

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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HELD AT: Council Chambers - City Hall

B E F O R E: YDANIS A. RODRIGUEZ
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Costa G. Constantinides
Chaim M. Deutsch
Ruben Diaz, sr.
Rafael L. Espinal, Jr.
Peter A. Koo
Stephen t. Levin
Mark Levine
Carlos Menchaca
I. Daneek Miller
Antonio Reynoso
Donovan J. Richards
Deborah L. Rose
Rafael Salamanca, Jr.

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

Emily Weidenhof, Director of Public Space
NYC Department of Transportation, DOT

Rebecca Zack, Assistant Commissioner
Intergovernmental and Community Affairs
NYC Department of Transportation, DOT

Sam Salinsky (sp?)

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

4 SERGEANT-AT-ARMS: Quiet, please.

5 CHAIRPERSON RODRIGUEZ: [gavel] Good
6 afternoon everyone. First of all, I've been joined
7 here by my colleague Council Member Diaz. Welcome to
8 the first hearing of the new session of the City
9 Council Transportation Committee. I'm Ydanis
10 Rodriguez, and I am very proud and honored to be
11 returning as the Chairman of the committee. Before
12 we proceed, while right there I notice Council Member
13 Diaz, and I'm—I'm excited to build on the many
14 important accomplishments of we achieved together
15 over the past four years. From Vision Zero and the
16 street safety to making the streets more bike and
17 pedestrian friendly to improving—improving mass
18 transit. Severing transit deserts, promoting
19 environmentally friendly and equitable access to
20 transportation regardless of age, disability or
21 income. There's a lot of we have achieved, and
22 there's still a lot more to be done. I look forward
23 to working with my colleagues and the Speaker of the
24 Council to further the many important goals we all
25 have for out vital transportation system, and to make

2 New York City a workable one. Today we will hear an
3 important piece of legislation, Intro 336, which will
4 require DOT to report to the Council and to the
5 public regarding enforcement efforts, safety and
6 events at Pedestrian Plaza. I would like to thank
7 DOT for accommodating this schedule and be able to be
8 with us with a short period of time. The city now
9 has over 70 plazas throughout the five boroughs, and
10 that number should grow. They are incredible
11 valuable public spaces. Plazas bring much needed
12 open space for communities that in many cases lack
13 sufficient space for recreation to interact with
14 fellow members of the community to enjoy the outdoors
15 and to host community events. In 2016, this
16 committee and this Council passed Local 53 with the
17 aim of improving the way the city regulates these
18 plazas with a particular focus on making sure they
19 are put to the best possible use. Our plazas should
20 be places where everyone feels welcome and
21 comfortable and even our—in an event our plazas
22 should be widely appealing and accessible. They
23 should be places where we can put on display the rich
24 cultural in New York City, bring the art to the
25 community, and support our local artists by opening

2 this space for them to exhibit and sell their work
3 and, of course, people should be able to enjoy plazas
4 without worrying about their safety. The plaza, which
5 has gotten—gotten the most attention is, of course,
6 Times Square. The Crossroads of the World is an
7 iconic New York landmark, and the pedestrian plaza
8 there has automatically transformed its capacity to
9 handle the large numbers of people who want to enjoy
10 it every day. Everyone knows that last year we got
11 more than 50 million tourists. Many of them stay
12 around that area. At the same time, that plaza also
13 serves the 8.5 million New Yorkers who at one point
14 travel through that area. It is clear that in recent
15 years Times Square had in some cases not being the
16 most pleasant place to be. Individuals who want to
17 take the opportunity to make some extra money
18 performing in Times Square should have the
19 opportunity to do so while they meet—they, New
20 Yorkers and visitors are respectful to one another.
21 In 2016, DOT used the legislation we passed to adult
22 rules, which brought design activity zones and
23 pedestrian flow zones to Times Square in an attempt
24 to bring some order to the plaza and sidewalks and
25 allow everyone who wants to use Times Square for all

2 types of purpose to do so in a more efficient way.

3 We look forward to hearing from DOT today about how

4 those efforts have succeeded so far and what

5 challenges still remain. By requiring reporting

6 about the enforcement of the new plaza rules the

7 effort the city has made with regard to safety and

8 compliance and the type of events held at plazas.

9 Their goal of Intro 336 is to make sure the goals

10 above Local Law 53 and the resulting rules issued by

11 DOT are being met, and to identify any changes that

12 may need to be made. At the end of the day, it is

13 all about making sure that our plazas both in Times

14 Square and those throughout the five boroughs are

15 safe and can—and can be freely enjoyed by everyone.

16 With our annual Car-Free Day we aim to achieve just

17 that. On April 21st with the leadership now with DOT

18 we will open a great chunk of Broadway to

19 pedestrians, and extend Times Square Plaza down to

20 Union Square. That's going to be a day opening the

21 street dedicated to pedestrians, and cyclists, and

22 everyone is invited to be there. As also joining

23 those in Washington Heights as we are going to be

24 opening the streets to pedestrians and cyclists at

25 Saint Nicholas Avenue between 181st and 190. We will

2 be able to move around freely, and been greener in
3 honor of Earth Day, which will take place Sunday,
4 April 22nd, but we're doing the Car-Free Day as we
5 made a commitment with DOT every year the Saturday
6 before Earth Day. I would like to welcome the
7 representative of DOT who are here with us today, but
8 before that I would also like to recognize Council
9 Member Koo and Council Member Reynoso. I now ask the
10 Committee Counsel to administer the affirmation, and
11 then invite DOT to deliver their opening statement.

12 LEGAL COUNSEL: Please raise your right
13 hand. Do you affirm to tell the truth, the whole
14 truth, and nothing but the truth in your testimony
15 before this committee, and to respond honestly to
16 Council Member questions?

17 EMILY WEIDENHOF: Yes. [off mic]

18 LEGAL COUNSEL: Thanks.

19 CHAIRPERSON RODRIGUEZ: You may begin.

20 EMILY WEIDENHOF: Good afternoon Chair
21 Rodriguez and members of the Transportation
22 Committee. I am Emily Weidenhof, Director of the
23 Public Space at New York City DOT, and with me today
24 is Rebecca Zack, Assistant Commissioner for
25 Intergovernmental and Community Affairs. We are here

2 today on behalf of Commissioner Polly Trottenberg to
3 offer testimony on Intro 336. On behalf of DOT, I
4 would like to thank the Council for working to pass
5 Local Law 53 of 2016 authorizing us to develop a
6 regulatory framework for our Plaza Program. This was
7 an important step forward in our management of the
8 program, and has allowed us to establish plaza
9 specific rules. This year we celebrate the 10-year
10 anniversary of our Plaza Program. In that time, we
11 have grown from a patch of paint in Brooklyn to 74
12 plazas citywide in some phase of design, construction
13 or completion with almost 60 of these currently open
14 to the public. This includes our new 185th Street
15 Plaza, the second permanent plaza we've opened with
16 Chair Rodriguez in his district. Plazas create
17 safer, more walkable neighborhoods while providing
18 vital gathering space for communities, and with the
19 One NYC Plaza Equity Program we are truly taking our
20 program to the next level. Thanks to this
21 initiative, we provide vital maintenance and
22 technical assistance to 30 of our most high need
23 plaza partners. These are the organizations that are
24 responsible for maintenance and programming under an
25 agreement with DOT to deliver quality public space

2 citywide despite varying organizational capacity in
3 different neighborhoods. Regarding the bill before
4 us today, Intro 336 would require DOT to annually
5 submit to City Council and post on our website a
6 report on (1) The number of summonses issued for
7 violations of pedestrian plaza rules by plaza and
8 offense; (2) any measures taken to promote safety and
9 compliance with any such pedestrian plaza rules in
10 each pedestrian plaza; and (3) a list of events held
11 in each plaza. When it comes to reporting summonses
12 for violations of plaza rules, DOT does not issue
13 such summonses, nor do we record or compile such
14 information. Our NYPD colleagues enforce plaza
15 rules, and issue summonses and, therefor, we defer to
16 them on the requirement of this bill. Similarly,
17 when it comes to events on plazas, the Street
18 Activity Permit Office, or SAPO, located within the
19 Mayor's Office of Citywide Event Coordination and
20 Management is responsible for issuing and tracking
21 permits for such events, and, therefore, we defer to
22 them on the specifics of that information. The
23 Mayor's Office of Media and Entertainment is also
24 responsible for issuing some permits for events in
25 plazas, and we defer to them regarding information on

2 those events. Both NYPD and SAPO have indicated that
3 the majority of this type of data is already required
4 to be made public under either Open Data Law or
5 existing reporting requirements. Regarding the
6 remaining reporting requirement into the bill, DOT
7 takes a range of measures to promote safety, as well
8 as compliance with our plaza rules. To separate
9 pedestrians in our plazas and our sidewalks generally
10 from vehicular traffic, we use a variety of
11 treatments to both delineate and provide a physical
12 barrier based on the needs and the space available.
13 These include our curbs, street trees, landscaping
14 features, flexible delineators, planters and granite
15 blocks. Permanently reconstructed plazas also
16 include enhanced pedestrian lighting to increase
17 safety and quality of life. As you know, the city
18 has also embarked on a new program of installing
19 pedestrian security measures including bollards and
20 other measures at locations identified in partnership
21 with the NYPD. Local Law 80 of 2018, sponsored by
22 Chair Rodriguez mandates among other things that DOT
23 report annually on the number of bollards we install
24 within our right-of-way, and the number of locations
25 where they are installed. When it comes to compliance

2 with our plaza rules, DOT plays a role in addition to
3 NYPD's enforcement efforts. We are currently
4 updating plaza signage to make reference to some of
5 the new pedestrian plaza rules. The content of these
6 signs is based on input from both NYPD and our
7 pedestrian plaza partners about what rules would be
8 most helpful to list based on their knowledge of
9 common issues. We also consider various design
10 features to ensure compliance with our plaza rules.
11 For example, arm rests on benches deters
12 skateboarding. In addition, our pedestrian plaza
13 partners constantly monitor conditions on the ground
14 and report issues to us as they arise. DOT then
15 works with them to craft customized solutions to
16 plaza specific issues. For example, at one
17 particular plaza location, a partner identified
18 smoking violation of plaza rules as a quality of life
19 issue, and we worked with them to install additional
20 no smoking signage placed in key locations. One of
21 the best known examples of when DOT worked with the
22 NYPD and a pedestrian plaza partner to address a
23 particular issue in in Times Square. There we
24 installed Designated Activity Zones or DAZes and
25 Pedestrian Flow Zones to safely and efficiently

2 manage one of the world's most visited spaces. The
3 goal is to provide ample space for commercial
4 activities without impeding those passing through or
5 who simply wish not to participate in such
6 activities. As you can see, DOT undertakes a broad
7 range of measures to maintain safety, and quality of
8 life in pedestrian plazas. We appreciate the
9 Council's interest in our pedestrian plaza efforts on
10 which we partner closely with NYPD and pedestrian
11 plaza partners. Should the Council choose to advance
12 this legislation, we would request the opportunity to
13 work with you on amendments to reflect the types of
14 measures taking that are suitable and possible to
15 include in an annual report, and avoid requirement
16 that are duplicative, or require information that may
17 already be publicly available. Thank you for the
18 opportunity to offer testimony. I can now answer
19 questions about Intro 336.

20 CHAIRPERSON RODRIGUEZ: Thank you. I
21 have a few questions, and then my colleagues they
22 also—some of my colleagues they also have to leave
23 for another hearing. So, I will be sure that I will
24 call them before the time that we have to leave. I
25 also would like to acknowledge that here we have

2 Council Member Deutsch, Levine and Miller. I-I
3 believe that the fact that we don't have a
4 centralized system to collect and report those data
5 is one why we want to establish this new reporting
6 law, and I don't want to put you on the spot, but I
7 can say I just hope that we can continue the
8 conversation. I don't know what the position is.
9 You know, we feel that based on what the other
10 agencies just say that this is not something that we
11 should establish, but the approach should be we just
12 have to talk to the other agencies and here continue
13 the conversation with us.

14 EMILY WEIDENHOF: Yeah, thank you very
15 much, Chairman. Yeah, we're happy to continue those
16 discussions and work on you with amendments with
17 NYPD, and to get to a place I think we'll all be
18 happy.

19 CHAIRPERSON RODRIGUEZ: Okay, because
20 that's exactly, you know, we-I-I see the merit of why
21 if we have 70 plazas and, of course, if you asked me,
22 my goal should be to double those numbers. New York
23 City should not be behind other cities being the most
24 workable one, and I know that at the beginning with
25 the-the ideas of the plaza was to create those plazas

2 where there was not close to park. It was creating
3 those opportunities for pedestrians. I think that
4 today what we have seen in the plaza is we've been
5 experiencing more cultural events and activities in
6 certain plazas compared to others, and when we were
7 here---and the process is going through the
8 evolution. I'm not saying that, you know, this is
9 all we can do. This is all we can deliver. What we
10 want, and it is my intention on getting the reporting
11 especially in the cultural piece, what percent it is,
12 how many years? How many days a year are the plazas
13 used for cultural events. I don't know if this is
14 something that--

15 EMILY WEIDENHOF: [interposing] I-I know
16 that's something I think our SAPO partners can
17 answer, and we can work with them to get you that
18 information.

19 CHAIRPERSON RODRIGUEZ: Okay. This is--
20 one--one aspect that we address about a plaza
21 especially when we discuss the Disney character at
22 Times Square, and we were able to move and to pass
23 the legislation that we ask for the compromised that
24 we ask, and they were here. All those Disney
25 community they were here, and Theater Coalition they

2 were here saying that if we would work together on
3 passing—putting those restrictions whether those
4 Disney characters were walking in Times Square that
5 they will be working to establish partnership with
6 other—other—other plazas in under-served communities
7 to bring cultural events. Have we—have you been able
8 to see that commitment that they made here that that
9 is happening?

10 EMILY WEIDENHOF: So, we have some—some
11 coordination between different groups and—and
12 cultural events. Definitely not program wide.

13 CHAIRPERSON RODRIGUEZ: Okay. So, that's
14 what I'm pushing for. I'm just pushing to see—I know
15 the value of whatever we do would be around Times
16 Square especially to Disney and the whole corporation
17 there, and as I know the value, I suspect that also
18 that—and I'm not saying that they are not doing it.
19 I was bringing it to their attention that I just hope
20 to see—get a report on how much are those theater
21 communities around Times Square also establishing
22 partnerships with other plazas that they don't have
23 the same attention and resources as this one in Times
24 Square. Council Member Deutsch he has question. I
25 have to leave to chair another hearing.

2 COUNCIL MEMBER DEUTSCH: Yeah, thank you.

3 So, on this reporting bill, so this would require I
4 guess it would be DOT or NYPD to report the number of
5 violations that occur on plaza—on plazas. So, how
6 would—how would you determine how would that work?

7 EMILY WEIDENHOF: You mean how—who would
8 compile the violations?

9 COUNCIL MEMBER DEUTSCH: Yeah.

10 EMILY WEIDENHOF: The NYPD.

11 COUNCIL MEMBER DEUTSCH: The NYPD and so
12 then NYPD would then report it to the Council in
13 other words, right?

14 EMILY WEIDENHOF: I think so, yes. I
15 mean I think that's a—a detail left to be determined
16 the most efficient way for NYPD to—to report their
17 data and through who?

18 COUNCIL MEMBER DEUTSCH: So, how would
19 DOT collaborate for the NYPD in regards to ensuring
20 that our plazas remain safe and getting these numbers
21 as well, and determining and seeing what needs to be
22 done in the future to maybe change some design of the
23 plaza. For example, one particular thing is like we
24 don't know how many 311 calls that are called in
25 regards to plazas when there's a homeless person

2 sleeping on the plaza. Alright, so how would that
3 work?

4 EMILY WEIDENHOF: So, I think there are
5 different points to your questions. Overall in terms
6 of coordinating NYPD data, and aggregating that and
7 reporting it plaza by plaza, that's a detail we would
8 need to figure out and work with NYPD to try to make
9 that as kind of streamlined as possible. When it
10 comes to the safety in all of our plazas that are
11 open to the public now, we work very closely with our
12 pedestrian plaza partners as well as the local
13 precincts. So, as issues arise, you know, we really
14 work on a plaza-by-plaza basis to-to solve issues in
15 each community.

16 COUNCIL MEMBER DEUTSCH: So, I believe
17 the pedes-the plazas would firstly-would first
18 initiate it with the previous administration right,
19 under like Bloomberg. So, what kind of changes have
20 you seen since the plazas were implemented up until
21 now? What changes has DOT made in-in response to the
22 collaboration with the Department of Homeless
23 Services, with the NYPD?

24 EMILY WEIDENHOF: That's a fantastic
25 question. Largely when the Plaza Program started we

2 had partners coming to us who had a lot of
3 institutional capacity. So, we saw large business
4 improvement districts, plaza partners in Manhattan in
5 the—the core of Downtown Brooklyn. Over time more
6 community groups have come to us in—in other parts of
7 the city, and they're very excited that through or
8 OneNYC Plaza Equity Program we can now accept
9 partners who lack some of the institutional capacity.
10 We can accept them into our program, and offer
11 through our partnership with the Neighborhood Plaza
12 Program, offer them technical assistance and
13 maintenance to ensure that—that we have high quality
14 public spaces all throughout the city, and I would
15 say that's one the—the biggest defining evolution
16 that the program has taken over the years.

17 COUNCIL MEMBER DEUTSCH: So, would you
18 say that there were many changes that have been made
19 since—since it was implemented? Like for example,
20 you know, you could have benches to have the benches
21 with multiple dividers so no one could actually sleep
22 there overnight. Have you—I mean were there like
23 many changes since it was first implemented would you
24 say?

25 EMILY WEIDENHOF: So from the beginning--

2 COUNCIL MEMBER DEUTSCH: [interposing]
3 I'm—I'm talking—I'm talking about the design of the
4 plaza.

5 EMILY WEIDENHOF: So, with each
6 individual space we often implement them first in
7 interim materials and then we watch the spaces and
8 see how they're being used, see what issues arise,
9 and that gives us the opportunity to enhance the
10 design when we make them permanent. But from the
11 beginning we knew that there would be a whole host
12 of—of issues with having a space in the public realm,
13 and so we always look to design, design elements in
14 the plaza to ensure safety, and ensure that the
15 plazas would be able to be used by all—all New
16 Yorkers.

17 COUNCIL MEMBER DEUTSCH: Can you—can you
18 give me like one or two examples of what types of
19 changes were made?

20 EMILY WEIDENHOF: Sure. Well,
21 specifically from a programmatic level, we used to
22 just install our interim materials and then that's
23 the gravel and planters that we can put down quickly,
24 and then we would move to the permanent redesign
25 where we fully reconstruct the street, bring the

2 plaza up to grade. But we heard from a lot of
3 communities that even to get to that interim stage
4 there were a lot of questions and concerns. So, we
5 developed the One-Day Plaza Program, which allowed us
6 to have an even lighter and quicker test of whether a
7 space would be successful or not. So, we work with
8 community groups to close a street to vehicles and
9 open it to pedestrians for just a day or two to give
10 the neighborhood a sense of what—what benefits a
11 plaza could bring to their community.

12 COUNCIL MEMBER DEUTSCH: And what changes
13 have you made to—to address like the quality of life
14 issues that may have been brought to your attention?

15 EMILY WEIDENHOF: So, you know, in
16 certain circumstances again particular plazas will
17 receive a lot of complaints about skateboarding. So,
18 sometimes we'll add additional measures to seating,
19 to ensure that—the folks can't damage whether it be
20 granite blocks or benches and things like that, but
21 largely a huge—a huge transformation in how—how our
22 spaces are managed we owe to our pedestrian plaza
23 rules, and the legislation by Council. That's give
24 us a set of tools that's able to manage these spaces
25 for the way they're being used as public spaces.

2 COUNCIL MEMBER DEUTSCH: How many—how
3 many pedestrian plazas do you have across the city?

4 EMILY WEIDENHOF: So, we have 74 total.

5 COUNCIL MEMBER DEUTSCH: Total. How many
6 from these 74 have actually bollards surrounding the
7 pedestrian plazas?

8 EMILY WEIDENHOF: I can't—I don't have
9 that—that specific number.

10 COUNCIL MEMBER DEUTSCH: Would you say
11 all, they all have?

12 EMILY WEIDENHOF: No.

13 COUNCIL MEMBER DEUTSCH: Is that part of
14 your future plan to install them? Is it—was it a
15 recommendation from DOT to ensure that people in
16 there remain safe, and can you say anything—anyone
17 who does want to drive through with the vehicle?

18 EMILY WEIDENHOF: So, we—our engineers
19 design our plazas to make sure that they are safe in
20 a normal traffic environment, but we also work—also
21 work very closely with NYPD, and their—their counter
22 terrorism division to—to—to design additional safety
23 measures for—for situations where there's intent
24 involving a vehicle?

2 COUNCIL MEMBER DEUTSCH: So, what do you
3 call intent? I mean any open space is a target.

4 EMILY WEIDENHOF: PD-PD yeah is-is best
5 to answer that. They-they offer a whole range of
6 different factors that goes into their
7 determinations.

8 COUNCIL MEMBER DEUTSCH: So, from these
9 74 you're saying the ones that don't have bollards
10 do-do not-a request was or a study was not made by
11 NYPD or it was made, and they determined that it's
12 not necessary?

13 EMILY WEIDENHOF: I'd-I'd say that I-I
14 think that if your-there's a particular location that
15 you're concerned about, we could follow up with you.
16 I don't know if we have the exact information on 74
17 plazas to give a why or why not some measures might
18 not be there or are there, but we're happy to follow
19 up with your.

20 COUNCIL MEMBER DEUTSCH: Okay, thank you,
21 and let's commend Rebecca for the great work she does
22 al year round.

23 ASSISTANT COMMISSIONER ZACK: Thank you,
24 Council Member.

2 COUNCIL MEMBER DEUTSCH: Thank you
3 Council Member.

4 CHAIRPERSON RODRIGUEZ: Thank you. We've
5 also been joined by Council Member Richards. How do
6 you describe Times Square Plaza today? In which area
7 do you think that that plaza can be improved?

8 EMILY WEIDENHOF: That's a great
9 question. We are certainly—as it—as it relates to
10 our pedestrian plaza rules and specifically the DAZes
11 and pedestrian flow zones, as you know, that—these
12 were measures that we implemented in temporary
13 materials in markings and paint because these were
14 new—new regulatory layers. And so, we knew there
15 would be a certain amount of adjustment, and an
16 evolution of—of these spaces. So, we are actively
17 studying the effectiveness of—of these, and we will
18 be reporting back on those. Something that we
19 acknowledge in terms of improvements to the Times
20 Square plazas in the future is that we built out the—
21 the—the main bow tie. So we made the plazas from
22 42nd Street to 47th Street permanent, but there is
23 still a tail to the north. The Times Square Plaza
24 actually starts at 41st Street, and goes all the way
25 up to 53rd Street, and so we are in active

2 conversations with the Times Square Alliance about
3 how we improve the remainder of the spaces that are
4 still in the old temporary paint, and markings and
5 how we bring more pedestrian amenities to those
6 spaces because there are certainly more people coming
7 to Times Square, and those spaces could definitely be
8 enhanced.

9 CHAIRPERSON RODRIGUEZ: Great. Well, how
10 do you review the use of plazas? Do you have like it
11 every two or three years? What are the main—what are
12 the measures that you—that you use to put together a
13 report?

14 EMILY WEIDENHOF: That's a great
15 question. So, we have every year for the past few
16 years we take a subset of our plazas and we do a user
17 analysis. So, we look at who's using the spaces,
18 what types of activities are in the spaces, how clear
19 are the spaces, and that's something we look to get a
20 general—a general assessment of how our different
21 types of spaces are doing. But also as part of our
22 OneNYC Plaza Equity Program, each of these partners
23 is receiving a more detailed assessment, and we're
24 watching how the spaces are changing with these
25 services as well as how the partners are evolving

2 over time. So, that gives us another layer of
3 information to see what's working, what's not so we
4 can help improve conditions for both those spaces and
5 our partners.

6 CHAIRPERSON RODRIGUEZ: And when a not-
7 for-profit submits the application and gets approved
8 by DOT to operate a plaza, it's like for the period
9 of time is that permanent? How does it work?

10 EMILY WEIDENHOF: Um, so you're asking
11 how--so once a partner applies and is accepted--

12 CHAIRPERSON RODRIGUEZ: [interposing] UH-
13 HM.

14 EMILY WEIDENHOF: --how? So, we--like I
15 mentioned before we have a--a competitive program
16 where partners apply to us. Once a partner is
17 actually accepted into the program then we work with
18 the community to develop a--a design for the space,
19 and we go to the community board, and have them
20 review the proposal. At which point once we have all
21 agreed upon a design, then we work with the
22 pedestrian plaza partner on a legal agreement for the
23 maintenance of that space, and from that point then
24 we would implement the plaza whether it be in our
25 interim materials or a permanent design of the space.

2 CHAIRPERSON RODRIGUEZ: So, I assume that
3 the lawyers from both sides they talk about what are
4 those agreements and there's like the DOT like
5 regularly reviews those agreements, and I mean if
6 that's the case like every five years, every ten
7 years? Like, you know, how often does DOT review the
8 functioning of those plazas that already exist?

9 EMILY WEIDENHOF: So, it is DOT Legal is
10 involved in all of our plaza partner agreements.
11 Each of those agreements have different terms
12 depending on what type of agreement it is, but with
13 some of our agreements, particularly license
14 agreements for concessions, those agreements come
15 with reporting requirements. So, our partners are
16 reporting back to DOT on their maintenance costs over
17 the year, any revenue that they are bringing in,
18 which then they use for the maintenance and
19 programming of the plaza. So, DOT is seeing and
20 reviewing those numbers on an annual basis.

21 CHAIRPERSON RODRIGUEZ: Okay, and-and-and
22 when a proposal for the plaza go in front of you,
23 does the community board-is the community board's
24 role to give recommendation, or it's like does the
25 community board put a stamp on any proposal?

2 EMILY WEIDENHOF: The community board is
3 very important in our process and we go to them for
4 all of our plaza proposals.

5 CHAIRPERSON RODRIGUEZ: Okay. Council
6 Member, any more questions or--?

7 COUNCIL MEMBER DEUTSCH: [off mic] No.

8 CHAIRPERSON RODRIGUEZ: Okay. Richards?

9 COUNCIL MEMBER RICHARDS: [off mic]

10 CHAIRPERSON RODRIGUEZ: This is just--
11 today was like the shortest time for you to testify,
12 but I appreciate again that you came, and it was on
13 short notice. We had to make some changes of the
14 initial hearing for this topic--the topic for this
15 hearing, and we will have our budget hearing on March
16 8, where we are expecting to see high rank from the--
17 from the MTA, as well as DOT will be here to come and
18 to speak on transportation.

19 EMILY WEIDENHOF: We're looking forward
20 to it. Thank you, Mr. Chairman.

21 CHAIRPERSON RODRIGUEZ: Thank you, and I
22 know that we're working together for the Car-Free
23 Day.

24 EMILY WEIDENHOF: Yeah, can't wait.
25 Thanks.

2 CHAIRPERSON RODRIGUEZ: Thank you. Yes.

3 Here now we have Sam-Sham Salinsky (sp?) and—and if
4 you don't mind, I'm sorry that if you don't mind just
5 one last question?

6 EMILY WEIDENHOF: Okay.

7 CHAIRPERSON RODRIGUEZ: Because I know
8 Sam is going to be working with a topic that is also
9 important for me. We have a model on—in Washington
10 Heights. We have Plaza de Las America that was
11 created and—and I don't know if there is any other
12 plaza where mostly they use—that plaza used most
13 times during—during the week to allow also the street
14 vendors to be there. Is there any other model there
15 in the other plaza where also from the moment that it
16 being created also will create a street vendor to be
17 able that—in an organized coordinating by a not-for-
18 profit to be able to have the opportunity to sell
19 their products in those plazas?

20 EMILY WEIDENHOF: So, the majority of our
21 plazas are in commercial districts, and so have a lot
22 of commercial activity in them. Plaza de Las
23 Americas is certainly unique, but there are a few
24 other cases. For example Forsythe Plaza in
25 Chinatown, where there were existing—there was an

2 existing market, and so we're working very closely
3 with our pedestrian plaza partner to keep a lot of
4 that—that same commercial activity in—in the plaza
5 once it's done with construction. You know, we think
6 it's incredibly important to be able to sit in a
7 plaza and get a cup of coffee or buy some fruit, and
8 so we work with each individual plaza partner in the
9 community to kind of tailor the right balance of—of
10 commercial activity in—in the plaza space.

11 CHAIRPERSON RODRIGUEZ: Okay, and as I
12 said private—I want to say public. I hope that we can
13 continue working also on creating the 168 Haven Plaza
14 that I hope will allow to create a good place for
15 pedestrians to walk there, and also for local artists
16 to be able to exhibit in that part of Lower
17 Manhattan.

18 EMILY WEIDENHOF: We look forward to
19 working with you.

20 CHAIRPERSON RODRIGUEZ: Thank you.

21 EMILY WEIDENHOF: Thank you.

22 CHAIRPERSON RODRIGUEZ: Yes. [background
23 comments, pause]

24 SAM SALIINSKY: Thank you, Chair
25 Rodriguez. I just walked in and so I didn't—I didn't

2 get a chance to listen to all the testimony, but I'm
3 surprised I'm the only one up here, but I'm—I
4 appreciate the chance to testify today. I just—I
5 just heard about this hearing from an email that you
6 sent I think on Friday or Saturday. So, I didn't
7 know about it, but street vendors care very much
8 about the issues of public plaza, and thank you for
9 asking that question to DOT. It's funny. I just
10 came back from a big conference on cities that
11 happened two weeks ago in Kuala Lumpur about—about
12 the equitable use of cities or creating fair cities,
13 and one—at least one of the—the topics of the panels
14 was on the equitable use of public space. And what
15 we've seen in New York City from our perspective from
16 the Public Plaza Program is—is an unfair or
17 unequitable use of public space. What happens is
18 plazas are created, which is a great thing, right.
19 The—the excuse that's always given about vendors is
20 there's no room for vendors. So, it's a great thing
21 to be creating more space for people, vendors and
22 others. But what we've seen time and time again is
23 when the plazas are created, then the vendors who
24 have been working there get evicted. This is not
25 legal entirely. It's not clear or it seems to be

2 illegal actually, but the reason this happens I think
3 you might know Chair Rodriguez and the other Council
4 members is because invariably the control of that
5 public space that public plaza is given over to a
6 BID, and BIDs are—are not crazy about having vendors,
7 or they might like vendors to be there, but they want
8 to auction off that space. They want to make money
9 from that vending space, and not allow a vendor who
10 is otherwise licensed and permitted by the city to be
11 able to sell there. So, we've seen this time and
12 time again. So, we, therefore, support any efforts,
13 as I understand them, to get more information from
14 the city on the Public Plaza Program, how it's being
15 used, who is benefitting, and who is being excluded
16 from those public spaces, typically not just vendors
17 but homeless people, skateboarders and other
18 undesirables are not allowed to be in these nice
19 public plaza that are created. We've seen that here
20 in New York City, and we like—perhaps there's—
21 additionally, we've seen that the public plazas are
22 often used by the BIDs for big events where they make
23 money. Thereby, excluding others from that space.
24 And so, I have just one suggestion for improvement to
25 the legislation would be that the city be required to

2 report on the events and how much those events take
3 in from often times the corporate sponsors that are
4 allowed again to use those public spaces when we as a
5 small non-profit, when Mohammed and Maria who just
6 want to make a livelihood in the public space
7 invariably are not allowed to be there. So, thank
8 you very much. I look forward to hearing more and
9 speaking with you separately and the committee. I
10 appreciate the time.

11 CHAIRPERSON RODRIGUEZ: Thank you. So,
12 with that this hearing is adjourned. [gaveL] I'm
13 sorry. Council Member—I want to acknowledge also
14 Council Member Cabrera was here, but it is
15 adjourned. [gavel]

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C E R T I F I C A T E

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



Date March 1, 2018