Next. It is the two-story building shown here.

9 Planet Fitness will lease space on the second floor  
10 on its western portion which is the right-hand side  
11 of the photo, and it plans to open around July.

12 Next. The blocks Queens Boulevard frontage is  
13 currently in a C12 commercial overlay. As you know,  
14 gyms used to require a special permit from the BSA,  
15 but the Health and Fitness Citywide Text Amendment  
16 passed in December of 2021 ended this requirement.

17 It made gyms of up to 10,000 square feet of floor  
18 area as-of-right in C1 districts, and gyms of any  
19 size as-of-right in C2 districts. So, Planet Fitness  
20 can have a gym here of 10,000 square feet as-of-  
21 right, but it wants to lease 16,000 square feet for  
22 the gym. So we proposed to change the overlay from  
23 C12 to C24. No other changes to the zoning or  
24 rezoned area are proposed. As you can see on the  
25

1 zoning change map, the C2 overlay would be consistent  
2 with the C2 overlay map directly to the north along  
3 Queens Boulevard which extends from 50<sup>th</sup> Street to  
4 73<sup>rd</sup> Street, as well as the C2 overlay map directly  
5 to the east across 64<sup>th</sup> Street which extends to 73<sup>rd</sup>  
6 Street. Next please. The rezoning would provide a  
7 larger gym for the large residential population in  
8 the area, particularly the Big Six Towers residents.  
9 As mentioned, Big Six supports this application, and  
10 their representative is here to speak if need be.  
11 Thank you again, and we welcome any questions.

12 CHAIRPERSON RILEY: Thank you so much.  
13 Just a couple of questions. If this action were not  
14 to be approved, what would be the most likely  
15 alternative, and would Planet Fitness still choose  
16 this location?  
17

18 DAN EGGERS: I would say that Planet  
19 Fitness, they have a lease so that they would be in  
20 this location. They would of course only be able to  
21 have a gym of 10,000 square feet, but I would expect  
22 that they would want to go ahead with their occupancy  
23 of the space, but albeit, it would be a smaller gym.  
24 And another point to note is that the space at issue  
25 was historically used as a gym as non-conforming use

2   for almost 30 years. Well before Planet Fitness had  
3   interest in the site it was a Gold's Gym back in  
4   1991, and then later on it became what was known I'm  
5   told as Big Six Fitness which was vacated in August  
6   of 2020 when the pandemic set upon us. So, and it's  
7   been vacant ever since.

8                   CHAIRPERSON RILEY: Thank you. The Big  
9   Six Towers is the-- is a NORC, a naturally-occurring  
10  retirement community. Does Planet Fitness offer any  
11  services specifically for senior citizens?

12                  DAN EGGERS: Chase, would you be able to  
13  speak to that?

14                  CHASE VILLAFANA: I can. Chase  
15  Villafana, Director of Design and Construction for  
16  Planet Fitness. So we are a part of the Silver  
17  Sneakers program. We also reach out to the community  
18  through a different-- different programs and other  
19  amenities that we have that Dan touched on, and  
20  that's part of the reason that we actually requested  
21  the larger square footage so that we can provide more  
22  amenities including a Black Card Spa, which we find  
23  members who are a little older enjoy hydro massages  
24  and massage therapy that we have within our gyms.

2 CHAIRPERSON RILEY: Thank you. Do any  
3 Council Members have any questions for this panel?  
4 There's not. I would like-- there being no further  
5 questions for this applicant panel, you are excused.  
6 Counsel, are there any members of the public who wish  
7 to testify on 61-10 Queens Boulevard Rezoning  
8 Proposal remotely or in person?

9 COMMITTEE COUNSEL: We have no one  
10 registered to testify remotely, and it doesn't look  
11 like we have anyone in person, but if we do, please  
12 identify yourself. Looks like we don't, Chair. We  
13 can go ahead and close the hearing.

14 CHAIRPERSON RILEY: Thank you. There  
15 being no other members of the public who wish to  
16 testify on Pre-considered LUs relating to ULURP  
17 Number C230052 ZMQ relating to the 61-10 Queens  
18 Boulevard Rezoning Proposal, the public hearing is  
19 now closed and the items are laid over. I would now  
20 like to acknowledge Council Member Louis is joining  
21 us, and I would like to reopen the vote.

22 COMMITTEE COUNSEL: So, reopening the  
23 vote for the approval of Land Use 184 and 185 for  
24 Boston Road, 186, 187, 188 for Queens Plaza South and  
25 to approve with modifications LUs 189, 190, and 191



2 for Paperific. All local Council Members are in  
3 support. Chair Louis how do you vote?

4                   COUNCIL MEMBER LOUIS: Thank you, Chair,  
5 for keeping the vote open. I vote aye on all. Thank  
6 you.

7                   COMMITTEE COUNSEL: The final vote is 8  
8 in the affirmative, no negatives, no abstentions.  
9 The items are approved and will be referred to the  
10 full Land Use Committee.

11                  CHAIRPERSON RILEY: Thank you, Counsel.  
12 I would now like to open the public hearing on Pre-  
13 considered LUs relating to ULURPs Number C220267 ZMQ  
14 and N220268 ZRQ relating to the 141-05 109<sup>th</sup> Avenue  
15 Rezoning Proposal in Speaker Adams' district in  
16 Queens. This application seeks a zoning map  
17 amendment to rezone the existent R3A zoning district  
18 to an R6B/C2-3 zoning district, and a related zoning  
19 text amendment to map an MIH program area. For  
20 anyone wishing to testify on this item remotely, if  
21 you have not already done so, you must register  
22 online and you may do that now by visiting the  
23 council's website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). Once  
24 again, for anyone with us in-person, please see one  
25 of the Sergeants to prepare and submit a speakers

1 card. Unfortunately, Speaker Adams could not be here  
2 with us today, but she sent a statement about this  
3 application that I'll read on her behalf. "I would  
4 like to thank the applicant team for presenting at  
5 today's public hearing. This applicant has owned and  
6 operated a small business in South Jamaica for nearly  
7 40 years, and I appreciate their dedication to this  
8 community and neighborhood I call home. The site on  
9 109<sup>th</sup> Avenue is currently an open construction  
10 materials yard in an area otherwise surrounded by  
11 residential or neighborhood retail uses. New housing  
12 with ground floor retail and community facilities  
13 could improve the local environment for neighbors and  
14 pedestrians. Yet, there are still outstanding  
15 concerns and conversations about this development"--  
16 excuse me-- "about how this development will fit into  
17 this neighborhood. The applicant has proposed a  
18 four-story building while the community has continued  
19 to express concerns about height and scale. The  
20 applicant spoke to providing a setback of the fourth  
21 story in order to mitigate the impact of the  
22 buildings on neighbors. I would support efforts by  
23 the applicant to address community concerns about the  
24 development's impact on the surrounding neighborhood.  
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There's a tremendous need for affordable housing in New York, including in South Jamaica, and I would like to see that need for more and deep affordable housing reflected in this project. I would appreciate hearing from the applicant on how this project can potentially fulfil the adequate levels of affordability needed in our city and our community. As NYC transitions to a greener city with more energy efficient buildings, the applicant should seek to maximize opportunities to make this building sustainable through the utilization of solar panels and green infrastructure. And finally, I would like more clarity and detail on the applicant's proposal to include space for community uses in the project such as a pre-k facility and a commitment to work with local partners. As Speaker, I have led our body to balance citywide and local concerns in the land use process, prioritizing the development of much-needed affordable housing, and fulfilling the economic development and housing needs of local communities. I look forward to continuing to work with this development team on making this project that helps improve South Jamaica and address our

2 City's housing crisis." Counsel, can we please call  
3 the first panel for this item?

4 COMMITTEE COUNSEL: The panel for this  
5 item is Lisa Orrantia and Steven Sinacori.

6 CHAIRPERSON RILEY: Counsel, please  
7 administer the affirmation.

8 COMMITTEE COUNSEL: If you could please  
9 raise your right hand and answer the following  
10 question? Do you affirm to tell the truth, the whole  
11 truth and nothing but the truth in your testimony  
12 before this Subcommittee and in your answers to all  
13 Council Member questions?

14 LISA ORRANTIA: Yes

15 STEVEN SINACORI: Yep.

16 CHAIRPERSON RILEY: Thank you. For the  
17 viewing public, if you need the accessible version of  
18 this presentation, please send an email request to  
19 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). And now the  
20 applicant team may begin. Panelists, as you begin,  
21 I'll just ask you that please restate your name and  
22 organization for the record. You may begin.

23 LISA ORRANTIA: good morning Chair Riley  
24 and Committee Members. My name us Lisa Orrantia,  
25 Land Use Counsel from Akerman LLP. The proposed

1 zoning and text amendments will allow the  
2 construction of a four-story mixed-use building in  
3 South Jamaica community District 12. The applicant,  
4 Mal Pal Realty Corp has been operating the business  
5 at the development site for 38 years and will  
6 continue using office space there. Next please. The  
7 development site is located at 109<sup>th</sup> Avenue between  
8 136 Street and 142<sup>nd</sup> Street. It's used as a non-  
9 conforming building materials storage yard. The rest  
10 of the rezoning area is not applicant-owned and a  
11 residence and a non-conforming materials yard. Next  
12 please. The surrounding area is mostly residential  
13 with some commercial uses, and taller buildings in  
14 the area range in height from 31 to 36 feet high.  
15 Next please. The proposed district designation  
16 moderately increases density at a wide street  
17 intersection and it allows replacement of a non-  
18 conforming use, retention of the applicant's office  
19 use and affordable housing where it's not currently  
20 required. Next please. The proposed development of  
21 a four-story mixed-use building with sustainable  
22 design elements to promote energy efficiency and  
23 drainage. It consists of residential, commercial,  
24 and community facilities and accessory parking  
25

2 spaces. A total of 56 dwelling units include 14  
3 income-restricted units under option one. Community  
4 feedback improved the design compatibility and we  
5 look forward to continued conversations with local  
6 representatives. That concludes the presentation.

7                   CHAIRPERSON RILEY: That was quick.  
8 Thank you. I'm going to ask a few questions, and I'm  
9 going to pass it over to Council Member Bottcher who  
10 has a question as well. First question, what will be  
11 the most likely alternative if this application were  
12 to be disproved?

13                   LISA ORRANTIA: The applicant would  
14 continue to operate the non-conforming use building  
15 materials storage yard and accessory office.

16                   CHAIRPERSON RILEY: Okay. Have you  
17 considered the Borough President's recommendations  
18 for passive landscaping for improved storm drainage?

19                   LISA ORRANTIA: Yes, we're definitely  
20 going to incorporate sustainable design into the  
21 project, so that will include solar panels, energy  
22 efficient windows and walls, use of permeable paved  
23 ways to promote storm water filtration and retention  
24 of water on the site. And we'll also be seeking DEP  
25 and DOT approval for a bios wells.

2                   CHAIRPERSON RILEY: Thank you. Do you  
3 intend to set a goal for contracting with MWBE and  
4 local firms for construction and building  
5 maintenance?

6                   STEVEN SINACORI: I can take that. Steven  
7 Sinacori. Yes, absolutely. In most of our projects  
8 in Queens and around the City, that's something that  
9 we always do. The Borough President has asked us to  
10 commit at least a 25 percent goal. We hope, you  
11 know, to do better once we select a general  
12 contractor. Currently, many of the employees for the  
13 current company reside in the neighborhood, and most  
14 of them as well as-- are minorities. So we--  
15 something that we're going to continue to work on and  
16 you know, report back to the Borough President and to  
17 the Council Member.

18                  CHAIRPERSON RILEY: Thank you, Steven, and  
19 I appreciate the 25 percent, but I think that number  
20 is very low. If you can, you know, achieve to go  
21 higher, I think we'll be really appreciative.

22                  STEVEN SINACORI: Our [inaudible] that  
23 we, you know, try to make it as high as possible.

24                  CHAIRPERSON RILEY: Okay. Thank you.  
25 Will you make every effort to recruit a locally-based

2 nonprofit group to operate the daycare facility and  
3 local businesses to lease retail space in this  
4 project?

5 STEVEN SINACORI: Yeah, so we're doing--  
6 with respect to that, what we've said is we've  
7 reached out to two community facility users. First,  
8 we reached out to the Jamaica hospital which is a  
9 local hospital that serves a wide area of Queens. We  
10 asked them to give them the right of first refusal if  
11 they would need space on-- as well as the possibility  
12 of either doing a UPK or a daycare facility. There's  
13 a daycare facility across the street that has  
14 expressed interest in the space. Timing is, of  
15 course, the issue, but we also explained to Council--  
16 to the Speaker that we would not finalize any of  
17 these uses without her final sign-off. So, going  
18 forward we'll be, you know, in continued conversation  
19 about that, but we're committed to have local uses  
20 and something that benefits the community.

21 CHAIRPERSON RILEY: Thank you, Steven.  
22 Lastly, the application currently maps both MIH  
23 options one and two. The Speakers housing platform  
24 highlights the inflation in MIA's in recent years and  
25 that the need for deep affordability. Are you



2 willing to commit to MIH option one to address this  
3 concern?

4 STEVEN SINACORI: Absolutely. We, you  
5 know, we originally started out with M option one and  
6 two to allow us the time to go out and go through the  
7 neighborhood and figure out what's the best income  
8 levels, and after closely looking at it and hearing  
9 form the Community Board and hearing from others  
10 including Neighborhood Housing Services of Jamaica  
11 which is a local not-for-profit, we're committed to  
12 doing option one.

13 CHAIRPERSON RILEY: Thank you, Steven. I  
14 would now like to pass over to Council Member  
15 Bottcher to ask his question.

16 COUNCIL MEMBER BOTTCHEER: Could you  
17 please put up the first slide with the rendering of  
18 the building?

19 UNIDENTIFIED: Yes, one moment.

20 COUNCIL MEMBER BOTTCHEER: Not the most  
21 important factor, but the brick color, the colors of  
22 the buildings, could you share with us what you're  
23 thinking there?

24

25

2 STEVEN SINACORI: You know, we're open to  
3 making adjustments. The brick color, are you  
4 referring, Council Member Bottcher to the grey or--

5 COUNCIL MEMBER BOTTCHEER: [interposing]  
6 It's the orange.

7 STEVEN SINACORI: or the red one?

8 COUNCIL MEMBER BOTTCHEER: The orange and  
9 the grey.

10 STEVEN SINACORI: Originally, the  
11 building had less brick and more glass, and I guess  
12 was it steel? And the Community Board asked us, you  
13 know, to make the building look more contextual, so  
14 that's why they added-- we added the brick. But you  
15 know, we're open to making those changes. It was  
16 more in response to a request from the local  
17 community. That's why that brick was added.

18 COUNCIL MEMBER BOTTCHEER: And not the  
19 most important thing in the world, but there's so  
20 much beautiful brick. If you look at some of the  
21 historic buildings, brick can be one of the most  
22 beautiful things, and I think--

23 STEVEN SINACORI: [interposing] We'd be  
24 happy to listen--

2 COUNCIL MEMBER BOTTCHEER: [interposing]  
3 You might want to take another look at what's out  
4 there.

5 STEVEN SINACORI: We're not--

6 COUNCIL MEMBER BOTTCHEER: [interposing]  
7 It could be really, really nice.

8 STEVEN SINACORI: Absolutely. We're not  
9 wed to that brick.

10 COUNCIL MEMBER BOTTCHEER: Thank you.

11 STEVEN SINACORI: Thank you.

12 CHAIRPERSON RILEY: Thank you, Council  
13 Member Bottcher. Are there any more colleagues that  
14 questions for this panel? There being no further  
15 questions, this applicant panel is excused. Counsel,  
16 are there any members of the public who wish to  
17 testify on 141-05 109<sup>th</sup> Avenue Rezoning Proposal  
18 remotely or in person?

19 COMMITTEE COUNSEL: No members of the  
20 public signed up to testify online, and we don't see  
21 any in the room. So, Chair, you can go ahead and  
22 close the hearing.

23 CHAIRPERSON RILEY: There being no  
24 members how wish to testify on Pre-considered LUs  
25 relating to the ULURP Number C220267 ZMQ and N220268

1 ZRQ relating to the 141-05 109<sup>th</sup> Avenue Rezoning  
2 Proposal, the public hearing is now closed and the  
3 items are laid over. Thank you, Counsel. I will now  
4 open the public hearing on a Pre-considered  
5 Resolution an Authorizing Resolution pursuant to the  
6 Section 363-- hold one minute. Excuse me. I will  
7 now open the public hearing on the Pre-considered  
8 Resolution an Authorizing Resolution pursuant to  
9 Section 363 of the Charter for the amendment and  
10 extension of the Citywide Coordinated Street  
11 Furniture Franchise Agreement. In 2003, the City  
12 Council adopted Resolution Number 1004, LUs Number  
13 226-A authorizing the New York City Department of  
14 Transportation acting on behalf of the City of New  
15 York to grant a non-exclusive franchise for the  
16 occupation and the use of the inalignable [sic]  
17 property of the City for the installation and  
18 maintenance of the newsstand structure and the  
19 installation, operation, and maintenance of the bus  
20 stop shelters, self-cleaning, automatic public  
21 toilets, and public service structure. Today, the  
22 City and JC Decaux, the current franchise now seek to  
23 amend the controlling franchise agreement to extend  
24 the terms for an additional five years as well as to  
25

2 incorporate others' additional rights and  
3 responsibilities, including an increase in the  
4 overall number of bus stop shelters and automatic  
5 public toilets that may be provided. For anyone  
6 wishing to testify on this item remotely, if you have  
7 not already done so, you must register online and you  
8 may do that now by visiting the Council's website at  
9 council.nyc.gov/landuse. And once again, for anyone  
10 with us in-person, please see one of the Sergeants to  
11 prepare and submit a speaker's card. Counsel, can we  
12 please call the first panel for this item?

13 COMMITTEE COUNSEL: Yes, the panel for  
14 this item is Michelle Craven [sp?] and Miranda  
15 Alquist.

16 CHAIRPERSON RILEY: Counsel, please  
17 administer the affirmation.

18 COMMITTEE COUNSEL: If you could both  
19 raise your right hand? Do you affirm to tell the  
20 truth, the whole truth and nothing but the truth in  
21 your testimony before the Subcommittee and in your  
22 answers to all Council Member questions?

23 CHAIRPERSON RILEY: Thank you so much.  
24 For the viewing public, if you need an accessible  
25 version of this presentation, please send an email

2 request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). And now  
3 the applicant team may begin. Panelists, as you  
4 begin I'll just ask you to please restate your name  
5 and organization for the record. You may begin.

6 MICHELLE CRAVEN: Good afternoon Chair  
7 Riley and members of the Subcommittee on Zoning and  
8 Franchises. I'm Michelle Craven, Assistant  
9 Commissioner for Cityscape and Franchises at the New  
10 York City Department of Transportation and with me  
11 today is Miranda Alquist, Director of Legislative  
12 Affairs. Thank you for the opportunity to testify on  
13 the Coordinated Street Furniture Franchise  
14 Authorizing Resolution. This resolution will  
15 authorize DOT to seek permission from the New York  
16 City Franchise and Concession Review Committee, also  
17 known as the FCRC, to extend the City's franchise  
18 agreement with JC Decaux for five years, bringing the  
19 total term of the agreement to 25 years and  
20 authorizing it through June 2031. This extension  
21 would be consistent with the franchise limit set  
22 forth in the City Charter. To give some background  
23 on this franchise, in 2006 DOT awarded a 20-year  
24 franchise with Samusa [sp?] Inc. for the  
25 construction, installation and maintenance of bus

1 stop shelters, newsstands, automated public toilets,  
2 also known as APT's, and public service structures.

3 In 2015, the FCRC approved to change and control to

4 JC Decaux North America Inc. making JC Decaux the new

5 franchisee. The current franchise ends in 2026. In

6 addition to constructing, installing, and maintaining

7 the street furniture structures at no cost to the

8 city, JC Decaux provides the City with three forms of

9 compensation annually. First, the franchisee.

10 Second, access to 22.5 percent of the New York City

11 street furniture ad panels, including 2.5 percent for

12 City agency public service advertisements, and third,

13 alternative compensation in the form of advertising

14 in JC Decaux's foreign markets each year. The

15 Administration supports extending the franchise

16 agreement by five years as doing so will provide a

17 number of benefits for the City and New Yorkers. The

18 extension will provide additional street furniture as

19 well as continuity of design and maintenance of such

20 infrastructure. JC Decaux has been a good

21 maintenance partner to the City, maintaining and

22 repairing street furniture quickly, even under

23 challenging circumstances throughout the pandemic.

24 The proposed amendment will add 360 new bus shelters.

1  
2 Nearly 68 percent of people who commute by bus are  
3 people of color and 52 percent are immigrants. Bus  
4 shelters improve the experience of bus riders and has  
5 the comfort with benches and shelter from rain, snow,  
6 and sun. The extension will also add a mechanism to  
7 provide 40 new state-of-the-art automated public  
8 toilets which will further this Administration's  
9 commitment to increasing access to public bathrooms.  
10 The City welcomes the Council's partnership in  
11 ensuring that this new street furniture is placed in  
12 locations where it will have the greatest benefit.  
13 The extension will also provide stability for the  
14 City's revenues for the additional five-year period.  
15 JC Decaux will pay the City a guaranteed minimum plus  
16 revenue share of advertising for a total of  
17 approximately 250 to 300 million dollars for 2026 to  
18 2031. In addition, JC Decaux will continue to  
19 provide more than 26 million dollars per year in  
20 overseas advertising for no additional cost which  
21 will aid the City in its pandemic recovery by  
22 promoting tourism. This Administration is committed  
23 to equity and that is reflected in this proposal.  
24 The proposed amendment agreement will add a 30  
25 percent MWBE target that will support local



2 construction companies and other vendors throughout  
3 the City. Such target does not exist in the current  
4 agreement. In conclusion, the Administration  
5 supports this resolution which would allow DOT to  
6 seek permission from the FCRC to extend the franchise  
7 agreement. We'd be happy to answer any questions.

8                   CHAIRPERSON RILEY: Thank you so much. I  
9 have a couple of questions, and then I'm going to  
10 pass it over Council Member Carr who has a question  
11 as well. Could you please clarify the need for the  
12 additional five years?

13                   MICHELLE CRAVEN: So, the additional five  
14 years is part of the negotiation that we've entered  
15 into with JC Decaux. We're seeking this amendment  
16 that will provide us with these additional services.  
17 Without the five-year extension, we won't get the  
18 additional services now, but that includes the 360  
19 bus shelters, up to 40 APTs, and then through that  
20 five-year term we'll get the additional overseas  
21 advertising plus additional revenues to the City, the  
22 substantial revenues that will help to provide  
23 stability in the contract and stability of the City's  
24 finances.

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CHAIRPERSON RILEY: Could you please clarify the changes to the program in terms of specific facilitates to be installed, and how the numbers compare to what was originally approved, or what is permitted under the current agreement?

MICHELLE CRAVEN: So, the current agreement, the initial agreement had a cap of bus shelters to 3,500, and when we did the change of control in 2015, we got an additional 75. So it's 3,575. We're basically at--

CHAIRPERSON RILEY: [interposing] What year you said?

MICHELLE CRAVEN: 2015. We're basically at that cap now. We have no excess to put bus shelters out on the street right now. There are about 3,330 on the street currently, because there have been service cuts from the MTA over the years, particularly in 2010 and 2011, we had to take some out. There are also some that are temporarily out of service for construction. But if you want to break down by borough--

CHAIRPERSON RILEY: [interposing] Yes.

MICHELLE CRAVEN: in terms of what's out there right now. Fairly active-- this factors out

2   the ones removed for construction right now. In  
3   Queens there are 968; in Brooklyn, 871; in Manhattan  
4   720; in the Bronx 563; and Staten Island 208. I also  
5   have the original installation numbers if that's  
6   helpful, but whatever you want.

7                   CHAIRPERSON RILEY: Okay. So I have a  
8   huge issue with last two, and I'm sure Council Member  
9   Carr is going to bring that up as well. But the  
10   Bronx, what was the determination when you guys were  
11   suggesting where you put bus shelters?

12                  MICHELLE CRAVEN: So, under the original  
13   contract of the 3,500, 3,300 were designated to be  
14   replacements of bus shelters that were already there.

15                  CHAIRPERSON RILEY: 3,300?

16                  MICHELLE CRAVEN: 3,300. So the vast  
17   majority were just done as replacement, basically,  
18   and only 200 were for additional new sites that we  
19   call them. Most of the new sites that we installed  
20   were either done as community requests, elected  
21   request. Like we just sort of took requests. We got  
22   them, we'd inspect the sites to see if they met the  
23   standing criteria in the contract. You know, we take  
24   a look of factors in the area, you know, where  
25   there's senior centers the ridership high, you know,

2   the need for the shelter, and then install it if it  
3   made sense. But again, the number of new sites was  
4   very low, and I think this amendment would give us  
5   over 300 new sites, which is more than we were  
6   getting really in the original 20-year agreement, and  
7   so this would give us an opportunity to I think put  
8   more new sites out there, and I would certainly  
9   welcome input from you, from anyone else at the  
10  council for locations where we can put--

11           CHAIRPERSON RILEY: [interposing] So, out  
12  of the 360 you don't have any designated boroughs  
13  that you're going to be putting that 360 in?

14           MICHELLE CRAVEN: No, there's a few-- I  
15  will say, a few is part of the deal with JC Decaux  
16  that we're looking at putting in at sort of high  
17  passenger or high revenue locations that will help to  
18  fund the rest, but the vast, vast majority will be  
19  DOT's sole discretion.

20           CHAIRPERSON RILEY: Does JC Decaux not  
21  view the Bronx or Staten Island as high-revenue  
22  locations for them to put bus shelters?

23           MICHELLE CRAVEN: I would-- I mean, I  
24  would defer to them, but I feel like most of their ad  
25  sales come from Manhattan. But I will say, all of

2   the shelters to-date have been, like, at DOT's  
3   determination and then again, the vast majority will  
4   be at DOT's discretion.

5           CHAIRPERSON RILEY:   Okay, I just want to  
6   state for the record, I did have a conversation with  
7   the Deputy Speaker this morning, and she's very  
8   concerned about this as well.  She feels-- she shares  
9   the same concern as myself.  We feel like the Bronx,  
10  Staten Island, we don't get these bus shelters, of  
11  course, and we're having a lot of members in our  
12  community who are just standing when it's raining,  
13  horrible weather.  They have no shelter to wait for  
14  any transportation.  So I just would like to highly  
15  suggest that you guys look into that--

16           MICHELLE CRAVEN:  [interposing] Yeah.

17           CHAIRPERSON RILEY:  When you're putting  
18  in new shelters, especially that, you know, we're  
19  representing the Bronx here, and Council Member  
20  Carr's representing Staten Island, and these numbers  
21  are really, really, really low.  Okay.  Thank you.

22           MICHELLE CRAVEN:  And again, if you have  
23  suggestions, we would be happy to--

24           CHAIRPERSON RILEY:  [interposing] Of  
25  course, of course.  Thank you.  What will be the

2 Council's role if any in identifying locations for  
3 any of the additional facilities? And have-- I'm  
4 pretty sure you said these locations haven't been  
5 determined yet. But will be our role in determining  
6 these locations?

7                   MICHELLE CRAVEN: So, we welcome any kind  
8 of input that you want to give to us in sort of  
9 suggesting recommendations for sites.

10                  CHAIRPERSON RILEY: Okay.

11                  MICHELLE CRAVEN: We're happy to work  
12 with you, be happy to work with anyone in the Council  
13 for recommendations.

14                  CHAIRPERSON RILEY: Thank you. From an  
15 equity perspective specifically, how can we ensure  
16 the facilities are located in ways that reach  
17 underserved communities and take into account factors  
18 others that in terms of bottom line revenue?

19                  MICHELLE CRAVEN: I think-- I mean, I  
20 think it really is a matter of community and elected  
21 input. I think that-- we want to hear from local  
22 communities. We want to hear from local elected  
23 officials to make sure that we're hitting the right  
24 locations and places that really need it.

2                   CHAIRPERSON RILEY: Thank you. Can you  
3 please clarify the background on this agreement,  
4 specifically in terms of any changes in land use  
5 review process that have taken place since the  
6 Council's 2003 authorizing resolution?

7                   MICHELLE CRAVEN: Don't think there have  
8 been any specific changes to ULURP process. We did  
9 consult with the Department of City Planning a few  
10 years ago to see if we could go over the bus shelter  
11 cap and they advised us that we could go over by  
12 about 10 percent or so in terms of the total number  
13 of bus shelters installed and in operation on the  
14 ground without sort of triggering any land use  
15 review--

16                  CHAIRPERSON RILEY: [interposing] That was  
17 the extra 75 that you had mentioned?

18                  MICHELLE CRAVEN: Well, the extra 75, but  
19 there are also willing to let us go up to about  
20 3,850.

21                  CHAIRPERSON RILEY: Okay. Since some  
22 people may be wondering, could you clarify how the  
23 coordinated street furniture franchise relates if at  
24 all to the Link Kiosk that provide Wi-Fi in charging  
25 facilities?

2 MICHELLE CRAVEN: They're unrelated.  
3 They're two separate franchises.

4 CHAIRPERSON RILEY: Thank you so much.  
5 Can you tell us about JC Decaux ongoing maintenance  
6 program regarding the street furniture covered by the  
7 current agreement?

8 MICHELLE CRAVEN: So, they're required to  
9 clean the bus shelters twice a week, which they do.  
10 They do, I think, a pretty good job of that. They  
11 have-- in the contract they have designated  
12 requirements for cleaning newsstands and APTs. I  
13 think they have-- I can get back to you on the  
14 specifics. I think they have to go to the APTs once a  
15 day, actually, to [inaudible] that they're  
16 functioning and to do a cleaning. They also self-  
17 clean internally automatically after every use, but  
18 JC Decaux goes out to like clean the outside.

19 CHAIRPERSON RILEY: What is the MWBE  
20 obligation that JC Decaux has when they do  
21 maintenance and construction to these bus stops?

22 MICHELLE CRAVEN: So, right now they  
23 don't have any, but it's part of the amendment we're  
24 going to add a 30 percent target.

25 CHAIRPERSON RILEY: Okay.



2 MICHELLE CRAVEN: And that will be for  
3 all of their subcontracting.

4 CHAIRPERSON RILEY: Thank you.

5 MICHELLE CRAVEN: They brought their  
6 maintenance staff in-house. It used to be a  
7 subcontracted thing, but that is in-house and  
8 [inaudible].

9 CHAIRPERSON RILEY: Okay. Could you  
10 please clarify generally the timeline in terms of the  
11 current proposed amendments to the franchise  
12 agreement?

13 MICHELLE CRAVEN: So, for today,  
14 obviously we're hoping to get approval from the  
15 Council I believe by the 11<sup>th</sup> is the target date that  
16 I heard, and then we're planning ideally to go to the  
17 Franchise and Concession Review Committee in June.

18 CHAIRPERSON RILEY: When you refer to the  
19 toilets, how many toilets do they currently have now?

20 MICHELLE CRAVEN: Five.

21 CHAIRPERSON RILEY: Five. How many are  
22 they projected to implement if this is passed?

23 MICHELLE CRAVEN: So, the current  
24 contract allows up to 20, and then this would get us  
25 up to 40. And we have two that we're planning to put

2     in this year that the folks [sic] are waiting on.  
3     Decaux as part of this deal is going to give us their  
4     brand new-- they call them state-of-the-art APTs.  
5     The ones that are currently on the ground are the  
6     ones that have been in stock-- were purchased  
7     [inaudible] 2006. So they're not really in great  
8     shape. So the new ones that are going in will be  
9     brand new.

10                   CHAIRPERSON RILEY: Do you know how  
11     they'll be choosing the location for the toilets?

12                   MICHELLE CRAVEN: So, that's up to DOT,  
13     and again, we're very open to recommendations from  
14     anyone. They have been notoriously difficult to  
15     site, partially because they're so big. They have a  
16     lot of subsurface infrastructure, and they need to  
17     also make utility connections. But again, we're  
18     happy to talk to anyone about locations.

19                   CHAIRPERSON RILEY: Thank you so much. I  
20     will now yield my time to Council Member Carr.  
21     Council Member Carr?

22                   COUNCIL MEMBER CARR: Thank you, Chair  
23     Riley. And I just want to second everything the  
24     Chair said about borough equity where a shelter  
25     placement concerned, and I appreciate the willingness

2   to work with us on siting some additional locations  
3   in our respective boroughs and elsewhere. You  
4   mentioned that, you know, barring a handful the  
5   increase is not spoken for in terms of new shelters,  
6   but do you keep an official kind of like wait list?

7                   MICHELLE CRAVEN: We have-- we do have a  
8   wait list of requests that we've gotten over the  
9   years since we basically hit the cap, so we will  
10  revisit that, but again, you know, we're happy to--

11                  COUNCIL MEMBER CARR: [interposing] And is  
12  the wait list in excess of the increase that you're--

13                  MICHELLE CRAVEN: [interposing] No.

14                  COUNCIL MEMBER CARR: No? Okay. In  
15  terms of bus shelter maintenance, my understanding is  
16  maintenance includes snow removal, is that true?

17                  MICHELLE CRAVEN: Yes.

18                  COUNCIL MEMBER CARR: So, Samusa was  
19  terrible at this, and I will say that I have noticed  
20  stark improvement since 2015, but obviously there are  
21  times where things are not addressed in what I would  
22  consider an adequate amount of time, and so is-- can  
23  you get into the particulars of what the snow removal  
24  requirements in the franchise are, or if they're  
25  being changed at all in this extension?

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MICHELLE CRAVEN: So, the contract requires Decaux to clean the bus shelters in the same time frame as private property owners, which is within four hours of the end of a storm, and if it stops snowing overnight, they get until the following morning, which has proven to be very difficult as--

COUNCIL MEMBER CARR: [interposing] Yeah, that never happens.

MICHELLE CRAVEN: Yeah, I mean, it's-- at 3,500 locations [inaudible] it's kind of a daunting task. What they do, and we can get you more details on this, but what they do, they have teams that go to every borough basically to start in every borough and, you know, try [inaudible] before the storm ends they start trying to clear so they can get ahead of it depending on how much snow it is. If it's not too much snow, it's not so bad. If it's two feet of snow, it could be really daunting. They do pre-treat the shelters beforehand, which is really good if you have [inaudible] you know, two inches of snow. That helps a little bit, but again, if it's a lot of snow, it's not a great situation. We have been talking to the Department of Sanitation to try to help us in coordination efforts and just really to get their

2       advice on snow cleaning, because they're the experts.  
3       And we've been talking to them this winter. This  
4       winter, obviously, we didn't actually have any snow  
5       storms, so we were trying to, you know, put something  
6       in practice, but we haven't really gotten that far  
7       yet, just because of the weather.

8                   COUNCIL MEMBER CARR: But in particular  
9       when they do the removals, right, obviously  
10      underneath the shelter, that makes sense. Is there--

11                  MICHELLE CRAVEN: [interposing] Oh, yeah.

12                  COUNCIL MEMBER CARR: defined  
13      responsibility around the shelter?

14                  MICHELLE CRAVEN: It's within the  
15      shelter, three feet around, and then three feet to  
16      the curb to do like a passage, you know, so people  
17      can actually get to the bus.

18                  COUNCIL MEMBER CARR: Okay, understood.  
19      So, in terms of, you know, managing these teams,  
20      right, DOT is not managing them directly.

21                  MICHELLE CRAVEN: Right.

22                  COUNCIL MEMBER CARR: This is being done  
23      by the franchisee, but what if any kind of oversight  
24      is the Agency exercising over those operations? Are

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you doing a post-mortem after a snow storm? What does that look like?

MICHELLE CRAVEN: So, we have a small inspection team that, you know, that actually also goes around to inspect for maintenance and everything else, but after snow storms we'll go out. We do what we call a five borough sweep and we'll send people to all the boroughs to spot check the cleaning and see how they've done and take pictures and see have they been there. You know, we run into problems a lot because they'll clear, and then the snowplows come through and kind of plow them back in. So we'll go and we'll say, like, look you need to clear out this path. This is what's happening on this corridor. And then obviously we get complaints from 311. We hear from elected, you know, we send all those to Decaux right away to follow up [inaudible].

COUNCIL MEMBER CARR: Well, I think if they're going to be successful in the extension, I think that they have to kind of engage with the members directly in our offices and that can be done in coordination--

MICHELLE CRAVEN: [interposing] Okay.

2                   COUNCIL MEMBER CARR: with you guys, but  
3 I just think that we need to have a better rapport  
4 moving forward, because right now it's just like we  
5 send things into the ether of the agency, and I know  
6 our Borough Commissioners want to be responsive and  
7 always are--

8                   MICHELLE CRAVEN: [interposing] Yeah.

9                   COUNCIL MEMBER CARR: but I understand  
10 that, you know, these are not DOT employees and  
11 they're not city employees, but I think we need to  
12 make sure that we intend to hold them accountable  
13 over the period of the extension that they're doing--  
14 they're meeting their maintenance obligations.

15                  MICHELLE CRAVEN: And I'm sure that  
16 they'd be happy to meet with you or anybody on the  
17 Council, and obviously we get to where we could set  
18 that up. [inaudible]

19                  COUNCIL MEMBER CARR: Thank you, and I'd  
20 love to get a list of all the existing shelter  
21 locations by borough if we could.

22                  MICHELLE CRAVEN: Oh, yeah, okay. It's  
23 all on Open Data, actually if you want to see it  
24 right away, but we could send a list--

2 COUNCIL MEMBER CARR: [interposing] Thank  
3 you.

4 CHAIRPERSON RILEY: Thank you, Council  
5 Member Carr. Thank you. And I would love to, if you  
6 guys could coordinate and facilitate a conversation  
7 with the company as well with my office.

8 MICHELLE CRAVEN: Okay.

9 CHAIRPERSON RILEY: There being no more  
10 questions for this applicant panel, this panel is  
11 excused. Counsel, are there any members of the  
12 public who wish to testify on the Coordinated Street  
13 Furniture Franchise Proposal remotely or in-person?

14 COMMITTEE COUNSEL: No witnesses remotely  
15 and I don't see any here in the room, Chair, so we  
16 can go ahead and close the hearing.

17 CHAIRPERSON RILEY: There being no members  
18 of the public who wish to testify on Pre-considered  
19 Resolution for the amendment and extension of the  
20 Citywide Coordinated Street Furniture Franchise, the  
21 public hearing is now closed and the item is laid  
22 over. That concludes today's business. I would like  
23 to thank the members of the public, my colleagues,  
24 Subcommittee Counsel, Land Use, and other Council  
25 staff, and Sergeant at Arms for participating in



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today's meeting. This meeting is hereby adjourned.

Thank you.

[gavel]

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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 May 9, 2023